Exploitation of Indonesian Migrant Workers on Foreign Ship

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Abstract

This paper will explain the strategies that must be carried out by the Indonesian government to minimize transnational crime. Transnational crimes against Indonesian migrant workers working on foreign ships have so far not received special attention. The increase in cases every year, especially 2019-2020 shows that this transnational crime must be a priority for the Indonesian government. Why is this important, it is part of Indonesia's foreign policy and diplomacy to protect the human rights of its citizens. This protection is a form of state commitment to provide a sense of security to humans, especially Indonesian citizens. This paper uses a qualitative method in the form of a case study with secondary data analysis techniques and a thorough literature review. The results obtained are that the strategies that must be carried out by the government are 1) tightening the recruitment channels for migrant workers 2) national and international law enforcement, 3) bilateral and multilateral diplomacy 4) the use of digital applications, and 5) collaboration with NGOs such as the ILO. This paper can become a reference for the government's strategy to formulate a pentahelic policy in solving crimes against Indonesian migrant workers abroad.

Keywords: Crime; Transnational; PMI; Sea; Strategy

Abstrak

Tulisan ini akan menjelaskan strategi yang harus dilakukan oleh pemerintah Indonesia untuk meminimalisir kejahatan transnasional. Kejahatan transnasional terhadap pekerja migran Indonesia yang bekerja di kapal asing sejauh ini belum mendapat perhatian khusus. Peningkatan kasus setiap tahun khususnya 2019-2020 menunjukkan bahwa kejahatan lintas negara ini harus menjadi prioritas pemerintah Indonesia. Mengapa ini penting, merupakan bagian dari politik luar negeri dan diplomasi Indonesia untuk melindungi hak asasi warga negaranya. Perlindungan ini merupakan bentuk komitmen negara untuk memberikan rasa aman kepada manusia khususnya warga negara Indonesia. Makalah ini menggunakan metode kualitatif berupa studi kasus dengan teknik analisis data sekunder dan studi pustaka secara menyeluruh. Hasil yang diperoleh adalah strategi yang harus dilakukan pemerintah adalah 1) memperketat jalur rekrutmen TKI 2) penegakan hukum nasional dan internasional, 3) diplomasi bilateral dan multilateral 4) penggunaan aplikasi digital, dan 5) kerjasama dengan LSM seperti ILO. Tulisan ini dapat menjadi acuan bagi strategi pemerintah untuk merumuskan kebijakan pentahelik dalam penyelesaian kejahatan terhadap TKI di luar negeri.

Kata kunci: Kejahatan; Transnasional; PMI; Laut; Strategi

Introduction

The concept of security itself means being free from all forms of threat, danger, anxiety, and fear. The maritime area as a liaison between countries in the world is an aspect that poses many threats in it. The term 'maritime security has different meanings depending on who uses the term or in what context it is used. Consistent with the expansion of security-related interests, the defense perspective on maritime

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security encompasses a wider range of threats than the traditional notion of sea power. For example, the US Navy Concept of Operations refers to the objectives of 'maritime security operations' including ensuring freedom of navigation, trade flows, and protection of marine resources, as well as securing the 'maritime domain from nation-state threats, terrorism, drug trafficking and other forms of transnational crime. piracy, environmental destruction, and illegal cross-sea immigration[3].

The term traditional and non-traditional maritime security threats. Traditional threats themselves can briefly be explained as threats that come from military force or threats that can physically threaten and damage. Meanwhile, non-traditional threats are threats with a wider and varied scope. Non-traditional threats do not come from military threats but from other forms, which are currently occurring more often than militaristic threats. Non-traditional threats in the context of maritime security, for example, are crimes of terrorism, piracy and robbery, trade-in illegal weapons and drugs, and many other threats that can be destructive.

If you look at its impact, non-traditional threats can be said to be a threat that needs to be watched out for, moreover, the impact of these threats can be felt in the smallest scope, namely security for individuals or humans (human security). Of course, with this, the threat to migrant workers in the maritime sector is also greatly threatened by these various forms of non-traditional maritime crimes. In our discussion this time, it is related to human rights violations that occur within the scope of non-traditional maritime security which specifically occurs to Indonesian migrant workers who work on foreign ships as crew members who often receive treatment that is contrary to their rights as workers. migrant. Seeing this fact violates the definition of maritime security which according to Hawkes states that maritime security as 'actions taken by owners, operators, and administrators of ships, port facilities, offshore installations, and other marine organizations or companies to protect against confiscation, sabotage, hijacking, theft, tampering, or surprise"[4]. What was conveyed by Hawkes was more commercially directed, but if the above actions were not prevented then it could lead to violence experienced by the ship's officers themselves.

