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Precarity at Sea: The Experience of Domestic Fishery Vessel Workers in Indonesia

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ABSTRACT

Compared to the land-based sector, research on the domestic fishery vessel worker is scarce, causing academic, practitioner, and policymaker difficulty to describe their nature and current situation. Therefore, the research inquires what is the situation of fishery vessel workers in Indonesia. The purpose of this article is to describe the working conditions of fishery vessel workers in Indonesia in accordance with the International Labor Organization Convention 188 and Indonesia Fishery Human Rights. Drawn from a mixed

Keywords:
Fishery vessel workers, precariat, labor rights, seafood industry, forced labor

method approach with surveys in Jakarta, North Sulawesi, Bali, and Maluku with a total of 318 respondents, our findings suggested the nature of fishery vessel workers is precariat work which lacks job, income and social security. Their precariousness could be indicated by the irregularity of their work, unclear employment law, no fixed income, and their vulnerable social background. As a result of precariousness, rights violations exist in the fishing industry, especially as the Indonesian government has yet to ratify the ILO Convention 188. The study will provide an implication for the study of precariat work in Indonesia as well as the scholarly discussions on rights violations in the seafood industry.

Introduction

Indonesia's vast marine geography means the country has become one of the leading players in the capture fishery industry worldwide. According to the Food and Agriculture Organization (FAO), Indonesia has the second biggest wild-capture production, with total catches in 2020 reaching 6.43 million metric tons (FAO, 2022, p. 14). Tuna is one of Indonesia's leading products according to the International Trade Centre (ITC) which places Indonesia as the world's sixth-biggest tuna exporter with a market share of 5.33 per cent in 2020, behind Thailand, China, Spain, Ecuador, and Taiwan (ANTARA, 2022). Moreover, the size of the seafood industry is also a result of President Joko 'Jokowi' Widodo's intention since 2019 to increase investment in marine industries and liberalize the wild-capture industries (Napitupulu et al., 2022; Destructive Fishing Watch [DFW], 2023; Raharja & Karim, 2022, p. 13). Wild capture also employed 14,918 workers in 2022, consisting of workers in the processing industry and on domestic fishery vessels (Badan Pusat Statistik [BPS], 2023, p. 14).

The ILO defines fishers as any person employed or any other organization, such as a manager, agent, or bareboat character, who has assumed the responsibility for the operation of the vessel from the owners and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on fishing vessel owners. The ILO definition of commercial fishing covers a wide range of fisheries, including small-scale fisheries that sail on

weekly or monthly trips and are limited to nearby fishing grounds. Moreover, fishers can also be divided between migrant workers or workers on domestic vessels. In this paper, we would like to define domestic fishery vessel workers according to the Ministry of Marine and Fisheries Affairs Regulation No. 33 of 2021, as 'people working and/or employed on board a Fisheries Vessel by [sic] owner or operator of the Fisheries Vessel to carry out works [sic] on board the Fisheries Vessel in accordance with their positions as provided for in the Fishing Vessel Crew roll book'.

However, the positive performance of the Indonesian seafood industry comes at the expense of domestic fishery vessel workers. Due to their isolation at sea and lack of communication, the work of domestic fishery vessel workers is considered dangerous, dirty and demeaning, and requiring meticulous attention (ILO, 2016, p. 13). According to the National Fisher Centre (NFC), one of the platforms that handle complaints about the seafood industry run by the national NGO Destructive Fishing Watch Indonesia, there have been at least 300 domestic fishery vessel worker victims of forced labor and trafficking in persons in Indonesia between 2019 and 2023. Moreover, the 2022 United States Trafficking in Persons Report demoted Indonesia from Tier 2 to Tier 2 Watchlist due to the rampant trafficking in persons involving seafood industry workers, in particular domestic fishery vessel workers (US DoS, 2023).

In 2015, the Ministry of Marine and Fisheries Affairs introduced a Human Rights Certificate for the Seafood Industry following the exposure of slavery and human trafficking in Benjina Port. The Human Rights Certificate covers the due diligence obligations of the seafood industry, remedies for victims, and sanctions for businesses that violate regulations. However, there is a lack of enforcement, which has resulted in no business being granted a Human Rights Certificate (Kompas, 2023). The Indonesian government also ratified the International Covenant on Standards of Training, Certification, and Watchkeeping for Fishery Vessel Personnel (STCW-78), which aims to improve fishery vessel workers' competence and quality standards. Moreover, the Ministry of Marine and Fisheries Affairs has set working standards for

fishery vessel workers in Ministerial Regulation No. 33 of 2022, which deals with formal employment, remuneration, the requirement to provide social security, and working hours.

As labor exploitation of fishery vessel workers continues despite legislative and policy attempts by the Indonesian government, this paper aims to describe the nature of employment in fishery vessels, the ways in which fishery workers are exploited, who exploits them, and for what purpose. Therefore, this research addresses the main question: Why do domestic fishery vessel workers in Indonesia experience labor exploitation? This paper argues that domestic fishery vessel workers can be categorized as precariat workers due to the insecurity and unpredictability of their work, and their lack of social protection. Moreover, fishery vessel workers' precariousness is allowed by the Indonesian government's unwillingness to ratify the ILO Work in Fishery Convention No. 188, or C188, while the existing regulations do not professionalize fishery vessel workers in the same way as C188 (Vandergeest & Marschke, 2021, p. 14). Therefore, this research will specifically address this Convention, particularly concerning employment, remuneration, enforcement, and compliance.

This article contains four parts. The first is dedicated to reviewing the existing literature regarding precariat work and the vulnerability of fishery workers. The second elaborates on the findings from our research regarding the actual situation of domestic fishery vessel workers in Indonesia. The third discusses the gap between the Indonesian government's policies and C188 and how it results in the precariousness of fishery vessel workers. Finally, the article concludes by arguing that the precarious nature of fishery vessel workers represents a failure by the state to protect them.

