



# Analysis of the Implementation of the 2006 MLC Ratification on Indonesian Ships

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**Abstract.** The International Ship Labor Convention 2006 (MLC 2006) is an international agreement that aims to improve the protection and welfare of workers on ships. This journal article aims to analyze the implementation of the MLC 2006 ratification on ships in Indonesia. This analysis involves understanding the MLC 2006 regulations, assessing the level of compliance, and evaluating the impact of ratification on Indonesian seafarers. The data collection methods used are literature study, observation, and interviews. The collected data were analyzed using qualitative descriptive analysis techniques. The study was conducted at Tanjung Priok Port. The results of the study based on the results of the data analysis conducted showed that the obstacles/constraints faced in the implementation of the MLC 2006 ratification on Indonesian ships were: 1). The existence of interests between the Ministry of Transmigration & Manpower and the Ministry of Transportation. 2). The government and shipping companies (INSA) are not yet ready to fulfill the provisions of the MLC 2006.

**Keywords:** First Keyword, Second Keyword, Third Keyword.

## 1 Introduction

The Maritime Labour Convention 2006 (MLC 2006) is an international agreement established to enhance protection for maritime workers. Indonesia ratified the MLC 2006 in 2022 and has since taken steps to ensure its implementation in the state shipping sector. This article examines the Indonesian government's efforts and the significant impact on Indonesian sailors. According to the Head of the National Agency for the Placement and Protection of Indonesian Migrant Workers (BNP2TKI), approximately 250,000 Indonesian sailors work on foreign-flagged ships, making Indonesia one of the top countries in the global maritime workforce after the Philippines and India. Although the demand for Indonesian sailors continues to rise, Indonesia still faces a shortage, with an estimated 25,000 sailors needed to meet industry demands. The MLC 2006, adopted by the International Labour Organization (ILO) in Geneva in February 2006, came into effect on August 20, 2013, following ratifications by 30 countries, representing 33% of the gross tonnage of the global fleet. Several countries, including Russia and the Philippines, were instrumental in its ratification, followed by other member states such as Canada, Australia, Greece, and France, among others.

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At the meeting on September 5, 2016, the Indonesian Minister of Manpower explained that the government needed to take proactive steps to anticipate the implications of ratifying the Maritime Labour Convention (MLC) 2006. These preparations were necessary before submitting a bill to the Indonesian House of Representatives for the convention's ratification, contributing to the lengthy ratification process. The MLC 2006, adopted at the ILO's 94th International Labour Conference in February 2006, modernized and consolidated 37 previous ILO conventions related to maritime employment. This updated standard aimed to ensure fair working conditions for maritime workers worldwide.

Law No. 15 of 2016 ratified the Maritime Labour Convention (MLC) 2006, establishing a legal foundation for maritime employment standards in Indonesia. This law requires the government to create guidelines for shipowners, crew members, and sailors. These guidelines cover legal enforcement, recruitment, employment protection, working conditions, as well as training and competency requirements. After ratifying the convention, the government plans to issue technical regulations to implement these standards effectively. Negotiations are currently underway among the Ministry of Manpower, Ministry of Transportation, and Ministry of Law and Human Rights to finalize these technical regulations.

The Ministry of Manpower has the authority to supervise maritime employment conditions under the ratified convention, specifically under Law No. 17 of 2008 on Shipping and the Commercial Code (KUHD). However, these regulations still fall short of providing sufficient protection for sailors. Due to overlapping jurisdiction, sailors often encounter unresolved issues, such as wage disputes. While wage complaints are handled by the Ministry of Manpower, licensing and regulatory oversight of companies fall under the Ministry of Transportation. This fragmentation has left sailors vulnerable, as employment issues frequently remain unresolved due to the lack of unified regulatory enforcement.

