

# Tripulación Indonesia de trabajos forzados en un buque Chino: una perspectiva de derechos humanos

## Indonesian Forced-Labour Crew in Chinese Vessel: A Human Rights Perspective

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**Resumen:** El objetivo principal de este estudio fue explorar la perspectiva de los derechos humanos del caso reciente de tripulantes indonesios con trabajos forzados en buques chinos. En esta investigación se utilizaron métodos de investigación cualitativa. Los datos se recopilarán de documentos relacionados, tales como convenciones, libros de leyes, revistas jurídicas y otros datos relevantes asociados con el tema principal de esta investigación. Los datos fueron analizados utilizando perspectivas de derechos humanos y derecho internacional, como base legal de esta investigación. Esta investigación revela que el barco chino violó los derechos humanos de la tripulación del barco indonesio. Se descubrió que esto era un acto de esclavitud indirectamente y también se consideró como discriminación contra ciertas razas donde sus derechos como ser humano y como trabajadores se mantenían privados en comparación con otros miembros de la tripulación del barco.

**Palabras Clave:** Trabajo forzado; Derechos humanos; Organización Internacional del Trabajo.

**Abstract:** The main purpose of this study was to explore the human rights perspective of the recent case of forced-labor Indonesian ship crew in Chinese vessels. Qualitative research methods were used in this research. The data will be collected from related documents such as conventions, laws books, legal journals, and others relevant data associated with the main issue of this research. The data was analyzed by using human rights and international law perspectives, as the legal basis of this research. This research reveals that the Chinese vessel violated the Indonesian ship crew's human rights. This was found to be an act of slavery indirectly and also was considered as discrimination against certain races where their rights as a human being and laborers were kept deprived in comparison with other ship crew members.

**Keywords:** Forced labour; Human rights; International Labour Organization.

## **1. INTRODUCTION**

### **1.1. Research Backgrounds**

Indonesia is a maritime country. As an archipelago in the world, Indonesia has abundant potential for its marine wealth which is used by the community as a place to make a living. Hence, many Indonesians also work as ship crews both on national and foreign vessels. Ship Crew (ABK) are all people who work on the ship, whose job is to operate and maintain the ship and everything in it. According to the International Labour Organization (ILO), the fishing industry is a job with high accident and death rates.

In some fishing industries, many crew members experiencing difficulties due to gender discrimination, workplace violations, low wages, salary deductions, the involvement of child labour, and most happened is forced labour. These may happen because of the lack of supervision from the government and related authorities. Thus, the problem that may arise due to those reasons is the existence of labour disputes that may happen in the ship. The problem may also human smuggling on board if the ship does not have a good standard worker. Hence, ships are also often seeing victims of human trafficking. Therefore, ship crew are very vulnerable to exploitation, become victims of human rights violations, and get sexual violence.

One of the problems that can arise from the possible reasons provided above is the recent case of exploitation of Indonesian crews on Chinese vessels which is seen in Korean territorial waters. This case was first discovered after a video allegedly showing Chinese sailors threw the bodies of Indonesian crew members into the sea. The two Indonesian sailors who worked on the ship reported what happened while they were working on the ship to Munhwa Broadcasting Corporation (MBC) (Rizky & Dian, 2020).

The report stated that those who worked on the ship were having the hard times and they decided to leave the ship because of the exploitation they were experiencing. They claimed to have to work for 30 hours and every six hours they were given time to rest. They were only allowed to drink seawater, which made their health decrease. Even their passports were taken by the captain of the ship and their wages for the first three months were not provided on the grounds to reimburse their recruitment fees (Fajar, 2020). The impact of their poor working conditions resulted in three of the ship crew dying from diseases that showed symptoms such as bloating and

shortness of breath. Usually, if a crew member dies, his body will be stored in a cooling cupboard and brought back home, but these four bodies were thrown into the sea.

This matter then became a debate and public controversy. In the case of burial at sea, the Indonesian government also demanded clarification as to whether their burials followed the International Labour Organization's standards. At any rate, what is experienced by these Indonesian crew is a violation of human rights. They are deprived of their freedom and must work in conditions that are not feasible.

