

DOI: <https://doi.org/10.38035/dijemss.v5i6>

Received: 21 July 2024, Revised: 15 August 2024, Publish: 16 August 2024

<https://creativecommons.org/licenses/by/4.0/>

ASEAN's Reaction To Forced Labor Exploitation in the Fishing Sector in Indonesian Waters

Desy Syamsurini Ekawati¹

¹ Universitas Indonesia, Jakarta, Indonesia, desy.syamsurini@ui.ac.id

*Corresponding Author: desy.syamsurini@ui.ac.id

Abstract: This paper aims to analyze ASEAN's role in addressing forced labor exploitation in the fisheries industry in Indonesia through the ASEAN Ministerial Meeting in Transnational Crime (AMMTC) framework. The exploitation of workers in fisheries has emerged as a problem in the fisheries and seafood industry in Indonesia, although several international conventions have been made and ratified, its handling is complicated by the challenges of vested interests. The seafood supply chain is one of complex global value and involves a variety of sources including the use of workers who are vulnerable to deception and coercion in their recruitment and employment. The role of ASEAN as a regional organization is very influential in solving this problem and it requires compact cooperation between international organizations and governments to jointly handle it. This research raises the question "Why has the ASEAN cooperation mechanism not been able to reduce the level of exploitation of ship workers in Indonesian waters?". To find out and explain the research question, the concept of international organization will be used.

Keyword: ASEAN, Transnational Crime, Forced Labor, Indonesian waters, International Organization.

INTRODUCTION

In order to pursue shared objectives among their members, governmental or non-governmental members of two or more sovereign states come to an agreement to form formal, long-lasting bodies known as international organizations (Clive, 2001). Global exchanges and alliances among nations, states, and regional groups give rise to international organizations. International organizations are a way for parties with an international focus to work together toward shared objectives that affect the interests of different nations. International organizations also assist in fostering international collaboration and resolving issues that affect several nations. The existence of multinational organizations is evidence of humankind's desire for cooperation as well as a way to identify the different issues that result from it. Members of international organizations might utilize them as a tool to accomplish specific objectives. Forming a political community is crucial to the integration process of an area since it will impact the region's identity in the global community. The primary objective

of international organizations is to promote worldwide collaboration to address global concerns and accomplish shared objectives that are challenging for one country to accomplish. The specific purpose and mandate of each international organization determine how these organizations operate.

In the global order, regional organizations are vital and serve the interests of the region in a variety of ways. They play a vital role in democratization by promoting collaboration among nations. The process by which nations collaborate in a variety of domains to accomplish shared objectives, resolve international issues, and advance world peace and prosperity is known as international cooperation. It is crucial for tackling problems that affect several nations and advancing global wealth. Leaders in Southeast Asia came together to establish a calm and stable area during the 1960s as a result of a range of problems, including political unrest, boundary disputes, and geopolitics. In compliance with Article 44 Paragraph 2 and Article 45 of the ASEAN Charter, ASEAN, as the sole regional organization in Southeast Asia, affirms the value of multiculturalism and emphasizes the significance of collaborations with other external partners, including international and regional organizations, to address global issues, pursue complementary goals and initiatives, and advance sustainable development for the benefit of people (ASEAN, 2021).

Crimes that transcend national boundaries and entail transnational groups or persons working within them include drug trafficking, human trafficking, weapons trafficking, cybercrime, money laundering, terrorism, and environmental offenses. Transnational crime is on the rise and has a significant psychological impact on individuals as well as the national and international economy and a nation's integrity. For these reasons, it needs to be handled, investigated, prosecuted, and examined by several parties. Since transnational crime is frequently difficult to handle, its resolution requires a wide range of international collaboration and many participants. ASEAN member nations in Southeast Asia have taken some actions within the context of regional cooperation to solve this issue. The improvement of information sharing, capacity building, and regional legal coordination are the goals of this partnership. Among the regional groups addressing transnational crime is ASEAN. Several ASEAN organizations have a direct or indirect role in developing policies and launching initiatives to combat transnational crime. The ASEAN Chiefs of National Police (ASEANPOL), ASEAN Senior Officials on Drugs Matters (ASOD), ASEAN Finance Ministerial Meeting (AFMM), and ASEAN Ministerial on Transnational Crime (AMMTC) are some of these organizations.

The goal of the 1997 meeting of the ASEAN Home Ministers was to discuss strategies for enhancing both regional and international cooperation in the fight against transnational crime. An ASEAN action plan to combat transnational crime was adopted during the 2nd AMMTC meeting in 1999. It aims to improve law enforcement, information exchange, and regional commitment and capacity to carry out tasks. Additionally, it aimed to make several transnational crimes, including drug trafficking, money laundering, terrorism, piracy, smuggling of weapons, and human trafficking, crimes against the law of ASEAN member states. The establishment of the ASEAN Center for Combating Transnational Crime (ACTC) was also decided upon at the 2nd AMMTC meeting. It is anticipated that the ACTC will be able to thoroughly examine transnational crimes and suggest regional tactics that are suitable for battling these crimes. It is envisaged that ASEAN's efforts to tackle transnational crime will pick up steam with the creation of the ACTC (Pushpanathan, 1999). Then, in 2007, the Declaration on Protection and Promotion of the Rights of Migrant Workers was produced during the 12th ASEAN Summit in Cebu, Philippines. This proclamation highlights the value of preserving migrant workers' rights and enhancing their welfare and dignity while also acknowledging their contributions both domestically and internationally (Winoto, 2019).

