RECIPROCAL: INTERLEGALITY REVIEW
e-ISSN: 3163-6497
Vol. 1, No. 2, 2026, pp. 203-231
https://doi.org/10.66277/rir.1.2.195
https://e-journal.elkuator.com/index.php/.rir/.

Governing the Placement of Indonesian Migrant Seafarers: Legal Accountability of Manning Agents and Regulatory Challenges

Nur Rizqi Khafifah[1*], Firdaus[1], Fatkhul Muin[1]

[1]Universitas Sultan Ageng Tirtayasa, Banten, Indonesia

*Correspondence: *nurrizki.khafifah@gmail.com*

Received: 29-01-2026 | Revised: 5-04-2026; 13-04-2026; 10-11-2026 | Accepted: 10-11-2026 | Published: 18-11-2026

ABSTRACT

The revocation of a manning agent's license does not extinguish obligations owed to seafarers previously placed abroad, just as the administrative closure of a complaint does not necessarily secure effective restoration of their rights. These regulatory gaps expose persistent questions concering the scope and enforcement of legal accountability in transnational maritime employment. This study examines Indonesia's legal framework governing the placement of migrant seafarers, focusing on the legal grounds, temporal boundaries, and remedial mechanisms of manning agents' legal accountability. Employing doctrinal legal research through statutory and conceptual approaches, it analyzes national legislation, Constitutional Court decisions, and relevant international labor instruments to identify how overlapping legal regimes distribute responsibilities and protect workers. The analysis yields two principal findings. First, maritime law and migrant worker protection law perform distinct yet interconnected functions in licensing, supervision, contractual protection, and the allocation of obligations among placement agents, employers, and the state. Second, a manning agent's accountability may extend throughout placement, employment, and post-employment processes, including after license revocation, provided that the relevant duties and violations remain legally attributable to that agent. Building on these findings, the study proposes remedy-oriented bounded continuing accountability, a framework linking preventive measures, including licensing controls, contract verification, and recruitment-fee regulation, to accessible enforcement procedures and substantive recovery of seafarers' rights. This framework rejects both automatic immunity following administrative sanctions and unlimited agent liability. The study advances interlegality scholarship by demonstrating how maritime regulation, migrant worker protection law, and international labor standards interact to shape enforceable accountability and meaningful access to remedies for Indonesian migrant seafarers.

KEYWORDS: Indonesia Migrant Seafarers; Manning Agents; Legal Accountability; Interlegality; Access to Remedy.

TO CITE THIS ARTICLE

Nu Rizqi Khafifah, Firdaus, and Fatkhul Muin, "Governing the Placement of Indonesian Migrant Seafarers: Legal Accountability of Manning Agents and Regulatory Challenges." *Reciprocal: Interlegality Review* 1, no. 2 (2026): 203-231. https://doi.org/10.66277/rir.1.2.195

Copyright © 2026 by Author(s)
This work is licensed under a Creative Commons Attribution 4.0 International License.

Introduction

Indonesia's fisheries sector was reported to contribute 2.51% to GDP in 2024.[1] Yet the workers who meet the labor needs of foreign-flagged vessels remain vulnerable to abuse. In the same year, KP2MI/BP2MI recorded 297,434 placements of Indonesian migrant workers across sectors; this is not a count of migrant seafarers.[2] The Indonesian Migrant Workers Union (SBMI) handled 456 cases in 2024, of which 196 involved migrant fishing crew members—approximately 43% of its caseload.[3] A Greenpeace–SBMI investigation into ten cases involving twelve Taiwanese-flagged fishing vessels between 2019 and 2024 documented allegations of forced labor, withheld wages, recruitment fees, and financial exploitation involving placement agencies.[4] These accounts expose a gap between the constitutional guarantees of employment and fair treatment and the protections provided before, during, and after employment under Law No. 18 of 2017 and Government Regulation No. 22 of 2022.[5] The question is why legally recognized rights are not always matched by effective means of enforcing them.

This problem cannot be separated from changes to the rules governing crew placement agencies (manning agents). Law No. 18 of 2017 recognizes migrant merchant seafarers and fishers as Indonesian migrant workers, while Government Regulation No. 22 of 2022 specifies their placement and protection.[6] In Decision No. 127/PUU-XXI/2023, the Constitutional Court rejected the petitioners' claim that the coexistence of regulatory regimes created unconstitutional dual licensing. The existence of several applicable rules does not, by itself, establish a legal conflict.[7] The implementing framework has nevertheless continued to change. Transportation Minister Regulation PM 59 of 2021 was amended by Regulation PM 3 of 2026; KP2MI/BP2MI Regulation No. 1 of 2025 was revoked by Regulation No.

---

1 Badan Pusat Statistik, "Distribusi Persentase Produk Domestik Bruto Atas Dasar Harga Berlaku Menurut Lapangan Usaha (persen), 2024," Badan Pusat Statistik (Tabel Statistik), March 10, 2026.

2 Kementerian Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia, *Data Penempatan dan Pelindungan Pekerja Migran Indonesia Tahun 2024*, Laporan Tahunan Tahun 2024 (Pusat Data dan Informasi KP2MI/BP2MI, 2025).

3 Serikat Buruh Migran Indonesia, *Catatan Akhir Tahun SBMI 2024: Migrasi Paksa dan Beban Ekonomi: Mengurai Akar Perdagangan Orang terhadap Buruh Migran*, Catatan Akhir Tahun (Serikat Buruh Migran Indonesia, 2024).

4 Greenpeace Southeast Asia and Serikat Buruh Migran Indonesia, *Netting Profits, Risking Lives: The Unresolved Human and Environmental Exploitation at Sea*, Investigative report (Seabound series) (Greenpeace Southeast Asia, 2024).

5 Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (1945), Pasal 27 ayat (2) dan Pasal 28D ayat (2); Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia (2017); Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran (2022); Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang (2023).

6 Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran; Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang.

7 Putusan Mahkamah Konstitusi Nomor 127/PUU-XXI/2023 tentang Pengujian Pasal 4 Ayat (1) Huruf c Undang-Undang Nomor 18 Tahun 2017, 127/PUU-XXI/2023 (Mahkamah Konstitusi Republik Indonesia November 29, 2024).

31 of 2025; and separate instruments govern placement procedures and administrative sanctions.[8] Indonesia also ratified the Work in Fishing Convention (ILO C188) in 2026, although it will not enter into force for Indonesia until June 10, 2027. Its coverage differs from the Maritime Labour Convention (MLC 2006), which generally excludes fishing vessels.[9] These developments raise whether licensing, supervision, and sanctions frameworks adequately establish accountability among placement agents, vessel owners, and the state for violations occurring beyond Indonesia.

Four strands of scholarship inform this debate. Stringer and Harré and Azis and Wahyudi examine trafficking and the limits of victim-protection responses; Vandergeest and Marschke trace the layered causes of exploitative working conditions; and Stringer, Kartikasari, and Michailova follow recruitment agents from departure through employment and return.[10] Yea, Stringer, and Palmer examine recruitment and restricted worker mobility; Palmer, Ford, and Hasbiyalloh assess recruitment regulation and contracts for Indonesian fishing crews; Iannone, Kinasih, and Wahyudi discuss contract manipulation and debt bondage; and Kelly and Vandergeest place intermediaries within transnational migration infrastructures.[11] Hung et al., Danial et al., and Liu et al. examine cross-

[8] Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan (2021); Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 1 Tahun 2025 tentang Tata Cara Pemberian Izin Perusahaan Penempatan Pekerja Migran Indonesia (2025); Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2025 tentang Tata Cara Penerbitan dan Pencabutan Surat Izin Perekrutan Pekerja Migran Indonesia (2025); Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 4 Tahun 2025 tentang Tata Cara Pengenaan Sanksi Administratif dalam Pelaksanaan Penempatan dan Pelindungan Pekerja Migran Indonesia (2025); Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia (2025); Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2026 tentang Tata Cara Penempatan Pekerja Migran Indonesia oleh Pelaksana Penempatan (2026); Peraturan Menteri Perhubungan Nomor 3 Tahun 2026 tentang Perubahan atas Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan (2026).

[9] Maritime Labour Convention, 2006 (MLC, 2006), as Amended (2006); Work in Fishing Convention, 2007 (No. 188) (2007); Peraturan Presiden Nomor 25 Tahun 2026 tentang Pengesahan Convention Concerning Work in the Fishing Sector, International Labour Organization Convention 188 (Konvensi mengenai Pekerjaan dalam Sektor Penangkapan Ikan, Konvensi Organisasi Ketenagakerjaan Internasional 188) (2026).

[10] First current, see: Christina Stringer and Thomas Harré, "Human Trafficking as a Fisheries Crime? An Application of the Concept to the New Zealand Context," *Marine Policy* 105 (2019): 169–76; Avyanthi Azis and Ridwan Wahyudi, "Imperfect Victims and an Imperfect Protocol: Reflecting on the Trafficking Experiences of Indonesian Migrant Fishermen," *Journal of Human Trafficking* 6, no. 2 (2020): 156–67; Peter Vandergeest and Melissa Marschke, "Beyond Slavery Scandals: Explaining Working Conditions among Fish Workers in Taiwan and Thailand," *Marine Policy* 132 (2021): 104685; Christina Stringer et al., "'They Make a Business out of Desperate People': The Role of Recruitment Agents in Cross-Border Labour Chains," *Australian Journal of Management* 46, no. 4 (2021): 672–89.

[11] Second current, see: Sallie Yea et al., "Funnels of Unfreedom: Time-Spaces of Recruitment and (Im)Mobility in the Trajectories of Trafficked Migrant Fishers," *Annals of the American Association of Geographers* 113, no. 1 (2023): 291–306; Wayne Palmer et al., "Regulating Recruitment and Contracting of Migrant Fishers from Indonesia," *Asian and Pacific Migration Journal* 32, no. 3 (2023): 452–74; Aniello Iannone et al., "Unequal Exchange and Labour Exploitation: Indonesian Migrant Workers in Taiwan's Fishing Industry," *International Journal of Asia Pacific Studies* 21, no. 2 (2025): 211–34; Philip Kelly and Peter Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment

border agency management, the standardization of employment agreements, and comparative legal protection under ILO C188.[12] Lima Weston and Kelling, Irawan et al., Nur, and Klein address the distribution of responsibility, state obligations, supervision across jurisdictions, and the regulation of recruitment agents under international law.[13] While existing studies explain recruitment and exploitation, doctrinal analysis must clarify how Indonesia's 2025–2026 reforms define manning agents' licensing, supervision, sanctions, remedies, and legal accountability.

