

INDONESIA'S LABOUR LAW CHALLENGES IN THE BLUE ECONOMY SECTOR: PROTECTING FISHERMEN, MIGRANT WORKERS, AND MARITIME GIG WORKERS

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Abstract

The blue economy holds significant potential for Indonesia's development, but labour law issues in this sector still face serious challenges. Fishermen and fisheries workers face uncertain employment status due to a profit-sharing system not clearly regulated by labour law. In contrast, maritime migrant workers remain vulnerable to exploitation and human trafficking despite existing migrant worker protection laws. Furthermore, the emergence of maritime gig workers in marine tourism services and digital platforms lacks the certainty of employment relationships or legal protection. This article aims to analyse the labour law challenges in the blue economy sector, identify regulatory issues faced by three categories of maritime workers, and propose ideas for more inclusive legal reform. The research method used is normative legal research, with both statutory and conceptual approaches. The study recommends regulatory reforms in cross-sectoral harmonisation, expanded social security, and developing a lex specialis on maritime workers, so that labour protection in the blue economy can be more equitable and sustainable.

Keywords : Labour Law, Blue Economy, Fishermen, Migrant Workers, Maritime Gig Workers.

Abstrak

Ekonomi biru memiliki potensi yang signifikan bagi pembangunan Indonesia, namun permasalahan hukum ketenagakerjaan dalam sektor ini masih menghadapi tantangan serius. Nelayan dan pekerja perikanan mengalami ketidakpastian status kerja akibat sistem bagi hasil yang belum diatur secara jelas dalam hukum ketenagakerjaan. Sebaliknya, pekerja migran maritim tetap rentan terhadap eksplorasi dan perdagangan orang meskipun telah terdapat regulasi mengenai perlindungan pekerja migran. Selain itu, munculnya pekerja gig maritim dalam layanan wisata bahari dan platform digital juga belum disertai kepastian hubungan kerja maupun perlindungan hukum. Artikel ini bertujuan untuk menganalisis tantangan hukum ketenagakerjaan dalam sektor ekonomi biru, mengidentifikasi persoalan regulasi yang dihadapi oleh tiga kategori pekerja maritim, serta mengajukan gagasan untuk reformasi hukum yang lebih inklusif. Metode penelitian yang digunakan adalah penelitian hukum normatif dengan pendekatan peraturan perundang-undangan dan pendekatan konseptual. Kajian ini merekomendasikan reformasi regulasi melalui harmonisasi lintas sektor, perluasan jaminan sosial, serta pengembangan lex specialis mengenai pekerja maritim, sehingga perlindungan ketenagakerjaan dalam ekonomi biru dapat terwujud secara lebih adil dan berkelanjutan.

Kata kunci : Hukum Ketenagakerjaan, Ekonomi Biru, Nelayan, Pekerja Migran, Pekerja Gig Maritim.

A. Introduction

The blue economy is increasingly prominent in Indonesia's national development discourse. This concept emphasizes utilizing marine resources for economic growth and demands ecological sustainability and improved welfare for communities dependent on the sea.¹ With the second-longest coastline in the world and waters covering more than two-thirds of its territory, Indonesia has significant potential to make the blue economy a pillar of development that balances environmental, economic, and social aspects.² However, behind this enormous potential lies a fundamental issue related to employment that has the potential to hinder the goals of inclusiveness and sustainability in the blue economy.

The main problem arises because workers in the maritime sector are generally still in a vulnerable position, both in terms of employment relations, legal protection, and social security. Indonesian labour law, as stipulated in the Manpower Act (Law Number 13 of 2003) and its derivatives, tends to focus on formal employment relationships between employers and workers bound by written employment contracts. However, most of the workforce supporting the blue economy sector comprises informal workers, characterized by flexible, unwritten, and often unclear employment relationships.³ This creates a misalignment between the development of blue economy practices and the existing labour

legal framework, creating widespread worker vulnerability.

One of the most impacted worker groups is fishers and capture fisheries workers. In practice, the employment relationship between fishers and vessel owners or skippers is often based on a profit-sharing system, where workers' income depends on the amount of catch obtained.⁴ This system is not fully and comprehensively regulated in Indonesian labour law, creating uncertainty about their employment status. Fishermen are challenging to categorize as workers in a formal employment relationship entitled to a minimum wage, social security, and employment protection, or simply as business partners with the vessel owner. As a result, many fishers do not receive the same legal protections as other formal workers. The absence of clear regulations regarding profit-sharing mechanisms also opens up opportunities for exploitative practices, where fishers often receive a share disproportionate to the effort and risks of working at sea.⁵

A second issue arises for migrant workers in the maritime sector, particularly Indonesian crew members working on foreign vessels. Indonesia has a legal framework in the form of Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers, which in principle guarantees the rights of migrant workers from recruitment, placement, to return. However, in practice, maritime migrant workers remain vulnerable to various forms of rights violations, ranging from excessive

¹ United Nations, *The Sustainable Blue Economy Finance Principles* (Nairobi: UNEP, 2018), hlm. 3.

² Kementerian Kelautan dan Perikanan, *Laporan Kinerja 2022* (Jakarta: KKP, 2023), hlm. 12.

³ International Labour Organization (ILO), *Informal Economy in Indonesia: Challenges and Opportunities* (Jakarta: ILO, 2019), hlm. 21.

⁴ Saiful Gazali dan Angela Ruban. "A Profit Sharing System of Hand Line Fishermen at Hila Village, Central Maluku District." *Jurnal IPTEKS Pemanfaatan Sumberdaya Perikanan* 9, no. 2 (2022): 49–59.

⁵ Food and Agriculture Organization (FAO), *Fishery Country Profile For Indonesia* (Rome: FAO, 2020), hlm. 14.

working hours, unpaid wages, physical violence, to working conditions that can amount to forced labour.⁶ Many cases demonstrate that the law's implementation is weak, primarily due to ineffective coordination between government agencies responsible for the supervision and protection of maritime workers.⁷ Overlapping authority between the Ministry of Manpower, the Ministry of Transportation, and the Indonesian Migrant Worker Protection Agency often results in suboptimal protection mechanisms.⁸ At the same time, the position of migrant workers abroad adds to the complexity of law enforcement. This demonstrates that a law alone is insufficient without a strong implementation and coordination system.