Precariat work and fishery vessel workers' vulnerability

In his seminal work, Standing (2011, p. 8) defines the precariat as people with a minimal trust relationship with capital or the state, no social contract relationship, no bargain of trust in security, and temporary labor status. He further defines the precariat as lacking the seven forms of labor-related security, i.e. adequate income opportunities, protection against arbitrary

dismissal, the ability and opportunity to retain a niche in employment, the opportunity to gain skills, the assurance of an adequate stable income, and a collective voice in the labor market. Precariat workers also tend to be unable to identify their employer, how many fellow employees there are, and their salary. Their lack of social income in terms of insurance, salary, and remuneration, as well as their work-based identity, also become the main characteristics of a precariat.

Precarity comes as a result of economic neoliberalism, which encourages the state to retreat from its responsibility towards the security of its citizens (Standing, 2011). According to the proponents of the neoliberal economy, government intervention could lead to misallocation of labor, waste of resources due to rent-seeking, impaired adjustment to economic shock, deterred investment, and reduced growth (Tjandraningsih, 2013). In the labor market context, the precariat was intended to create flexibility to reduce the cost of production to the corporation (Standing, 2011). As the labor market becomes more flexible, so do the wages. Flexibility means speedy adjustments to changes in demand, employment flexibility, and easy access. In the fishing industry, it has already been argued that labor intensification is necessary to meet the demand for fish production.

Labor exploitation is the direct result of precariat work. In his research on the digital economy in Indonesia, Yasih (2023) found that precarious work changed the identity of ojek (motorcycle taxis) from workers into "micro-preuneurs." As a result, workers have to take personal responsibility for their problems, such as by working additional hours, holding multiple jobs, or engaging in other forms of self-exploitation (Yasih, 2023, p. 10). Moreover, precariat work becomes more pervasive as the workers cannot afford to be unemployed. In the metal industry in Indonesia, for example, Tjandraningish found that the normalization of outsourcing under the Indonesian employment regime caused job losses, a decline in secured working conditions, a lack of welfare and benefits, and a weak trade union (2013). The situation is further accelerated by a lack of law enforcement in the industrial center, causing recruitment agencies to proliferate (Tjandraningsih, 2013).

Drawing from the definition of precariat work and two examples from Indonesia, this study finds three key areas that characterize precariousness which are applicable to fishery vessel workers: employee-employer relations, recruitment and placement, and enforcement. While research on the precarious nature and character of fishery vessel work is still limited, previous studies have touched upon the vulnerability of fishery vessel workers that starts at recruitment and placement, where informal brokerage systems manipulate and exploit the fishers' financial instability (Stringer et al., 2021; Karim, 2017). Other research has focused on categorizing whether work on fishery vessels can be considered forced labor or human trafficking (Stringer et al., 2016; Chantavanich et al., 2016). In an attempt to explain why fishery vessel workers experience exploitation, scholars argue that it is a result of pressure in the global supply chain and a lack of unions (Vandergeest & Marschke, 2021; Tickler et al., 2018; Vandergeest & Marschke, 2019).

This study is not concerned with the question of whether the fishery vessel workers experience forced labor. Vandergeest and Marschke (2019) framed the situation as forced labor, which potentially leads to a binary view of the complicated problems experienced by fishery vessel workers. However, the critical political-economy approach is not able to identify the site of exploitation experienced by fishery vessel workers, the minimum standards, the rights which are violated, the reference actor violator, the oppressed and the marginalized, and the way in which the rights of fishery vessel workers should be exercised (Nash, 2015, p. 15). The features offered by a rights-based framework allow us to identify that the state has failed to provide, fulfil, and maintain the protection of fishery vessel workers (Teh et al., 2019). The dimension of state responsibility is also significantly missing from the current studies of fishery vessel workers, which are dominated by critical political-economic perspectives (Chantavanich et al., 2016; Clark & Longo, 2022). Furthermore, such studies do not consider the vulnerability and insecurity of fishery vessel workers that leave them no choice but to be exploited by the employer.

Methodology

The study was conducted in four prominent fishery hotspots in Indonesia: Benoa in Bali, Dobo in Maluku, Bitung in Sulawesi Utara, and Muara Baru in Jakarta, during April and May 2023. The research employed a robust mixed-methods approach, integrating both quantitative and qualitative data collection methods.

Quantitative data were gathered through the administration of online questionnaires, obtaining responses from a total of 318 participants across the selected locations. The collected data underwent a thorough analysis to extract numerical insights into various dimensions of fishery vessel workers' working conditions, including job security, income, and social security. Qualitative data were concurrently collected using a multifaceted approach involving semi-structured interviews and observations. The study locations were systematically observed to capture contextual nuances. Furthermore, feature triangulation was employed by interviewing 17 respondents from diverse backgrounds, such as NGOs, government authorities, and fishery vessel workers, to triangulate the qualitative data. This triangulation allowed for a progressive and detailed examination of the entire employment lifecycle, from recruitment to working conditions and post-work experience.

In deepening the understanding of the fishery vessel workers' experiences, ethnographic research was conducted from April to June in Jakarta, Benoa, and Bitung. This qualitative exploration aimed to provide a holistic view of fishery vessel workers' general working conditions and lives, offering valuable context to complement the quantitative findings.

Reliability and validity were paramount considerations throughout the study. Reliability, denoting the consistency and stability of the research findings, was enhanced by systematic and rigorous quantitative and qualitative data analysis. Validity, signifying the data verification and truthfulness of the research, was ensured through triangulation features and the comprehensive nature of the mixed-methods approach, offering a well-rounded and nuanced portrayal of the fishery vessel workers' situation. The inclusion of ethnographic research further contributed to the study's validity by capturing the workers' lived experiences

in their natural context.

Experience of the Precariat at Sea

A. Protection of fishery vessel workers

The human rights standards for fishery vessel workers are stipulated in C188. The convention consolidated previous ILO conventions and established the rights of fishermen and skippers, and the duties of the state (Riddings, 2021). The convention details standards of work in fishery vessels, such as the minimum requirements for work, conditions of service, accommodation and food, medical care and health protection, occupational safety and health, employment, remuneration, and compliance and enforcement (ILO, 2007). The convention also increases the bargaining power of fishery vessels as the vessel owner and the captain are forced to comply with and meet the standard of requirements, including the professionalization of fishery vessel workers (Vandergeest & Marschke, 2021). As of 2021, only 21 countries had ratified the convention, with Thailand being the only country in Southeast Asia. Indonesia is still not a signatory to the convention, likely due to a lack of financial capacity to implement and enforce the law (Ibrahim, 2023).