This study distinguishes manning agents' legal obligations from those of vessel owners and state authorities, focusing on accountability and remedies. It addresses two questions: (1) How does Indonesian law regulate licensing and migrant seafarer protection among relevant actors? (2) What are the grounds, limits, and mechanisms of manning agents' accountability before, during, and after employment? Employing doctrinal legal research, it examines regulatory consistency, institutional authority, sanctions, and available remedies. Welfare-state theory guides the assessment of state obligations, while legal-protection theory distinguishes preventive safeguards from enforcement and redress.[14] The analysis evaluates the legal framework rather than measuring supervisory effectiveness empirically.

The findings address these questions in two parts. "Regulatory Framework for the Legal Protection of Indonesian Migrant Seafarers" examines worker status, changes to licensing, institutional authority, and the relationship between national rules and international standards. "Legal Accountability of Manning Agents in the Placement and Protection of Indonesian Migrant Seafarers" examines agents' obligations concerning information, recruitment, employment agreements, workers' rights, complaints, and repatriation, along with the legal consequences of

Agencies and Migrant Fishers From the Philippines and Indonesia," *Global Networks* 26, no. 4 (2026): e70082.

[12] Third current, see: Po-Chih Hung et al., "Promoting Human Rights for Taiwan's Fishermen: Collaboration with the Primary Source Countries of Taiwan's DWF Migrant Fishermen," *Frontiers in Marine Science* 9 (December 2022): 1097378; Danial et al., "Standardisation of Work Agreement between Indonesian Fisheries Crew and Foreign Companies," *Transactions on Maritime Science* 13, no. 2 (2024); Wen-Hong Liu et al., "Protecting Migrant Labor Rights in the Distant-Water Fisheries Sector: A Comparative Analysis of the Legal Framework of Three Major Fishing Nations in Eastern Asia," *Reviews in Fisheries Science & Aquaculture* 33, no. 3 (2025): 466–84.

[13] Fourth current, see: Julia Cirne Lima Weston and Ingrid Kelling, "Navigating Responsibility for Human Rights Compliance in the Fishing Industry," *Reviews in Fisheries Science & Aquaculture* 32, no. 4 (2024): 529–44; Benny Irawan et al., "State Responsibility and Strategy in Preventing and Protecting Indonesian Fisheries Crews Working on Foreign Fishing Vessels from Modern Slavery," *Australian Journal of Maritime & Ocean Affairs* 17, no. 2 (2025): 186–206; Muhammad Nur, "Caught between Flags and Borders: Structural Injustice in the Transnational Governance of Migrant Fishers," *Netherlands Quarterly of Human Rights* 44, no. 1 (2026): 39–60; Natalie Klein, "Recruitment of Fishers and International Law Violations," *Asia Pacific Law Review*, ahead of print, October 22, 2026.

[14] Hadjon distinguishes between preventive and repressive legal protections, while Palguna views the protection and well-being of citizens as the state's responsibility. Both perspectives are used to assess the state's obligation to protect migrant ship crew members, as well as the adequacy of mechanisms for preventing violations, enforcing the law, and restoring rights through the accountability of manning agents. See: Philipus M. Hadjon, *Perlindungan Hukum bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara* (Bina Ilmu, 1987), 2-3; I. D. G. Palguna, *Welfare State vs Globalisasi: Gagasan Negara Kesejahteraan di Indonesia* (Rajawali Pers, 2019), 137-38.

breach. Read together, the sections ask whether recognized rights are matched by enforceable private duties and accessible remedies. The contribution lies in identifying who must act, under which rules, and through which legal procedures migrant seafarers may seek redress.

Methodology

This study employs doctrinal legal research using statutory and conceptual approaches. Doctrinal analysis identifies, interprets, and evaluates relationships among legal rules and the obligations they establish.[15] The statutory approach examines Indonesia's framework for the placement and protection of migrant seafarers. The conceptual approach draws on welfare-state and legal-protection theories to assess state duties, prevention of violations, and the recovery of workers' rights. Together, these approaches test the legal basis, scope, and limits of manning agents' accountability in relation to the state and employers.[16] Primary legal materials comprise Indonesian legislation, court decisions, and international labor instruments relevant to migrant seafarers' placement and protection. Materials were selected for their bearing on worker status, placement-agency licensing, institutional authority, protective duties, enforcement, and remedies. Table 1 groups the principal instruments by their analytical functions.

Table 1. Primary Legal Materials and Their Analytical Functions

No	Primary Legal Materials	Analytical Focus
1	The 1945 Constitution of the Republic of Indonesia, particularly Articles 27(2), 28D(2), and 28I(4)	Constitutional labour rights and the state's obligations to protect workers.
2	Law No. 18 of 2017 and its relevant amendments; Government Regulation No. 59 of 2021; Government Regulation No. 22 of 2022	Legal status of Indonesian migrant seafarers, workers' rights, obligations of placement agencies, and protection throughout the employment cycle.
3	Law No. 17 of 2008, as last amended by Law No. 66 of 2024; Minister of Transportation Regulation No. PM 59 of 2021, as amended by Regulation No. PM 3 of 2026	Relationship between maritime regulatory frameworks, crew agency arrangements, and the migrant worker placement regime.
4	Government Regulation No. 28 of 2025; Ministerial Regulation No. 31 of 2025; Ministerial Regulation No. 2 of 2025	Business licensing, recruitment permits, and administrative obligations of migrant worker placement companies.
5	Presidential Regulations No. 165 and No. 166 of 2024	Institutional responsibilities and allocation of authority among migrant worker protection institutions.
6	Ministerial Regulations No. 26 and No. 4 of 2025	Supervisory authority, determination of administrative violations, and imposition of administrative sanctions.

[15] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 4th ed. (Raja Grafindo Persada, 1995), 13-14; Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (2012): 83-119.

[16] Peter Mahmud Marzuki, *Penelitian Hukum*, 3rd ed. (Kencana, 2017), 133-35; Mark Van Hoecke, "Legal Doctrine: Which Method(s) for What Kind of Discipline?," in *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?*, ed. Mark Van Hoecke (Hart Publishing, 2011), 1-18.

7	Ministerial Regulation No. 17 of 2025	Regulation of placement costs and legal obligations concerning recruitment fees.
8	Constitutional Court Decision No. 127/PUU-XXI/2023	Constitutional interpretation of seafarers' legal status within the national migrant worker protection framework.
9	Law No. 15 of 2016 and the Maritime Labour Convention, 2006; Presidential Regulation No. 25 of 2026 and the Work in Fishing Convention, 2007 (ILO C188)	Scope of maritime labour protection, legal status and entry into force of international instruments, and their relationship with national law.

Source: Authors' compilation of Indonesian legal instruments and international labour conventions

Secondary materials include scholarship on doctrinal legal methods, welfare-state theory, legal protection, maritime employment, and recruitment-agency accountability. Hadjon and Palguna provide the conceptual foundations, while studies of seafarer exploitation and transnational recruitment inform the legal analysis. Reports from KP2MI/BP2MI, the Indonesian Migrant Workers Union (SBMI), and Greenpeace Southeast Asia provide documentary context, not independently verified empirical evidence. Materials were collected through literature and document review and assessed for relevance, source authority, and legal validity through 2026. Repealed regulations were considered only where necessary to trace changes in the legal framework.17 The analysis uses grammatical, systematic, and purposive legal interpretation.18 It proceeds in two connected stages. First, it examines the rules in force, their consistency, licensing requirements, institutional authority, and the relationship between national law and international standards. Second, it assesses manning agents' accountability by identifying each legal duty, the responsible party, the violation involved, its legal consequences, and the available complaint and remedy procedures before, during, and after employment. These stages test whether recognition of migrant seafarers' rights is supported by enforceable agency duties and accountability mechanisms. The study evaluates legal design, not its empirical implementation.

Legal Framework for Indonesian Migrant Seafarer Protection

Indonesian law recognizes migrant seafarers as workers entitled to protection. The harder question is who must act when recruitment takes place in Indonesia, employment is arranged through a foreign principal, and the vessel operates elsewhere. Reading migrant worker legislation alongside maritime law, licensing rules, Constitutional Court Decision No. 127/PUU-XXI/2023, and international labor standards reveals six related issues: worker status and placement routes; the roles of two legal regimes; company and recruitment licenses; institutional supervision; the duties of agents and employers; and the reach of international standards. Each shapes the next. Recognition establishes rights, licensing identifies the intermediary, and the employment agreement sets out duties aboard the

[17] Marzuki, *Penelitian Hukum*, 181; Soekanto and Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 13-14.

[18] Aharon Barak, *Purposive Interpretation in Law*, trans. Sari Bashi (Princeton University Press, 2005); Van Hoecke, "Legal Doctrine: Which Method(s) for What Kind of Discipline?," 1-18.

vessel. Protection depends on how these arrangements work together from recruitment to repatriation.[19]

Legal Recognition and Differeniated Placement of Migrant Seafares

Legal recognition is a necessary starting point, although it does not put every seafarer on the same placement route. Articles 27(2), 28D(2), and 28I(4) of the 1945 Constitution protect labor rights and establish the state's responsibility toward workers.20 Article 4(1)(c) of Law No. 18 of 2017 expressly includes merchant and fishing seafarers among Indonesian migrant workers; Article 64 calls for specific implementing rules.21 Under Article 3(2) of Government Regulation No. 22 of 2022, placement may occur through BP2MI, a P3MI, or a company recruiting for its own operations. Article 3(3) permits individual placement, with a restriction on migrant fishers working for individual employers or principals. Article 3(5), concerning individual placement risks, must be read with Article 3(6), which preserves the rights and duties under the seafarer's employment agreement (PKL).22 The right to protection remains, but the legally responsible intermediary may differ.

That difference is easy to miss when recruitment is treated as a single transaction between a worker and a vessel owner. Palmer et al. found weaknesses in recruitment oversight and contracting under earlier arrangements. Their research helps explain the reforms; it cannot establish that every weakness persisted unchanged in 2026.23 Where an Indonesian placement company participates, SIP3MI and SIP2MI requirements become relevant. Individual placement follows a different route, although it does not free the employer from its PKL duties. Nor can liability be assigned to a placement company that played no part in the arrangement merely because the worker is entitled to state protection.24 The worker's status is common; the legal relationships through which protection is delivered are not.

The Relationship Between Maritime Law and Migrant Worker Protection

Two bodies of law meet when an Indonesian seafarer works on a foreign-flagged vessel, but they perform different tasks. Article 151 of Law No. 17 of 2008 addresses wages, working hours, rest, and other seafarers' rights within maritime regulation.[25] Law No. 66 of 2024 amended Article 337 to distinguish employment

[19] See: Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[20] Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Article 27(2), Article 28D(2), and Article 28I(4).