The increasing world population encourages the demand for fishery products as a source of food. The world's population is projected to reach 8.5 billion in 2030 and 9.7 billion in 2050[5]. The World Bank projects that the world's fish supply will increase to 187 million tons by 2030, of which 50% of fish production comes from fishing activities[6]. An increase in the world's population and supply of fish will increase the demand for workers on fishing vessels due to the growth of the fishing industry. Indonesia as the object of our study is a country with a large number of migrant workers working in the maritime sector, one of which is working as crew members on foreign ships. Based on data from the Directorate for the Protection of Indonesian Citizens and Indonesian Legal Entities, Ministry of Foreign Affairs, there were > 200,000 Indonesian crew members working on foreign fishing vessels during 2013-2015 with the highest placements in

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[3] Klein, N. (2011). *Maritime Security and the Law of the Sea* (1 ed.). Oxford University Press.

[4] Ibid

[5] United Nations. (2019). World Population Prospects The 2017 Revision. Departement of Economic adn Social Affairs Population Division.

[6] World Bank. (2013). Fish to 2030 : Prospects for FIsheries and Aquaculture. Food and Agriculture Organization (FAO), and the International Food Policy Research Institute.

Taiwan (217,655 people) and South Korea (31,792 people).

Meanwhile, the Indonesian Migrant Workers Protection Agency (BP2MI) recorded the number of Indonesian migrants working as crew members abroad during 2011-2019 was 30,864 people. The majority of the crew members mentioned above came from Central Java (4,359 people) and West Java (3,145 people) or 90% of the total crew assigned during 2017-2019. This difference in data is since the placement of ABK is not only carried out by the government, but also by companies that (i) have a SIUPPAK from the Ministry of Transportation, (ii) have a SIUP from the Ministry of Trade or Local Government, (iii) have a permit from the Ministry of Manpower and BP2MI and, (iv) have no license at all (illegal).

Then, if you look at the data presented above, where the number of Indonesian migrant workers, especially those who become crew members on foreign ships, is very large, it is alleged that the government has only recorded this, not to mention the large number of immigrants who leave illegally. Of course, if you look at the large number, the question is what are their reasons for choosing to work abroad rather than in Indonesia. Based on the data found, difficulties in finding work and low wages in Indonesia are the driving factors for Indonesian crew members to work on foreign fishing vessels. Uncertain catches and income as fishermen in Indonesia are the reasons that encourage them to work abroad because their income is considered more certain. Meanwhile, the pull factor for

Indonesian crew members working on foreign fishing vessels is that the wages offered are greater than the income earned in their previous jobs. For example, in 2019 the average wage value as a laborer in Indonesia was only IDR 2.5 million[7], while the basic wage offered on Taiwanese fishing boats was NT23,800 or around IDR 11.9 million (2019)[8].

The protection of Indonesian crew members working on foreign fishing vessels has its challenges. State supervision when working on ships is difficult because of its location in the middle of the sea, so it is not easy to be monitored by government officials or law enforcement officers. As fish resources are becoming increasingly scarce, fishing vessel operators, large and small, have to go to areas further away from the mainland for longer periods[9]. Long-distance fishing fleets can survive at sea even for several years at once by transferring fuel, supplies, crew, and fish in the middle of the sea[10]. This condition triggers the practice of labor violations, forced labor, human smuggling, and human trafficking.

According to the Ministry of Foreign Affairs, cases that have occurred to Indonesian migrant workers, especially in 2012-2015, have facilitated 2,368 Indonesian crew members who have been caught in cases abroad. The majority of cases experienced by crew members were employment cases (48.4% or 1,148 cases), people smuggling (35.1% or 833 cases), and human trafficking (12.1% or 287 cases)[11].

[7] Badan Pusat Statistik. (2019). Rata-Rata Upah Pekerja di Desa dan Kota.

[8] Kantor Dagang dan Ekonomi Indonesia di Taipei. (2019). Pengumuman Penyesuaian Besaran Gaji, Asuransi Tenaga Kerja, dan Asuransi Kesehatan PMI di Taiwan.

[9] Food and Agricultural Organization. (2012). "The State of World Fisheries and Aquaculture".

[10] United Nations Office on Drugs and Crime. (2011). Transnational Organized Crime in the Fishing industry : Focus on Traficking In Persons Smuggling of Migrants Illicit Drugs Trafficking,".