As a regional body, ASEAN is responsible for putting laws into place that safeguard laborers in the region's marine fisheries industry. To safeguard the rights of seafarers, ASEAN has enacted some laws and initiatives. One such initiative is the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which attempts to improve migrant workers' rights throughout the region. To ensure respectful working conditions for seafarers in the ASEAN area, ASEAN released the ASEAN Guidelines on Working Conditions for Seafarers. The guidelines include human rights for seafarers, legal protection, education and training requirements, safe and healthy workplaces, and decent working conditions.

Southeast Asia boasts numerous advantages and privileges due to its proximity to vast oceanic and aquatic expanses. In addition to serving as a transportation or tourism route, the Southeast Asian seas offer economic advantages to the region by providing food sources in the form of marine animals that can be ingested or exported to other countries. Southeast Asia's fisheries and marine resources sector is highly promising. The majority of ASEAN member countries have marine areas, and some of them are archipelagic countries with promising potential for industrial development in the fisheries sector. Consequently, the marine fisheries industry is a significant source of income for the populace of Southeast Asia, with crew members being among the most prominent. Numerous fishing vessels visit Indonesia due to the abundance of fish resources in Indonesian waters, which are no longer accessible in the Gulf of Thailand (Dominguez, 2015). The population of the Gulf of Thailand experienced a decline as a result of the excessive and unregulated fishing activities, which resulted in a lower number of vessels fishing in the area. The fish processing industry in Southeast Asia was previously dominated by Thailand and the Philippines until 2014. However, this situation altered in 2016, when Indonesia, which possesses the region's largest ocean and longest coastline, became the primary destination for fishing vessels (Marta, 2016). The Food and Agriculture Organization (FAO) report indicates that Indonesia was the second largest producer of marine salmon in the world in 2020, following China (FAO, 2022). The COVID-19 pandemic has resulted in a decrease in the number of captures in Indonesia. Despite this, Indonesia remains the premier destination for marine fishing. Consequently, an increasing number of foreign vessels are arriving in Indonesia to engage in fishing activities in its territorial waters.

Competent personnel is one of the primary factors in the development of an industry. Despite the substantial number of individuals employed as crew members, the government authorities fail to adequately supervise their employees. Companies frequently employ inexpensive labor without any form of safety protection or work accident insurance. Worker exploitation, such as human trafficking, servitude, and sexual harassment, is frequently observed on vessels that employ crew members, both domestically and internationally. In the fishing industry at sea in Indonesia, compelled labor is the result of threats or intimidation that compel fishermen to work. Crew members, both Indonesian and foreign, who operate vessels in Indonesian waters endure inadequate protection and violence. The mortality of fishing vessel crew members, unpaid wages, excessive working hours, and poor working conditions.

Every year, the Indonesian Ministry of Foreign Affairs receives a variety of complaints regarding the employment of Fishing Boat Crew (APK) on foreign company ships. The number of cases increased from 1,079 in 2018 to 1,095 in 2019, and 1,451 in 2020 (Purnomo et al., 2022). It is conceivable that there are additional cases that have yet to be disclosed. The management of crew members is a critical component of international initiatives to enhance labor protection and service quality. In comparison to human trafficking in other sectors, the exploitation of laborers in the fisheries sector is the most severe, according to research conducted by the International Labor Organization (ILO) in 2006 (Nursasti, 2020). Indonesia

is not only a transit and destination point for victims from both within and outside the country but also as one of the centers of human trafficking. In 2015, the International Organization for Migration (IMO) in collaboration with the Ministry of Maritime Affairs and Fisheries (KKP) and Coventry University released a report titled "Report on Human Trafficking, Forced Labor and Fisheries Crime in the Indonesian Fishing Industry." The report revealed that over 1,000 fishermen from Myanmar, Cambodia, Thailand, and Laos were ensnared in Ambon and Benjina. They were compelled to labor on the boat for 20 hours per day after being trafficked from their home countries.

ASEAN, a regional organization that supervises 11 countries in Southeast Asia, has acknowledged that transnational crimes, such as the exploitation of ship workers, are urgent issues that require the firm attention of all countries worldwide. This is because these crimes operate without borders and have a significant impact on the national security of each nation. Consequently, ASEAN has made progress in its efforts to address the exploitation of ship laborers within the context of ASEAN cooperation. The ASEAN project has been primarily concerned with the provision of security to its member states since its inception, albeit not in a military capacity. The realization and preservation of peace and neutrality in the Southeast Asian region have become a fundamental objective of the organization (Floristella, 2015). The ASEAN Declaration on Transnational Crime is the inaugural declaration of ASEAN cooperation that addresses the issue of transnational crime. This declaration was adopted in Manila in 1997 and served as the inaugural milestone of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) forum. This forum engages in regional cooperation and coordination and addresses transnational crime concerns. The AMMTC subsequently evolved into a discussion forum for ASEAN Ministers to convene to address transnational crime, and it is now conducted every two years. The occurrence of transnational crime in the region is also influenced by the low professionalism of law enforcement officials and corruption among government officials.

Nevertheless, instances of exploitation of marine fisheries laborers persist, particularly in Indonesian waters. Given the persistent exploitation of workers in the marine fisheries industry, despite the issuance of numerous legal instruments and the strengthening of cooperation by ASEAN, a research question was posed: "Why has the ASEAN cooperation mechanism been unable to reduce the level of exploitation of ship workers in Indonesian waters?".