Another relatively new phenomenon is the emergence of maritime gig workers, workers involved in the digital app-based blue economy ecosystem.⁹ A concrete example is the marine tourism sector, where many tourism services, small-scale maritime transportation, and even tour guide services are now connected through digital platforms.¹⁰ The characteristics of these workers are very similar to those of land-based gig workers, such as online motorcycle taxi drivers or app-based couriers: they work flexibly without formal employment relationships, rely on app algorithms, and receive commission-

based income.¹¹ However, maritime gig workers remain largely unregulated, unlike land-based platform workers, who have recently begun to receive attention in labour law discourse. This situation places them in a double vulnerability: on the one hand, they work in high-risk sectors (marine tourism, diving, and sea transportation), and on the other, they lack labour law protection or social security.

More generally, current Indonesian labour law are still heavily oriented toward formal employment relationships, thus failing to accommodate the reality of the blue economy, which is predominantly informal.¹² The Manpower Act, including its amendments through the Job Creation Act (Law Number 6 of 2023), still emphasizes protection for workers with permanent employment status or written contracts. Meanwhile, fishermen operating on profit-sharing systems, maritime migrant workers working across jurisdictions, and app-based maritime gig workers are outside the scope of regulation. This creates a serious regulatory gap, where the state risks failing to fulfil its constitutional mandate to protect all citizens and all Indonesians, including those who earn their living at sea.

Given these conditions, this article aims to: first, analyze the challenges facing Indonesian

⁶ International Labour Organization (ILO), *Caught at Sea: Forced Labour and Trafficking in Fisheries* (Geneva: ILO, 2013), hlm. 27–31.

⁷ Amnesty International, *Lautan Perbudakan: Laporan Eksplorasi ABK Indonesia* (Jakarta: Amnesty International Indonesia, 2021), hlm. 42.

⁸ *Ibid*, hlm. 50-53.

⁹ D. Pranita. "How Digital Capabilities Can Influence the Co-Creation of the Yacht-Tourism Experience: A Case Study of Indonesia's Marine Tourism Destinations." *Proceedings of the International Conference on Value-Based Higher Education*, Atlantis Press (2020): 1–11.

¹⁰ J. Bapiri. "Business Models of Multi-Sided Platforms for In-Destination Tours and Activities." *Journal of Travel & Tourism Marketing*, Taylor & Francis (2024): 828-848.

¹¹ Valerio De Stefano, "The Rise of the 'Just-in-Time Workforce': On-Demand Work, Crowd Work and Labour Protection in the 'Gig-Economy,'" *Comparative Labor Law & Policy Journal* (2015), Bocconi Legal Studies Research Paper No. 2682602.

¹² International Labour Organization (ILO), *Decent Work Country Programme 2020–2025 - Indonesia* (Jakarta: ILO, 2020), hlm. 19.

labour law in protecting blue economy workers, including fishermen, maritime migrant workers, and maritime gig workers. Second, regulatory issues for these three categories of workers should be identified, highlighting aspects of employment status, wage protection, social security, and law enforcement. Third, formulate ideas for labour law reform that are responsive to the protection needs of maritime sector workers, so that Indonesia's blue economy development can proceed not only ecologically sustainable but also equitable and inclusive in terms of labour protection. Thus, the urgency of this research lies in the need to reconstruct Indonesian labour law to be more adaptive to the characteristics of workers in the blue economy sector. The problem formulations in this article are as follows: first, what are the challenges of Indonesian labour law in protecting workers in the blue economy sector, most of whom work in informal and vulnerable conditions? Second, what are the regulatory problems faced by the three categories of maritime sector workers: fishermen and capture fisheries workers, maritime migrant workers, and maritime gig workers? Moreover, third, how can we formulate ideas for labour law reform that are more responsive and integrative to the need for labour protection in the maritime sector?

Without comprehensive reform, the blue economy risks becoming an exploitative development model that only benefits a handful of parties. At the same time, the group of workers who are its backbone remain legally and socially vulnerable. Conversely, these challenges can be addressed through appropriate regulations. In

that case, the blue economy will become an instrument of economic growth and a means to realize social justice and protect human rights for all workers who depend on the sea for their livelihoods.¹³

B. Research Method

The research method used in this article is normative legal research. Normative legal research is conducted through a literature review of secondary data consisting of primary and secondary legal materials.¹⁴ The primary legal materials in this study are various labour laws and regulations relating to employment relationships, workers' rights, migrant workers, and other aspects related to the blue economy era. Meanwhile, the secondary legal materials used support the explanation of the primary legal materials, including books, journals, research, and other internet sources.

Data analysis used a statute approach by examining related labour laws and regulations.¹⁵ Furthermore, a conceptual approach was also used to examine the concepts¹⁶ of worker protection and the forms of job development in the blue economy era. Data analysis was also conducted qualitatively, explaining and describing the research results descriptively and systematically based on existing legal materials. The results of the analysis are then interpreted using the systematic legal interpretation method, which is a method of interpreting statutory regulations by connecting them to other statutory regulations based on the overall framework of the legal system.¹⁷

¹³ John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), hlm. 302.

¹⁴ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Jakarta: UI Press, 2018), hlm. 64.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Prenada Media, 2017), hlm. 33.

¹⁶ *Ibid*, hlm. 35.

¹⁷ Sudikno Mertokusumo, *Mengenal Hukum: Suatu Pengantar* (Yogyakarta: Maha Karya Pustaka, 2019), hlm. 51.