[21] Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia.

[22] Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[23] Palmer et al., "Regulating Recruitment and Contracting of Migrant Fishers from Indonesia."

[24] Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran, Article 3, paragraphs (3)–(6).

[25] Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran, Pub. L. No. Undang-Undang Nomor 17 Tahun 2008, 64 Lembaran Negara Republik Indonesia Tahun 2008 (2008).

regulation in shipping from seafaring matters.[26] The explanation of Article 337(1) points to the Commercial Code, Law No. 15 of 2016 ratifying MLC 2006, and rules governing employment under the PKL.[27] Law No. 18 of 2017 and Government Regulation No. 22 of 2022, meanwhile, address the placement and protection of Indonesians working aboard foreign vessels.[28] The Constitutional Court rejected the argument that recognition as migrant workers created unconstitutional dual licensing. Paragraph [3.17] referred to the transition from SIUPPAK to SIP3MI under Articles 43–45 of Government Regulation No. 22 of 2022, without deciding that regulation's legality.[29]

The Court's decision should not be read as a finding that every licensing question has been settled. The transitional period under Government Regulation No. 22 of 2022 allowed eligible companies two years from June 8, 2022, to adjust their licenses; SIUPPAK was not made an indefinite substitute for SIP3MI. Articles 93–95 of Transportation Minister Regulation PM 59 of 2021 continue to address crew-agency services. Article 132(7), as amended by Regulation PM 3 of 2026, exempts crew agencies only from the competency and training provisions in paragraphs (1)–(6), not from their other duties.30 Palmer et al. describe the earlier fragmentation of recruitment regulation,31 and Kelly and Vandergeest trace agents' continuing place in maritime labor arrangements.32 Their accounts explain why the issue persists. Determining which rule governs a particular activity still requires close attention to its subject and effective date.

The Two-Level Licensing Structure and Contractual Verification

Licensing has two levels because two questions need answers: may a company operate as a placement agency, and may it carry out a particular recruitment? For the first, Articles 8 and 25 of Government Regulation No. 22 of 2022 require P3MI placing migrant merchant seafarers or fishers to hold SIP3MI.[33] Government

[26] Undang-Undang Nomor 66 Tahun 2024 tentang Perubahan Ketiga atas Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran, Pub. L. No. Undang-Undang Nomor 66 Tahun 2024, 252 Lembaran Negara Republik Indonesia Tahun 2024 (2024).

[27] Undang-Undang Nomor 15 Tahun 2016 tentang Pengesahan Maritime Labour Convention, 2006 (Konvensi Ketenagakerjaan Maritim, 2006), Pub. L. No. Undang-Undang Nomor 15 Tahun 2016, 193 Lembaran Negara Republik Indonesia Tahun 2016 (2016).

[28] Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[29] *Putusan Mahkamah Konstitusi Nomor 127/PUU-XXI/2023 tentang Pengujian Pasal 4 Ayat (1) Huruf c Undang-Undang Nomor 18 Tahun 2017*; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[30] See: Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran; Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan; Peraturan Menteri Perhubungan Nomor 3 Tahun 2026 tentang Perubahan atas Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan.

[31] Palmer et al., "Regulating Recruitment and Contracting of Migrant Fishers from Indonesia."

[32] Kelly and Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia."

[33] Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

Regulation No. 28 of 2025 sets the broader risk-based licensing framework,[34] while KP2MI/BP2MI Regulation No. 31 of 2025 provides for SIP3MI issuance through OSS under KBLI 78102.[35] Articles 3 and 7 require a limited liability company, business identification, at least IDR 5 billion in paid-in capital, and an IDR 1.5 billion security deposit. Article 15(2) adds staffing, qualification, and crew-data requirements.[36] These are safeguards against unqualified placement. The security deposit may support specified obligations, but its existence alone does not guarantee payment of every worker claim.

The second question is answered by SIP2MI. Articles 10–12 and 27–29 of Government Regulation No. 22 of 2022 require it before the relevant recruitment takes place. Article 6 of KP2MI/BP2MI Regulation No. 2 of 2025 calls for an agency agreement with the foreign employer or principal, a draft placement agreement, and verification; Article 7 requires details of the parties, destination, jobs, workforce demand, and validity period. The permit lasts six months and may be extended once for another six months.[37] These records make the foreign relationship identifiable before the worker departs. Stringer, Kartikasari, and Michailova, drawing on contracts and interviews with 27 Indonesian seafarers, show why recruitment documents matter.[38] Kelly and Vandergeest also identify agents' influence over job information and payments.[39] Yet a verified contract is only a starting point. Whether its terms are honored at sea is a separate question.

Institutional Integration and Jurisdictionally Differentiated Supervision

The establishment of KP2MI and the reorganization of BP2MI might suggest that supervision now rests in a single institution. The legal position is more specific. Presidential Regulation No. 165 of 2024 assigns policy functions to KP2MI,[40] while Presidential Regulation No. 166 of 2024 gives BP2MI placement, verification, and certain licensing responsibilities; its Article 5 places the minister at the head of

[34] Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, Pub. L. No. Peraturan Pemerintah Nomor 28 Tahun 2025, 98 Lembaran Negara Republik Indonesia Tahun 2025 (2025).

[35] Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia.

[36] Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia.

[37] Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran; Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2025 tentang Tata Cara Penerbitan dan Pencabutan Surat Izin Perekrutan Pekerja Migran Indonesia.

[38] Stringer et al., "'They Make a Business out of Desperate People': The Role of Recruitment Agents in Cross-Border Labour Chains."

[39] Kelly and Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia."

[40] Peraturan Presiden Nomor 165 Tahun 2024 tentang Kementerian Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Presiden Nomor 165 Tahun 2024, 361 Lembaran Negara Republik Indonesia Tahun 2024 (2024).

BP2MI.[41] Article 40 of Government Regulation No. 22 of 2022 still distinguishes supervision before and after employment, generally undertaken by labor inspectors with possible maritime or fisheries involvement, from supervision during employment through Indonesian missions and cooperation with flag- or port-state authorities.[42] Under Article 39 of Regulation No. 31 of 2025, P3MI licenses are also reviewed every six months or when complaints or other circumstances require.[43] Organizational coordination has improved on paper, but supervisory powers remain divided by task and location.

That division becomes consequential once the vessel leaves Indonesia. A domestic labor inspector may examine the recruiter, yet has no equivalent general power to inspect a foreign-flagged ship at sea. Kelly and Vandergeest describe how this distance makes recruiters important links between workers, foreign employers, and complaint channels.[44] Comparing Taiwan, Japan, and South Korea, Liu et al. likewise stress coordination and protection before deployment.[45] These studies do not prove an institutional conflict in every Indonesian case. They expose a practical legal concern: inspection findings, contract information, and complaints must move between authorities whose jurisdiction does not travel with the worker. Indonesian law assigns supervisory functions; their connection across borders needs equally careful attention.

Manning Agents' and Employers' Duties

The division between placement and employment also shapes who owes what to the worker. Articles 84–86 of Government Regulation No. 59 of 2021 assign P3MI recruitment, placement, protection, and problem-resolution duties. Articles 19 and 35 of Government Regulation No. 22 of 2022 place wages, rest, safety, health, accommodation, and social security primarily on the employer or principal; Articles 20 and 36 address repatriation costs. Article 33 requires a migrant fisher's PKL to identify the worker, P3MI, principal, and vessel and to state the working conditions, repatriation arrangements, and dispute procedure.[46] These responsibilities do not all expire on departure. Article 58(2) of Law No. 18 of 2017 expressly preserves a placement company's responsibility for workers already

[41] Peraturan Presiden Nomor 166 Tahun 2024 tentang Badan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Presiden Nomor 166 Tahun 2024, 362 Lembaran Negara Republik Indonesia Tahun 2024 (2024).

[42] Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[43] Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia.

[44] Kelly and Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia."

[45] Liu et al., "Protecting Migrant Labor Rights in the Distant-Water Fisheries Sector: A Comparative Analysis of the Legal Framework of Three Major Fishing Nations in Eastern Asia."

[46] Peraturan Pemerintah Nomor 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Pemerintah Nomor 59 Tahun 2021, 94 Lembaran Negara Republik Indonesia Tahun 2021 (2021); Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

overseas after its SIP3MI is revoked.[47] The legal source of each duty matters more than a broad label of shared responsibility.

Distinguishing those duties should not give either party an easy way to avoid them. Article 38 of Government Regulation No. 22 of 2022 provides for negotiation of disputes over placement agreements and permits recourse to the industrial relations court if negotiation fails. Article 39 allows Indonesian missions to provide legal assistance, support, or mediation; that assistance does not assume the parties' civil or criminal liability.[48] Stringer and Yea's examination of 55 deaths involving Indonesian migrant fishers documents difficulties with reporting, the handling of deaths, and cross-border accountability.[49] It does not establish that every agent committed a violation. It does show why a family seeking an explanation or payment must be able to identify the duty-holder and a procedure capable of enforcing that duty.

Uneven International Standards and the Temporal Scope of Legal Protection

International labor standards add another distinction that national law must handle carefully. Indonesia ratified the Maritime Labour Convention, 2006 (MLC 2006), through Law No. 15 of 2016, but Article II(4) generally excludes fishing vessels. Its Regulation 1.4, Standard A1.4, and Regulation 5.3 address recruitment services, fees, contracts, supervision, and labor-supplying states. The Work in Fishing Convention, 2007 (ILO C188), addresses fishers more directly: Article 22 concerns recruitment, fees, and licensing; Articles 20–21 concern agreements and repatriation; and Articles 40–43 concern compliance.[50] Indonesia approved C188 domestically under Presidential Regulation No. 25 of 2026 on April 24, 2026, and registered ratification with the ILO on June 10, 2026. Under Article 48(3), it enters into force for Indonesia on June 10, 2027.[51] Approval in national law and a treaty's international effective date are different legal events.

This distinction matters for fishers working before June 2027. They are not without legal protection: Law No. 18 of 2017 and Government Regulation No. 22 of 2022 already govern their status, placement, agreements, protection, and repatriation. C188 supplies an additional standard for examining that framework. Liu et al. assess its significance for safety and inspection in East Asian fisheries,[52]

---

47 Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia.

48 Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

49 Christina Stringer and Sallie Yea, "Death and Disposability of Indonesian Migrant Fishers at Sea," *Maritime Studies* 25 (2026): 11.