METHOD

This investigation employs a qualitative methodology. Alan Bryman (2004) posits that qualitative research is characterized by a preference for words over quantified numbers in the accumulation and analysis of data. This method underscores the significance of the research subject and provides a detailed explanation of the context in which the event at the center of the research occurs, due to the importance of detailed discussion (Bryman, 2004). It is anticipated that qualitative research will facilitate the identification of the shortcomings in the implementation of cooperation among countries in Southeast Asia and the challenges associated with addressing servitude in the offshore fishing industry. This research employs primary and secondary data sources in conjunction with literature study data collection techniques. We obtained primary data from the official documents of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) about the management of slavery in the offshore fishery industry from the first meeting in 1997 to the 16th AMMTC meeting in 2022. The secondary data utilized in this research is in the form of supporting information that is required to elucidate ASEAN's role in addressing the exploitation of ship laborers in Indonesian waters. This information is sourced from credible websites, books, journal articles, and publications of INGOs and NGOs involved.

RESULTS AND DISCUSSION

Problem Formulation

Despite the fact that ASEAN has implemented a framework to address transnational issues, including the ASEAN Declaration on Transnational Crime. The ASEAN Ministerial Meeting on Transnational Crime (AMMTC) was established and consented to by all state members at the end of 1997. Nevertheless, instances of exploitation of marine fisheries laborers persist, particularly in Indonesian waters. The research question, "Why has the ASEAN cooperation mechanism not been able to reduce the level of exploitation of ship workers in Indonesian waters?" is posed in response to the ongoing phenomenon of exploitation of workers in the marine fisheries industry, despite the issuance of numerous legal instruments and the strengthening of cooperation by ASEAN. The inhibiting factors of this cooperation mechanism will be examined in this research, which will span from the inception of the cooperation to 2020.

Research Objectives and Significance

The objective of this research is to evaluate the efficacy of regional cooperation frameworks in Southeast Asia and the mechanism of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) framework in addressing the issue of exploitation of ship workers in Indonesia. ASEAN has been instrumental in fostering regional peace and cooperation; however, its efficacy is occasionally restricted by the political, economic, and cultural disparities among its state members. The research also intends to conduct a comprehensive examination of the AMMTC's operations and the degree to which this collaboration is effectively implemented in addressing the issue of exploitation of ship laborers in Indonesia.

The findings of this study are of significant academic importance, as they contribute to the body of extant knowledge and improve analytical acumen in the context of ASEAN regional cooperation in addressing the issue of exploitation of ship workers in Indonesia. It can also enhance comprehension of the regional cooperation dynamics in Southeast Asia and offer comprehensive insights into the challenges and opportunities that countries in the region face. It can also assist future academicians and researchers in the development of more sustainable and effective solutions to similar issues in the future.

In terms of practical significance, the findings of this study are anticipated to be a valuable contribution to ASEAN in the enhancement of their regional cooperation, particularly through the implementation of the AMMTC framework to address the issue of exploitation of ship workers in Indonesia. The research recommendations and findings can be used as a guide for ASEAN state members to develop more effective policies, frameworks, and action programs that address the issue of exploitation at the regional level and safeguard the rights of ship workers. The results of this study can be used by the Indonesian government to develop more effective policies and strategies to address the issue of exploitation of ship workers. Additionally, the government can strengthen its involvement in the AMMTC framework, which can provide significant benefits for the safety and welfare of ship workers in Indonesia.

Literature Review

ASEAN is a regional organization that is crucial in the preservation of security stability and the establishment of cooperation within the region. Additionally, it serves as an umbrella organization for cooperation among Southeast Asian countries. In addition to the cooperation between countries and organizations, policies are also necessary to combat transnational crimes. These policies should be implemented. The objective of this international policy is to

mitigate the prevalence escalating of transnational crime variety. Low wages, unsafe working conditions, excessive working hours, and injustice to their rights are the realization of migrant laborers' exploitation. These conditions can compel migrant laborers to participate in criminal activities in countries, including human trafficking, prostitution, and drug trafficking. Efforts to combat transnational crimes must also maintain pace with their progress and development, as they are frequently highly intricate and involve powerful networks. ASEAN, a regional organization, endeavors to establish a common framework and improve cooperation and coordination to combat transnational crime in the Southeast Asian region. The ASEAN framework for the protection of migrant workers in the Southeast Asian region and migrant workers in the Southeast Asian region are the two primary topics that have been the subject of discussion in a variety of previous literature.

The initial topic of discussion pertains to migrant laborers in the Southeast Asian region. The majority of Southeast Asian countries are developing nations that are persistently striving to enhance their economies. Many large countries establish companies in developing countries due to the relatively low wages of their employees. This attracts a significant number of workers from both the country, as well as its neighboring countries. Subsequently, a forum is required to accommodate the aspirations of migrant workers to enhance the participation of light workers in civil society. The ILO subsequently established the ASEAN Forum on Migrant Labour (AFML) as a tripartite linkage that unites governments, employers organizations, and workers. However, the government must accompany this action for and by migrant workers in the future. ASEAN must make a transition from a fragmented actor to a complementary one to establish itself as the appropriate institution for the promotion and protection of the rights of migrant laborers in the region, despite its current deficiencies. This is a critical step towards safe and beneficial labor mobility throughout the region and ensuring the protection of migrant workers' rights.