In International Law, workers' rights are regulated in the International Labour Organization Convention Number 188 of 2007 Regarding Work in Fishing. Meanwhile, in Indonesia, the rule of law regarding the protection of ship crew is regulated in Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Workers Overseas. It is also clearly written in Article 28D paragraph (1) of the 1945 Constitution that every citizen has a right of recognition, guarantee, protection and legal certainty, and also equal treatment before the law.

Further, there have been some labour regulations that not only cover employment relationships where work is carried out under the leadership of employers but also covering the rights and obligations of a labourer on the ship. Workers generally have a bond with labour-related regulations. But, even though there has been a provision regulating this matter, there are still many crew members who are experiencing force labour work as one of the violations of human rights on the ship. Therefore, this paper will answer this question "how does the human rights perspective on the case of forced-labour Indonesian ship crew in the Chinese vessel?".

## **1.2. Literature Review**

### **1.2.1. Human Rights**

According to Leif Wenar in Iskandar's book, the meaning of "right" is an authority to do an action or not to do an action or to be in a situation (Iskandar, 2012). Moreover, rights are a certain power/authority to demand something. Besides that, rights may arise from many sources such as religion, or the nature of man, or even the nature of society (Shaw, 2003).

Hence, Rover in Lonto's book thought that human rights are universal legal rights that are owned by everyone as human beings and these rights are protected by national constitutions and laws in many

countries of the world (Lonto, 2016). While based on Jan Materson's opinion in Sinaga's paper, human rights are rights that are inherent in every human being, where without these rights, humans are impossible to live as humans (Sinaga, 2018).

Human rights belong to everyone who is given as a gift from God. Human rights are rights that cannot be ignored. Human rights are enjoyed by everyone. Article 1 of the European Convention for the Protection of Human Rights (ECHR) provides that each State shall secure the rights and freedoms to everyone within its jurisdiction. Furthermore, International Covenant on Civil and Political Right (ICCPR) also add that each State shall commit to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Treaty, without distinction of any kind including race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Thus, human rights apply to anyone and anywhere, therefore human rights are called universal. This right is needed by humans to protect themselves and protect their human dignity. Human rights are used as a moral foundation in dealing with fellow human beings. Rights are also related to obligations. Anyone who wants to get their rights must fulfill their obligations as well.

If anyone commits acts that can take away the rights of others, they made a violation of human rights. According to Article 1 paragraph 6 of Law Number 39 of 1999, violation of human rights are every act of a person or group of people including state apparatus either intentionally or unintentionally, or negligence that unlawfully reduces, inhibits, limits and or revokes the human rights of a person or group of people.

Hence, there are three different 'generation' of human rights (Harris, 1991). The first-generation consists of civil and political rights. The main issue is civil rights in the sense of individual freedoms from state interference. The second-generation attained recognition in the twentieth century involving economic, social, and cultural rights. The main issue is social rights to claim welfare benefits from the state, for example, is the right to education. The third-generation emerged the idea that supports the individual rights of the first two generations before, such as the right to peace, the right to self-determination, and minority rights.

### *Kinds of Human Rights*

In Anthony Aust's book, he provides some civil and political rights by making comparisons between the ECHR (European Convention on Human Rights), ICCPR (International Covenant on Civil and Political Rights), and ICESCR (International Covenant on Economic, Social and Cultural Rights). Some of them are (Aust, 2010):

#### 1. Right to life

According to Article 2 of the ECHR, everyone's right to life shall be protected by law. No one may be deprived of his life, except according to the law and the court's ruling has been found guilty of a crime threatened by the sentence. Hence, Article 6 of the ICCPR also stated that every human being has an innate right to life and no one will lose his life arbitrarily. Further, ICCPR does not prohibit the death penalty; however, there are several conditions.

#### 2. Prohibition on torture

Article 7 of ICCPR provides that no one will experience cruel treatment, torture, or punishment (which degrading human dignity or inhumanity). Moreover, based on Article 3 of the ECHR, no one may be subjected to torture or inhuman treatment. A punishment that can demean human dignity is also not allowed.