[11] International Organization for Migration. (2016). "Laporan mengenai Perdagangan Orang, Pekerja Paksa, dan Kejahatan Perikanan dalam Industri

According to Sahibuddin (2020), said that exploitation and violence against crew members occurred on the Luqin Yuan Yu 623 from China in 2020. Previously there was violence on the Long Sing 629 ship from China. According to data from the Indonesian KKP, there are 250 thousand Indonesian crew members who work as foreign fishermen. Green Peace Southeast Asia data noted that there were 34 cases involving 13 foreign vessels, consisting of 11 fraud vessels, 9 slave ships, 8 forced labor vessels, and 7 physical and sexual violence vessels. Things that violate human rights other than what happened above were also reported by a migrant organization called Migrant Care. They received 250 complaints from Indonesian crew members working on foreign ships. Problems faced such as unpaid salaries. This is important because Indonesia is one of the countries with the most foreign crew members, after Russia and China. However, the certification process is often not carried out. Some were told to sew nets even though it was not their job, there was no prior introduction or training about the work to be done, this is known based on the experience of Andri, a crew member from Manado.

Director-General of Protocol and Consular Affairs (Protkon) of the Ministry of Foreign Affairs Andy Rachmianto noted that there were 1,451 reports of Indonesian crew members (ABK) on foreign-flagged fishing vessels throughout 2020. Andy said the number of cases had increased in the last two years. In 2019 the number of Indonesian crew members on foreign ships reached 1,095 cases, while in 2018 the number reached 1,079 cases. He said the increase in cases even occurred during the Covid-19 pandemic. Another factor that has also contributed to the increase in cases

against Indonesian crew members is the economic impact on the fishery sector during the pandemic which has caused the operations of fishing companies in various countries to be unable to meet their obligations, including salaries and basic needs of crew members.

The former Indonesian Ambassador to Jordan and Palestine detailed 1,451 cases of crew members on foreign ships of which 1,211 were related to repatriation, followed by salary (465 cases), violence (156 cases), death (70 cases), TIP (26 cases), etc. (104 cases). The Director-General of Protocol and Consular Affairs (Protkon) of the Ministry of Foreign Affairs, Andy Rachmianto, identified at least four main problems that the government must address and pay attention to increase the protection of Indonesian crew members on foreign ships. These four things will later be considered to be a solution to the problems that occur to Indonesian crew on foreign ships. The problem of exploitation of Migrant Workers must be addressed immediately as a threat to human security that occurs at sea. Collaboration between stakeholders is needed to maximize and punish ships that exploit Indonesian Migrant Workers working on ships. Thus, this paper will explain how the strategy must be carried out by the Government to minimize and even eradicate this crime because it is contrary to human rights.

Conceptual Framework

1. Transnational Organized Crime

The discussion related to transnational crime is not enough if it does not discuss the concept or definition of transnational crime itself, the term transnational crime was first introduced in the "United Nations Crime and Criminal

Perikanan di Indonesia,". Kementrian Kelautan dan Perikanan Conventry University.

Justice Branch" in 1974. The United Nations provides the concept of transnational crime as "an early violation, prevention and or direct effects of direct effects involving more than one country"[12]. The United Nations identifies transnational crimes in 18 sections, namely: money laundering, terrorist activities, theft of artistic and cultural objects, theft of intellectual property, illegal arms traffic, maritime piracy, piracy on land, insurance fraud, computer crimes, environmental crimes, trafficking in persons, trafficking in human body parts, illicit drug trafficking, bankruptcy fraud, infiltration of legal businesses, corruption, bribery of public officials, offenses committed by organized criminal groups[13].

A similar statement was made by 2 International Relations experts, namely Bambang Cipto who said "Transnational crime is an organized group whose main goal is to make money both legally and illegally by selling any merchandise that can be provided[14]. Then according to Martin and Romano who say that 'transnational organized crime' is defined broadly to refer to ongoing organizational 'behavior' involving two or more countries, with such behavior being defined as criminal by at least one of these countries[15].

The rapid growth of transnational organized crime in Southeast Asia has been helped by the phenomenon of globalization, the increasing interconnectedness of the world of sovereign states[16]. Globalization has had very beneficial impacts on society,

boosted the global economy, fueled the 'information revolution', and enabled international increases in interpersonal connectivity on a previously unheard-of scale[17]. The rapid growth of transnational organized crime in the Southeast Asian region over the last few years has prompted action by countries acting both domestically through legislation and policies, as well as internationally through bilateral and multilateral cooperation[18]. At the regional level, this is evidenced through the efforts of the Association of Southeast Asian Nations (ASEAN), which has created the ASEAN Political-Security Community Framework that aims to facilitate and strengthen political and security cooperation within member states[19].