C. Discussion

To facilitate clarity for readers, this article structures its discussion around three categories of maritime sector workers, namely fishermen and capture fisheries workers, maritime migrant workers working on foreign vessels, and maritime gig workers, rather than directly following the three problem statements. This analytical choice is intentional, as each category of worker reflects the same core legal and regulatory issues examined in this study, including uncertainty of employment status, limited access to labour protection and social security, and the adequacy of the existing legal framework. By organising the analysis according to worker categories, the article is able to show how similar problems take different forms across segments of the blue economy. The discussion of fishermen and capture fisheries workers focuses on the implications of profit sharing arrangements and informal work patterns for labour protection. The section on maritime migrant workers highlights the interaction between domestic labour regulation, migrant worker protection regimes, and international maritime labour standards. The final section examines maritime gig workers to illustrate how digitalisation introduces new forms of maritime labour that fall outside traditional legal classifications. Through this structure, the article demonstrates that the challenges facing maritime workers are interconnected yet distinct, and that understanding these variations is essential to developing more inclusive and effective labour law reform for the blue economy.

1. Fishermen and Capture Fisheries Workers

The capture fisheries sector is one of the most vital components of Indonesia's blue economy. With a coastline of over 81,000 kilometres and marine areas rich in fish resources, traditional and modern fishing activities support the livelihoods of millions of Indonesians.¹⁸ Fishermen and fisheries workers are not only economic but also social and cultural actors, whose presence shapes the identity of coastal communities. However, from a labour law perspective, their position is ambiguous, with their legal employment status unclear and the legal protections inherent in formal workers not entirely applicable. This situation presents a serious challenge for the direction of Indonesia's blue economy development, as the sustainability of the maritime sector is inextricably linked to the well-being and legal certainty of the workforce involved.¹⁹

From the perspective of the Labour Law, both Law Number 13 of 2003 concerning Manpower and Law Number 6 of 2023 concerning Job Creation Law that revised it, employment relationships are always constructed based on three main elements: work, orders, and wages. Such an employment relationship presupposes an employer (businessman or business entity) who employs workers/labourers to provide wages and other rights. In contrast, the workers must perform their work according to the employer's instructions. When this framework is applied to the employment relationship between fishermen and capture fisheries workers, a fundamental problem arises: many employment relationships in the capture fisheries sector do

¹⁸ Aji Baskoro. "Negara Hukum Kesejahteraan di Batas Pantai: Paradoks Perlindungan Negara terhadap Masyarakat Pesisir di Tengah Perubahan Iklim." *Jurnal Ilmu Kesejahteraan Sosial* 25, no. 2 (2024): 153-171.

¹⁹ *Ibid.*

not reflect formal employment relationships as defined by the Labour Law. This is because most fishermen work independently or in a shared work arrangement on vessels owned by a boss (capital/vessel owner) under a profit-sharing system, rather than a fixed wage. This means that the elements of orders and wages that form the basis for defining a formal employment relationship are not always found.

Consequently, the legal status of fishermen and capture fisheries workers is often categorized as informal workers. They do not explicitly fall within the scope of protection under the Labour Law, which places greater emphasis on workers in formal employment relationships. This situation is exacerbated because most workers in this sector are not under written contracts but based on oral agreements passed down through generations. In practice, a ship owner or captain will recruit fishermen to go to sea, and the resulting employment relationship is based on trust, tradition, and agreements regarding the distribution of the catch.²⁰ This work pattern is complex to legally map because it does not align with the national labour law structure, emphasizing contract formality and wage certainty. As a result, although fishermen and fisheries workers are clearly part of the Indonesian workforce, legally, they remain in a grey area.

The issue becomes even more complex when linked to the profit-sharing system used as a salary or work reward mechanism. In fishing tradition, the catch is divided according to an agreement between the ship owner, captain, and crew.²¹ Generally, the ship owner receives the most significant share because he or she

covers the costs of the vessel's investment, fuel, and logistics. Meanwhile, after deducting operational costs, the fisherman only receives a share of the net profit. This system is often opaque and relies heavily on the ship owner's power to determine the profit distribution. This leaves fisher workers vulnerable, as they lack sufficient bargaining power to negotiate their rights fairly.

Compared to the concept of wages as defined in labour law, the profit-sharing system fails to meet the minimum protection principles stipulated in the law. Wages should be a normative right of workers, paid in a fixed and measurable amount, regardless of the company's profits or losses. However, under the profit-sharing system, the compensation received by fishermen is highly dependent on the amount of fish caught, weather conditions, market prices, and various other external factors. This means that workers bear business risks that their employers should bear. This places fishermen and other fisheries workers in a much more vulnerable position than other formal workers, as their income is uncertain and there are no minimum standards to protect their livelihoods.

Furthermore, the lack of clear regulations regarding the profit-sharing system exacerbates this uncertainty. While some sectoral regulations in the fisheries sector address profit-sharing, these regulations are primarily administrative and do not fully support labour protection. While Indonesia does have several sectoral regulations that address profit-sharing arrangements in the fisheries sector, these instruments are largely designed to regulate business operations rather

²⁰ Judy Gearhart dan Connor Moynihan. "Mengangkat Suara Rakyat: Pekerja Perikanan Berkumpul serta Berorganisasi untuk Memperjuangkan Hak dan Perikanan Berkelanjutan." *Accountability Research Center, Accountability Working Paper 19* (2025).

²¹ *Ibid.*

than to establish labour protection standards. One of the main references is Law Number 7 of 2016 on the Protection and Empowerment of Fishermen, Fish Cultivators, and Salt Farmers, which recognises profit-sharing as a common economic arrangement between fishermen and vessel owners, but frames it primarily as part of fisheries business activities and risk-sharing mechanisms rather than as an employment relationship. Similarly, Government Regulation Number 27 of 2021 on the Implementation of the Marine and Fisheries Sector emphasises licensing, business governance, and administrative compliance, including general references to revenue-sharing practices on fishing vessels, without defining minimum labour standards such as guaranteed income, working hours, occupational safety, or social security coverage for fishers. In addition, Ministerial regulations issued by the Ministry of Marine Affairs and Fisheries tend to focus on vessel registration, fishing permits, and operational responsibilities of vessel owners, while leaving the substance of profit-sharing agreements to private arrangements between the parties. As a result, these sectoral regulations function predominantly as administrative instruments that govern access to fisheries resources and business legality, rather than as labour law norms that protect workers. The absence of explicit provisions on wages, employment status, collective bargaining, dispute resolution, and enforcement mechanisms means that profit-sharing schemes operate outside the framework of labour protection, leaving fishers vulnerable to income uncertainty and unequal bargaining power. It is on this basis

that this article concludes that existing sectoral regulations addressing profit-sharing remain insufficient to support comprehensive labour protection in the fisheries sector. So, there is no strict oversight or legal mechanism to ensure the profit-sharing system is implemented fairly. In daily practice, many fishermen receive a tiny share of their earnings despite working hard at sea for days.²² This situation highlights the gap between formally applicable laws and prevailing socio-economic practices.