In Thailand, the ratification of C188 met with substantial success. Prior to the policy reform, Ministerial Regulation No. 10 of 1998 exempted fishermen from regular working hours and periods of rest (ILO, 2013). Moreover, laborers also admitted they did not sign a contract agreement, did not have adequate rest, and lacked inspection. After C188 ratification, the Thai government began to enforce port-in-port-out inspection (Environmental Justice Foundation [EJF], 2019). Research done by EJF also found that fishery workers were paid regularly, employed according to a formal written contract, and had access to health and social insurance, all of which raised Thailand's status in the IUUF system (Greenpeace, 2016; ILO, 2018; Issara Institute & International Justice Mission, 2017).

Meanwhile, the case of the Philippines shows that ratifying C188 is not the only measure to protect the rights of fishermen. Instead of ratifying the convention, the Philippine

government added text from C188 to its national legislation. For instance, Department Order No. 156-16 established labor standards, documentation, occupational safety and health provisions and a 13th-month salary bonus and prohibited fishery vessel owners from employing a contracting agency. However, lack of enforcement and compliance still deprives fishermen in the Philippines of formal employment without deception about the nature of work, formal training and education, and a legal identity (Verite, 2020). In other words, the case in the Philippines shows compliance and inspection are the keys to ensuring the professionalization of fishery vessel workers.

The Indonesian government has not ratified C188. The existing regulations on fishery vessel workers are scattered among three ministries: Marine and Fisheries Affairs, Manpower, and Transportation. However, none of them align with C188. The Ministry of Marine and Fisheries Affairs regulates the registration of domestic fishery vessel workers in Ministerial Decree No. 33 of 2021, which covers the areas of work agreements, remuneration, working hours, competence and certificates. The Ministerial Decree recognizes a work-at-sea agreement (Perjanjian Kerja Laut) that fishery port masters finalize before every departure. The decree also recognizes a profit-sharing arrangement between the fishery workers, captain, and the vessel owner.

In the legislation that oversees all workers in Indonesia, the employment law does not recognize fishery vessel workers. Indonesian employment law permits a temporary contracting system, Perjanjian Kerja Waktu Tertentu (Specific-Time Employment Agreement, or PKWT). The mechanism should only apply to certain jobs that require a specific amount of time with a maximum duration of two years, and there is an opportunity to extend the contract for a maximum of one year. Moreover, the employment law also stipulates a maximum overtime of 14 hours per week, and the employer is required to pay overtime, give paid leave of twelve days a year, and pay standard minimum wages based on regional and municipal standards. Employers should register signed employment agreements with the Ministry of Manpower.

Instead of applying the mechanism of the employment law, fishery vessel workers

have their own employment regime regulated by the Ministry of Marine and Fisheries Affairs. Through Government Regulation No. 27 of 2021, the government recognizes the Perjanjian Kerja Laut (Seafarer's Work Agreement, or PKL) as an employment system for fishery vessel workers. Moreover, fishery vessel workers are required to possess a Seafarer's Book as their personal identity and to take part in basic safety training and other competencies related to their work. However, PKL do not need to be registered with the Ministry of Manpower, causing the latter to feel less obligated to handle the affairs concerning fishery vessel workers.

Arguably, the PKL is flexible and allows for harsher work than the PKWT. In terms of working hours, the PKWT permits 40 hours of total working days per week, while the PKL permits 91 hours per week. While the PKWT stipulates the number of rest days per week and maximum overtime, the PKL contains no such provisions. However, the PKL does stipulate that the overtime fee is 25 per cent of the sailing allowance, while the PKWT mandates that the employers pay the overtime fee for each hour of total overworking time. The PKL could end when the sailing trip is over, which probably lasts 3 to 12 months, depending on the vessel type and estimated target. Moreover, the employers must also provide social insurance for the fishery vessel workers.

While also not specifically addressing the fishery vessel workers, the Indonesian government, through the Ministry of Marine and Fisheries Affairs (KKP), recognizes human rights certification for seafood products in Ministerial Regulation No. 35/Permen-KP/2015 on Human Rights System and Certification for the Seafood Industry. The Regulation admits the existence of forced labor, human trafficking, child labor, and working conditions that are not compliant with human rights standards. According to the Regulation, the seafood industry is obligated to fulfil the following work standards in the fishery industry:

1. Remuneration and sufficient rest hours
2. Adequate living standards, including accommodation and consumption
3. Provision of medicine
4. Social insurance.

5. Protection from occupational risk
6. Specific rights for women, children, and the disabled

Moreover, the Regulation also encourages shipowners to prevent forced labor by referring to the ILO indicators of forced labor, conducting a human rights assessment and human rights recovery, and providing continuous human rights training for the fishery vessel workers. The industry is also obligated to possess human rights certification to solidify its human rights standards. Since there is lack of enforcement to implement the Human Rights Certificate, as of 2023, no seafood business was registered properly.

B. The nature of work on fishery vessels

Fishery vessel workers are positioned upstream in the seafood industry, where they work on fishing vessels to catch marine resources. Crews consist of 20-25 members, according to the size of ships with a hierarchy of a captain, who will estimate and plan the trip, the first mate, and the crew, who will do the work of catching fish. Before each fishing trip, the crew has the responsibility of loading supplies, preparing equipment, and loading fuel, depending on their hierarchy on the vessel. After finishing the document requirements and loading, the fishery vessel will sail to one of 14 Indonesian National Fishing Ground (WPNRI). The destination may vary from time to time and differ from the plans due to weather, limited fish stock, and high traffic of fishery vessels in the intended fishing ground. During the trip, fishery vessel workers sort the fish, throw nets, haul in, and package. After each trip ends, the workers unload the fish, which will be weighed by dock workers.

In the Indonesian context, fishing vessels are owned by two groups. First, a Chinese-Indonesian business originating from Bagansiapiapi, Northern Sumatra. The business entity is a corporation that owns many vessels, a cold storage factory, and a processing industry—almost the whole seafood industry supply chain. Second, individual local strongmen owners, known as juragan, predominantly on the north Java coast. The second group has a small number of vessels and will transfer their catch to bigger enterprises or retail outlets.