2. Human Security

The concept of Human security was formally first coined by UNDP (United Nations Development Program). In its annual report entitled Human Development Report in 1994. In the report prepared by UNDP, the concept of Human Security was first introduced which is defined as 'safety from such chronic threats as hunger, disease, and repression', as well as 'protection from sudden and hurtful disruptions in the patterns of daily life whether in homes, in jobs or communities'[20]. The 1994 report issued by the UNDP shifted the focus of the international discourse on security, the security concept presented in this report

[12] UNITED NATIONS. (1995). NINTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS. Cairo.

[13] Ibid

[14] Cipto, B. (2007). Hubungan internasional di Asia Tenggara: teropong terhadap dinamika, realitas, dan masa depan.

[15] John M. Martin, A. T. (1999). Multinational Crime-Terrorism, Espionage,Drug & Arms Trafficking. Sage Publishing.

[16] Wesley, M. (2007). Transnational Crime and Security Threats in Asia. Australia: Australian Agency for International Development.

[17] Wang, P. W. (2009). Transnational Crime: Its Containment through International Cooperation. Asian Social Science, 25.

[18] Mustofa, M. (2008). Bilateral Cooperation Between Indonesia and Malaysia in Combating Transnational Crime. Indonesian Journal of International Law, 525, 526.

[19] Kusumaningrum, A. (2013). The ASEAN Political Security Community: ASEAN Security Cooperation on Combatting Transnational Crimes. Indonesian Journal of International Law, 89, 91.

[20] United Nations Development Programme. (1994). Human Development Report 1994 . New York: Oxford Univesity Press .

became a benchmark for a 'new' security agenda[21]. The UNDP security conception has a structure that differs from the predominant idea of national security in several respects. Using the new security concept gives radically different answers to Baldwin's questions than when security is looked at using national security as the prism[22]. The new security concept is multilayered with security having to be considered from the level of the state down to the level of the individual. Human security is a universal, global, and indivisible concern dealing with (1) security of people, not just security of territory; (2) security of individuals, not just security of their nations; (3) security through development, not security through arms; and (4) security of all people everywhere – in their homes, in their jobs, in their streets, in their communities, and their environment[23]

Human security as outlined in the UNDP report is a global and inclusive concept dealing with a universal concern for which national boundaries are irrelevant like poverty, terrorism, drug trafficking, environmental degradation, illegal immigration, and aids. It reflects the idea that security and development are different sides of the same coin[24] In contrast to national security which focuses on 'freedom from fear', the human security concept revolves around the two legs of 'freedom from fear' and 'freedom from want'. According to the UNDP report, the community of nations can't achieve any of its major goals – peace, environmental

protection, human rights, democratization, fertility reduction, and social integration – except in the context of sustainable development that leads to human security[25].

According to the UNDP report, traditional security notions are concerned with 'security of territory from external aggression, or as protection of national interests in foreign policy, or as global security from the threat of nuclear holocaust.' The report argues that these notions overlook 'the legitimate concerns of ordinary people who sought security in their daily lives'[26] Later, UN Secretary-General Kofi Annan voiced his opinion that 'No shift in the way we think or act is more critical than that of putting people at the center of everything we do. That is the essence of human security.'[27] This observation leads to the answer to Baldwin's first question – the security referent is people. The new security concept is not 'state centered' but 'human centered', this contrasts with the traditional interpretation of security as national security[28] While human security is a bottom-up concept addressing threats to people and ways to overcome them, national security is a top-down concept with security commensurate with national survival, dealing with the protection of the state and not those living there[29]. Maybe the most well-known formulation with the nation or state as the centerpiece of security is Walter Lippman's definition of security as equal to state security: 'A nation has security when it does not have to sacrifice its legitimate interests to avoid war and is

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[21] Edström, B. (2008). Japan and the Challenge of Human Security The Founding of a New Policy 1995–2003. Institute for Security and Development Policy.
[22] Ibid
[23] Haq, M. u. (1995). Reflections on Human Development: How the Focus of Development Economics Shifted from National Income Accounting to People-centred Policies, Told by One of the Chief Architects of the New Paradigm. New York: Oxford University Press , 39–43.

[24] Edson, S. (2001). Human Security: An Extended and Annotated International Bibliography. Cambridge: Centre for History and Economics, King's College, University of Cambridge, 85 .
[25] Op-cit
[26] Op-cit
[27] Annan, K. (2001). 'Foreword', in Rob McRae and Don Hubert, eds, Human Security and the New Diplomacy: Protecting People, Promoting Peace. Montreal: McGill Queen's University Press, xx .
[28] Op-cit
[29] Ibid

able, if challenged, to maintain them by war[30]. Similarly, Hans Morgenthau defined national security as the 'integrity of the national territory and its institutions[31]. Meanwhile, the threats to human security come from seven dimensions, namely economy, food, environment, health, politics, personal, and community[32]. It can be said that anything that is considered to be able to take away the rights above can be said as an attempt to threaten that violates the principles of Human Security.