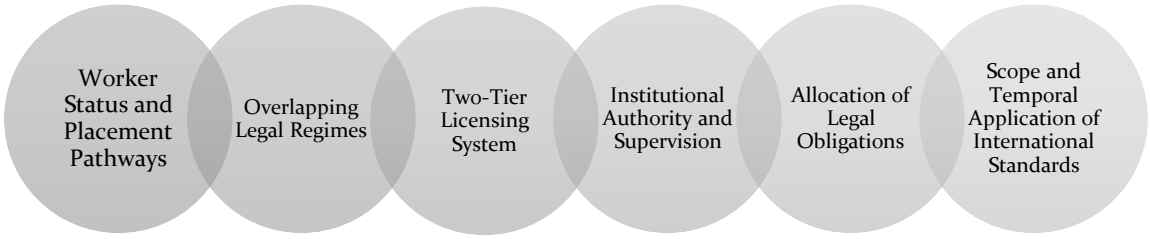
50 See: Undang-Undang Nomor 15 Tahun 2016 tentang Pengesahan Maritime Labour Convention, 2006 (Konvensi Ketenagakerjaan Maritim, 2006); Maritime Labour Convention, 2006 (MLC, 2006), as Amended; International Labour Organization, "Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188)," ILO NORMLEX: Ratifications by Convention, accessed November 3, 2026; Work in Fishing Convention, 2007 (No. 188).

51 Peraturan Presiden Nomor 25 Tahun 2026 tentang Pengesahan Convention Concerning Work in the Fishing Sector, International Labour Organization Convention 188 (Konvensi mengenai Pekerjaan dalam Sektor Penangkapan Ikan, Konvensi Organisasi Ketenagakerjaan Internasional 188); International Labour Organization, "Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188)."

52 Liu et al., "Protecting Migrant Labor Rights in the Distant-Water Fisheries Sector: A Comparative Analysis of the Legal Framework of Three Major Fishing Nations in Eastern Asia."

while Kelly and Vandergeest explain the recruitment relationships that such rules must confront.[53] The ILO's Towards Fair Seas (2026) documents related recruitment and working-condition concerns in Southeast Asia.[54] These studies illuminate the working conditions behind the law. They do not alter the date on which Indonesia becomes bound by C188 internationally. The two levels of protection must be kept distinct.

Figure 1. Six Patterns of Legal Protection for Indonesian Migrant Seafarers



Note: The six patterns are arranged from left to right.

Figure 1 draws these legal relationships together. Recognition as a migrant worker gives seafarers a protected status, but the route of placement determines which intermediary and contract are involved. Palmer et al. and Azis and Wahyudi help explain the varied recruitment arrangements behind this distinction.[55] Maritime and migrant worker law then govern different aspects of the same employment relationship. Research by Stringer et al., Karim, and Irawan et al. shows how several institutions may become involved when abuses are reported.[56] The presence of multiple institutions is not itself proof of conflicting law. The more useful inquiry is what each is authorized and required to do. The next two relationships concern permission and supervision. SIP3MI tests a company's eligibility, whereas SIP2MI records authorization for a particular recruitment and its foreign counterpart. The work of Farbenblum, Stringer et al., and Yea et al. brings the consequences of weak recruitment oversight and inaccessible remedies into view.[57] Supervision, meanwhile, changes with the worker's location. Strating et al. and Haas and Davis examine the separate powers of home, flag, and port

[53] Kelly and Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia."

[54] Benjamin Harkins et al., *Towards Fair Seas: Recruitment and Working Conditions for Migrant Workers in the Fishing and Seafood Processing Sectors in South-East Asia*, [1st ed.] (ILO, 2026).

[55] Palmer et al., "Regulating Recruitment and Contracting of Migrant Fishers from Indonesia"; Azis and Wahyudi, "Imperfect Victims and an Imperfect Protocol: Reflecting on the Trafficking Experiences of Indonesian Migrant Fishermen."

[56] Christina Stringer et al., "Not in New Zealand's Waters, Surely? Linking Labour Issues to GPNs," *Journal of Economic Geography* 14, no. 4 (2014): 739–58; Moch Faisal Karim, "Institutional Dynamics of Regulatory Actors in the Recruitment of Migrant Workers: The Case of Indonesia," *Asian Journal of Social Science* 45, nos. 4–5 (2017): 440–64; Irawan et al., "State Responsibility and Strategy in Preventing and Protecting Indonesian Fisheries Crews Working on Foreign Fishing Vessels from Modern Slavery."

[57] Bassina Farbenblum, "Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin," *Asian Journal of International Law* 7, no. 1 (2017): 152–84; Stringer et al., "'They Make a Business out of Desperate People': The Role of Recruitment Agents in Cross-Border Labour Chains"; Yea et al., "Funnels of Unfreedom: Time-Spaces of Recruitment and (Im)Mobility in the Trajectories of Trafficked Migrant Fishers."

states,[58] while Kelly and Vandergeest show why agents often carry information across those boundaries.[59] A supervisor's authority in Indonesia does not automatically become authority to act aboard a foreign ship.

Finally, the duties of agents and employers overlap in time without becoming identical in law. An agent may have responsibilities after deployment even where the employer controls conditions aboard the vessel. The studies by Stringer and Yea and by Klein bring out the difficulty of attributing violations across that relationship.[60] International protection is also uneven: MLC 2006 and C188 cover different work and have different legal timelines. Liu et al. and Vandergeest and Marschke show why these differences matter in the fishing sector.[61] The six relationships point to the same conclusion. Recognizing rights and issuing licenses are essential, but the law must also identify the responsible actor and a route through which the worker can obtain a remedy.

Manning Agents Legal Accountability

A manning agent may recruit a worker in Indonesia, arrange employment with a foreign principal, and remain the contact when something goes wrong at sea. Yet the agent is not necessarily the employer. The question is which duties remain with it, and for how long. Law No. 18 of 2017 and Government Regulations Nos. 59 of 2021 and 22 of 2022 separate placement obligations from duties arising aboard the vessel.[62] Transportation Minister Regulation PM 59 of 2021 and the 2025 KP2MI/BP2MI regulations add rules on documents, oversight, sanctions, and the handling of problems.[63] Nur's study of licensing across agencies underscores why the company's actual role matters.[64] A recruiter should answer for its own legally defined conduct and omissions, including obligations that continue after departure, rather than for every wrong committed by a foreign employer.

The reported cases show why this boundary deserves attention. KP2MI/BP2MI recorded 297,434 placements of Indonesian migrant workers in

[58] Rebecca Strating et al., "Human Rights at Sea: The Limits of Inter-State Cooperation in Addressing Forced Labour on Fishing Vessels," *Marine Policy* 159 (2024): 105934; Bianca Haas and Ruth A. Davis, "The Practice of Regional Fisheries Management Organisations in Advancing Crew Labour Regulations," *Marine Policy* 182 (2025): 106882.

[59] Kelly and Vandergeest, "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia."

[60] Stringer and Yea, "Death and Disposability of Indonesian Migrant Fishers at Sea"; Klein, "Recruitment of Fishers and International Law Violations."

[61] Liu et al., "Protecting Migrant Labor Rights in the Distant-Water Fisheries Sector: A Comparative Analysis of the Legal Framework of Three Major Fishing Nations in Eastern Asia"; Vandergeest and Marschke, "Beyond Slavery Scandals: Explaining Working Conditions among Fish Workers in Taiwan and Thailand."

[62] Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; Peraturan Pemerintah Nomor 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.

[63] Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan; Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 26 Tahun 2025 tentang Pembinaan dan Pengawasan terhadap Pelaksanaan Penempatan dan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Permen P2MI/BP2MI Nomor 26 Tahun 2025 (2025).

[64] Muhammad Nur, "Recommendation for Authorization Overlaping of Placement of Indonesian Fishing Vessels Crews Abroad," *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 1 (2018): 1–13.

2024, including 3,751 merchant seafarers and 388 fishers. Of 456 cases handled by SBMI that year, 196 involved fishing crew.[65] The datasets cover different populations and cannot be used to calculate a manning-agent violation rate. Yet SBMI's records describe problems with recruitment, contracts, documentation, payment, work at sea, and return.[66] IOJI's study of 48 participants, 37 of whom had worked on foreign fishing vessels, similarly reports risks extending across the employment journey.[67] These accounts describe workers' experiences; determining responsibility still requires asking which party had a legal duty at each point.

Recruitment and Contractual Obligations Before Employment

An agent's legal exposure begins before a vessel sails. Article 52 of Law No. 18 of 2017 assigns P3MI responsibilities for job opportunities, placement, and the resolution of worker problems. Articles 10–11 and 27–28 of Government Regulation No. 22 of 2022 require agency agreements and SIP2MI before the recruitment of migrant merchant seafarers or fishers.[68] KP2MI/BP2MI Regulation No. 2 of 2025 further requires a verified agency agreement and draft placement agreement. Recruitment without authorization, transferred licenses, false documents, or missing placement records can be examined as violations in their own right.[69] Klein similarly urges attention to recruiters' specific legal duties when alleged abuses include forced labor.[70] The agency's responsibility comes from what it undertook and was required to do, even if another company later directs the work at sea.

This reading directly addresses the objective of the study, namely to explain how different normative configurations produce different understandings of marriage as valid, proper, and meaningful. At the stage of marriage formation, the findings show that *mahr*/*dowry*, consent, and family authority do not operate separately. This is consistent with Akhtar, Al-Sharmani, and Moors, who situate Muslim marriage within a plurality of norms and practices,[71] with Showkat, who demonstrates the gap between the principle of *mahr* and its life in social practice,[72] and with Wurm, who rejects a simple opposition between arranged marriage and individual choice.[73] Rinaldo likewise shows that authority in Muslim marriage is

[65] Kementerian Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia, *Data Penempatan dan Pelindungan Pekerja Migran Indonesia Tahun 2024*.
[66] Serikat Buruh Migran Indonesia, *Catatan Akhir Tahun SBMI 2024: Migrasi Paksa dan Beban Ekonomi: Mengurai Akar Perdagangan Orang terhadap Buruh Migran*.
[67] Indonesia Ocean Justice Initiative, *Lingkaran Setan Pekerjaan di Laut: Perjalanan Berat Pekerja Perikanan Migran Indonesia*, Laporan penelitian (Indonesia Ocean Justice Initiative, 2022), 8.
[68] Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran.
[69] Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2025 tentang Tata Cara Penerbitan dan Pencabutan Surat Izin Perekrutan Pekerja Migran Indonesia.
[70] Klein, "Recruitment of Fishers and International Law Violations."
[71] Akhtar, Al-Sharmani, and Moors, "Introduction."
[72] Showkat, "The Principle and Practice of Mahr in Muslim Marriages."
[73] Wurm, "Theorizing Arranged Marriage: The Case of South Asian Muslim Immigrants in Love Marriage Societies."

shaped through negotiation among religious scripts, family law, and changing gender relations.[74] Aceh and Muslim Mindanao, however, display more specific configurations. In Aceh, *jeunamee*, *kafāʾah*, consent, *gampōng* structures, and registration produce intersecting layers of legitimacy; in Muslim Mindanao, *mahr*/*dowry*, the wali, family negotiation, Muslim personal law, and state-imposed limits on age and consent produce a different distribution of authority. At the next stage, ritual shows that the formation of the marriage contract does not always complete the social work of marriage. *Walīmah*, *intat linto*, *tueng dara baroe*, and *seumapa* in Aceh, as well as solemnization and *kawing* in the Maguindanaon context, show that a relationship that has already been formed must still be made recognizable to a particular social audience. The main finding of this study, therefore, is not that law and custom simply "mix," but that each performs different normative work in forming, validating, and situating a relationship.