#### 3. Prohibition of slavery and forced labour

Regarding this matter, the ECHR and ICCPR regulations are similar. Under article 4 of the ECHR, no one may be enslaved, such as workers who are required to carry out forced labour. What is meant by forced labour, does not include work as military service, part of criminal penalties, handling emergencies, or normal civil obligations. Furthermore, in Article 8 of the ICCPR, no one will be detained in slavery, such matters and all forms are prohibited. Forced or compulsory labour here does not include the work of people who are in detention as a result of a valid court order, any service, or work of a military character, in an emergency or disaster that threatens the life or welfare of the community, and is part of normal civil obligations.

#### 4. No punishment without law

Both Article 7 of the ECHR and Article 15 of the ICCPR explain that no one will be punished for an action before the law regulates it as a violation (*nullum crimen sine lege*), or provides a more severe sentence than was applied at that time

#### 5. Right to liberty and security

In this case, Article 5 of the ECHR and Article 9 of the ICCPR have the same substance, but the ECHR is more detailed.

#### 6. Prohibition of discrimination

Article 14 of the ECHR and Article 26 of the ICCPR guarantee rights without discrimination on any basis, either in gender, religion, race, nationality, color, political opinion, or another status.

### *Human Rights Regulations*

One effort to protect the human rights of a person is the existence of regulations. Human rights are protected by the law with sanctions for anyone who violates them. Many human rights treaties regulate human rights in the international sphere. Harris divided it into two-level, namely (Akehurst, 1997):

#### 1. Universal Human Rights Treaties

There are Universal Declaration of Human Rights (UDHR) that was adopted by the United Nations in 1948 and many multilateral treaties concluded through the United Nations such as the Refugees Convention 1951, the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW), the Convention on the Rights of Persons with Disabilities, and more.

#### 2. Regional Human Rights Treaties

It includes treaties at the regional level such as the European Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR), American Convention on Human Rights 1969, African Charter on Human and Peoples' Rights 1981, and Arab Charter on Human Rights 1994.

Not only treaties, in International Law, there is also a particular United Nations body that handles human rights, namely the ILO (International Labour Organization). Besides that, there is also UNESCO which is an international organization under the United Nations that handles all matters relating to science, education, and culture. This international organization aims to increase mutual respect based on the rule of law, justice, and human rights (Sinaga, 2018). Moreover, human rights in Indonesia are strictly regulated in the State constitution which is further regulated in Law Number 39 of 1999. The existence of these rules

and organizations is made to protect the rights of all people and help to handle cases of rights violations.

#### a. International Labour Organisation

In the latter part of the nineteenth century, work started to dominate the world agenda. Work was at the center of people's lives made social conflicts shifted to the workplace. The relationship between labour and management became increasingly monetary, simply said it was work for money (Guttoff, 2006).

Workers organized and demanded dialogue, opportunity, decent incomes, and dignity (Rodhers, 2009). Thus, ILO was established in 1919 after the First World War at the same time with the League of Nations. The creation of ILO went with a belief to promote social progress and overcome the conflicts through dialogue and cooperation. The competency of ILO includes a wide range of human rights (both civil and political, and economic and social dimensions) considering labour issues (Swepston, 2009).

To a far greater extent until 1990, labour rights issues appearing more frequently on the international agendas of multilateral and regional institutions, governments, the private sector, and non-governmental organizations (Alston, 2004). Hence, among all of that, ILO is one of the most important organizations that stand for labour issues. Being an organization that is a special part of the United Nations, ILO also has a unique set-up within the U.N. system with a *tripartite* set-up, encompassing governments, employers, and labourers (Lerche, 2007). The ILO is composed of three main organs, that are the General Conference of representatives of member countries (the International Labour Conference), the Governing Body, and the International Labour Office (Swepston, 2009). The ILO regulates all issues related to employment. The main objective is to open up employment opportunities for men and women to obtain decent and productive work, seek peace for workers, and promote workers' rights, not only theoretically but also in practice (Khairunnisa, 2016).

Neumayer provides that the International Labour Organization Declaration on Fundamental Principles and Rights at Work set that not only the parties to the ILO Conventions but all ILO members have to promote and to realize (Numayer, 2007):

1. The effective abolition of child labour (ILO Conventions 138 and 182).
2. Freedom of association and the effective recognition of the right to collective bargaining (enshrined in ILO Conventions 87 and 98).