In explaining the concept of human security, there is also one group that also contributes in providing its views regarding the concept of human security, that group is the Canadian school. This group has its definition or concept related to human security which is called the Canadian approach to human security. This group defines human security in a narrower scope than the general definition provided by the previous UNDP. According to this group, human security can be achieved by having freedom from fear in the process of building peace in a conflict situation[33]. This group also explained that the security that is realized must also be able to protect the community from conflicts, planting mines, threats to children who have the potential to become targets of sexual violence, slavery, child soldiers, to all forms of violence. The discussion that is contained is still very general regarding human security, in this paper we will discuss the relation to human security in the form of non-traditional threats, especially in the maritime sector.

Discussion

The author's discussion in viewing this case as a threat to human security violates human rights. Indonesian Migrant Workers who work on foreign ships should have their rights and obligations as workers. This means that they do not feel safe and comfortable with the position they are in. However, due to economic, social, and legal conditions, they dared to work on foreign ships. And they never imagined that there would be violations against themselves in the form of exploitation and discrimination. Why this threatens humanity, especially human security, departs from the meaning of security which can be interpreted as a state that is free from all threats. This means that security involves a combination of threats and vulnerabilities. Both involve security both domestically and internationally. Thus, each country must focus its foreign policy on efforts to secure national conditions while also avoiding external threats. Meanwhile, the vulnerability to admitting is a condition of a state that cannot intervene in all the threats that come due to the weak power of the country. Security is etymologically derived from the word "secures". Secures is a combination of the words "se" which means without and "curus" which means free from danger and fear. In this case, it can be seen that the threat to citizens shows the country's inability to maintain human security from the vulnerability and comfort experienced by citizens who in this case are migrant workers on foreign ships.

Human exploitation is now increasingly varied. The exploitation of humanity will certainly violate human rights. This violation must be handled wisely because it involves the livelihood of many people. Human rights are not too different from the meaning of security. This means that security shows freedom from threats. If it is associated with exploitation then exploitation becomes part of that freedom. This means that the threat in

[30] Lippmann, W. (1943). U.S. Foreign Policy: Shield of the Republic. Boston: Little Brown, P. 32.

[31] Morgenthau, H. (1960). The Purpose of American Politics. New York: Random House, p. 562

[32] Trihartono, A. (2021). Keamanan dan Sekuritisasi dalam hubungan Internasional.

[33] Remacle, E. (2008). Approaches to human security: Japan, Canada and Europe in comparative perspective. The Journal of Social Science, (66), 5-34.

question is freedom of respect for human dignity.

One of the hot issues in human security that violates human rights is the exploitation of Indonesian Migrant Workers abroad, especially those working on foreign ships. This incident caught the public's attention after the occurrence of several incidents of controversy among Indonesian Migrant Workers who were not under ILO standards. Violations that occur such as inappropriate salary payments, criminalization, and even death are some concrete facts of the exploitation of Indonesian Migrant Workers.

The National Coordinator of DFW Indonesia, Abdi Suhufan, explained that the mechanism for sending crew members abroad was carried out through five channels, namely the Ministry of Transportation, Ministry of Manpower, BNP2TIK, local government, and independent channels through business cooperation. Destructive Fishing Watch (DFW) Indonesia recorded that there were 31 victims of crew members working on foreign vessels from 2019-June 2020. The crew members named Reynalfi and Andri Juniansyah who worked on the Chinese fishing boat Lu Qian Yua Yu 901 jumped from a boat in the Malacca Strait on Friday, June 5, 2020, and was later rescued by fishermen from Balai Karimun, Riau Islands. DFW itself has recorded a total of 21 crew members survived, 7 died, and 3 were missing.

Then if you look at the source of the distribution of the ABK itself, several routes can be taken, one of which and which has taken a lot of victims is through independent efforts or company business cooperation. In the data we found, several distributors sent these crew members to work on foreign ships, which in turn became victims of the human rights violations that occurred. These distributors include:

1. **PT Alfira Perdana Jaya**
   Six of the 31 victims of Indonesian crew members who were tortured were recruited by this company. Five of them survived, namely A Faisal, Nur Adi Wijaya, Ceri Kurniawan, Aditya Purnomo, and Aldi. Renadi. While one other person died, namely Al Fatah.

2. **PT Lakemba Perkasa Bahari**
   Five of the 31 exploited crew members were recruited by this company. Four survivors, namely Rizky Fauzan, Gunawan Ahyan, Cerren Solum, and Don Bosco Reza L. While one person died, namely Efendi Pasaribu.