Those duties are sometimes obscured by the broad term 'crew agency.' Maritime law, under Law No. 17 of 2008 as amended by Law No. 66 of 2024, addresses seafaring and employment aboard ships; Law No. 18 of 2017 governs the placement and protection of migrant workers. Constitutional Court Decision No. 127/PUU-XXI/2023 rejected the asserted constitutional dualism and discussed transitional licensing without ruling on the implementing regulation's validity. Transportation Minister Regulation PM 59 of 2021 continues to prescribe crew-agency obligations concerning documents, the PKL, and dealings with vessel owners or operators, notwithstanding its 2026 amendment.[75] Government Regulation No. 28 of 2025 and KP2MI/BP2MI Regulation No. 31 of 2025 govern company licensing.[76] Merdekawati, Darma et al., Umar, and McConnell et al. likewise distinguish recruiters' functions from onboard employment.[77] The company's permits, contracts, and actual services must be examined before its legal duties can be identified.

---

[74] Rinaldo, "Obedience and Authority among Muslim Couples: Negotiating Gendered Religious Scripts in Contemporary Indonesia."

[75] See: Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran; Undang-Undang Nomor 66 Tahun 2024 tentang Perubahan Ketiga atas Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran; Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia; *Putusan Mahkamah Konstitusi Nomor 127/PUU-XXI/2023 tentang Pengujian Pasal 4 Ayat (1) Huruf c Undang-Undang Nomor 18 Tahun 2017*; Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran; Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan; Peraturan Menteri Perhubungan Nomor 3 Tahun 2026 tentang Perubahan atas Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan.

[76] Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko; Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia.

[77] Agustina Merdekawati et al., "Peran Rezim Cipta Kerja Dalam Mengakhiri Tumpang Tindih Perizinan Manning Agent Awak Kapal Perikanan Migran," *Tanjungpura Law Journal*, 2022, 93–121; M. Husseyn Umar, *Hukum Maritim dan Masalah-Masalah Pelayaran di Indonesia* (PT Fikahati Aneska, 2015); Moira L. McConnell et al., *The Maritime Labour Convention, 2006: A Legal Primer to an Emerging International Regime* (Brill / Martinus Nijhoff Publishers, 2011).

Table 2. Ten Leading Types of Migrant Worker Problems Recorded by SBMI in 2024

Type of problem	Recorded occurrences
Fraud	447
Document falsification or manipulation	415
Trafficking in persons	251
Debt entrapment	162
Unpaid wages	131
Document withholding	117
Employment inconsistent with contract	109
Prospective migrant workers unable to depart	82
Illness	65
Physical violence	64
Total across these ten categories	1,843

Source: SBMI, 2024 Year-End Report. SBMI recorded 2,172 problem occurrences across its classifications. The categories may overlap within individual cases and cover migrant workers across sectors, not exclusively migrant seafarers.

A signed PKL may suggest that recruitment was properly completed. The cases recorded in Table 2 counsel against assuming so. Fraud, altered documents, and debt may begin before departure and follow the worker onto the vessel. IOJI reports late delivery of contracts, unclear fees, limited time to read terms, withheld documents, and suspected falsification of medical or competency records.[78] Article 100 of Transportation Minister Regulation PM 59 of 2021 requires agents to safeguard documents, explain rights and obligations, and give seafarers an opportunity to understand the PKL before signing.[79] Danial et al. discuss the legal content required in crew agreements,[80] while Gallagher distinguishes deceptive practices from the elements necessary to establish trafficking.[81] Farbenblum et al. and Farbenblum stress enforceable claims.[82] A signature is evidence of an agreement; it is no answer to a proven breach of recruitment law.

Recruitment costs bring the difference between consent and legality into focus. Under Article 2(6) of KP2MI/BP2MI Regulation No. 17 of 2025, employers generally bear placement costs. Article 3 permits defined exceptions, and Article 5 requires placement agreements to specify the amounts and components charged. These provisions operate alongside the prohibitions in Articles 72 and 86 of Law No. 18 of 2017 and Article 15(1)(bb)–(cc) of Regulation No. 31 of 2025.[83] Whether

[78] Indonesia Ocean Justice Initiative, *Lingkaran Setan Pekerjaan di Laut: Perjalanan Berat Pekerja Perikanan Migran Indonesia*.

[79] Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan.

[80] Danial et al., "Standardisation of Work Agreement between Indonesian Fisheries Crew and Foreign Companies."

[81] Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010).

[82] Bassina Farbenblum et al., *Migrant Workers' Access to Justice at Home: Indonesia*, no. 9781936133949 (Open Society Foundations, 2013); Farbenblum, "Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin."

[83] See: Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 17 Tahun 2025 tentang Biaya Penempatan Pekerja Migran Indonesia, Pub. L. No. Permen P2MI/BP2MI Nomor 17 Tahun 2025 (2025); Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan

the worker saw or signed a fee clause is not decisive if the charge was prohibited. A contract cannot confer legal permission that the governing rules withhold. This is a responsibility the recruiter may incur before any harm occurs aboard the vessel.

Continuing Agency Duties and Employer Liability

Once the worker is aboard, the employer or principal controls much of daily working life. Articles 19 and 35 of Government Regulation No. 22 of 2022 assign it duties concerning pay, rest, safe conditions, medical care, accommodation, and social security. The recruiting company, however, retains monitoring and problem-resolution duties under Articles 84–87 of Government Regulation No. 59 of 2021 and Article 15 of Regulation No. 31 of 2025. Articles 103 and 112 of Transportation Minister Regulation PM 59 of 2021 also address unpaid wages, PKL entitlements, assistance, documentation, and insurance. ILO guidance issued in 2026 considers recruitment oversight under MLC 2006, whose scope does not automatically include fishing vessels.84 The distinction is consequential: the recruiter need not owe every unpaid wage as an employer, but it may still be required to pursue or arrange a lawful resolution.

The distinction becomes harder when the reported harm is severe. IOJI recorded accounts of 18–22-hour workdays, abuse, limited clean water, and unsafe conditions. Responsibility for those conditions ordinarily begins with those who direct work aboard the vessel. To hold P3MI liable, one must identify its own breach, such as misrepresenting contract terms, imposing prohibited fees, neglecting monitoring, or failing to respond to a complaint.[85] Afriansyah and Irawan et al. discuss the need to identify responsible actors in cases involving violence and modern slavery.[86] Klein, Blackie, and Liliansa show that international rules do not always address the same actors,[87] and Nur explains the jurisdictional obstacles between sending and flag states.[88] The seriousness of the abuse warrants investigation, but it does not dispense with proof of whose duty was violated.

The state can investigate Indonesian recruiters even where the alleged harm occurs abroad. Presidential Regulations Nos. 165 and 166 of 2024 assign

Pekerja Migran Indonesia; Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia.

84 Dominick Devlin and Moira L. McConnell, *Maritime Labour Convention, 2006, as Amended (MLC, 2006): 20th Anniversary: Frequently Asked Questions (FAQ)*, 6th ed. (International Labour Organization, 2026).

85 Indonesia Ocean Justice Initiative, *Lingkaran Setan Pekerjaan di Laut: Perjalanan Berat Pekerja Perikanan Migran Indonesia*.

86 Arie Afriansyah, "Indonesia: Legal Protection for Indonesian Fishing Crews Being Abused at Sea," *Asia-Pacific Journal of Ocean Law and Policy* 5, no. 2 (2020): 398–402; Irawan et al., "State Responsibility and Strategy in Preventing and Protecting Indonesian Fisheries Crews Working on Foreign Fishing Vessels from Modern Slavery."

87 Natalie Klein et al., "Abuses in the Southeast Asian Fishing Industry as Violations of International Law," *Ocean Development & International Law* 57, no. 1 (2026): 85–112.

88 Nur, "Caught between Flags and Borders: Structural Injustice in the Transnational Governance of Migrant Fishers."

KP2MI/BP2MI responsibilities; Article 40 of Government Regulation No. 22 of 2022 divides oversight by employment stage; and KP2MI/BP2MI Regulation No. 26 of 2025 provides inspection procedures. Indonesian diplomatic missions may seek cooperation from flag- or port-state authorities. Yet regulating a company at home is different from boarding a foreign vessel overseas. Longo addresses the role of flag-state jurisdiction in human rights protection at sea,[89] while Liliansa examines the reach of home-state authority over cross-border corporate activity.[90] Parthiana, Tanaka, and Rothwell and Stephens clarify the relevant jurisdictional distinctions.[91] Supervision must follow the legal authority available to the state, not an assumed power to act wherever the ship sails.

Continuing Post-Employment Obligations

Returning home does not necessarily end the dispute. In January–April 2025, KP2MI/BP2MI recorded 178 repatriation requests, 44 complaints over unpaid wages, and 25 concerning contracts that differed from their terms (Table 3). April complaints numbered 85 in 2023, 137 in 2024, and 150 in 2025. These cross-sector figures cannot establish that manning agents caused each problem.[92] Articles 20(2) and 36(2) of Government Regulation No. 22 of 2022 place repatriation costs on the employer or principal in specified circumstances. Government Regulation No. 59 of 2021 and Article 15(1)(z) of Regulation No. 31 of 2025, meanwhile, require P3MI to arrange repatriation. Paying for the journey and arranging it are distinct duties. A dispute over the former should not leave the latter unattended.

Table 3. Indonesian Migrant Worker Complaints by Category, January–April 2025

Complaint category	Jan	Feb	Mar	Apr	Total
Requests for repatriation	32	40	51	55	178
Illness	1	6	6	15	28
Prospective workers unable to depart	17	18	25	6	66
Death in destination country	0	3	2	6	11
Detention or legal proceedings	0	1	2	5	8
Failed placement	3	9	3	5	20
Deportation or repatriation	0	15	2	5	22
Work inconsistent with contract	0	17	4	4	25
Illness or hospitalization	4	0	4	4	12
Trafficking in persons	2	2	4	4	12

[89] Andrea Longo, "Flag State Jurisdiction and the Protection of Human Rights in Southeast Asia," *Ocean Development & International Law* 57, no. 1 (2026): 113–35.