In addition to legal status and profit-sharing systems, another important issue that needs to be highlighted is the lack of social security for fishermen and fisheries workers. Within the Indonesian labour law framework, social security is one of the pillars of labour protection, as reflected in the obligation for employers to register their workers in the social security program. However, because fishermen are primarily categorized as informal workers or self-employed, this obligation does not apply. As a result, they often lack access to social security programs such as work accident insurance, old-age security, or death insurance. This is despite the high risks of working at sea, ranging from ship accidents, drowning, attacks by marine animals, to extreme weather conditions that can threaten life.

This lack of social security further endangers fishermen. Workers and their families often do not receive adequate compensation if a work accident occurs at sea. The economic burden resulting from a fisherman's accident or death falls entirely on the family, with no protection from the state or employer. However, the fundamental principle of labour law and social

²² Sahira Sajjadia Luthfia. "Mengupas Tata Kelola Perikanan Nasional Melalui PP No. 11 Tahun 2023 Tentang Penangkapan Ikan Terukur Demi Mewujudkan Blue Economy." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 12, no. 3 (2023): 483–502.

security is to protect against employment risks. The absence of social protection also impacts the socio-economic sustainability of coastal communities, as income uncertainty and high risks without a safety net make the younger generation reluctant to continue their profession as fishermen.

Efforts to include fishermen in the social security system have begun through the *BPJS Ketenagakerjaan* scheme²³ and the fishermen's insurance program from the Ministry of Maritime Affairs and Fisheries.²⁴ However, coverage remains very limited, registration bureaucracy remains complicated, and participation is very low due to limited access to information and the financial ability to pay contributions independently.²⁵ Existing programs remain fragmented and not yet part of a comprehensive labour law framework. In other words, despite these efforts, fishermen remain legally excluded from a comprehensive labour protection framework.

This situation highlights a serious gap in labour law policy in Indonesia. On the one hand, the capture fisheries sector is a driving force of the blue economy, contributing to foreign exchange and providing extensive employment opportunities. This raises a fundamental question: is Indonesian labour law still relevant to address the challenges of the blue economy, or does it need to be reconstructed to address better the dynamics of informal employment,

such as those affecting fishermen and fisheries workers?

From a sustainable development perspective, the sustainability of the blue economy is determined not only by the ability to maintain marine ecosystems, but also by the extent to which workers in the sector receive legal protection and social security.²⁶ Without inclusive Labour Law reform, fishermen will remain marginalized and excluded from development, leading to greater social problems. Therefore, it is time for Indonesian Labour Law reform to place fishermen and fisheries workers under equal protection with formal workers while providing clear regulations regarding profit-sharing systems and universal access to social security.

2. Maritime Migrant Workers (Crew Members on Foreign Vessels)

Maritime migrant workers, particularly Indonesian crew members working on foreign vessels, are among the most vulnerable segments of the Indonesian workforce operating in the global blue economy. They are spread across various countries, from Asia and Africa to the Pacific Ocean, and play a crucial role in the international fishing industry supply chain. Their presence not only contributes to the economy through remittances but also positions Indonesia as one of the world's largest suppliers of fisheries labour.²⁷ However,

²³ BPJS Ketenagakerjaan, "BPJAMSOSTEK Sebut 486 Ribu Nelayan Terlindungi Asuransi Hingga 2022," January 13, 2023, <https://www.bpjsketenagakerjaan.go.id/berita/28337/BPJAMSOSTEK-sebut-486-ribu-nelayan-terlindungi-asuransi-hingga-2022>.

²⁴ Kementerian Kelautan dan Perikanan, "PP 27/2021 Akomodir Program Asuransi Nelayan yang Dicanangkan Menteri Trenggono," March 4, 2021, <https://www.kkp.go.id/news/news-detail/pp-272021-akomodir-program-asuransi-nelayan-yang-dicanangkan-menteri-trenggono65c1d13fd0c7c.html>.

²⁵ Lisa Wati, *et.al.* "BPJS Employment Strategy in Guaranteeing Occupational Health and Safety (OHS) for Non-Wage Earners (NWE) in the Fisheries Sector." *Health Dynamics* 1, no. 7 (2024): 223-229.

²⁶ *Ibid.*

²⁷ M Ambari, "Ironi Negara Penyumbang Tenaga Kerja Perikanan Terbesar di Dunia, Mongabay Indonesia", February 26, 2021, <https://mongabay.co.id/2021/02/26/ironi-negara-penyumbang-tenaga-kerja-perikanan-terbesar-di-dunia/>.

despite this strategic role, the conditions of maritime migrant workers are often marred by exploitation, human rights violations, and cases bordering on human trafficking. The gap between national and international legal norms and practices on the ground leaves this group of workers trapped in a structural vulnerability that is difficult to resolve.²⁸

Indonesia already has a legal umbrella through Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers. This law replaces Law Number 39 of 2004 and is intended to provide comprehensive protection to migrant workers from pre-, placement, and post-placement stages. Under this law, the government is responsible for ensuring that all migrant workers, including crew members on foreign vessels, receive adequate rights, access to protection mechanisms, and are free from exploitative practices. However, in practice, the provisions of this law still pose problems when applied to maritime workers. For example, there is confusion over whether crew members are categorized as migrant workers under the authority of the Ministry of Manpower, or as seafarers, who should fall under the jurisdiction of the Ministry of Transportation and the Ministry of Maritime Affairs and Fisheries. This institutional dualism often results in inconsistent application of Law Number 18 of 2017 to crew members.