3. **PT Sinar Muara Gemilang**
   Five of the 31 Indonesian crew members who were tortured were recruited by this company. All of them survived, namely Muhammad Yani, Riski Panngaresa, M. Yusup, Bernardus Martbong, and Azuar.

4. **PT Karunia Bahari Samudera**
   Two of the 31 crew members were recruited by this company. The case of two crew members emerged in mid-May 2020 because two crew members, Sepri and Ari, were thrown into the sea. Thus, there are a total of 18 crew members from the four companies. Of the four companies, the National Police for Trafficking in Persons (TPPO) has identified three of the three agents who circulated Indonesian crew members as suspects.

Seeing this situation, Barry Buzan's theoretical analysis states that security is about the whole human being...about pursuing freedom from threats. The basic form is about survival, but security also includes the inclusion of substantial limitations from the focus of the problem on the conditions of existence, security is influenced by five important things: military, political, economic, social, and environmental). The concept of security, according to Barry Buzan, is essentially about survival. Resilience concerns the integration of all aspects of state life as a whole and comprehensively. Resilience is

an aspect of measuring the welfare of the state in creating a strong and intact state. Resilience concerns ideology, economy, politics, society, culture, and security. Therefore, this effort to survive is achieved by trying to pursue human freedom that is free from threats and dangers. So that the state as the dominant actor, in this case, must be able to provide a sense of security, comfort that can create human resilience that Indonesian citizens regardless of their status must be guaranteed their safety when working and living their lives. Thus, the state must act as a facilitator, mediator, regulator, and even compliance to suppress violations of the human rights of workers on foreign ships.

Furthermore, in analyzing potential security threats from the perspective of UNDP known as the Canadian School, the basic idea of understanding security threats is a) security for whom, b) security for what value, c) security for what there is, and d) security by what means[34]. UNDP proposes that this security threat can be overcome with national security in the form of economic security, food security, health security, environmental security, personal security, community security, and political security. UNDP classifies threats into two types, namely localized thereat and global thereat. Localized threats thereat emphasize more on the origin of the threat that originates from the country or region. This usually involves the economy, infectious diseases, natural disasters, unemployment, social conflicts, etc. On the global side thereat relates to international phenomena but has an impact at the country or local level, for example, world population growth, transnational crime, international migration, terrorism, etc. The emergence of this threat is more dynamic due to globalization making the threat more massive and faster.

UNDP, for example, cooperation on human security, must a) have a global contribution to human security itself, b) national and international policies focus on basic needs such as economics, political freedom, wide employment opportunities, etc. c) involve the United Nations in preventive diplomacy, because human security does not fulfill due to issues of justice, poverty, social conflict, etc. and d) global institutional cooperation in targeted, long-term and continuous work programs.

There are at least 4 solutions given to solve problems related to migrant workers who especially work as crew members on foreign ships, including:

1. Clarify the flow of sending Indonesian migrant workers abroad by not going through many channels or not multi-channel, just mention the five currently existing channels, namely, the Ministry of Transportation, the Ministry of Manpower, BNP2TIK currently BP2MI, local governments, and independent channels through business cooperation. The five channels are considered too many and can create opportunities for them to exit illegally, so they must focus on only one channel. These too many pathways make even migrant workers confused in providing good labor standards. This means that administrative requirements and complicated routes will make migrant workers look for alternative shortcuts so that they can work faster. Even if the path they take violates the administration. The main point of the workers is to be able to work and earn income. Especially now that workers are suffering from the Covid-19 pandemic, making suffering and economic stability even worse. This condition makes workers no longer think about the

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[34] Yani, Y. M. (2017). Pengantar studi keamanan. Intrans Publishing.

skills they have but only think about how economic income can be met.

2. Enforcement of national and international law through the ratification of the International Convention on Standards for Training, Certification, and Supervision for Fisheries, Ship Personnel, which regulates the certification required by ABK. The issue of competency certification is indeed a dilemma. On the other hand, workers must have certain skills, but what is a question mark is where they learn. In Indonesia, there are almost no institutions capable of equipping and facilitating competency certification activities to work on foreign ships. This means that from the start, Indonesian workers were based solely on experience. Moreover, the work they are targeting is manual labor. Even some of them do not know that they will be placed on the ship lasing. Those who follow the illegal route only receive promises from the mafia who become illegal agents. The implication is that they become manual laborers without skills. So far there has been a government program on Pre-Employment Cards, but this pre-employment card does not provide all types of work, let alone being a worker on a foreign ship. In addition, there is a National Competency Certification Agency but also does not provide specific certifications related to the work of being a fisherman on foreign ships. Most of these institutions only target workers who have a minimum educational qualification of S1. Meanwhile, the majority of those who work on this lasing ship has graduated from elementary to high school.