The Maritime Labour Convention (MLC) officially came into force for all ILO member countries on August 20, 2013, following its ratification by 30 countries, representing 33% of the world's gross tonnage of ships. Established in 2006 at an ILO session, the MLC sets international labor standards, and many of its provisions have been incorporated into Indonesian regulations. These include Indonesia's Trade Law, Law No. 13 of 2003 on Manpower, Law No. 17 of 2008 on Shipping, and various Government Regulations (PP), such as PP No. 7 of 2000 on maritime affairs, PP No. 20 of 2010 on water transport, and PP No. 51 of 2012 on enhancing sailors' human resources, which emphasizes the welfare of maritime workers.

## **2 Purpose Of the Study**

This study focuses on assessing how well Indonesian vessels comply with the standards set by the Maritime Labour Convention (MLC) 2006. Key areas of analysis include the implementation of safe and fair working and living conditions, adherence to wage standards, occupational health and safety practices, protection of workers' rights, and provisions for social protection. The aim is to determine the level of compliance with

these MLC requirements and identify areas where improvements may be necessary to ensure the welfare of crew members on Indonesian vessels.

### **3 Methodology**

This study adopts a qualitative approach, utilizing field methods, including observations and interviews, to gather data. The research begins with a review of relevant literature and documents, serving as the foundation for selecting the methodology. Field data is then processed and analyzed using interrelated methods, with discussions that compare these findings to the literature. This analysis forms the basis for conclusions and recommendations. The study is conducted at Tanjung Priok Port, a major Indonesian port for international shipping, involving Indonesian vessels that dock there. Participants include Indonesian ship crew members, INSA Center staff, and officials from the Directorate General of Sea Transportation at the Ministry of Transportation.

### **4 Results**

INSA data shows a significant rise in national shipping businesses since 2005, with an increase of around 2,700 ships (50.04%). This growth has created a demand for 27,000 sailors, yet Indonesian maritime academies currently produce only about 2,000 sailors annually, leading to a shortage of approximately 25,000 sailors between 2005 and 2009. According to the Head of the Water Transportation Division at DPP INSA, this gap stems from the limited output of maritime academies, making it challenging to meet the national demand for sailors. After ratifying the Maritime Labour Convention (MLC), the Indonesian government was expected to issue implementation guidelines (Juklak) to support adherence to the convention. However, several obstacles hindered this process. First, there were conflicts of interest between the Ministry of Manpower and Migration and the Ministry of Transportation. Secondly, the government and the Indonesian National Shipowners' Association (INSA) were not fully prepared to meet all MLC requirements, impacting the effective implementation of the convention.

#### **4.1 Implementation of the Maritime Labor Convention (MLC)**

The Maritime Labour Convention (MLC 2006) protects all seafarers, both domestic and international. When a country ratifies this convention, it commits to upholding all obligations specified in the agreement, creating a stronger foundation for seafarer welfare and safety. This commitment can significantly enhance working conditions and rights for seafarers, ensuring they receive fair treatment and protection worldwide.

Each country has the right to flag its ships, and under the MLC, these flagged vessels must meet the convention's standards. Conditions may vary depending on the ship's

flag country. According to the MLC requirements, each vessel must meet the labor standards of its flag state, as outlined in the Declaration of Maritime Labour Compliance (DMLC). All vessels over 500 GT operating internationally must hold a Maritime Labour Certificate and comply with DMLC standards. This certificate confirms the vessel's compliance with MLC provisions and must be issued by the flag state. Both the Maritime Labour Certificate and DMLC must be kept onboard for inspection at international ports.

#### **4.2 Provisions in the Maritime Labor Convention (MLC)**

The Maritime Labour Convention (MLC) 2006 establishes five key provisions to protect the rights of seafarers. First, it outlines the minimum requirements for seafarers, including age, medical fitness, and training standards necessary to work on ships. Second, it addresses working conditions, ensuring fair treatment by regulating working hours, rest periods, and other aspects of work-life balance. Third, the convention mandates that ships provide adequate accommodation, facilities, recreation, food, and catering, ensuring seafarers have proper living conditions, access to recreation, and nutritious food. Fourth, it focuses on protection, welfare, and social security, guaranteeing that seafarers are supported in cases of illness, injury, or death and have access to social security benefits. Lastly, the MLC outlines implementation and enforcement procedures, including inspections and compliance checks, to ensure that ships meet the required standards set by the convention.