Even though ASEAN has not given much attention to unskilled and undocumented workers, their increasing numbers underscore the necessity of establishing a regional agreement to safeguard workers and enhance ASEAN's relevance and visibility (Chavez, 2007). To safeguard the rights of domestic workers and prevent the advent of migrant workers from abroad, Indonesia must actively engage in the ASEAN Economic Community (AEC) as a member of ASEAN. The gap in the rights of migrant laborers persists as a result of the lack of rigor in the implementation of norms and the encouragement of ASEAN members and external stakeholders (Auethavornpipat., 2017). Indonesia is recognized as one of the largest concentrations of migrant workers in ASEAN. Consequently, it is imperative that Indonesia safeguard its national migrant workforce when it accepts migrant workers from other countries (Dewi et al., 2019). Ensuring the welfare and liberties of migrant workers necessitates their protection. Indonesia, as a nation that has ratified international conventions that safeguard the rights of all migrant workers, is obligated to maintain the rights of migrant workers, irrespective of their migration patterns (Setiawan & Karim, 2022). Nevertheless, the Indonesian government frequently disregards its responsibility to protect the rights of migrant workers in Indonesia, a stance that is reflected in the ASEAN platform, which defines Indonesian migrant workers who work abroad as exclusive and disregards its obligations to migrants in Indonesia (Setiawan & Karim, 2022). Effective monitoring and enforcement are essential to guarantee that the rights of migrant laborers are respected and enforced. This responsibility is shared by the governments of the countries of origin, destination, and international organizations. The rights of migrant laborers have been the subject of significant debate, frequently due to the varying national approaches that have been taken, rather than the numerous reported norms that establish shared commitments (Auethavornpipat., 2017).

It includes the ASEAN framework for the protection of migrant laborers in the region in the second discussion. ASEAN has implemented numerous initiatives to ensure the

protection of migrant laborers in the region, including the establishment of a variety of frameworks. ASEAN has established the framework of the ASEAN Committee on the Implementation of the Declaration on the Rights of Migrant Workers (AMCW) and has approved the declaration on the rights of migrant workers, but progress is still slow. The issue of social protection for migrant workers is a universal problem faced by the region. The ILO was the primary actor that influenced ASEAN to establish a forum and the Task Force ASEAN Migrant Workers (TF-AMW). Subsequently, the ILO developed a framework that was incorporated into the Declaration on the Rights of Migrant Workers. The International Labour Organization (ILO) continues to exert considerable influence in the Southeast Asian region concerning the resolution of migrant labor issues (Kneebone, 2011). Furthermore, the development of a nation's national social protection foundation can be bolstered by legal developments by ASEAN and MERCOSUR (Fornalé, 2017). The ASEAN Movement of Natural Persons (MNP) agreement had a substantial positive effect on the mobility of skilled migrant laborers from other ASEAN member countries to Indonesia during the 2007-2016 period (Natanael & Verico, 2019). The MNP agreement is a component of ASEAN's endeavors to promote the mobility of qualified labor among its member states. However, policies that are more inclusive and effective can be created by involving migrants in regional migration governance, rather than merely perceiving them as objects of governance. The capacity of ASEAN to influence regional security is constrained by two factors: the significant influence of powerful states on the parameters of regional interaction and the distinct interests of individual ASEAN countries in establishing their regional interests (Marine, 1998).

This agreement has been impeded by a series of impasses, including the existence of each country's national interests, the norm of non-intervention, consensus, and the limitations of ASEAN advocacy, despite the fact that ASEAN has been working for over a decade to commit to developing a working instrument on the rights of migrant workers (Bal & Gerard, 2018). As a consequence a working instrument on the rights of migrant workers in ASEAN that is currently confronting a variety of obstacles in resolving its issues. ASEAN faces challenges from non-traditional threats, including human smuggling, drug trafficking, and labor exploitation. Consequently, the organization requires the participation and involvement of countries outside the region with the necessary resources and have the same objectives as ASEAN. Consequently, assistance and expertise are required. ASEAN is not regarded as having the capacity to endure and the capacity to ensure the security of the region (Murray, 2020). The ASEAN Way, which is a set of norms that ASEAN countries have adopted, also enhances relationships and patterns of cooperation (Ruland, 2009). The ASEAN Way is a representation of the established and rigorous intergovernmental cooperation of each ASEAN member. Over the years, the ASEAN Way has contributed to the establishment of stability and harmony among its member states. The ASEAN method is the standard of non-intervention in the internal affairs of ASEAN member states, which subsequently impedes the resolution of any issues that may arise in the region (Kneebone, 2011). The cooperation of Southeast Asian countries within ASEAN is not only a result of weak states working together but also a lack of capacity to establish boundaries for regional initiatives. In his journal, Jones has analyzed two case studies that have determined that the efficacy of ASEAN's endeavors to establish a multifaceted security community is restricted by homeland security (Jones & Jenne., 2016).

According to the literature evaluation that has been conducted, there are no studies that address the protection of ship workers in ASEAN. ASEAN's protection of migrant workers in general has been the subject of previous research; however, none have specifically addressed ASEAN's protection efforts against ship workers, particularly in Indonesian waters. Consequently, this investigation will examine how ASEAN addresses the issue of compelled

labor exploitation in the fishing industry in Indonesian waters, in light of the numerous instances of crew exploitation.

The present study is divided into two sections: an introduction to the issue of policies on ship workers in Indonesia and the exploitation that occurs. The latter is linked to previous research on policies on the exploitation of marine fisheries workers in the Southeast Asian region. This is followed by an examination of ASEAN's role in addressing the issue of exploitation of marine fisheries workers in Indonesia. The analysis is based on data related to international policies and ASEAN's role in the process of reducing the number of exploitation of marine fisheries workers in Indonesia. The analysis concludes with the conclusions that can be drawn from the findings.