[90] Dita Liliansa, "Home State Jurisdiction over Corporate Harms at Sea in Fisheries in Southeast Asia," *Ocean Development & International Law* 57, no. 1 (2026): 136–67.

[91] I. Wayan Parthiana, *Hukum Laut Internasional dan Hukum Laut Indonesia*, Cetakan pertama (Yrama Widya, 2014); Yoshifumi Tanaka, *The International Law of the Sea*, 4th ed. (Cambridge University Press, 2023); Donald R. Rothwell and Tim Stephens, *The International Law of the Sea*, 3rd ed. (Hart Publishing, 2023).

[92] Kementerian Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia, *Laporan Bulanan April 2025: Data Penempatan dan Pelindungan Pekerja Migran Indonesia*, Laporan statistik bulanan (Pusat Data dan Informasi KP2MI/BP2MI, 2025).

Death	14	11	2	4	31
Unpaid wages	15	12	14	3	44
Loss of communication	4	5	0	3	12
Illegal recruitment	0	4	11	3	18
Excessive placement charges	3	7	1	2	13
Other complaints	33	32	40	26	131
Total	128	182	171	150	631

Source: KP2MI/BP2MI, *April 2025 Montly Report*, p. 51. Categories follow the source administrative classification, including separate entries for illness and death. Figures concern migrant workers across sectors and do not identify the party responsible for each complaint.

Some of the hardest claims arise after work has ended: unpaid wages, money retained as a supposed deposit, or entitlements due to a deceased worker's family. IOJI documents disputed wage deductions, difficulties recovering deposits, and refusals to provide return tickets.[93] Such deductions are not the same as the statutory company security deposit under Articles 54–56 of Law No. 18 of 2017, which secures designated protection duties and does not authorize deductions from wages. When a worker dies, Article 15(1)(t)–(y) of Regulation No. 31 of 2025 requires notification, inquiries, handling of remains, and settlement of entitlements; Article 104 of Transportation Minister Regulation PM 59 of 2021 also addresses heirs' rights. The agent does not automatically bear legal responsibility for the death itself. Its own duties toward the worker and family nevertheless remain open to examination.

Revocation ends a company's authority to recruit anew; it does not erase earlier placements. Article 58(2) of Law No. 18 of 2017 preserves responsibility for workers already overseas when SIP3MI is withdrawn. Articles 98 and 101 of Transportation Minister Regulation PM 59 of 2021 also preserve certain crew-agency duties until the PKL ends and the worker returns to the original recruitment location. Article 14(2) of KP2MI/BP2MI Regulation No. 4 of 2025 requires a company with a revoked SIP3MI to settle specified matters for deployed workers through the end of the last worker's contract. The distinction is straightforward but important: the state may close the company's opportunity to recruit while workers still have outstanding claims against it. Administrative termination and discharge of substantive obligations are not the same event.

Enforcement, Liability, and Remedies

A sanction answers whether a rule has been broken; it does not necessarily answer what the worker will receive. Article 41 of Government Regulation No. 22 of 2022 and Article 86 of Government Regulation No. 59 of 2021 allow administrative sanctions for specified violations. KP2MI/BP2MI Regulation No. 4 of 2025 sets out clarification, suspension, SIP3MI revocation, and penalties for delay. Articles 16–19 of Regulation No. 26 of 2025 distinguish preventive education and technical guidance from nonjudicial enforcement, including recommendations for sanctions

[93] Indonesia Ocean Justice Initiative, *Lingkaran Setan Pekerjaan di Laut: Perjalanan Berat Pekerja Perikanan Migran Indonesia*.

or use of a company's security deposit, and judicial enforcement through authorized investigations coordinated with law enforcement. The routes differ in purpose and legal effect. Administrative enforcement assesses regulatory compliance; criminal proceedings require proof of each statutory element. Neither should be mistaken for proof that a worker's losses have been recovered.

Criminal responsibility requires the same discipline in identifying the actor and the act. Articles 79–86 of Law No. 18 of 2017 address specified offenses, including unlawful placement, license transfer, false information, prohibited charges, and recruitment without SIP2MI. Article 87 concerns potential corporate and managerial liability. If a foreign employer withholds wages, it does not follow that the Indonesian recruiter has committed a crime; the applicable offense and the recruiter's conduct must be established. Deva and Bilchitz distinguish corporate responsibilities from the state's duty to regulate.[94] Even a properly imposed penalty does not itself return withheld wages or fees. Honniball makes a related distinction between trade restrictions used against forced-labor products and remedies for affected individuals.[95] Accountability must be evaluated by what the enforcement process actually secures for the worker.

The gap becomes especially visible when a complaint is closed. KP2MI/BP2MI Regulation No. 23 of 2025 governs complaints across the employment cycle. Under Article 35, a file may be closed after a request is met, a resolution is accepted, or mediation concludes. It may also be closed because documents remain incomplete for 30 days, the complainant cannot be reached for 60 days, the case is transferred, or another procedure is pursued. Article 36 regulates closure in Sisko P2MI; Article 38 restricts reopening. In those circumstances, an administrative record may show 'closed' even where the worker has received neither wages nor a refund. Closure does not itself extinguish rights enforceable through another route, although the same complaint channel may become unavailable. Shelton distinguishes the forms of reparation,[96] and Pryde et al. question whether reporting compliance actually addresses victims' losses.[97] A resolved file and a remedied injury should never be treated as interchangeable.

Table 4. Legal Attribution and Enforcement of Manning Agents' Accountability

Employment stage	Legal duty and breach examined	Responsible subject	Legal basis	Enforcement or remedy
Before employment	Licensing, agency verification,	P3MI / regulated	UU 18/2017; PP 22/2022; Permen	Administrative inspection; sanctions;

[94] Surya Deva and David Bilchitz, eds., *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?*, 1st ed. (Cambridge University Press, 2013).

[95] Arron N. Honniball, "Combating Forced Labour in Fisheries Through Trade Restrictions: First Steps and Their Consistency with International Law," *Ocean Development & International Law* 57, no. 1 (2026): 190–227.

[96] Dinah Shelton, *Remedies in International Human Rights Law*, 3rd ed. (Oxford University Press, 2015).

[97] Samuel Pryde et al., "Understanding Remedy Under the Australian Modern Slavery Act: From Conceptualisation to Provision of Remedy," *Journal of Modern Slavery* 9, no. 1 (2024): 70–95.

	recruitment documentation	placement actor	2/2025; Permen 31/2025	criminal proceedings where applicable
	Contract disclosure, document security, permitted placement charges	P3MI / relevant crew agency	Permenhub PM 59/2021; Permen 17/2025; UU 18/2017	Administrative enforcement and applicable claims
During employment	Wages, working conditions, medical care, and vessel safety	Employer / principal	PP 22/2022; PKL; maritime law	Contractual claims, complaints, competent proceedings
	Monitoring, complaint handling, and specified agency duties	P3MI for its own statutory / contractual duties	PP 59/2021; Permenhub PM 59/2021; Permen 31/2025	Supervision, administrative measures, dispute handling
After employment	Repatriation, outstanding rights, death-related duties	Employer / principal and P3MI according to distinct duties	PP 22/2022; UU 18/2017; Permen 31/2025	Repatriation; claims; applicable guarantee mechanisms
After licence revocation	Settlement of obligations from previous placements	Formerly licensed P3MI	UU 18/2017 Art. 58(2); Permen 4/2025 Art. 14(2)	Continuing settlement and oversight
Complaint and enforcement	Investigation, sanctions, case closure, rights recovery	Competent authorities / responsible private parties	Permen 4/2025; Permen 23/2025; Permen 26/2025	Clarification, sanctions, proceedings, substantive recovery

Source: Author's doctrinal construction based on Indonesian legal materials. The table identifies relevant duties and mechanisms; liability in an individual case requires examination of applicable provisions, contractual relations, conduct, and evidence.

The distinction between preventive and repressive legal protection helps assess these arrangements. Verification of recruitment, review of contracts, regulation of fees, and licensing supervision can prevent violations. Once a violation occurs, inspection, proceedings, and access to payment or other relief become necessary. Articles 16–19 of KP2MI/BP2MI Regulation No. 26 of 2025 reflect this range of responses. A revoked license may protect future applicants; it does little for a worker still owed wages unless a remedy follows. Welfare-state responsibility requires the state to make enforcement accessible, while contractual

duties remain with the agents and employers to whom the law assigns them. Foreign operations restrict the reach of Indonesian inspection, but domestic regulators still have authority over companies based in Indonesia.

This study describes that legal relationship as *remedy-oriented bounded continuing accountability*. Responsibility is continuing because an agent's duties may survive deployment, repatriation, and even license revocation. It is bounded because the agent answers for duties imposed on it and breaches attributable to its conduct, not automatically for everything a foreign employer does. It is remedy-oriented because a sanction and the recovery of a worker's rights are different results. The concept asks three questions of every case: Which obligation survived? Who breached it? What legal route can restore the right affected? These questions connect the rules of recruitment, cross-border employment, enforcement, and redress without collapsing the responsibilities of agents, employers, and the state into one.

Conclusion

This study identifies two principal findings. First, maritime law and migrant worker protection law constitute overlapping legal regimes that interact in regulating licensing, supervision, and the allocation of responsibilities among the state, manning agents, and employers. Their interaction reveals that legal protection cannot be understood through either regime independently, as administrative authority, contractual obligations, and workers' rights operate across distinct yet interconnected legal frameworks. Second, manning agents' accountability may continue beyond placement, employment termination, or license revocation, provided that the relevant obligations and violations remain legally attributable to them. This demonstrates that administrative sanctions do not necessarily extinguish obligations arising under other applicable legal provisions, while the closure of complaints does not automatically establish substantive restoration of workers' rights. From an interlegality perspective, these findings reveal how overlapping legal regimes simultaneously define and limit accountability. The study therefore develops the concept of remedy-oriented bounded continuing accountability, connecting preventive protection through licensing, contract verification, and recruitment-fee regulation with enforcement and substantive remedies. Its theoretical contribution lies in demonstrating that effective legal accountability depends not merely on the existence of multiple regulatory frameworks but on their interaction in determining enforceable obligations and access to remedies. Practically, this requires continuous supervision from recruitment through repatriation and an assessment of complaint outcomes based on the actual restoration of workers' rights rather than administrative closure alone.