C. Pre-departure - Recruitment process: Calo as the entry point

The vessel's captain is the agent who recruits fishery vessel workers. As there is no government-sponsored job center for fishery vessel workers and a lack of information regarding the labor market for fishery vessels, vessel captains employ three recruitment mechanisms. First, the captain asks friends, extended kin, and neighbors if anyone is interested in fishery vessel work. Based on our survey, at least 35 per cent of respondents responded they were invited personally by the captain to take a job on a fishing vessel.

Second, the captain relies on an informal network known as calo (Jones et al., 2019). Recruitment through calo or by referral is the easiest way for captains and companies who own fishing vessels to get workers who want to work on board without prior knowledge or experience of fishing work. According to C188, private recruitment and placement agencies are allowed to operate if they are well-regulated and controlled. In reality, intermediaries or calo are loosely organized and target unemployed individuals, ex-convicts, and street children with no job or prior experience. Prospective workers are promised high salaries, easy work, and an end to their desperation of being unemployed. They do not understand the working conditions and risks involved in sea-based work. Port authorities confirm the existence of calo and the recruitment methods:

Recruitment is the entry point for workers to board the ship, so all problems start with their skills and knowledge. Without skills and knowledge, their jobs are unsustainable and tend to be mismatched with their expectations. (Personal communication with a port authority official in Benoa, May 2023.)

Calo, which could also be considered a form of subcontracting, adds to the extent of fishery vessel precariousness. As previous scholars have argued, subcontracting makes labor much easier to mobilize and demobilize (Tjandraningsih, 2013), gives less protection by the government, and leaves it unclear by whom the laborers are employed (Standing, 2011). Fishery vessel workers experience similar cases because the Seafarer’s Work Agreement is

signed by the vessel's captain or even the calo rather than by the vessels' owners. Only the vessel's captain has a direct contract with the shipowner. As a result, the shipowner is immune from the responsibility to protect the rights of fishery vessel workers.

The precariousness of the recruitment process is also a result of a lack of clarity in the governance of fishery vessel workers. Permen KP 33/2021 (Ministerial Regulation) does not regulate the recruitment of fisheries vessel workers. This creates an easy opportunity for companies and ship captains to find and abuse workers in large numbers. Intermediaries come from various backgrounds and goals, including former ship workers, company employees assigned to look for workers and others. During our visit to Nizam Zachman port, preman (local thugs or hitmen) also served as calo and agents to enforce the obedience of fishery vessel workers. The existence of preman, as Mudhoffir (2021) noted, could be seen as a capital repressive apparatus and means to accumulate wealth (Mudhoffir, 2021).

I know about working opportunities as a fisherman from my distant uncle, who worked on the same ship for ten years. He is from this village as well. I was promised a big salary, and he told me it was an easy job. He recruited two other prospective fishermen, and then we flew by airplane to reach Muara Baru Port. There is no accommodation before work. Therefore, the ship manager took us to stay on the ship in the port before the voyage at sea. We stayed for a month on the ship waiting for our documents to be processed and the promised certifications before leaving Bitung. (Personal communication with an ex-fisher in Bitung who did not continue his contract as he was sick, July 2023.)

D. No Prior Training or Experience

The next cause of precariousness of fishery vessel workers is their minimum ability or lack of prior experience on fishery vessels. Permen (Ministerial Regulation) KP/33 requires fishery vessel workers to obtain certification, such as in Basic Safety Training (BST), prior to working on a vessel, and the port master is obliged to check every vessel before departure. According to C188, it is the responsibility of the vessel owner to provide the fishery workers

with basic safety training. When calo and the vessel's captain look for crew, they are categorized as pengalaman (experienced) and non-pengalaman (inexperienced). However, having experience does not necessarily mean a worker will have a BST or other certificates; rather, it means they have made fishing trips. Moreover, captains state there is no clear difference between experienced and inexperienced crews, as working operations at sea will eventually be taught by the captain or senior fishery vessel workers.

Fishery vessel workers state that senior fishers or vessel captains directly train them without any formal training process or documentation, such as the BST or Seaman's Book (the primary document for fishers). Based on interviews with fishermen in port, some undergo a one-month training process to obtain the Seaman's Book. Some state that they only underwent a three-day training before working on a tuna vessel for 10 months or on another ship during a 2-week sea voyage. As further sections will elaborate, the lack of experience and skill made fishery vessel workers more susceptible to intimidation and physical harassment, especially if they failed to operate fishing equipment correctly or caused damage to the vessel.

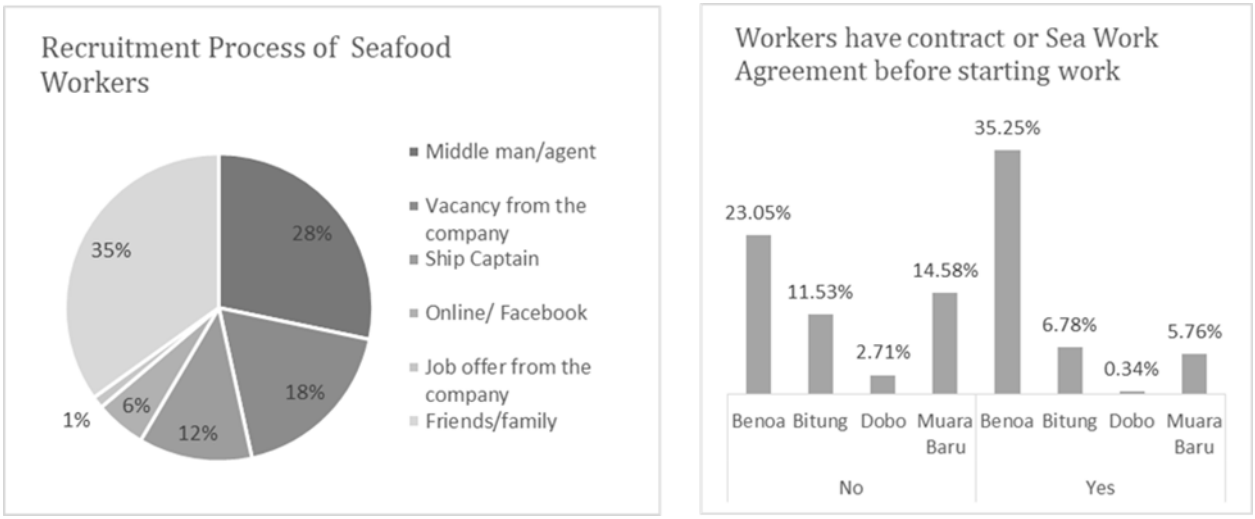

Figure 1 Recruitment Process and Possession of Contract/Seafarers Work Agreement

E. No possession of working agreement

As mentioned in the previous section, fishery vessel workers' agreements are not regulated by the Ministry of Manpower contracting scheme. Rather, the Ministry of