Framework of Analysis

Institutionalized forms of behavior that are founded on norms or to manage conflicts and interdependence problems in a variety of fields within international relations are referred to as international regimes. International regimes are initiatives or methods of regulation that extend beyond the territorial boundaries of a state. Stephen D. Krasner defines the international regime as an order that encompasses a variety of principles, norms, rules, and decision-making processes, both explicit and implicit, that are related to the expectations or expectations of actors and that contain the interests of these actors in international relations. Oran R. Young disclosed that the international regime is a collection of regulations, decision-making processes, and/or initiatives that necessitate social practices, assign roles to participants in these practices, and regulate their interactions (Young & Levy, 1999). Additionally, Young elucidates that regional regimes are broader context-setting regimes that are both influenced by and influenced by the current social, political, security and economic constellations that are evolving (Smouth, 2001). Ernst B. Haas posits that a regime is a configuration in which members appear to resolve and mitigate conflicts of interest among themselves due to their recognition that the game is at an increased risk due to its intricate interdependencies. In the interim, acquiring knowledge from regimes is a method of transforming into a homo politicus with a cultural future. In regime theory, the concept of mainstream regimes is situated between liberalism and mercantilism depending on the perspective or approach. Regulation, according to this school, is intended to minimize costs and maximize the actor's receipt of benefits, despite changing conditions, by reducing uncertain causes such as development. The primary objective of the regime is to establish and disseminate information to enable its actors to mitigate uncertainty (Young & Levy, 1999).

The aforementioned discussion has revealed a common thread: the capacity of the regime is correlated with the power of distribution and the grand regulations that have been in effect. If international issues continue to escalate and become more intricate, the international or domestic regime must be able to adapt by balancing the extant resources to address the arising issues. If not, the handling will function as an effective troubleshooter. Young and Levy define the efficacy of international organizations or actors in solving problems such as this: *"Effectiveness is a matter of the contribution that institutions make to solving the problems that motivate actors to invest the time and energy needed to create them. On closer examination, however, effectiveness emerges as an exclusive concept. It can mean some different things and some of its meanings require difficult normative, scientific and historical judgment"* (Young & Levy, 1999, p. 3).

The main approach in bridging the effective performance of international organizations is the regime effectiveness theory by Arild Underdal. The effectiveness of international organization performance is determined by several variables, namely the government, which in this case has and determines aspects of goals, results, and control, as well as external institutions that have aspects that have a role to influence the regime. Underdal also states the

importance of feed The effectiveness of international organization performance is determined by several variables, namely the government, which in this case has and determines aspects of goals, results, and control, as well as external institutions that have aspects that have a role to influence the regime. as part of the problem-solving solution (Underdal et al., 2001).



Source: Arild Underdal, One Question, Two Answers, p.37

Figure 1. Mechanism Theory Core Model of Regime Effectiveness

The first variable contains chronic problem malignancy, which includes several sub-variables, namely incongruity, asymmetry and cumulative cleavages. The three sub-variables together with the problem-solving capacity variable consisting of the sub-variables of institutional setting, power distribution, and skills and energy consisting of instruments, leadership, and under-systemic, then form the level of collaboration towards regime effectiveness which emphasizes behavioral change and technical optimization.

In this study, regime theory is used to accommodate that the role or performance of international organizational actors is not fully effective. This problem is caused by two things, namely related to the depth factor called problem-solving capacity and the exit factor or chronicity of political-security problems that occur (problem malignancy). Problem-solving capacity is an important part of inhibiting regime performance because human resources, policies, and platforms determine the success or failure of the international organization regime to influence or mobilize its member states.

Discussion

As a country with the largest marine area in Southeast Asia, Indonesia has great potential in the marine fisheries industry. Indonesia's marine fisheries industry offers a wide range of employment opportunities for individuals interested in working in the sector such as, and also opens up employment opportunities for foreign workers, especially from the Southeast Asian region. The exploitation of ship workers in Indonesia has long historical roots, during the Dutch colonial period, when VOC (Vereenigde Oostindische Compagnie) ships controlled trade in Indonesia, ship workers were forced to work in harsh conditions with long working hours, low wages, and sometimes subjected to harsh treatment. During the period of the trans-Atlantic slave trade, some Dutch ships were also involved in the slave trade in Indonesian territory. The slaves were treated cruelly and exploited as labor on the ships. After Indonesia's independence, the problem of exploitation of ship laborers was not completely resolved. Some foreign ships and shipping companies employ both Indonesian and foreign workers with poor conditions such as low wages, long working hours, job insecurity, and lack of legal protection. In recent years, the exploitation of ship workers in Indonesia has been a relevant issue. In 2015 there were more than 1,000 fishermen from

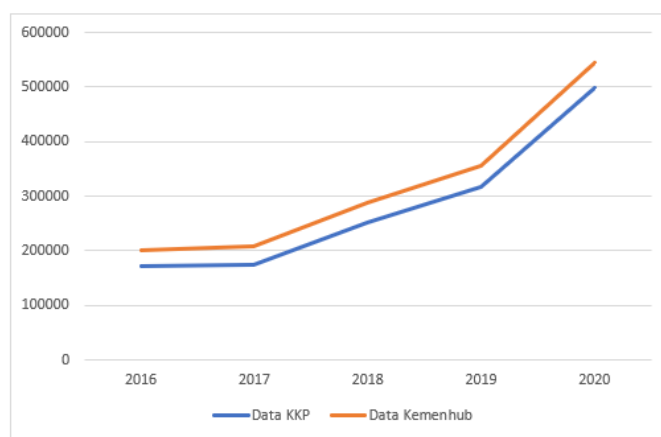
Myanmar, Cambodia, Thailand, and Laos who were found trapped in Ambon and Benjina. The National Fishers Center recorded at least 90 cases of complaints with a total of 280 victims of the exploitation of fishing boat workers from 1 October 2019 to 27 October 2022 (Muamar, 2022).

In following up on the growing problem of exploitation of ship workers in Indonesia, ASEAN stakeholders in 1997 held the first AMMTC meeting to discuss the issue of transnational crimes which is conducted every two years, but since 2016 it has been conducted every year. The main objective of the AMMTC is to enhance cooperation between ASEAN State Members in tackling transnational crime in the ASEAN region. Effective exchange of information is expected to increase the stock of information relating to criminals, new crime trends, experiences, and best practices in tackling transnational crime. Cooperation involves the investigation, arrest, and prosecution of transnational criminals as well as the exchange of experts and training between law enforcement agencies.