At the national level, the role of the National Police in establishing the People Smuggling Task Force (TPPO) is a mapping strategy to minimize the illegal spread of unskilled migrant workers. Moreover, the spread occurred on foreign ships, especially Chinese ships. Exploitation that occurs must have collaborated so that workers and the ships where they work do not carry out activities that violate international conventions. Responding to the situation that occurred above the incident was included in a transnational crime. And crimes like this have been regulated in the UN protocol as the regime that manages the issue.

The United Nations has ratified the UN Convention Against Transnational Organized Crime (UNCATOC) known as the Palermo Convention at the 62nd plenary meeting on November 15, 2000. This convention has four (4) protocols, namely 1) United Nations Convention against Transnational Organized Crime, 2) Protocol against the Smuggling of Migrants by Land Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime, 3) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 4) Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components, and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime. The substance and structure of UNCATOC include: 1) Standard definitions and terminology, 2) Requirements for each country to

have a specific crime, 3) Special measures to monitor corruption, money laundering, etc., 4) Proceeds of crime, 4) International cooperation which includes, among others, extradition, mutual legal assistance, investigations/investigations, and other forms, 5) Training and research, 6) Preventive measures, 7) Signing, ratification[35].

"Transnational" includes: 1) carried out in more than one country, 2) preparation, planning, direction, and supervision carried out in another country, 3) involving an organized criminal group where the crime is committed in more than one country, 4) having a serious impact on other countries. The organized criminal group has characteristics, namely: 1) has a group structure, 2) consists of 3 or more people, 4) is formed for a certain period, 5) the purpose of the crime is to commit serious crimes or crimes regulated by conventions, 6) aims to get criminals. money or other material benefits. The criteria for serious crimes based on UNCATOC are 1) determined by the country concerned as a (serious) crime, and 2) a minimum of 4 years imprisonment. Meanwhile, UNCATOC requires a country to regulate four types of crimes, namely: 1) participation in criminal organized criminal groups, 2) money laundering, 3) corruption, and 4) obstruction of justice (for example, providing evidence or testimony when not requested)[36]. Looking at a number of the rules above, it can be said that the crimes that occurred in Kapa Lasing

qualify as organized crimes and are transnational. This crime is very detrimental to both physically, psychologically, and mentally workers. So it is appropriate that both agents who provide illegal services to work on lasing ships and the ships where they work should be punished nationally and internationally. Because this crime is a crime against humanity that occurs at sea and violates human rights.

3. The third step or solution is bilateral diplomacy, the Minister of Foreign Affairs (Retno Marsudi) has emphasized the government's commitment to the protection of Indonesian crew members, among others by preparing a national roadmap towards ratification of the ILO Convention C188, signing a memorandum of understanding with the destination country where Indonesia is currently it works with China and encourages law enforcement. Protection of workers' rights ii Sudha is a constitutional mandate to protect the entire Indonesian nation. Indonesia is also committed to always prioritizing the international human rights convention in 1948. In addition, the issue of protection for migrant workers is the orientation of Indonesia's foreign policy in the social and humanitarian field. Indonesia is committed to protecting Indonesian migrant workers and legal entities abroad. This commitment is following the character of Indonesia's foreign policy which is pursued through humanitarian diplomacy.

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[35] Fathun, L. M. (2016). Traansformasi Isu-Isu Hubungan Internasional Pasca Perang Dingin. Yogyakarta: Kosmojoyo Press MIHI UMY.

[36] Ibid

ASEAN countries at a high-level meeting in 1997 in Malaysia agreed on the ASEAN declaration on eradicating transnational crime. ASEAN approved the establishment of a special forum for discussing transnational crime, namely the ASEAN Ministerial Meeting on Transnational Meeting on Transnational Crime (AMMTC) which convenes every two years, and the Senior Official Meeting on Transnational Crime (SOMTC) which holds regular meetings every year. ASEAN countries are then asked to draw up a plan of action to eradicate transnational crime. ASEAN approved eight types of transnational crimes discussed in the AMMTC and SOMTC forums, namely terrorism, money laundering, drug trafficking, arms smuggling, sea piracy, cybercrime, trafficking in persons (especially women and children), and international economic crime. The ASEAN Fora is more focused on the exchange of information, experiences, technical assistance, and cooperation forums among ASEAN member countries. This means that ASEAN as a regime and international organization has provided a place for sanctions to perpetrators of transnational crimes. And the protocol must be the basis for policymakers, especially countries involved in multilateral diplomacy, to make this issue a priority for their foreign policy.