#### **4.3 Observation and Interview**

Research results through interviews and direct observations indicate that despite the existence of maritime worker conventions since 1974, such as SOLAS, MARPOL 1973/1978, and STCW 1978/2010, the new MLC Convention was formed in 2006 as a response to numerous incidents and a growing need for better protection at sea. The previous conventions, while providing guidelines for safety and environmental standards, were found to be inadequate in addressing the welfare and working conditions of seafarers. The MLC Convention was introduced to fill this gap, ensuring greater protection, rights, and well-being for maritime workers.

The Indonesian government was urged by the International Transport Federation (ITF) to quickly ratify the Maritime Labour Convention (MLC). If Indonesia failed to ratify the convention, future Indonesian sailors would face threats, as they may not be hired by major shipping companies like Global Shipping. Furthermore, Indonesian ships could become targets for inspection, as their crew placement procedures may not align with the MLC provisions. Reports from the ITF indicated that many manning agents were in violation, including charging sailors for being placed on board ships. According to the MLC provisions, ship owners must demonstrate to the flag state that the agent recruiting sailors is authorized by the owner, ensuring compliance with international standards.

Although lots of cases occurred, the Indonesian government has still not yet ratified the MLC. However, the regulations and laws governing sailors and the sea have lots

determined by the ministry communication, good regulation small and also applicable regulation universally. Because the maker regulation No can apply it with ok, rules sometimes only become products that are not once used.

Indonesia has not ratified the Maritime Labour Convention (MLC) from 2006 to 2014, as every country has its reasons for making decisions independently. Nations often act based on their national interests, which may lead to subjective decisions within the international community. These national interests can influence how countries build or decide connections with other countries or groups of countries, including in international organizations. Although Indonesia has signed the MLC convention, it has not yet ratified it. This delay may stem from a variety of factors, including national considerations and the need to balance domestic policies with international obligations. However, Indonesia must strengthen its international connections and cooperation to move forward with ratifying the MLC, ensuring that its maritime workers are protected under global standards.

#### **4.4 Reasons for not issuing the implementation instructions for the implementation of the MLC**

Political interests play a significant role in shaping policy decisions, especially when it comes to international conventions like the MLC. In Indonesia, there is a clear intersection of political interests between the Ministry of Manpower and Transmigration and the Ministry of Transportation, which has led to conflicts regarding the ratification of the Maritime Labour Convention (MLC). Although the Ministry of Manpower and Transmigration is less directly involved with sailors, it has a strong interest in ratifying the MLC. On the other hand, the Ministry of Transportation, which is more closely related to the maritime sector, has different priorities. This mismatch of interests has led to a lack of coordination between the two ministries, preventing clear instructions for implementing the MLC in Indonesia. Furthermore, existing regulations, such as PP No. 12 of 2010, article 2, define the Ministry of Manpower and Transmigration's role in managing workforce-related affairs, further complicating the ratification process. The absence of alignment and collaboration between these institutions continues to delay the ratification and implementation of the MLC.

The regulations governing the performance of the Ministry of Transportation are outlined in PP No. 24 of 2010, which states that the Ministry of Transportation is responsible for assisting the President in carrying out government duties related to transportation. Similarly, the Ministry of Manpower and Transmigration also has its defined duties under PP No. 12 of 2010, which focuses on workforce and transmigration matters. While both ministries have distinct roles in supporting the President's administration in their respective fields, the final approval for validating international agreements, such as the ratification of the Maritime Labour Convention (MLC), lies with the President. This process highlights the complexity of coordination between the two ministries, as both must align their efforts to ensure the successful ratification and implementation of international conventions, such as the MLC, in Indonesia.