The effectiveness of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in dealing with the issue of exploitation of ship workers in Indonesia is seen from the problem of malignancy.

When conditions in a country or international organization are facing chronic problems that cannot be ruled out, these conditions will indeed easily adjust to the development of a particular country or region to get better or even worse. If associated with the failure of the AMMTC as a regime to tackle the exploitation of ship workers in Indonesia, the malignancy problem related to exploitation activities gets more difficult to control.

The Indonesian marine life is amazing. Thousand species live there and it attracts foreign Fisheries to get them. This is also related to the presence of ship human resources, the more ships that are present, the more ship workers. From 2016 to 2020, there have been more and more fishing vessels coming into Indonesian waters.



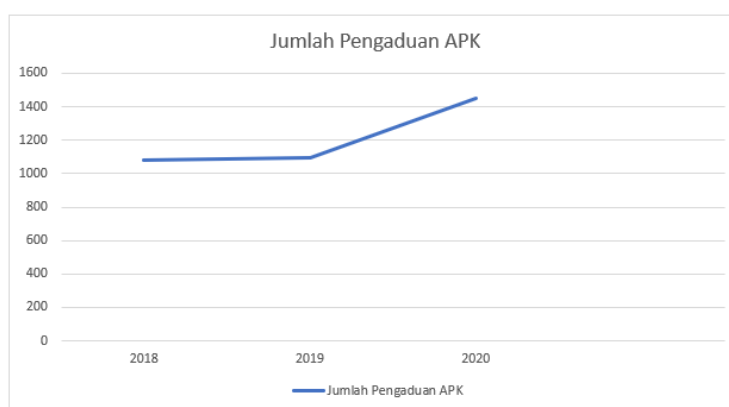
Source: Ministry of Marine Fisheries statistics, processed by the author

Figure 2. Data on the number of fishing vessels operating in Indonesia

The Ministry of Maritime Affairs and Fisheries noted that in 2016 the number of fishing vessels operating in Indonesia getting more and more each year. In 2016, 171,744 vessels, in 2017, 175,451 vessels, in 2018, 252,449 vessels, in 2019 316,287 vessels, and the most were in 2020. The number of fishing vessels is different from the information released by the Ministry of Transportation, in 2016 there were 200,099 vessels, in 2017 there were 207,150 vessels, in 2018 there were 288,259 vessels, in 2019 there were 355,617 vessels, and in 2020, 544,154 vessels were operating in Indonesian waters. The increase in fishing vessels in Indonesian waters also signifies an increase in the number of workers in the fishing vessel

sector, which is also accompanied by an increase in the problems and challenges that are present.

Overexploitation of marine resources and dwindling fish populations are driving massive fishing on the high seas, which often results in higher operational costs and also makes fishing crews vulnerable to exploitation. The sheer number of vessels operating in Indonesian waters has led to a number of problems. Some of the problems are different wages and treatment between foreign workers and local ones, violations of workers' rights, and a lack of skills and training among the local workforce. Based on data obtained from the Indonesian Ministry of Foreign Affairs, there has been an increase in the number of complaints from workers on ships operating in Indonesia by crew members from both domestic and foreign countries.



Source: Indonesian Ministry of Foreign Affairs statistics, processed by the author

Figure 3. Number of Ship Workers' Crew Grievances

Exploitation of ship workers in Indonesia is a serious problem and needs to be addressed thoroughly. Some of them are excessive working hours, low or unpaid wages, unsafe working conditions, ill-treatment and detention of workers on board unauthorized vessels for indefinite periods. Other factors contributing to the exploitation of ship workers include poor law enforcement, lack of workers' awareness and access to their rights, and the presence of illegal vessels that are difficult to monitor. The Indonesian government has made efforts to protect fishery vessel crews and fishermen by issuing laws, government regulations, presidential regulations, and 10 ministerial regulations. However, labor violations are still common and reported. In this study, the exploitation of ship workers is a sensitive issue, especially in transnational practice, which can be said to be a malign issue. In Southeast Asia, there are different (incongruity) opinions on the dangers of terrorism, because the magnitude of the threat and the losses it causes are different in each country. The national interest of each country is also different (asymmetric) depending on what is considered beneficial or harmful. These and other differences can lead to cumulative cleavages that ultimately lead to regime ineffectiveness.

The effectiveness of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in dealing with the issue of exploitation of ship workers in Indonesia in terms of problem-solving capacity.

The 'problem-solving capacity' variable is a variable that becomes a meeting point between two or more actors who have the same goal, related to certain issues that arise and must be addressed. This variable has three sub-variables, namely institutional setting, power distribution and, skills and energy consisting of leadership and epistemic instruments. Problems with problem-solving capacity also occur in the AMMTC. ASEAN developed a

regional framework and legal instruments to protect the rights of workers, including fishing vessel workers in 1999 by adopting the ASEAN Plan of Action to Combat Transnational Crime. The plan implements a cohesive regional strategy to combat transnational crime and will include information exchange, cooperation in legal and law enforcement matters, institutional capacity building, training, and extra-regional cooperation as key program activities. The action plan calls for closer cooperation and coordination between the AMMTC and other ASEAN bodies such as the ASEAN Law Ministers and Attorneys-General, the ASEAN Chief of National Police, the ASEAN Finance Ministers, the Directors-General of Immigration and the Directors-General of Custom in the investigation, prosecution and rehabilitation of perpetrators of such crimes. The ministerial meetings each year have not necessarily had discussions focused on the exploitation of ship workers resolving cases.