4. And the fourth solution is to use a digital application as an information tracker, for example, the form can be accessed at the following link: https://maritim.go.id/form-pelaporan-casepenelaran-awak-

kapal-indonesia-copy/, SIMPAN TRAFEL, SUSKOLN, and others. That way the government can more easily track the whereabouts of migrant workers who work as crew members on foreign ships, and at the same time as an effort to protect migrant workers. This transnational crime cannot be separated from a) the phenomenon of globalization causing many needs to have a negative and positive impact on humans, b) the interdependence of individuals, groups, countries, organizations that start from a sense of dissatisfaction c) The progress of human civilization d) Technology, information and communication e) Hidden interests.

Responding to these conditions, problem-solving must be based on sustainability and progress. This means that the use of information technology as a medium can be a rational choice. This means that the country's foreign policy must be directed at considerations of the digital era based on cognitive and rational considerations. Because the issue of the crime of transnationalism that has taken human lives is a state privilege and a state responsibility. Therefore, maximizing digital instruments is a comprehensive policy. In terms of foreign policy, it is called polyneuritis[37]. This means that when the crime becomes more massive, the methods are more aggressive, the methods used are more comprehensive, the state must think carefully and rationally so that it can fight each of these actions with a better strategy. Thus the government can suppress the crimes that occur, especially against

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[37] Fathun, L. M. (2021). Indonesia's Foreign Policy in Digital Era : Poliheuristic Theory. Intermestic.

migrant workers at sea who work on foreign ships.

When looking at the effectiveness or not of the government's policy towards the protection of Indonesian immigrants who work as crew on foreign vessels, of course, we need to look at the root of the problem why the protection of migrant workers is not effective, this is due to the absence of legal protection for Indonesian crew on foreign fishing vessels and weak supervision. The government towards the manning agency contributes to many labor violations, forced labor practices, and human trafficking. Implementing regulations in the form of a ministerial regulation of manpower regarding the placement and protection of Indonesian crew members on foreign fishing vessels have been mandated since 2004. However, until Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers (UUPMI) was enacted, the ministerial regulation was never issued. . Although the solution above is said to be being pursued, with the occurrence of cases of violence against crew members on foreign ships, this proves that this must still be strengthened and becomes a priority for the government so that the results obtained can be maximized.

5. Collaboration with the International Labor Organization. This collaboration can take the form of knowledge sharing or technical training for migrant workers to find out the details of their duties and functions. This is done to avoid the occurrence of malpractice of violence against workers as happened on foreign ships. The ILO can help governments and workers to be provided with training and knowledge about the world of work abroad and the rules and conventions on the rights of migrant workers globally. For example, in 2010 the ILO in collaboration with the Ministry of National Education collaborated to equip young people in the world of formal and informal work, entitled 4 in 1 training handbook from 13-17 December 2010 in Makassar. Another example is the ILO together with the Ministry of Manpower, the Indonesian Chamber of Commerce and Industry (Kadin), the Competent Indonesia National Movement (GNIK), the All-Indonesian Trade Union Confederation (KSBSI), and the All-Indonesian Trade Union Confederation (KSPSI-AITUC) launched a joint virtual training manual on pedagogical skills for apprenticeship program mentors in the workplace on 6 July 2021 (ILO, 2021). This training is a provision for migrant workers to be able to adapt to the world of work, especially abroad. This kind of knowledge proves the ILO's commitment and consistency to maintain the dignity of workers in the world of work. Of course, this good faith is a form of respect for human rights to create human security that is safe, comfortable, and enjoyable.

Conclusion

In this section, the author will conclude the authors' findings that transnational crime is one of the contemporary issues in the study of international relations. The argument is that this issue has attracted the attention of international relations analysts because every transnational crime act is highly

organized, involving state and non-state actors and the issues are varied. This issue is closely related to contemporary security studies, especially human security studies that are relevant to the issue of human rights. Transnational crime is an issue that takes many forms, including criminal acts against Indonesian migrant workers working on foreign ships. This incident has happened repeatedly but has not received special attention for workers to be advocated for their human rights.

Transnational crimes such as intimidation, criminalization, violence, murder of Indonesian migrant workers working on foreign ships have become an acute problem. From 2019 to 2020 it was found that Indonesian migrant workers were forced to work not under the established standards. Simply put, migrant workers are treated inhumanely and this treatment violates national and international laws. The Indonesian government has taken several ways to protect and secure Indonesian migrant workers on foreign ships to obtain their human rights as migrant workers with dignity. Administrative reforms, diplomatic actions, and debriefing for workers are carried out to provide humanitarian security to Indonesian workers. Why is this important the state has the authority to keep its citizens abroad as an operational form of national interest and implementation of foreign policy and diplomacy. This condition must be a priority for the government so that crimes against workers on foreign ships can become a serious issue among decision-makers and other relevant stakeholders.

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