In addition to the national legal framework, there is a relevant international legal instrument, namely the International Labour Organization (ILO) Work in Fishing Convention 2007 (C188). This convention sets minimum standards for protecting workers in the fishing sector, including

employment conditions, working hours, safety, health, accommodation, and access to social security. C188 explicitly emphasizes that workers on fishing vessels have equal rights with workers in other sectors, including the right to humane working conditions. Unfortunately, Indonesia has not yet ratified the convention, meaning the international standards that should serve as a reference for protecting fisheries crew members are still not legally binding at the domestic level.²⁹ This lack of ratification also weakens Indonesia's diplomatic standing in championing the rights of fishers globally, as it lacks a recognized international legal basis to demand that foreign flag states comply with labour protection standards.

The lack of synchronization between national law and international standards has a profound impact on the plight of maritime migrant workers. Data from various advocacy organizations shows that many Indonesian fishers experience working conditions that fall far short of minimum standards, including long working hours without adequate rest, inadequate food and drinking water, and lack of access to onboard healthcare.³⁰ In many cases, they also lack clear employment contracts, or the contracts provided do not reflect actual conditions. Worse still, promised wages are often unpaid or far below the agreed-upon terms. This situation highlights a significant gap between the legal ideals enshrined in Law Number 18 of 2017 and the reality of work on the ground.

This vulnerable situation is further clarified in numerous cases of exploitation and human trafficking involving Indonesian

²⁸ Food and Agriculture Organization, *Loc.Cit.*

²⁹ International Labour Organization, *Loc.Cit.*

³⁰ *Ibid.*

crew members. One case that has come to light involves allegations of modern slavery practices on foreign-flagged fishing vessels, where Indonesian crew members are forced to work up to 20 hours a day, without pay, and even subjected to physical violence.³¹ Several investigative reports have also revealed that Indonesian crew members have died at sea due to exhaustion, untreated illness, or even abuse by the captains.³² Their bodies are sometimes not repatriated but instead thrown overboard, a clear violation of humanitarian principles. Cases like these not only demonstrate the lack of protection but also highlight the existence of organized human trafficking, where the recruitment, transfer, and placement of Indonesian crew members on foreign vessels is carried out illegally.

Human trafficking in the context of crew members often begins at the recruitment stage.³³ Many prospective workers are recruited by unofficial recruitment agencies promising high salaries and good working conditions, when the reality is far from ideal.³⁴ They are asked to pay high placement fees, leaving them in debt from the outset. Upon boarding, they encounter inadequate contracts, hazardous working conditions, and no way to return home if problems arise.³⁵ This situation leaves the crew members trapped, unable to resist due to debt, a one-sided contract, and a vulnerable position in international waters. From an international

legal perspective, this situation clearly falls under the category of human trafficking, but law enforcement mechanisms remain weak due to the cross-border jurisdiction involved.³⁶

Weak oversight and law enforcement are key factors contributing to the continued exploitation of maritime migrant workers. Normatively, Law Number 18 of 2017 clearly mandates the central and regional governments to oversee the migrant worker placement process. However, in practice, this oversight function is ineffective. Coordination between relevant ministries and institutions often overlaps, resulting in no single authority being fully responsible for the fate of crew members on foreign vessels. The Ministry of Manpower, the Ministry of Transportation, the Ministry of Maritime Affairs and Fisheries, and the Indonesian Migrant Workers Protection Agency (BP2MI) have their own authority, but coordination between them is often asynchronous.³⁷ As a result, many cases are overlooked or handled partially without comprehensive solutions.

The problem of weak oversight and fragmented coordination in the protection of Indonesian crew members on foreign vessels can be traced to the distribution of authority across multiple sectoral regulations, each assigning partial and often disconnected mandates to different institutions. Under Law Number 13 of 2003 on Manpower and its subsequent amendments through the Job Creation Law, the

³¹ *Ibid.*

³² The Guardian, "An Unexplained Death, Abuse and Slavery": Indonesian Fishers Reveal Life on Long Haul Vessels," April 1, 2025, <https://www.theguardian.com/global-development/2025/apr/01/crews-report-abuse-and-death-onboard-long-haul-vessels-seafood-industry>.

³³ International Labour Organization, *Loc.Cit.*

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ Food and Agriculture Organization, *Loc.Cit.*

³⁷ Nick Lambert, Jonathan Turner, dan Andy Hamflett, *Technology and The Blue Economy: From Autonomous Shipping to Big Data* (London: Kogan Page, 2019), hlm. 78.

Ministry of Manpower is responsible for labour standards and employment relations, yet this framework is largely oriented toward domestic employment relationships and does not clearly accommodate the situation of crew members working on foreign-flagged vessels. At the same time, Law Number 17 of 2008 on Shipping assigns the Ministry of Transportation authority over vessel registration, seaworthiness, and maritime safety, positioning crew members primarily within a maritime safety regime rather than as workers entitled to labour protection. Meanwhile, Law Number 7 of 2016 on the Protection and Empowerment of Fishermen places the Ministry of Maritime Affairs and Fisheries in charge of fisheries governance and business licensing, treating crew members as part of fisheries production activities and risk-sharing arrangements rather than as subjects of employment law. In parallel, Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers mandates the Indonesian Migrant Workers Protection Agency (BP2MI) to regulate recruitment, placement, and administrative protection of migrant workers, including crew members, but focuses predominantly on procedural compliance at the pre-departure stage. In practice, this normative fragmentation results in regulatory silos where each institution operates within its own statutory mandate without a comprehensive mechanism that connects recruitment, employment conditions, supervision at sea, dispute resolution, and repatriation. As a consequence, coordination among the Ministry of Manpower, the Ministry of Transportation, the Ministry of Maritime

Affairs and Fisheries, and BP2MI tends to be reactive and case-based, with no single authority fully accountable for the entire employment cycle of crew members on foreign vessels. This overlapping yet incomplete allocation of authority explains why many cases of exploitation are handled partially, while systemic problems persist due to the absence of integrated oversight and coherent inter-institutional coordination.