This study is limited to doctrinal legal analysis and therefore cannot establish how manning agents fulfil their obligations or whether migrant seafarers obtain effective remedies in practice. Future empirical research should examine the

interaction of legal regimes through individual cases, including employment contracts, inspection records, administrative sanctions, and complaint outcomes. Further research following the entry into force of ILO Convention No. 188 for Indonesia on June 10, 2027, should assess how its implementation reshapes regulatory coordination, institutional accountability, and legal protection for migrant fishers.

Author Contributions: Nur Rizqi Khafifah contributed to the conceptualization, methodology, investigation, data collection, and preparation of the original manuscript draft. Firdaus and Fathul Muin contributed to research supervision, formal analysis, validation, and manuscript review and editing. All authors have read and approved the final version of the manuscript.

Data Availability: All data generated or analyzed during this study are included in this published article.

Disclosure Statement: The authors report there are no potential conflict of interest.

Ethics Statement: Ethics approval was not required for this study as it did not involve human participants or animal subjects.

Funding: This research received no specific grant from any funding agency in the public, commercial, or not-for-profit sectors.

Bibliography

Afriansyah, Arie. "Indonesia: Legal Protection for Indonesian Fishing Crews Being Abused at Sea." *Asia-Pacific Journal of Ocean Law and Policy* 5, no. 2 (2020): 398–402. https://doi.org/10.1163/24519391-05020013.

Azis, Avyanthi, and Ridwan Wahyudi. "Imperfect Victims and an Imperfect Protocol: Reflecting on the Trafficking Experiences of Indonesian Migrant Fishermen." *Journal of Human Trafficking* 6, no. 2 (2020): 156–67. https://doi.org/10.1080/23322705.2020.1691302.

Badan Pusat Statistik. "Distribusi Persentase Produk Domestik Bruto Atas Dasar Harga Berlaku Menurut Lapangan Usaha (persen), 2024." Badan Pusat Statistik (Tabel Statistik), March 10, 2026. https://www.bps.go.id.

Barak, Aharon. *Purposive Interpretation in Law*. Translated by Sari Bashi. Princeton University Press, 2005. https://www.jstor.org/stable/j.ctt7pg5z.6.

Danial, Belardo Prasetya Mega Jaya, Anisa Aulia, H. Asari Taufiqurrohman, Suryani, and Icuk Rangga Bawono. "Standardisation of Work Agreement between Indonesian Fisheries Crew and Foreign Companies." *Transactions on Maritime Science* 13, no. 2 (2024). https://doi.org/10.7225/toms.v13.n02.w09.

Deva, Surya, and David Bilchitz, eds. *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* 1st ed. Cambridge University Press, 2013. https://doi.org/10.1017/CBO9781139568333.

Devlin, Dominick, and Moira L. McConnell. *Maritime Labour Convention, 2006, as Amended (MLC, 2006): 20th Anniversary: Frequently Asked Questions (FAQ)*.

6th ed. International Labour Organization, 2026. https://doi.org/10.54394/00034264.

Farbenblum, Bassina. "Governance of Migrant Worker Recruitment: A Rights-Based Framework for Countries of Origin." *Asian Journal of International Law* 7, no. 1 (2017): 152–84. https://doi.org/10.1017/S2044251316000011.

Farbenblum, Bassina, Eleanor Taylor-Nicholson, and Sarah Paoletti. *Migrant Workers' Access to Justice at Home: Indonesia*. No. 9781936133949. Open Society Foundations, 2013. https://www.opensocietyfoundations.org/uploads/97c11d3a-e921-4542-bbc5-35772bdf8e24/migrant-worker-justice-indonesia-20131015.pdf.

Gallagher, Anne T. *The International Law of Human Trafficking*. Cambridge University Press, 2010. https://doi.org/10.1017/CBO9780511761065.

Greenpeace Southeast Asia and Serikat Buruh Migran Indonesia. *Netting Profits, Risking Lives: The Unresolved Human and Environmental Exploitation at Sea*. Investigative report (Seabound series). Greenpeace Southeast Asia, 2024. https://www.greenpeace.org.

Haas, Bianca, and Ruth A. Davis. "The Practice of Regional Fisheries Management Organisations in Advancing Crew Labour Regulations." *Marine Policy* 182 (2025): 106882. https://doi.org/10.1016/j.marpol.2025.106882.

Hadjon, Philipus M. *Perlindungan Hukum bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. Bina Ilmu, 1987. https://books.google.com/books/about/Perlindungan_hukum_bagi_rakyat_di_Indone.html?id=zzjaGwAACAAJ.

Harkins, Benjamin, Daniel Lindgren, Dewi Ratnawulan, and ILO Regional Office for Asia and the Pacific,. *Towards Fair Seas: Recruitment and Working Conditions for Migrant Workers in the Fishing and Seafood Processing Sectors in South-East Asia*. [1st ed.]. ILO, 2026. https://doi.org/10.54394/MJBL0660.

Honniball, Arron N. "Combating Forced Labour in Fisheries Through Trade Restrictions: First Steps and Their Consistency with International Law." *Ocean Development & International Law* 57, no. 1 (2026): 190–227. https://doi.org/10.1080/00908320.2025.2609767.

Hung, Po-Chih, Hsiao-Chien Lee, Chih-Cheng Lin, and Wen-Hong Liu. "Promoting Human Rights for Taiwan's Fishermen: Collaboration with the Primary Source Countries of Taiwan's DWF Migrant Fishermen." *Frontiers in Marine Science* 9 (December 2022): 1097378. https://doi.org/10.3389/fmars.2022.1097378.

Hutchinson, Terry, and Nigel Duncan. "Defining and Describing What We Do: Doctrinal Legal Research." *Deakin Law Review* 17, no. 1 (2012): 83. https://doi.org/10.21153/dlr2012vol17no1art70.

Iannone, Aniello, Sri Endah Kinasih, and Irfan Wahyudi. "Unequal Exchange and Labour Exploitation: Indonesian Migrant Workers in Taiwan's Fishing Industry." *International Journal of Asia Pacific Studies* 21, no. 2 (2025): 211–34. https://doi.org/10.21315/ijaps2025.21.2.11.

Indonesia Ocean Justice Initiative. *Lingkaran Setan Pekerjaan di Laut: Perjalanan Berat Pekerja Perikanan Migran Indonesia*. Laporan penelitian. Indonesia Ocean Justice Initiative, 2022. https://oceanjusticeinitiative.org/main/wp-content/uploads/2022/08/20220823_BAHASA.pdf.

International Labour Organization. "Ratifications of C188 - Work in Fishing Convention, 2007 (No. 188)." ILO NORMLEX: Ratifications by Convention. Accessed November 3, 2026. https://www.ilo.org.

Irawan, Benny, Firdaus, Belardo Prasetya Mega Jaya, A. H. Asari Taufiqurrohman, Siti Wulan Sari, and Sarah Furqoni. "State Responsibility and Strategy in Preventing and Protecting Indonesian Fisheries Crews Working on Foreign Fishing Vessels from Modern Slavery." *Australian Journal of Maritime & Ocean Affairs* 17, no. 2 (2025): 186–206. https://doi.org/10.1080/18366503.2024.2333107.

Karim, Moch Faisal. "Institutional Dynamics of Regulatory Actors in the Recruitment of Migrant Workers: The Case of Indonesia." *Asian Journal of Social Science* 45, nos. 4–5 (2017): 440–64. https://doi.org/10.1163/15685314-04504004.

Kelly, Philip, and Peter Vandergeest. "Fishing Labour Regimes and Transnational Migration Infrastructures: Recruitment Agencies and Migrant Fishers From the Philippines and Indonesia." *Global Networks* 26, no. 4 (2026): e70082. https://doi.org/10.1111/glob.70082.

Kementerian Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia. *Data Penempatan dan Pelindungan Pekerja Migran Indonesia Tahun 2024*. Laporan Tahunan Tahun 2024. Pusat Data dan Informasi KP2MI/BP2MI, 2025. https://jabar.bp2mi.go.id/statpenempatan/file/data_08-01-2025_Laporan_Publikasi_Data_PMI_Januari_s_d_Desember_2024.pdf.

Kementerian Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia. *Laporan Bulanan April 2025: Data Penempatan dan Pelindungan Pekerja Migran Indonesia*. Laporan statistik bulanan. Pusat Data dan Informasi KP2MI/BP2MI, 2025.

Klein, Natalie. "Recruitment of Fishers and International Law Violations." *Asia Pacific Law Review*, ahead of print, October 22, 2026. https://doi.org/10.1080/10192557.2026.2750835.

Klein, Natalie, Andrew Blackie, and Dita Liliansa. "Abuses in the Southeast Asian Fishing Industry as Violations of International Law." *Ocean Development & International Law* 57, no. 1 (2026): 85–112. https://doi.org/10.1080/00908320.2025.2607969.

Liliansa, Dita. "Home State Jurisdiction over Corporate Harms at Sea in Fisheries in Southeast Asia." *Ocean Development & International Law* 57, no. 1 (2026): 136–67. https://doi.org/10.1080/00908320.2026.2614582.

Lima Weston, Julia Cirne, and Ingrid Kelling. "Navigating Responsibility for Human Rights Compliance in the Fishing Industry." *Reviews in Fisheries Science & Aquaculture* 32, no. 4 (2024): 529–44. https://doi.org/10.1080/23308249.2024.2329915.

Liu, Wen-Hong, Po-Chih Hung, Peter Vandergeest, Azmath Jaleel, Bruno Ciceri, and Chih-Cheng Lin. "Protecting Migrant Labor Rights in the Distant-Water Fisheries Sector: A Comparative Analysis of the Legal Framework of Three Major Fishing Nations in Eastern Asia." *Reviews in Fisheries Science & Aquaculture* 33, no. 3 (2025): 466–84. https://doi.org/10.1080/23308249.2024.2436415.

Longo, Andrea. "Flag State Jurisdiction and the Protection of Human Rights in Southeast Asia." *Ocean Development & International Law* 57, no. 1 (2026): 113–35. https://doi.org/10.1080/00908320.2025.2607973.

Maritime Labour Convention, 2006 (MLC, 2006), as Amended (2006). https://normlex.ilo.org.

Marzuki, Peter Mahmud. *Penelitian Hukum*. 3rd ed. Kencana, 2017.

McConnell, Moira L., Dominick Devlin, and Cleopatra Doumbia-Henry. *The Maritime Labour Convention, 2006: A Legal Primer to an Emerging International Regime*. Brill/Martinus Nijhoff Publishers, 2011. https://doi.org/10.1163/ej.9789004183759.i-708.