Transportation is the agency who governs the work agreement, namely the Perjanjian Kerja Laut (Seafarer's Work Agreement). The duality of governance has created concern and a lack of clarity for fishery vessel workers. Nevertheless, fishery vessel workers need a legitimate document that identifies their employer, salary, working hours, and social security coverage. The Work Agreement creates working stability and predictability, two criteria which the precariat worker lacks. C188 Articles 16 to 20 state that fishers should have a signed Work Agreement before boarding the vessel, and a copy shall be provided and carried by the fishers on board.

During the recruitment process, the calo or vessel captain promises to process the Work Agreement. In reality, less than 35.25 per cent of respondents in four locations stated they were aware of the importance of the Seafarer's Work Agreement. More than 50 per cent of respondents do not know the content of the Seafarer's Work Agreement or do not know of any agreement at all. Fishermen confirmed that signing the Seafarer's Work Agreement is very quick.

We were told to sign the Seafarer's Work Agreement quickly because the ship was about to depart. I was trying to find out what's in it, but I couldn't. The management has held mine (Personal communication with a fisher in Muara Baru about the process before working on the ship, June 2023.).

I was promised a seaman's book and a working contract when I was in Bitung. But, when I arrived in Jakarta, I waited for a month, just walking around and living on the boat. I know the importance of Work Agreements (PKL) and insurance since I have worked as a fisherman for 8 years. I was still not provided with a PKL or insurance when it was time to leave. The company administrator said that it was taken care of, all I had to do was work (Personal communication with a fisher in Bitung, July 2023.).

Drawing from the interviews, this study found that Seafarer's Work Agreements for the fishers are merely a formality for a vessel to sail. For example, in Bali, one of the fishers

explained that syahbandar (port masters) only sign papers without checking them by name. A syahbandar is a government official under the Ministry of Transportation who grants sailing permits. Since a work agreement is needed to protect workers and employers, the agreement states the rights and obligations of workers, such as salary, length of contract, company name, ship name, ship number, fishing gear, and worker obligations. The agreement needs to be signed by the fishers, the company, and the syahbandar.

In the end, I decided to sail and work on board the Maluku Sea, even though I didn't sign a work contract. Yes, because I have received a panjar of IDR 5 million from the ship captain. I wanted not to go, but I had sent the money to my wife, and I couldn't return it. So I was forced to work, so I am not embarrassed (Personal communication with a fisher in Bitung, July 2023.).

In reality, workers are not given an opportunity to understand the contents of the PKL, either by not signing directly, being rushed, or not getting a copy of the document. This reality is detrimental to workers because these fishermen had no information. In the interview above, even though fishers knew and asked about street vendors, the condition of getting a panjar or cash advance rendered them helpless. Being bound by debt is a condition of workers' vulnerability.

It also needs to be highlighted that a PKL only lasts as long as the fishing trip, which is commonly around 3 to 12 months. In other words, the contract is relatively short, which gives fishery vessel workers less job security as they will need to find new employment afterwards, repeating the same cycle. It also prevents fishery vessel workers from unionizing as they spend only a little time on the vessel. However, DFW's research in Nizam Zachman Port suggests that most fishery vessel workers decide to work in the seafood industry again. They have no choice and consider themselves lacking in the experience and skill needed to work in other sectors.

F. Working Conditions on the Vessel

The flexibility, instability, and unpredictability of work-at-sea agreements result in harsh working conditions. Fishery vessel workers come to understand their working hours, benefits, and remuneration. At the same time, the vessel captain exploits the lack of clarity of the Work Agreement in order to gain maximum benefits from the fishing trip. Further elaboration will demonstrate how the shipowners' responsibility to provide supplies, fair working hours, and resting time is violated at sea. Moreover, the situation at sea is much more complicated, considering its distance from the land and the lack of an inspector to observe labor conditions.

On tuna boats, fishermen work 12 hours a day. There is a rolling system for 18 people. One roll consists of nine people. In the case of squid boats, the situation is more extreme. The working hours for fishermen on squid boats are incredibly harsh. We start at 4 p.m. to fish for squid until 6 in the morning. Then we break to eat. We clean up the equipment until 10 a.m., then we have time to sleep until 4 p.m. And it goes on like that; I have no power not to work, even when sick. (Personal communication with a fisher in Benoa, May 2023.)

The statement reveals that fishermen are working for 14 hours a day with six hours of sleeping time. The demanding nature of the work and the high targets set by the boat captains are not supported by adequate basic facilities. The captain, who is also pressured by the company's target to get bonuses, also pushes the fishermen on board to work overtime. Fishing is highly labor-intensive, as fishers work at sea for twenty hours a day, every day of the week (Vandergeest et al., 2017). Fishing is a dangerous occupation, and fishers often have to take risks operating hazardous machinery in stormy weather (Derks, 2010).

In addition, fishers acknowledge that the food supply on the boat is rarely sufficient for all fishers, resulting in them having only two limited meals per day. Food and fresh water for drinking are typically scarce, especially when vessels have been at sea for prolonged periods. C188 states that water carried, and food served on board must be of nutritional value, quality and quantity to feed all crew members and it is the responsibility of the fishing vessel owner at no personal cost to the fishers. Lack of food directly impacts fishermen through sickness, and unhealthy fishers commonly suffer on board at sea (Devlin, 2009; Stringer et al.,

2011; Jones et al., 2019). There are implications for the health of the fishers if the ship owner or captain does not fulfil the basic needs for proper food and drink on board. From the NFC report covering 2019 to 2022, it was found that fishers were sick due to inadequate food and drinking contaminated water. It will also impact the ship's fish-catch productivity if there are many sick fishers on board.