Indonesia has faced delays in implementing the Maritime Labour Convention (MLC) despite its ratification. The primary reason for this is the prolonged process of developing a clear constitutional framework regarding the validation of international agreements related to the rights of sailors. Several issues have contributed to this delay, including disagreements on funding, improving human resources, and ensuring the welfare of sailors. These concerns highlight the complexities involved in fully implementing the MLC, as Indonesia must address these challenges to ensure proper implementation. The key question now is whether the country will overcome these hurdles and proceed with the full ratification and enforcement of the MLC or continue to face obstacles that hinder its implementation.

The Indonesian government has faced challenges in implementing the Maritime Labour Convention (MLC) due to the unpreparedness of both the government and Indonesian shipping companies to fulfill the convention's requirements. Despite having a large number of sailors, the government and shipowners are not yet ready to comply with the provisions outlined in the MLC. A significant factor contributing to this delay is the unpreparedness of national shipowners to meet the MLC's standards, especially in light of the global economic downturn, which has affected the maritime industry. With the declining economy, shipping companies are struggling to provide the necessary welfare for their crews, adding a significant financial burden to the industry. This has led to a delay in the creation of operational guidelines for implementing the MLC in Indonesia.

INSA (Indonesian National Shipowners Association) is not yet ready to implement the Maritime Labour Convention (MLC) due to concerns about the competitiveness of Indonesian ships with those from other countries. To comply with all the MLC provisions, such as paying sailors wages that meet international standards and ensuring their safety on board, INSA would require substantial capital investment. This financial challenge is one of the key obstacles preventing the swift implementation of the MLC, as shipowners are concerned about the additional costs involved in meeting these standards while remaining competitive in the global shipping market.

## **5 Conclusion**

After ratifying the Maritime Labour Convention (MLC) 2006, the Indonesian government should have implemented operational guidelines (Juklak) within a year, in the form of a law. However, interviews and observations indicate several challenges that have delayed the implementation. First, there is a conflict of interest between the Ministry of Manpower and Transmigration and the Ministry of Transportation, which has slowed progress. Second, both the government and the Indonesian Shipping Company (INSA) are not fully prepared to meet the provisions of the MLC. While the Indonesian government has made significant strides in implementing the MLC, such as issuing national regulations to ensure that Indonesian ships meet MLC standards regarding employment conditions, wages, safety, health, and social protection, challenges remain. These include gaps in understanding and awareness of the MLC 2006 regulations among various stakeholders. Despite the positive impact of MLC

ratification, such as better legal protection, improved working conditions, and increased attention to the social rights of Indonesian seafarers, issues such as consistent enforcement, effective supervision, and greater awareness among seafarers still need attention.

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### References

1. Rahim, Ruslan. *Maritime Insight*. (Jakarta, Halu Oleo University, 2014)
2. Richard C. Snyder in James N Rosenau, *The International and Foreign policy*, The Free Press, (London, Mac Millan Publisher, 1962)
3. Soegiono. *Qualitative quantitative research methodology and R&D* (Bandung, Alfabeta, 2009)
4. *Maritime Labor Convention* (2006)
5. Law No. 15 of 2016 concerning Ratification of MLC 2006
6. Law No. 17 of 2008 concerning Shipping
7. Law No. 13 of 2003 concerning employment
8. Government Regulation No. 7 of 2000 concerning maritime affairs
9. Government Regulation No. 20 of 2010 concerning transportation in waters
10. Government Regulation No. 51 of 2012 concerning the improvement of maritime human resources
11. Seafarers' rights are forgotten, Indonesia is increasingly marginalized, accessed from <<http://www.myedisi.com/jurnalmaritim/artikel/412/1162/>> on (20 June 2014)
12. Barriers to the maritime industry, accessed from <<http://balianzahab.wordpress.com/makalah-hukum/hukum-pengangkutan/transportasi-maritim/>> on (12 August 2014)
13. Indonesia Not yet ratified, accessed from i <[http: // Error! Hyperlink reference not valid.](http:// Error! Hyperlink reference not valid.)> on (April 20, 2014)
14. Maritime industry, accessed from <<http://www.myedisi.com/maritime/artikel/124/315/>> on (25 June 2014)

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