In addition to weak coordination, on-the-ground supervision also faces resource constraints. Foreign vessels employing Indonesian crew members operate in international waters, making direct oversight by Indonesian authorities nearly impossible. Indonesian authorities often only act after a case is reported or after the crew member returns home, even though the exploitation has already been ongoing for a long time on the high seas. The inability to conduct on-site inspections exacerbates impunity, as ship owners and recruitment agencies know their chances of prosecution are slim. Even when cases are reported, enforcement is often hampered by jurisdictional differences between the worker's country of origin, the vessel's flag state, and the port state where the vessel docks.³⁸

Domestic law enforcement also faces structural obstacles. Many illegal recruitment agencies escape prosecution due to the weak oversight of placement companies.³⁹ Although Law Number 18 of 2017 stipulates that migrant worker placement must go through official mechanisms, illegal placement practices remain rampant.⁴⁰ Law enforcement officials often

³⁸ *Ibid.*

³⁹ Migrant CARE, *Roadmap Reformasi Tata Kelola Perlindungan Pekerja Migran Indonesia* (Jakarta: Migrant CARE, 2020), hlm. 27-39

⁴⁰ Komisi Nasional Hak Asasi Manusia Republik Indonesia, *Laporan Tahunan Pemantauan Hak Asasi Manusia Pekerja Migran Indonesia* (Jakarta: Komnas HAM, 2021), hlm. 63-78.

handle individual cases without dismantling larger recruitment networks.⁴¹ As a result, the same patterns of exploitation are repeated. Some companies found to have violated the law are only subject to administrative sanctions, while victims receive no adequate redress.⁴²

This situation highlights a serious gap between legal norms and implementation. Indonesia does have Law Number 18 of 2017 as a legal basis, but it has not yet fully implemented protections for maritime migrant workers. Meanwhile, the lack of ratification of C188 prevents the international standards that should strengthen the position of Indonesian crew members. Furthermore, weak oversight, minimal coordination between institutions, and jurisdictional constraints in international waters leave Indonesian crew members on foreign vessels vulnerable to continued exploitation.

3. Maritime Gig Workers

In three main sectors: marine tourism, marine logistics, and online seafood marketing. These three sectors illustrate how digitalization is significantly changing the maritime labour landscape and creating new legal challenges that have not yet been fully addressed.⁴³ This creates income uncertainty and a lack of adequate employment protection. They are often considered independent contractors, not formal workers, who are not entitled to social security, wage protection, or safe working

conditions. This is because existing labour laws do not clearly regulate the employment relationship they form.

The main issue arising from the existence of maritime gig workers is the unclear status of their employment relationship. Under Indonesian labour law, an employment relationship is defined by three essential elements: work, wages, and orders. Workers who fulfil these three elements are considered employees in an employment relationship with their employers and are entitled to employment protection, social security, and other normative rights. However, maritime gig workers often do not fully fulfil these elements.⁴⁴ They perform work and receive payment (fees or commissions) from service users or platforms, but orders are blurred because they are considered to be working independently. Digital platforms typically claim to be intermediaries connecting workers with users, not employers with legal obligations to workers. As a result, maritime gig workers are often treated as independent contractors, rather than employees.

This unclear status has profound implications for legal protection. Suppose maritime gig workers are considered independent contractors.⁴⁵ In that case, they are not entitled to the normative rights of formal workers, such as a minimum wage, health and employment insurance, leave, and protection against workplace accidents. In fact, the risks

⁴¹ *Ibid.*

⁴² Badan Pelindungan Pekerja Migran Indonesia (BP2MI), *Evaluasi Implementasi Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia* (Jakarta: BP2MI, 2022), hlm. 51–67.

⁴³ Anastasia Christodoulou dan Martin Jes Iversen, "Blue Transformations: Toward an Analytical Model of Maritime Digitalization" Dalam *Advanced Perspectives and Trends in Digital Transformation of Firms, Networks, and Society*, dideit oleh F. Schiavone, N. Omrani, dan H. Gabteni. Cham: Springer, 2025.

⁴⁴ *Ibid.*

⁴⁵ Arna Asna Annisa dan Fany Indriyani, "Digitalization of the Blue Economy: Conceptual Paper for the Development of the Global Halal Hub in Indonesia," *I-Economics: A Research Journal on Islamic Economics* 10, no. 1 (2024): 1–14.

of working in the maritime sector are incredibly high, ranging from maritime accidents, drowning, extreme weather, and exposure to health hazards. When accidents occur, maritime gig workers lack adequate legal protections because a formal employment relationship with the company never exists. Conversely, digital platforms or service users would be obligated to provide protection if they were positioned as employees. However, many platforms attempt to avoid this responsibility under the guise of work flexibility. The debate over the legal status of gig workers has long been present in other sectors, such as app-based land transportation.⁴⁶ However, in the maritime sector, the issue is more complex due to the jurisdiction of waters and the greater work risks.

This unclear employment relationship further reinforces the urgency of specific regulations for maritime gig workers. Current regulations, such as the Manpower and Job Creation Act, still focus on formal employment relationships between workers and employers. Meanwhile, gig workers operate in a grey area not fully addressed in these regulations. Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers also does not explicitly regulate digital-based gig workers, especially domestic maritime workers. This lack of a legal framework leaves maritime gig workers vulnerable, without adequate legal protection.

This specific regulation is needed to regulate employment status and establish minimum protection standards for maritime gig workers. Regulations need to accommodate the unique

characteristics of the risk-laden maritime sector, ensuring that gig workers have the right to occupational accident insurance, health insurance, and occupational safety protection, even if they work flexibly.⁴⁷ Regulations also need to emphasize the responsibilities of digital platforms as the beneficiaries of this work model. Platforms cannot simply act as intermediaries without any obligations; they must share responsibility for protecting the workers who are the backbone of their services.

Furthermore, specific regulations are crucial to prevent monopolistic and exploitative practices by digital platforms. In many cases, platforms have complete power to determine rates and work systems, and even impose sanctions on gig workers without room for equal negotiation. This creates a structural dependency where gig workers are not truly independent but tied to the platform's algorithms and policies. From a legal perspective, this situation suggests a hidden element of "command," even though there is no formal employment relationship; the platform controls significant aspects of the work.⁴⁸ Therefore, specific regulations are needed to balance the relationship between gig workers, platforms, and service users to prevent exploitation that harms workers.