The surveys also reveal pressure and intimidation, in relation to the strenuous nature of the work. The highest percentage of workers who either agree or strongly agree that they are intimidated at work in Dobo is (79 per cent), followed by Muara Baru (58 per cent), Bitung (52 per cent), and Benoa (39 per cent), indicating that there is still a lack of freedom in the workplace for fishermen. Inadequate inspection, enforcement, monitoring, and regulation of the fishing sector are primarily responsible for the prevalence of human trafficking and forced labor on ships (International Organization for Migration [IOM], 2016).

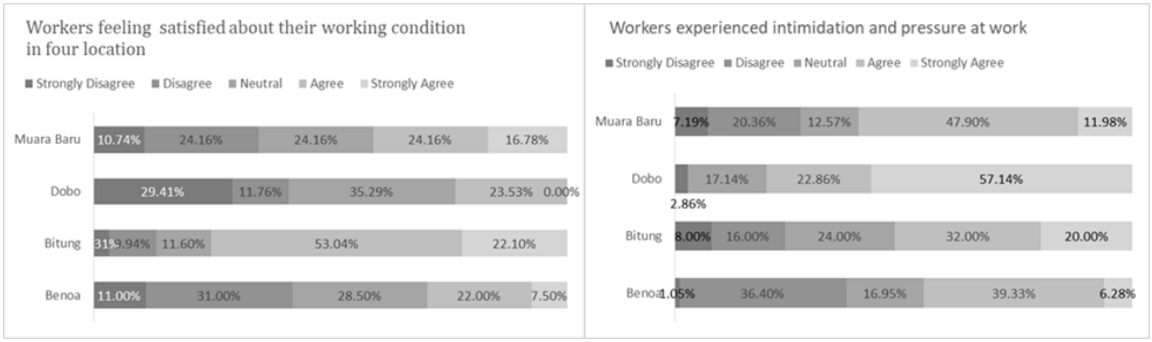

Figure 2 Workers' perception of working conditions and experience of intimidation at work

The interview process also found that accessing telephone signals and the internet is not easy while working on the ship, leading to a challenging situation for fishers. This makes it extremely difficult to maintain communication with partners and children. One worker shared:

During the 10 months I worked on the ship, catching fish was tough for me. I was far away from my family, wife, and children. Entertainment on the ship was limited to cards and songs from the CDs we brought. A friend of mine even became depressed upon finding out that his wife was cheating on him, and he wanted to end his life. (Personal communication

with a fisher in Benoa, July 2023.).

Fishermen experience depression and loneliness from being away from relatives and family for 10 months on the ship. Internet access is essential to facilitate workers' communication with their families and maintain relationships and well-being.

Comparing the four locations, fishery workers experience more pressure and intimidation in Dobo. One contributing factor could be the socio-economic situation in Dobo, where economic disparities and limited alternative employment opportunities may have created a heightened dependence on the fishing industry. At the same time, tuna resources in the Arafura Sea near Dobo are rich, inviting wild-capture fishing vessels to work in the area. In such circumstances, fishery workers might feel more compelled to endure unfavorable working conditions due to a lack of viable alternatives, making them more susceptible to exploitation.

Furthermore, the local dynamics of power and control within the fishing industry in Dobo may play a pivotal role. It is conceivable that there is a concentration of influential middlemen (calo) or employers who wield considerable authority over the workers, especially when most fishers are from distant provinces, who calo could easily threaten. Coercive practices within the fishing industry have also become historically accepted or normalised in this region, creating an environment where workers are less likely to resist or report such behavior.

G. Post-trip: Revenue sharing

Secure jobs will typically have a regular remuneration according to national or regional standards. Likewise, C188 also mandates that the fishery vessel workers be paid regularly. The income of fishery vessel workers is unpredictable and irregular due to the revenue-sharing mechanism, which means their remuneration depends on the profit received from a single trip. The calculation of revenue-sharing divides the total profit of a trip into two initial parts: for the shipowner and the captain. The captain then divides their part by the total number of

fishery vessel workers in proportion to their rank. The problem persists as work-at-sea agreements do not detail transparently how revenue sharing between the owner and captain and between the captain and crew members is calculated. This lack of detail makes fishery vessel workers unaware of their income per trip.

Upon completing their contracts or fishing periods, whether ten months or two weeks, the income received by fishers was often far from what was promised. Fishermen have two income schemes: a fixed wage and a profit-sharing scheme based on the value of the catch. This scheme is regulated by the Minister of Marine Affairs and Fisheries Regulation 33/2021.

The daily wage is IDR 30,000, plus squid that is valued at IDR 10,000 per kilogram for profit-sharing. When calculated monthly, I only receive IDR 900,000 rupiahs (USD 60) as a monthly salary, and a maximum of IDR 3,500,000 (USD 233) after profit sharing. (Personal communication with a squid fisher in Benoa, June 2023.)

The situation is different for privately owned vessels managed by individuals which are given catch targets of a minimum of 3 tons during the low season and 7-9 tons during the peak season. Once the target is achieved, the boat owner gives a bonus of IDR 25,000,000, which is divided among all fishers on the boat, ranging from 8 to 12 individuals. With the inclusion of bonuses, earnings can sometimes exceed the regional minimum wage if the workers are in good condition and when the fish are in season. Conversely, fishermen are not rewarded if they are sick or unable to fish.

H. Kasbon bondage

One of the inducements used by the calo and captains during recruitment are to provide potential fishery vessel workers with financial loans, commonly known locally as kasbon to meet workers' domestic needs and as a fund during their fishing trip. However, the loan will result in debt bondage, where the fishery vessel workers need to repay their loans out of their income. The case of fishermen Maruli and Anwar demonstrated how the fishery vessel workers ended up not receiving any salary at all due to their income being consumed

by loan repayments.

Kasbon not only increases the financial insecurity of fishery vessel workers but also becomes a mechanism used by the employer or calo to control fishery vessel workers. More often than not, fishery vessel workers have no choice but to continue with the harsh labor on the vessel to earn the means to repay the loan. Cases from the National Fisheries Centre also expose how creditors persistently pursue fishery vessel workers to the point of intimidating and physically harassing them.