3. The elimination of discrimination in respect of employment and occupation (ILO Conventions 100 and 111).
4. The elimination of all forms of forced or compulsory labour (ILO Conventions 29 and 105).

Peace for every worker throughout the world is the essential thing for ILO. Because ILO realizes that peace throughout the world can only be achieved if its application is based on social justice. Therefore, in the Preamble of the International Labour Organization Constitution, it states that (Markeling, 2017):

1. Workers/labourers are not merchandise.
2. Workers/labourers have the right to express their opinions because voicing an opinion is part of their rights.
3. All humans have the right to a better life.
4. Workers, employers, and government representatives have the same social level in making decisions aimed at increasing prosperity.

Based on the points above, we can know that the human rights of every worker /labourer are guaranteed. So, various complaints from the workers can be to achieve justice for everyone.

The basic motivation of the ILO which wants to improve social justice and make it a primary objective is based on various facts that occur to workers. The situation where a lot of deprivation of the rights of workers by the parties who employ them. Like the exploitation of workers, which is very common, workers are forced to work more than they should, even when the time for rest is reduced. Moreover, there are also some cases where workers do not even get the facilities they are supposed to get at their place of work.

Thus, the ILO pursues four interrelated strategic objectives for the achievement of decent work for workers, that are (Sengenberger, 2001):

1. The Fostering of Rights at Work;
2. The Fostering of Employment;
3. Expansion and Improvement of Social Protection in the World of Work;  
and
4. Fostering of Tripartite Agreements on Interests and Social Dialogue.

By 1999, in the Report of the Director-General to the International Labour Conference meeting in its 87<sup>th</sup> Session, the concept of decent work was launched (Ghai, 2003). Anker in his work concluded that ILO describes the promotion of decent work has a meaning as well as an objective as “opportunities for women and men to obtain decent and productive work in

conditions of freedom, equity, security, and human dignity” (Anker, 2003). Further, Salve quoted Reddy’s thought that decent work refers to work wider than job or employment including wage employment, self-employment, home working, and is based on the core enabling labour standards viz, freedom of association, collective bargaining, freedom from discrimination, and child labour (Salve, 2009).

#### b. Forced Labour

Prinasari put in the definition of forced labour in her work that forced labour is the coercion of others to do any work with the threat of some form of punishment (Prinasari, 2019). Hence, she argued that forced labour today is modern slavery, where the perpetrators of slavery do not feel they have victims of slavery. As a result, a slave will not do anything except at the will of his employer because his freedom has been deprived.

Years ago, the League of Nations had requested ILO to adopt what now became the Forced Labour Convention, 1930 (Swepston, 2014). Moreover, Lerche adds that ILO defines forced labour as work or service claimed from any person under the threat of any penalty and for which the said person has not offered himself voluntarily. Hence, in 2001 ILO classifies compulsory or forced labour into eight categories: slavery and abduction, mandatory participation in public works, coercive recruitment practices in agriculture and remote rural areas, bonded domestic work, debt bondage, the exaction of forced labour by the military, trafficking for sexual and economic exploitation and, lastly, prison labour (Neumayer, 2007).

Further, it provides in Article 1 paragraph (1) of the Convention that any state that ratifies this Convention needs to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. States also must ensure that the forced or compulsory labour shall be a penal offence imposed by adequate law. Therefore, Kibreab insists that any States that ratify this Convention are compelled not to tolerate or condone directly or indirectly its exaction by individuals or agencies within their territories, and to repeal all laws that allow such practices (Kibreab, 2009).

Hence, the main ILO document on forced labour (containing its analysis of present-day forced labour and its strategy for its eradication) is a report issued in 2005 called A Global Alliance against Forced Labour (Lerche, 2007).

Thus, from the definition above, we know that forced labour system forces and causes workers to be in poor condition. Also, this system of course removes their human rights as workers. Nevertheless, forced labour related cases do frequently occur. Not only in national scope, but also in international scope. Various injustices and deprivation of rights are also one of the examples that are often felt by the ship crew (ABK) on the ship.

## **2. MATERIAL AND METHODS**

### **2.1. Types of Research**

This research is normative legal research by using human rights perspective in relation to the case of forced-labour Indonesian ship crew in the Chinese vessel. There are several approaches to writing legal research in order to get information from various aspects of the issue being tried to find the answer (Peter, 2008).

