



ARMA Update 27 June 2022

(English Version)

Government Regulation No. 22 of 2022 regarding Placement and Protection of Migrant Commercial Vessel Crews and Migrant Fishing Vessel Crews

General Overview

In order to implement the provisions of Article 64 of Law No. 18 of 2017 regarding the Protection of Indonesian Migrant Workers, the Indonesian government further regulates the mechanism for commercial and fishery vessel crews in Government Regulation No. 22 of 2022 regarding the Placement and Protection of Migrant Commercial Vessel Crews and Migrant Fishing Vessel Crews (“**GR 22/2022**”).

This ARMA Update will discuss the overview of GR 22/2022 that applies to:

- a. Placement Executors, which are Indonesian Migrant Workers Protection Agency (*Badan Perlindungan Pekerja Migran Indonesia* or “**BP2MI**”), Indonesian Migrant Worker Placement Company (*Perusahaan Penempatan Pekerja Migran Indonesia* or “**P3MI**”), and companies that place crews for its own benefit;
- b. Migrant Commercial Vessel Crews, which are the Indonesian migrant workers employed aboard a foreign-flagged merchant vessel; and
- c. Migrant Fishing Vessel Crews, which are the Indonesian migrant workers employed aboard foreign-flagged fishing vessels.

Implementation of Maritime Labour Convention 2006

The establishment of the Maritime Labour Convention 2006 (“**MLC 2006**”) was to provide protection to sailors and crew members working on foreign-flagged vessels. GR 22/2022 also serves as the implementation of MLC 2006 to give legal certainty regarding the status of crew members working on foreign flag ships. Furthermore, the existence of GR 22/2022 is a form of state responsibility to maintain the welfare of Indonesian ship crews, especially considering the large number of Indonesian crew members that are exposed to the risk of becoming victims of “slavery at sea”, in which they have to work in inadequate condition.

Placement of Migrant Commercial Vessel Crew and Migrant Fishing Vessel Crew

The placement of migrant commercial and fishing vessel crews is carried out by BP2MI based on a written agreement between the Indonesian government and the government or employer of the destination country. The written agreement was followed by a technical agreement between



BP2MI and the government institutions appointed by the state government of the employer or principal.

Stages of The Implementation of The Crew Placement

The initial steps of the placement started through the information notification, registration, selection, medical and psychological examinations, signing of placement agreement, registration of social security participation, implementation of pre-departure orientation, the signing of the Sea Employment Agreement (*Perjanjian Kerja Laut* or “PKL”), and departure.¹

Requirements for P3MI

The conditions that must be met by a migrant commercial vessel crew and migrant fishing vessel crew placement company are as follows:

- a. Obtain written permission from the Indonesian Ministry of Labour in the form of an Indonesian Migrant Worker Placement Company License (*Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia* or “SIP3MI”);²
- b. Have an agency agreement with the employer or principal endorsed by the Representative of The Republic of Indonesia;³ and
- c. Have Indonesian Migrant Worker Recruitment License (*Surat Izin Perekrutan Pekerja Migran Indonesia* or “SIP2MI”).⁴

Protection of Migrant Commercial Vessel Crews and Migrant Fishing Vessel Crews

The protection of migrant commercial and fishing vessel crews is intended for prospective crew members who are at least 18 (eighteen) years old, have competence or education in accordance with the requirements, are physically and spiritually healthy, are registered and have a social security bond number, and have the required complete documents (passport, sailor’s book, PKL, work visa, proof of social security participation, etc.).⁵

The protection provided to the crews of migrant commercial vessels and fisheries is in the form of:

- a. Wages;
- b. Work and rest time;
- c. Leave entitlement (*bak cuti*);

¹ Article 6 (1) of the GR 22/2022.

² Article 8 (1) and Article 25 (1) of the GR 22/2022.

³ Article 10 (1) and Article 27 (1) of the GR 22/2022.

⁴ Article 11 (1) and Article 28 (1) of the GR 22/2022.

⁵ Article 15 (1) and Article 31 (1) of the GR 22/2022.



- d. Repatriation;
- e. The right of compensation for the loss of the vessel;
- f. Manning levels;
- g. Development of abilities and career;
- h. Obtaining accommodation, recreational facilities, meals, drinks, and clean water;
- i. Onboard and onshore health services;
- j. Occupational safety and health;
- k. Prevention of work accidents;
- l. Access to welfare facilities at the Port; and
- m. Social security and insurance.

These rights of protection must be included in the PKL which is made and signed between the crew of the vessel and the party acting for and on behalf of the employer or principal containing the rights and obligations of the parties and authorized by the harbour master (*syahbandar*).

Supervision

According to Article 40 of GR 22/2022, the supervision of placement and protection of Migrant Commercial Vessel Crews and Migrant Fishing Vessel Crews is divided by working period. At the time before and after work, supervision is carried out by labour inspectors and may involve marine inspectors or fisheries supervisors. Meanwhile, supervision during work is carried out by representatives of the Republic of Indonesia and can cooperate with the Flag State Inspector and port state control officers in the country of placement.

Administrative Sanctions

Any violations committed by relevant parties that do not comply with the provisions of GR 22/2022, must bear administrative sanctions in the form of written warnings, temporary suspension of part or all of the business activities, or revocation of licenses.

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