In 2007, ASEAN held a declaration in Cebu which was also related to alleviating the issue of exploitation of ship workers. In 2017, it also developed an ASEAN consensus to develop norms for the protection and respect of migrant workers, including freedom from human trafficking. However, the Cebu Declaration and ASEAN consensus do not cover migrant crew members. In ASEAN itself, the main focus on migrant workers is limited to land-based workers, so migrant fishers are often overlooked in protection regulations. Migrant workers in the marine fisheries sector are slightly mentioned in the 7th, 8th, 9th, and 12th recommendations of the ASEAN Forum on Migrant Labour (AFML) which are categorized as one of the work sectors that are vulnerable to human rights violations. In addition, there are no regulations that focus on protecting the rights of crew members. Although ASEAN has prepared various normative instruments in terms of protecting humanity from the risk of TOC, there are still weaknesses in protecting the rights of workers at sea more thoroughly. So it can be said that the existence of the AMMTC is also not complete enough as a regime to overcome cases of exploitation of ship workers.

The effectiveness of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in dealing with the issue of exploitation of ship workers in Indonesia in terms of level of collaboration.

The variable ‘level of collaboration’ is a variable that occurs when each party involved in solving a problem in a country is predicted to experience common ground. Parameters, in this case, are previous programs that can be a reference for the success or failure of the level of collaboration. In addition, this variable also occurs when each party has a clear strategy that has been determined beforehand. When it comes to the failure of the AMMTC as a regime to tackle the exploitation of ship workers, ASEAN's attitude that has not created special protection for ship workers, makes the issue of exploitation continue to occur. The failure of the AMMTC is also related to the applicable laws in ASEAN state members. Indonesia, which is geographically an archipelago with biodiversity, is a paradise for fishing companies, and of course, brings in many workers from all over. The Indonesian government's lack of protection for ship workers is ironic.

As the initiator of the ASEAN political and security community, Indonesia spearheaded the development of the ASEAN political and security community blueprint which consists of three main characteristics, namely a rules-based community with common values and norms, a cohesive, peaceful, and resilient region with shared responsibility for creating comprehensive security, and a dynamic and outward-looking region. No AMMTC meeting has ever specifically discussed countermeasures against the exploitation of marine workers. This has led to the failure of the AMMTC as a regime in tackling the exploitation of ship workers in Indonesia. If assessed on the 0-5 scale proposed by Underdal, the AMMTC is at point 2, which means that regime members coordinate to act based on explicitly formulated rules, but with implementation entirely in the hands of the national government. The

Indonesian government in overcoming exploitation cases has made several laws that are tailored to Indonesia's domestic needs. Likewise, other ASEAN member states, are given the freedom to determine the procedures for overcoming the exploitation of ship workers.

The effectiveness of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in addressing the exploitation of ship workers in terms of regime effectiveness as the dependent variable.

Regime effectiveness as the dependent variable has three components to analyze the effectiveness of AMMTC, which consist of output, outcome, and impact (Underdal et al., 2001). First, outputs are the rules, programs and organizations implemented by members to operationalize the provisions of the regime, so that things that were originally only in the form of agreements can be realized. The results or outputs that emerge from the formation process are usually written but can also be unwritten such as conventions, rules of law, treaties, declarations, norms, principles, and others. The signing of the regime and the occurrence of state domestic measures related to the regime during this object (Underdal et al., 2001). In this study, the intended output is the establishment of several frameworks such as ASEAN Officials on Drug Matters (ASOD), ASEAN Chiefs of National Police (ASEANAPOL), ASEAN Directors-General of Customs, and ASEAN Directors-General of Immigration and Heads of Consular Division, Ministry of Foreign Affairs (DGCIM). To implement and coordinate the policies and action plans established by the AMMTC, a Senior Official Meeting on Transnational Crime (SOMTC) is held at least once a year.

The second is the outcome, which is a change in the behavior of the subjects subject to the provisions of the regime, either in the form of cessation of actions taken before the regime was established, or actions that were not taken before the regime was established. The domestic measures of the state that are implemented affect during this object period (Underdal et al., 2001). In this study, the outcome of the AMMTC has not been fulfilled, because a policy that can be ratified by ASEAN member states has not been formed. Indonesia is still based on regulations from the ILO related to overcoming the issue of exploitation of ship workers.

Third is impact, which relates to the level of success in overcoming the problem that is the rationale for the establishment of the regime. During this object period, there is a change in the habit of a country to follow or not follow the international regime to which it belongs (Underdal et al., 2001). In this case, the expected impact of the AMMTC has not been achieved. This can be proven by the fact that there is still an increasing trend of violations against ship workers. The ideal impact that has not been achieved is inseparable from the contribution of problem malignancy, problem-solving capacity, and the level of collaboration in the AMMTC, in other words, the AMMTC is not capable enough as a regime to overcome the exploitation of ship workers in Indonesia.

CONCLUSION

ASEAN holds regular meetings and dialogues between its member states to discuss labor issues, including the exploitation of ship workers. Information exchange between member states can help in monitoring and addressing this issue. While ASEAN has taken some steps to address the issue of exploitation of ship workers in Indonesia, consistent implementation and enforcement across all member states is expected, especially Indonesia. Common obstacles include differences in national labor regulations, limited resources, and the complexity of policing the international shipping industry. The existing constraints make addressing the exploitation of ship workers increasingly difficult and uncontrollable. There is a need for ASEAN to establish a framework that specifically addresses the issue of

exploitation of ship workers and a provision that can be ratified by all ASEAN members to reduce the number of cases that occur in the high seas fishing industry.