Minister of Maritime Affairs and Fisheries Regulation Number 35/2015 states that debt bondage should be avoided. However, the practice is still carried out because giving cash advances has become an ingrained culture among fisheries workers. Apart from that, supervision by the Ministry of Maritime Affairs and Fisheries is also very weak. Companies or ship owners do not implement the regulation.

Based on interview results, there is evidence that the failure to ratify C188 violates fisher's rights. For example, the interviews revealed instances where workers were deliberately kept unaware of the contents of the PKL, whether through avoiding direct signatures, rushing the process, or withholding copies of the document. This lack of information places workers at a disadvantage by exploiting the vulnerabilities of those who are uninformed. This exploitation perpetuates a cycle of vulnerability, forcing workers to remain in precarious conditions and bonded by debt. The use of kasbon not only heightens the financial insecurity of fishery vessel workers but also acts as a controlling mechanism wielded by employers or middlemen (calo). Frequently, workers find themselves with no alternative but to endure grueling labor on vessels to generate income to repay loans.

This section has successfully established the argument that fishery vessel workers can be considered as a precariat due to irregularities in their work agreements and income insecurity. Moreover, their short-term contracts mean they also have low job security and unpredictable income. In conclusion, this paper will demonstrate how precariousness

operates among fishery vessel workers.

Conclusion

After reviewing the standards of protection of fishery vessel workers, assessing their working agreements, and looking at the reality of working at sea, this paper found that fishery vessel workers are best described as precariat workers, in that they do not enjoy the traditional protections such as job security, financial security, and social security. There are at least three indications that fishery vessel workers are members of the precariat. First, their working agreements are detached from the Ministry of Manpower which cannot regulate any violations of workers' rights or industrial relations. Moreover, fishery vessel workers have short-term working contracts, and the shipowner is not the one who signs the fishery vessel contracts.

Second, fishery vessel workers suffer from financial insecurity because their salary is based on revenue-sharing rather than a monthly-paid salary. After months of sailing, the fishery vessel workers do not know how much money they will receive – or worse, if they will receive any. Fishery vessel workers may also be subject to debt, which restricts their opportunity to take up other means of living. Thus, a continuous cycle of violations is inevitable. Third, their precariousness is also indicated by their socioeconomic background, with no prior experience of working in the fishery sector, otherwise unemployed, and with minimal education qualifications. Such factors make them vulnerable.

The precarious situation of fishery vessel workers is a result of the state's failure to fulfil its human rights responsibilities, as indicated by the fact that the government has yet to ratify C188. Moreover, the Ministry of Marine Affairs and Fisheries and Ministry of Labor regulations are not enforced to safeguard fishers' rights. The study revealed that there is still a gap in worker welfare. Upstream workers do not have a fishing background, have an uneven understanding of Seafarer's Work Agreements, and have inadequate, unstructured training systems and supervision at the provincial or regional level. Even regulations at the national level only partially regulate the mechanisms for monitoring fishing vessel crews. Meanwhile,

at the provincial level, supervision of crew members in North Sulawesi has been carried out by the Labor Office through inspections of fishing vessel crews. Therefore, building and strengthening rules and mechanisms for monitoring fishers and other seafood workers mandated by the central and provincial governments are crucial.

Furthermore, unintegrated regulations can also be seen in the difference in recognized remuneration systems between the Labor Office minimum wage and the Ministry of Marine Affairs and Fisheries, which acknowledges profit sharing. There has yet to be an actual application of profit-sharing standards in the field. There should be an agreement between the Department of Labor and the Ministry of Maritime Affairs and Fisheries regarding the remuneration system or a revision of Ministry Marine Affairs and Fisheries Regulation 33/2021.

In the broader perspective of Indonesian labor, the case of fishery vessel workers highlights that a flexible labor regime is implemented in the seafood industry at the expense of fishery vessel workers. Future studies could explore the implications of certain government neoliberal policies and their linkage to the increasing labor intensification and demand for seafood products.

It is widely known that precariat work has been abandoned by the mainstream labor movement and it is very difficult to create a union due to the temporary contracts, lack of workers' identity, and detachment from their employer (Standing, 2011). The same could apply to fishery vessel workers, and therefore, a mainstream unionization strategy probably would not work with them.

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References

ANTARA. (2022, April 19). Indonesia corners 15% share of global tuna production. ANTARA. https://en.antaranews.com/news/225853/indonesia-corners-15-share-of-global-tuna-production

Badan pusat Statistik. (2023). Statistik Perusahaan Perikanan 2022 [Statistics of Fishery Capture Corporation 2023]. BPS.

Chantavanich, S., Laodumrongchai, S., & Stringer, C. (2016). Under the shadow: Forced labour among sea fishers in Thailand. Marine Policy, 68, 1-17. https://doi.org/10.1016/j.marpol.2015.12.015

Clark, T. P., & Longo, S. B. (2022). Global labor value chains, commodification, and the socioecological structure of severe exploitation. A case study of the Thai seafood sector. The Journal of Peasant Study, 49(3), 652-676. https://doi.org/10.1080/03066150.2021.1890041

Derks, A. (2010). Migrant labour and the politics of immobilisation: Cambodian fishermen in Thailand. Asian Journal of Social Sciences, 38(6), 915–932. https://doi.org/10.1163/156853110X530804

Destructive Fishing Watch. (2023, November 1). Ocean For Sale: Four Years of Jokowi Ocean Policy. Destructive Fishing Watch. https://dfw.or.id/empat-tahun-kebijakan-maritim-jokowi-ocean-for-sale/

Devlin, J. (2009). Modern day slavery: Employment conditions for foreign fishing crews in New Zealand. Australian and New Zealand Maritime Law Journal, 23(1), 82–98. https://maritime.law.uq.edu.au/index.php/anzmlj/article/view/1554

Environmental Justice Foundation. (2019). Thailand's progress in combating IUU, forced labour and human trafficking. EJF. https://ejfoundation.org/resources/downloads/EJF-Technical-Report-2021_EN.pdf

Food and Agriculture Organization. (2022). The state of world fisheries and aquaculture: Toward blue transformation. FAO. https://doi.org/10.4060/cc0461en