### **2.2. Data Collection**

The data collection was done through library research by literature learning. The data was collected from reading, analyzing, and try to make a summary from related documents such as conventions, laws books, legal journals, and others associated with the main issue of this research.

### **2.3. Data Analysis**

The data was analyzed using human rights and international law perspectives, as the legal basis of this research, especially the issue of fishing rights in disputed water. Furthermore, the data was connected with the principle of law, conventions, and other related rules, or it is called juridical thinking..

## **3. RESULTS AND DISCUSSION**

### **3.1. The Case of Forced-Labour Indonesian Crew in Chinese Vessel**

The exploitation of ship crew (ABK) often occurs, such as the case of Indonesian ABK, who work on a Chinese vessel. This case caught the attention of many people and raises concerns about the working conditions

of the ship crew members on the vessel. Sitompul (2015) referred to Article 1 paragraph (40) of the Indonesian Shipping Law that a ship crew member (ABK) is a person who is employed and works on a ship to carry out duties under his position. ILO also lists ship crew as the subject of ILO Convention Number 188 of 2007.

The forced labour happened to the Indonesian ship crew (ABK) who worked on a Chinese ship named Long Xin 629 and Long Xin 604 who sailed in the Pacific Ocean, New Zealand region. To begin with, the vessel illegally stopped at Busan. In Busan, Indonesian fishermen who worked as a crew in that Chinese vessel told their stories. They told about their work which was treated like a slave. The Indonesian crews asked for help from the Korean side to help them because they had suffered so much and it was very difficult to escape. They claimed that they as workers got very painful exploitation.

Indonesian crew members claimed that they received different treatment with non-Indonesian crew members. They are forced to work without consideration of time. They have to work 30 hours and 6 hours are given for them to eat and also rest. They can only sit and rest for a while at the given break. While working, they also have to drink filtered seawater which is bad for their health. Some of them have sore throats and even difficulty breathing because of their unhealthy lives. Some of the crew also claimed that their salaries had not been paid even though they had worked hard (Heyder, 2020).

The other workers did not experience deadly or infectious diseases; nonetheless, the workers' exploitation of the Indonesian fishermen caused them to get illnesses. Given unhealthy food and drink, delayed wages, experiencing illness until some of them die, and even their bodies are thrown into the sea. The incident was recorded by one of the Korean news media named MBC. Inside the vessel was seen a box that had been wrapped. There were four workers from Indonesia who died. The video shows the bodies of Indonesian workers who died were dumped into the sea (Heyder, 2020).

In connection with this, from four of Indonesian ABK corpses that were disposed of, there was one of them who initially experienced cramps in his legs which then swelled, after which swelling spread to other parts of his body, after suffering from an illness like that for a month, he finally died. According to one of the fishermen who testified during the interrogation by the Korean side, the illness suffered by the fishermen who died was due to Indonesian crew members drinking seawater that was filtrated. The ship

carried mineral water, but only Chinese fishermen drank the mineral water, while Indonesian fishermen did not.

One other person, his name was Ari, he was a 22-year-old Indonesian crew who had worked on the Chinese ship for more than a year (Heyder, 2020). He died on the ship and his body was thrown into the sea. Not only that, but two of the only Indonesian workers were also 19 years old, and one other was 24 years old (Heyder, 2020). The two of them were immediately dumped on the day of his death. The four cases of death that led to the disposal of the body, apparently, there was someone who knew it and reported it to the sea police.

Besides that, the Korean side finally conducted an investigation. It was stated that the Korean side could investigate because in 2015, they made an agreement. However, two days after that, the vessel disappeared. That makes it a little difficult for Korea to continue the investigation. After the departure of the vessel, it was learned that there were still some fishermen who were in Busan; they asked the Korean side to investigate cases of human rights violations and exploitation of workers against them in depth (Heyder, 2020).

Hence, at a press conference, the Indonesian Foreign Minister confirmed the death of four Indonesian crew members in 2019 in the past few months. The four crew members are registered on Chinese fishing vessels, Long Xin 629 (Heyder, 2020). The Indonesian crew of the Chinese ship died of several illnesses. Some died due to breathing difficulties, bleeding cough, pneumonia, and died from infectious diseases. The diseases they experience are caused by poor lifestyle while working.