REFERENCE

- ASEAN. (2021). *International/Regional Organisation*. Asean.Org. <https://asean.org/our-communities/asean-political-security-community/outward-looking-community/external-relations/international-regional-organisation/>
- Auethavornpipat., R. (2017). Assessing regional cooperation: ASEAN states, migrant worker rights and norm socialization in Southeast Asia. *Global Change, Peace & Security*, 29(2), 128–143. doi: 10.1080/14871158.2017.1293021
- Bal, C. S., & Gerard, K. (2018). ASEAN's governance of migrant worker rights. *Third World Quarterly*, 39(4), 799–819. doi:10.1080/01436597.2017.1387478
- Bryman, A. (2004). *Social Research Methods*. Oxford University Press.
- Chavez, J. J. (2007). Social policy in ASEAN: The prospects for integrating migrant labor rights and protection. *Global Social Policy*, 7(3), 358–378. doi:10.1177/1468018107082239
- Clive, A. (2001). *International Organization*. Routledge.
- Dewi, E. F., Chandrawulan, A. A., Hendrawan, D., & Nugraha, I. (2019). Evaluation on Indonesian labour law to protect migrant labour rights in an ASEAN economic community framework. *International Journal of Innovation, Creativity and Change*, 8(5), 105–119. www.scopus.com
- Dominguez, G. (2015). *Perbudakan Modern di Asia Tenggara*. Dw.Com. <https://www.dw.com/id/perdagangan-manusia-dan-perbudakan-modern-di-asia-tenggara/a-18380618>
- FAO. (2022). *The State of World Fisheries and Aquaculture, Sustainability in Action*. <https://www.fao.org/3/ca9229en/ca9229en.pdf>
- Floristella, A. P. (2015). *The ASEAN Regional Security Partnership: Strengths and Limits of a Cooperative System*. Palgrave Macmillan.
- Fornalé, E. (2017). Global–regional interaction to extend access to social protection for migrant workers: Insights from ASEAN and MERCOSUR. *International Social Security Review*, 70(3), 31–52. doi:10.1111/issr.12140
- Jones, D. M., & Jenne, N. (2016). Weak states regionalism: ASEAN and the limits of security cooperation in Pacific Asia. *International Relations of the Asia-Pacific*, 16, 209–240. doi: 10.1.1093/irap/Icv015
- Kneebone, S. (2011). *ASEAN: Setting the agenda for the rights of migrant workers? Human rights in the asia-pacific region: Towards institution building*. Routledge.
- Marine, S. (1998). ASEAN and the management of regional security. *Pacific Affairs*, 71(2), 195–214.
- Marta, M. F. (2016). *Menteri Susi: Peta Industri Perikanan Asia Tenggara Mulai Bergeser*. Kompas. <https://money.kompas.com/read/2016/04/16/205431826/Menteri.Susi.Peta.Industri.Perikanan.Asia.Tenggara.Mulai.Bergeser>
- Muamar, A. (2022). *Perbudakan Modern di Kapal Ikan*. Greennetwork.Id. <https://greennetwork.id/unggulan/perbudakan-modern-di-kapal-ikan/>
- Murray, P. (2020). Managing security: Remaining ASEAN's regional role. *Asian Studies Review*, 44(1), 44–60. <https://doi.org/10.1080/103578232.2019.1680605>
- Natanael, Y., & Verico, K. (2019). The impact analysis of ASEAN movement of natural person in ASEAN-5 countries skilled workers mobility to Indonesia. *International Journal of Economic Policy in Emerging Economies*, 12(6), 523–541. doi:10.1504/IJEPEE.2019.105206

- Nursasti, S. (2020). *Eksplorasi Pekerja di Sektor Perikanan Bukan Hal Baru di Indonesia*. Kompas. <https://www.kompas.com/sains/read/2020/05/10/193000323/eksplorasi-pekerja-di-sektor-perikanan-bukan-hal-baru-di-indonesia?page=all>
- Purnomo, F., Az-Zahra, A., U. Zahro, I., Suhendra, K., & Berlian, D. (2022). *Perjalanan Panjang Awak Kapal Perikanan Indonesia Menuntut Hak yang Hilang*. Mongbay. <https://www.mongabay.co.id/2022/08/11/perjalanan-panjang-awak-kapal-perikanan-indonesia-menuntut-hak-yang-hilang/>
- Pushpanathan, S. (1999). *Combating Transnational Crime in ASEAN*. Asean.Org. <https://asean.org/combating-transnational-crime-in-asean-by-s-pushpanathan/>
- Ruland, J. (2009). Deepening ASEAN cooperation through democratization? The Indonesian legislature and foreign policymaking. *International Relations of the Asia-Pacific*, 9, 373–402.
- Setiawan, W., & Karim, M. F. (2022). Partial implementation of migrant rights protection? Indonesia's short-sighted approach towards foreign migrant workers. *Asian International Studies Review*, 29(1), 1–28. doi:10.1163/2667078x-bja10020
- Smouth, M. C. (2001). *The new international relations: Theory and practice*. Hurst Company.
- Underdal, A., Miles, E. L., Andersen, S., Carlin, E. M., Skjaerseth, J. B., & Wettestad, J. (2001). *Environmental Regime Effectiveness: Confronting Theory with Evidence*. The MIT Press.
- Winoto, N. B. (2019). Sea Forum for Fishers Sebagai Sarana Peningkatan Perlindungan Nelayan Migran di Asia Tenggara. *Jurnal Ketenagakerjaan*, 14(2), 112–125.
- Young, O., & Levy, M. (1999). *The effectiveness of international environmental regimes*. The MIT Press.