Ibrahim, A. M. (2023). Indonesia decision not to ratify the ILO Convention No. 188/2007 on Work in Fishing. Indonesian Perspective, 8(1). 71-95. https://doi.org/10.14710/ip.v8i1.56380

International Labour Organization (2007). Work in fishng convention. ILO. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188

International Labour Organization. (2013). Employment practices and working conditions in Thailand Fishing Sector. ILO. https://www.ilo.org/asia/publications/WCMS_220596/lang--en/index.htm

International Labour Organization. (2016). Fishers first: Good practices to end labour exploitation at sea. ILO. https://www.ilo.org/global/topics/forced-labour/publications/WCMS_515365/lang--en/index.htm

International Organization for Migration. (2016). Report on human trafficking, forced labour and fisheries crime in the Indonesian fishing industry. IOM. https://www.iom.int/sites/g/files/tmzbdl486/files/country/docs/indonesia/Human-Trafficking-Forced-Labour-and-Fisheries-Crime-in-the-Indonesian-Fishing-Industry-IOM.pdf

Issara Institute & International Justice Mission. (2017). Not in the same boat: Prevalence and pattern of labour abuses across Thailand diverse fishing industry. II & IJM. https://globalinitiative.net/analysis/not-in-the-same-boat-prevalence-patterns-of-labor-abuse-across-thailands-diverse-fishing-industry/

Jones, K., Visser, D., & Simic, A. (2019). Fishing for export: Calo, recruiters, informality, and debt in international supply chains. Journal of the British Academy, 7(s1), 107-130. https://doi.org/10.5871/jba/007s1.107

Karim, M. F. (2017). Institutional dynamics of regulatory actors in the recruitment of migrant workers: The case of Indonesia. Asian Journal of Social Science, 45(4/5), 440-464. https://www.jstor.org/stable/44508095

Kompas. (2023, October 9). Human right policy does not cover the domestic fishery vessel workers. https://www.kompas.id/baca/ekonomi/2023/10/09/kebijakan-perlindungan-belum-sentuh-pekerja-perikanan

Mudhoffir, A. M. (2021). State of disorder: Privatized violence and the state in Indonesia. Palgrave Macmillan

Napitupulu, L., Tanaya, S., Ayostina, I., Andesta, I., Fitriana, R., Ayunda, D., Tussadiah, A., Ervita, K., Makhas, K., Firmansyah, R., & Haryanto, R. (2022). Trends in marine resources and fisheries management in Indonesia: A review. WRI Indonesia. https://doi.org/10.46830/wrirpt.20.00064

Nash, K. (2015). The political sociology of human rights. Cambridge University Press.

Raharja, D. P., & Karim, M. F. (2022). Re-territorialization and the governance of ocean. Territory, Politics, and Governance. https://doi.org/10.1080/21622671.2022.2118824

Ridings, P. J. (2021). Labour standards on fishing vessel: A problem in search for home? Melbourne Journal of International Law, 22(2), 1-24, https://www.proquest.com/scholarly-journals/labour-standards-on-fishing-vessels-problem/docview/2671718502/se-2

Standing, G. (2011). The precariat: The new dangerous class. Bloomsbury.

Stringer, C., Kartikasari, A., & Michailova, S. (2021). 'They make a business out of desperate people: the role of recruitment agents in cross-border labour chain. Australian Journal of Management, 46(4), 672-689. https://doi.org/10.1177/0312896220986895

Stringer, C., Simmons, G., & Coulston, D. (2011). Not in New Zealand's waters, surely? Labour and human rights abuses aboard foreign fishing vessels. New Zealand Asia Institute, University of Auckland. https://www.auckland.ac.nz/assets/business/our-research/docs/nzai/not-in-new-zealand-waters-surely-nzai-working-paper-sept-2011.pdf

Stringer, C., Whittaker, D. H., & Simmons, G. (2016). New Zealand's turbulent waters: The use of force labour in fishing industry. Global Networks, 16(1), 3-24. https://doi.org/10.1111/glob.12077

Teh, L. C. L., Caddel, R., Allison, E. H., Finkbeiner, E. M., Kittinger, J. N., Nakamura, K., & Ota, Y. (2019). The role of human rights in implementing socially responsible seafood. PloS One, 14(1). https://doi.org/10.1371/journal.pone.0210241

Tickler, D., Meeuwig, J. J., Bryant, K., David, F., Forrest, J. A. H., Gordon, E., Larsen, J. J., Oh, B., Pauly, D., Sumaila, U. R., & Zeller, D. (2018). Modern slavery and the race to fish. Nature Communications, 9(1). https://doi.org/10.1038/s41467-018-07118-9

Tjandraningsih, I. (2013). State-sponsored precarious work in Indonesia. American Behavioural

Scientist, 57(4), 403-419. https://doi.org/10.1177/0002764212466236

US Department of State. (2023, June 15). 2023 Trafficking in persons report. https://www.state.gov/reports/2023-trafficking-in-persons-report/indonesia/#report-toc__exec-summary

Vandergeest, P., & Marschke, M. (2019). Modern slavery and freedom: Exploring contradictions through labour scandal in Thai fisheries. Antipode, 52(1), 291-315. https://doi.org/10.1111/anti.12575

Vandergeest, P., & Marschke, M. (2021). Beyond slavery scandals: Explaining working conditions among fish workers in Taiwan and Thailand. Marine Policy, 132. https://doi.org/10.1016/j.marpol.2021.104685

Vandergeest, P., Tran, O., & Marschke, M. (2017). Modern day slavery in Thai fisheries: Academic critique, practical action. Critical Asian Studies, 49(3), 461–464. https://doi.org/10.1080/14672715.2017.1339465

Verite. (2020). Recruitment and hiring practices in the Philippines tuna handline fishing sector. https://verite.org/wp-content/uploads/2020/09/Verite_Recruitment-and-Hiring-Practices-in-the-Philippine-Tuna-Handline-Fishing-Sector.pdf

Yasih, D. W. P. (2023). Normalizing and resisting the new precarity: A case study of the Indonesian gig economy. Critical Sociology, 49(4-5), 847-863. https://doi.org/10.1177/08969205221087130