Furthermore, regulations must also address the sustainability of the blue economy. Maritime gig workers are potential new actors supporting the development of the maritime sector, whether through marine tourism, logistics, or the marketing of seafood. However, without adequate protection, this potential could turn into a new social problem, resulting in

⁴⁶ Valerio De Stefano, *Loc.Cit.*

⁴⁷ *Ibid.*

⁴⁸ Tomi Setiawan dan Muhammad Farras Samith, "Indonesia's Marine Resources Innovation: Digital Transformation in Blue Economy Policy for Economic Sustainability," *Journal of European Economy* 24, no. 1 (2025): 88–112.

unprotected, poor workers who are vulnerable to accidents and lack old-age security. In the welfare state context, this clearly contradicts the principle that every citizen has the right to work and a decent living. Thus, specific regulations are a technical necessity for employment and part of a sustainable development strategy in the maritime sector.

Ultimately, the phenomenon of maritime gig workers confirms that digitalization in the maritime sector presents two sides of the same coin. On the one hand, it opens up new opportunities for coastal communities to increase income through platform mechanisms. However, it creates legal uncertainty and new vulnerabilities that cannot be ignored. Without clear regulations, maritime gig workers will continue to exist in a grey area that is detrimental to them. Therefore, policy reform is urgently needed, both in the form of revising existing employment regulations and developing specific rules on the protection of gig workers in the maritime sector.⁴⁹ These regulations are expected to clarify legal status, minimum protection standards, and balance the relationship between workers, platforms, and service users, so digitalization in the maritime sector truly becomes a blessing, not a threat, to the welfare of Indonesian coastal communities.

4. Labour Law Reform for the Blue Economy Era

The increasingly prominent concept of the blue economy in national and global development discourse demands reform of

labour regulations to respond to new dynamics in the maritime sector.⁵⁰ Until now, labour law in Indonesia has tended to be based on classic industrial employment patterns, which place workers in formal relationships with employers. However, the advent of digitalization, the diversification of maritime economic activities, and the increasing involvement of informal and platform workers in the maritime sector demand a new direction in regulatory reform. This direction must not only accommodate the interests of the formal workforce, but also encompass informal workers, maritime gig workers, women workers, and vulnerable groups increasingly involved in the blue economy value chain. In this context, the direction of labour regulatory reform can be framed through several key points, ranging from cross-sector harmonization, expanding social protection principles, including inclusion of maritime platform workers, upholding human rights and gender equality standards, to designing regulatory reforms that are more adaptive and integrated with maritime law.⁵¹ First, the direction of labour regulatory reform to support the blue economy requires cross-sectoral harmonization, particularly between the Ministry of Manpower, the Ministry of Maritime Affairs and Fisheries, and the Ministry of Transportation. These three institutions currently have their respective authorities related to maritime worker regulation, but they operate independently, creating overlapping legal vacuums and unclear jurisdictions. For example, the Ministry of Maritime Affairs and

⁴⁹ Edvard Tijan, Marija Jović, dan Ana Perić Hadžić, "Achieving Blue Economy Goals by Implementing Digital Technologies in the Maritime Transport Sector," *Pomorstvo* 35, no. 2 (2021): 241–247.

⁵⁰ He Yuan, Leïla Choukroune, dan Pierre Failler, "Centring Justice for Labour in the New Blue Economy: Principles for Applying Emerging Evidence and Theoretical Critiques to Policy and Practice," *Marine Policy* 168 (2024): 1–11.

⁵¹ *Ibid.*

Fisheries focuses more on protecting fishermen and fish farmers. At the same time, the Ministry of Transportation has regulations governing seafarers and ship crews, and the Ministry of Manpower regulates general employment relations. This regulatory fragmentation makes it challenging to identify who protects maritime gig workers, such as platform-based tour operators or informal maritime logistics workers. Therefore, cross-sectoral harmonization is needed through a regulatory coordination mechanism and the development of an integrated legal framework that connects these three ministries. This harmonization is crucial so that all forms of employment in the maritime sector, both formal and informal, receive equal protection without relying on narrow categorizations that often do not reflect the realities on the ground.⁵²

Second, the direction of reform must also emphasize expanding the principle of social protection coverage for informal workers in the maritime sector. Social protection for workers, such as work accident insurance, old-age security, and pensions, remains very limited for formal workers in employment relationships. Informal workers, including traditional fishermen, seafood traders, and daily dock labourers, often do not have access to social security schemes that protect them from occupational risks and economic vulnerability. In fact, the risks of work in the maritime sector are higher than in other sectors, due to extreme weather conditions, dangers at sea, and income uncertainty. Within the blue economy framework, informal workers are an integral part of the value chain

that must be protected, as the sustainability of the blue economy is impossible without inclusive social protection.⁵³ Therefore, labour regulations need to be reformed to expand the scope of social protection through flexible models, for example, financing social security contributions through state/regional budget subsidies, corporate social responsibility (CSR) from maritime companies, or proportional joint contribution schemes between the government, digital platforms, and workers. The principle of universal social protection must be the foundation, so no maritime worker is left without basic protection.

Third, regulatory reform must include maritime platform workers in the labour law framework. Digitalization in the maritime sector has given rise to a new type of worker: gig workers, who work through digital platforms, whether in marine tourism, maritime logistics, or online seafood marketing. However, platform workers remain in a grey area between employees and independent contractors, thus lacking adequate legal protection. Future labour regulations need to explicitly recognize the existence of maritime platform workers and include them in the labour law framework with mechanisms appropriate to the characteristics of their flexible work. One option is to establish a hybrid employment relationship model, where platform workers are not fully positioned as formal employees, but are not released as independent contractors without protection. This model could require digital platforms to provide minimum protections, such as work accident insurance, safety standards, and

⁵² Dassy Maeyangsari, "Blue Economy as a Sustainable Development Effort and Fulfillment of Human Rights," *Perspektif Hukum* 23, no. 1 (2023): 106–126.