Merdekawati, Agustina, Susilo Andi Darma, Vivin Purnamawati, and Irkham Afnan Trisandi Hasibuan. "Peran Rezim Cipta Kerja Dalam Mengakhiri Tumpang Tindih Perizinan Manning Agent Awak Kapal Perikanan Migran." *Tanjungpura Law Journal*, 2022, 93–121. https://doi.org/10.26418/tlj.v6i2.49560.

Nur, Muhammad. "Caught between Flags and Borders: Structural Injustice in the Transnational Governance of Migrant Fishers." *Netherlands Quarterly of Human Rights* 44, no. 1 (2026): 39–60. https://doi.org/10.1177/09240519261421612.

Nur, Muhammad. "Recommendation for Authorization Overlaping of Placement of Indonesian Fishing Vessels Crews Abroad." *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 1 (2018): 1–13. https://doi.org/10.29303/ius.v6i1.532.

Palguna, I. D. G. *Welfare State vs Globalisasi: Gagasan Negara Kesejahteraan di Indonesia*. Rajawali Pers, 2019. https://books.google.com/books/about/Welfare_state_vs_globalisasi.html?id=rHLkygEACAAJ.

Palmer, Wayne, Michele Ford, and Benni Hasbiyalloh. "Regulating Recruitment and Contracting of Migrant Fishers from Indonesia." *Asian and Pacific Migration Journal* 32, no. 3 (2023): 452–74. https://doi.org/10.1177/01171968231210760.

Parthiana, I. Wayan. *Hukum Laut Internasional dan Hukum Laut Indonesia*. Cetakan pertama. Yrama Widya, 2014. https://library.pipmakassar.ac.id.

Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 1 Tahun 2025 tentang Tata Cara Pemberian Izin Perusahaan Penempatan Pekerja Migran Indonesia (2025). https://peraturan.bpk.go.id/Details/321898/peraturan-bp2mi-no-1-tahun-2025.

Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2025 tentang Tata Cara Penerbitan dan Pencabutan Surat Izin Perekrutan Pekerja Migran Indonesia (2025). https://peraturan.bpk.go.id.

Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 2 Tahun 2026 tentang Tata Cara Penempatan Pekerja Migran Indonesia oleh Pelaksana Penempatan (2026). https://peraturan.bpk.go.id/Details/349114/peraturan-bp2mi-no-2-tahun-2026.

Peraturan Badan Pelindungan Pekerja Migran Indonesia Nomor 4 Tahun 2025 tentang Tata Cara Pengenaan Sanksi Administratif dalam Pelaksanaan Penempatan dan Pelindungan Pekerja Migran Indonesia (2025). https://peraturan.bpk.go.id.

Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 17 Tahun 2025 tentang Biaya Penempatan

Pekerja Migran Indonesia, Pub. L. No. Permen P2MI/BP2MI Nomor 17 Tahun 2025 (2025). https://www.peraturan.go.id/files/permen-p2mi-no-17-tahun-2025.pdf.

Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 26 Tahun 2025 tentang Pembinaan dan Pengawasan terhadap Pelaksanaan Penempatan dan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Permen P2MI/BP2MI Nomor 26 Tahun 2025 (2025). https://www.peraturan.go.id/files/permen-p2mi-no-26-tahun-2025.pdf.

Peraturan Menteri Pelindungan Pekerja Migran Indonesia/Badan Pelindungan Pekerja Migran Indonesia Nomor 31 Tahun 2025 tentang Standar Kegiatan Usaha dan/atau Standar Produk/Jasa pada Penyelenggaraan Perizinan Berusaha Berbasis Risiko Sektor Ketenagakerjaan untuk Penyeleksian dan Penempatan Pekerja Migran Indonesia (2025). https://peraturan.bpk.go.id.

Peraturan Menteri Perhubungan Nomor 3 Tahun 2026 tentang Perubahan atas Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan (2026). https://peraturan.bpk.go.id.

Peraturan Menteri Perhubungan Nomor PM 59 Tahun 2021 tentang Penyelenggaraan Usaha Jasa Terkait dengan Angkutan di Perairan (2021). https://peraturan.bpk.go.id.

Peraturan Pemerintah Nomor 22 Tahun 2022 tentang Penempatan dan Pelindungan Awak Kapal Niaga Migran dan Awak Kapal Perikanan Migran (2022). https://jdih.kemnaker.go.id.

Peraturan Pemerintah Nomor 28 Tahun 2025 tentang Penyelenggaraan Perizinan Berusaha Berbasis Risiko, Pub. L. No. Peraturan Pemerintah Nomor 28 Tahun 2025, 98 Lembaran Negara Republik Indonesia Tahun 2025 (2025). https://peraturan.bpk.go.id.

Peraturan Pemerintah Nomor 59 Tahun 2021 tentang Pelaksanaan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Pemerintah Nomor 59 Tahun 2021, 94 Lembaran Negara Republik Indonesia Tahun 2021 (2021).

Peraturan Presiden Nomor 25 Tahun 2026 tentang Pengesahan Convention Concerning Work in the Fishing Sector, International Labour Organization Convention 188 (Konvensi mengenai Pekerjaan dalam Sektor Penangkapan Ikan, Konvensi Organisasi Ketenagakerjaan Internasional 188) (2026). https://peraturan.bpk.go.id.

Peraturan Presiden Nomor 165 Tahun 2024 tentang Kementerian Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Presiden Nomor 165 Tahun 2024, 361 Lembaran Negara Republik Indonesia Tahun 2024 (2024). https://peraturan.bpk.go.id.

Peraturan Presiden Nomor 166 Tahun 2024 tentang Badan Pelindungan Pekerja Migran Indonesia, Pub. L. No. Peraturan Presiden Nomor 166 Tahun 2024, 362 Lembaran Negara Republik Indonesia Tahun 2024 (2024).

Pryde, Samuel, Justine Nolan, Shelley Marshall, et al. "Understanding Remedy Under the Australian Modern Slavery Act: From Conceptualisation to Provision of Remedy." *Journal of Modern Slavery* 9, no. 1 (2024): 70–95.

Putusan Mahkamah Konstitusi Nomor 127/PUU-XXI/2023 tentang Pengujian Pasal 4 Ayat (1) Huruf c Undang-Undang Nomor 18 Tahun 2017, 127/PUU-XXI/2023

(Mahkamah Konstitusi Republik Indonesia November 29, 2024). https://www.mkri.id/public/content/persidangan/putusan/putusan_mkri_11289_1732854126.pdf.

Rothwell, Donald R., and Tim Stephens. *The International Law of the Sea*. 3rd ed. Hart Publishing, 2023. https://researchportalplus.anu.edu.au/en/publications/the-international-law-of-the-sea-3rd-edition/.

Serikat Buruh Migran Indonesia. *Catatan Akhir Tahun SBMI 2024: Migrasi Paksa dan Beban Ekonomi: Mengurai Akar Perdagangan Orang terhadap Buruh Migran*. Catatan Akhir Tahun. Serikat Buruh Migran Indonesia, 2024. https://www.sbmi.or.id.

Shelton, Dinah. *Remedies in International Human Rights Law*. 3rd ed. Oxford University Press, 2015. https://doi.org/10.1093/law/9780199588824.001.0001.

Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 4th ed. Raja Grafindo Persada, 1995.

Strating, Rebecca, Sunil Rao, and Sallie Yea. "Human Rights at Sea: The Limits of Inter-State Cooperation in Addressing Forced Labour on Fishing Vessels." *Marine Policy* 159 (2024): 105934. https://doi.org/10.1016/j.marpol.2023.105934.

Stringer, Christina, and Thomas Harré. "Human Trafficking as a Fisheries Crime? An Application of the Concept to the New Zealand Context." *Marine Policy* 105 (2019): 169–76. https://doi.org/10.1016/j.marpol.2018.12.024.

Stringer, Christina, Ani Kartikasari, and Snejina Michailova. "'They Make a Business out of Desperate People': The Role of Recruitment Agents in Cross-Border Labour Chains." *Australian Journal of Management* 46, no. 4 (2021): 672–89. https://doi.org/10.1177/0312896220986895.

Stringer, Christina, Glenn Simmons, Daren Coulston, and D. Hugh Whittaker. "Not in New Zealand's Waters, Surely? Linking Labour Issues to GPNs." *Journal of Economic Geography* 14, no. 4 (2014): 739–58. https://doi.org/10.1093/jeg/lbt027.

Stringer, Christina, and Sallie Yea. "Death and Disposability of Indonesian Migrant Fishers at Sea." *Maritime Studies* 25 (2026): 11. https://doi.org/10.1007/s40152-025-00469-2.

Tanaka, Yoshifumi. *The International Law of the Sea*. 4th ed. Cambridge University Press, 2023. https://doi.org/10.1017/9781009025393.

Umar, M. Husseyn. *Hukum Maritim dan Masalah-Masalah Pelayaran di Indonesia*. PT Fikahati Aneska, 2015. https://jdih.kemnaker.go.id.

Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (1945). https://jdih.dpr.go.id.

Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang (2023). https://jdih.kemnaker.go.id.

Undang-Undang Nomor 15 Tahun 2016 tentang Pengesahan Maritime Labour Convention, 2006 (Konvensi Ketenagakerjaan Maritim, 2006), Pub. L. No. Undang-Undang Nomor 15 Tahun 2016, 193 Lembaran Negara Republik Indonesia Tahun 2016 (2016).

Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran, Pub. L. No. Undang-Undang Nomor 17 Tahun 2008, 64 Lembaran Negara Republik Indonesia Tahun 2008 (2008).

Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia (2017). https://peraturan.bpk.go.id.

Undang-Undang Nomor 66 Tahun 2024 tentang Perubahan Ketiga atas Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran, Pub. L. No. Undang-Undang Nomor 66 Tahun 2024, 252 Lembaran Negara Republik Indonesia Tahun 2024 (2024).

Van Hoecke, Mark. "Legal Doctrine: Which Method(s) for What Kind of Discipline?" In *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?*, edited by Mark Van Hoecke. Hart Publishing, 2011. https://biblio.ugent.be.

Vandergeest, Peter, and Melissa Marschke. "Beyond Slavery Scandals: Explaining Working Conditions among Fish Workers in Taiwan and Thailand." *Marine Policy* 132 (2021): 104685. https://doi.org/10.1016/j.marpol.2021.104685.

Work in Fishing Convention, 2007 (No. 188) (2007). https://www.ilo.org.

Yea, Sallie, Christina Stringer, and Wayne Palmer. "Funnels of Unfreedom: Time-Spaces of Recruitment and (Im)Mobility in the Trajectories of Trafficked Migrant Fishers." *Annals of the American Association of Geographers* 113, no. 1 (2023): 291–306. https://doi.org/10.1080/24694452.2022.2084016.