⁵³ Ira Indira Sari, "Empowering Indonesian Fishermen in the Blue Economy: A Human Resource Perspective," *Advances in Economics, Business and Management Research* (2025).

dispute resolution mechanisms, even if their employment relationships are project-based. Including maritime platform workers in labour regulations is a crucial step to ensure that digitalization in the maritime sector truly brings welfare to workers, rather than simply creating flexibility that is vulnerable to exploitation.⁵⁴

Fourth, the direction of labour regulatory reform for the blue economy must also strengthen the enforcement of human rights standards and gender equality. Workers in the maritime sector, particularly female fishers, seafood processors, and maritime migrant workers, often face discrimination, exploitation, and gender-based violence. Working conditions on fishing vessels, for example, often fall short of human rights standards, with practices such as forced labour, excessive working hours, and inhumane treatment.

Meanwhile, women's involvement in maritime value chains, such as seafood processing or marine tourism, is often not formally recognized, leaving them without legal protection. Labour regulatory reform must prioritize international human rights standards, such as the ILO Convention on Decent Work and Gender Equality. This can be achieved through stricter regulations prohibiting discrimination, mainstreaming gender into maritime labour policies, and enforcing oversight mechanisms to ensure no human rights violations in blue economy activities.⁵⁵ Thus, the blue economy will not only be oriented towards economic growth but also ensure social justice for all groups of workers, without exception.

Fifth, the direction of labour regulatory reform to support the blue economy must be realized through innovative and adaptive regulatory design. One option is the development of a *lex specialis* on maritime workers, specifically regulating the rights, obligations, and protections for all workers in the maritime sector, whether formal, informal, or platform-based.⁵⁶ This *lex specialis* can integrate labour principles with the specific characteristics of the maritime sector, such as working conditions at sea, safety standards, and social protection appropriate to the high risks of maritime work. Another alternative is to integrate labour law with maritime law, eliminating the separation between regulations on maritime labour and regulations on marine resource management.⁵⁷ This integration will create a more comprehensive legal framework, where worker protection becomes part of the overall maritime development policy. The design of these regulations must also consider flexibility to adapt to technological developments, including the emergence of new types of jobs in the maritime sector that may not currently exist.

In the context of implementation, regulatory reform must also consider the institutional capacity of the state to conduct oversight. Without strong oversight, regulations will become mere legal texts without coercive power. Therefore, labour regulatory reform for the blue economy must also be accompanied by strengthening the capacity of labour inspectors, collaboration with the Ministry of Maritime

⁵⁴ Nick Lambert, Jonathan Turner, dan Andy Hamflett, *Loc.Cit.*

⁵⁵ Muhammad Na'afil Kamal Putra dan Muhammad Farhan Asri, "Juridical Review of Blue Economy in Indonesia," *Jurnal Kajian Pembaruan Hukum* 3, no. 1 (2023): 123–156.

⁵⁶ *Ibid.*

⁵⁷ Oksana Razladova dan Antonio E. L. Nyoko, "Blue Economy Development in Indonesia," *Journal of Management: Small and Medium Enterprises (SMEs)* 15, no. 1 (2022): 89–105.

Affairs and Fisheries and the Ministry of Transportation, and civil society participation in monitoring working conditions in the maritime sector.⁵⁸ Transparency and accountability must be core principles, so that any violations of workers' rights can be promptly addressed. This ensures that the resulting regulations are not only normative but also operational and practical in addressing the needs of maritime workers in the field.

The direction of labour regulatory reform that accommodates cross-sector harmonization, expanded social protection, inclusion of maritime platform workers, enforcement of human rights and gender equality standards, and adaptive regulatory design ultimately aims to ensure that the blue economy does not become an exploitative development model, but rather an instrument of shared prosperity.⁵⁹ The blue economy is not merely about utilizing marine resources for economic growth, but also about ecological sustainability, social justice, and protecting the people who work within it. Without a clear direction for labour regulatory reform, the blue economy will only produce false growth that relies on the exploitation of maritime labour. However, with the proper regulatory framework, the blue economy can genuinely become a driver of inclusive development that ensures every maritime worker, from small-scale fishermen to digital gig workers, receives adequate protection and welfare.

D. Conclusion

Indonesian labour regulations still face significant challenges in addressing the complexities of the blue economy sector. These challenges include fragmented inter-ministerial regulations, limited social protection coverage that tends to be exclusive to formal workers, the lack of clear legal recognition for maritime platform workers, and weak enforcement of human rights and gender equality standards in the maritime workplace. These conditions highlight normative and implementation gaps that must be addressed immediately through more targeted legal reforms.

The direction of labor regulatory reform should be directed toward five main priorities: cross-sectoral harmonization between the Ministry of Manpower, the Ministry of Maritime Affairs and Fisheries, and the Ministry of Transportation; expanding the principle of inclusive social protection for informal workers; including maritime platform workers in labor regulations; enforcing human rights and gender equality standards; and developing more adaptive regulatory designs. These reforms will ensure that maritime workers in formal employment relationships and those working informally or on digital platforms receive equal and adequate protection. In this way, the principle of social justice can be realized within a blue economy framework that places humans as the primary subject of development.

Therefore, developing a *lex specialis* on maritime workers, or integrating labour law with maritime law, is necessary as the foundation for new regulations. This special regulation must

⁵⁸ Poppy Wulandari, Puja Afwanda Mayako, dan Mutiara Cahyaningrum. "Challenges, Opportunities, and the Future of the Blue Economy in Indonesia." *Jurnal Ekonomi Manajemen Bisnis dan Akuntansi* 2, no. 1 (2025): 78–90.

⁵⁹ Zahidah Afrin Nisa, "The Role of Marine and Diving Authorities in Workforce Development in the Blue Economy," *Policy and Practice Reviews* 9 (2022): 1–16.

include norms on decent work protection, universal social security, hybrid work models for platform workers, and human rights and gender equality standards. Furthermore, cross-sectoral oversight capacity must be strengthened to ensure effective legal implementation. With these steps, the direction of labour regulatory reform will not only address existing challenges but also build a progressive, equitable legal framework capable of supporting the sustainability of Indonesia's blue economy.

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