### **3.2. Analysis of The Case Related to Violation of Human Rights**

In this case, the writer identified two main issues. First is whether the treatment on the Indonesian crewmen by the Chinese vessels violated their human rights. And second is whether the burials of the Indonesian crewman that died followed the International Labour Organization standards.

Discussing the first issue on whether the treatment on the Indonesian crewmen by the Chinese vessels violated their human rights, it has been explained above that the treatments felt by those Indonesian crewmen are a form of violations of human rights. They are forced to work without consideration of time. They also have given unhealthy food and drink, delayed wages, experiencing illness until some of them die, and even their bodies are thrown into the sea.

Human rights are a very important thing to fight for. Regardless of their nationality, Indonesian ship crews as labourer should get their proper rights. Like the salary, they should get with a higher amount, but in fact, gets a lower wage. According to one source said that five of Indonesia's ship crew after working 13 months, they were paid a salary of \$ 127 or as much as 1.7 million rupiahs. This is a very low salary for work that has a very high accident and death rate. This harsh work environment was violating their human rights. Thus, the writer would say that the treatment on the Indonesian crewmen by the Chinese vessels violated their human rights as a labourer and as a human.

Furthermore, discussing the second issue on whether the burials of the Indonesian crewman that died followed the International Labour Organization standards, the "Seafarer's Service Regulations" as one of ILO regulation clearly explain about the removal bodies of workers in the sea which in this case includes the ship crew (ABK). Article 30 of the Seafarer's Service Regulations states that if someone dies while sailing, the captain must report it to the owner of the ship and also to the victim's family. In this case, the ban on the bodies of people who sailed is permitted if it fulfills several conditions. That is:

1. The ship where the worker died is sailing on International Waters;
2. The ship crew (ABK) has died more than 24 hours or death caused by the worker suffering from an infectious disease and the body has been sterilized;
3. The ship is unable or unable to store the body due to hygiene reasons or because the port prohibits the ship from storing the body or other justified reasons; and
4. A death certificate has been issued by the ship's doctor (if any).

Not only that, but the removal of the body also cannot be done just like that. Based on Article 30, to respect the bodies of workers must be treated with respect and also hold a death ceremony. Besides that, the body must also be dissolved well. One way you can do is by dissolving the bodies by using a chest or ballast so that the body sinks, does not float. The workers' corpses must be documented properly and in detail. Even in the ILO Seafarer's Service Regulations also regulate the relics of workers who died.

Hence, in this case, the Indonesian ship crews when they started work must make a letter of an agreement containing that with the agreement they will bear all the risks themselves, and if a disaster occurs to cause death,

then their bodies will be cremated where the ship rests, with a note that their bodies will be repatriated to Indonesia. They are also given a deposit of \$ 20 thousand (150 million) which will be insured before they start working abroad. And if they die, the money will be handed over to the family (heirs). The agreement must also get the family's approval, and the family promises not to bring problems related to his death to the Indonesian police or law.

Based on the agreement above, it can be seen that the removal of the corpse is not following the contents of the agreement that has been made. If everything is done according to the agreement, then the bodies of the Indonesian crews must be cremated, and the ash sent to the family. Thus, the provisions above must be fulfilled if the owner and the captain of the ship finally decide to make a removal on the crew of the ship who died while the ship was sailing for fishing.

Relating to this case, some people say that the discarded of Indonesian ABK's corpse into the sea is an act that violates the rights of these workers because the procession of the removal does not meet all the conditions set by the ILO. One of the Indonesian crew who died and was dissolved was done after asking for approval from the family, the family permitted to bury the body of one of the crew and the family was also willing to receive compensation funds for the death of one of its members.

Meanwhile, others also assume that the statements relating to the act of prohibition do not violate the provisions concerning labour that work on the ship and also do not violate the rights of the workers mentioned. Hence, the writer assumes that this is a statement to cover up the guilt of the responsible person on the Chinese vessel because the ship did not explain in detail what infectious diseases suffered by the Indonesian ship crews caused death. The ship only said that the bodies of the crew were thrown away due to infectious diseases and the family had given permission and also received compensation money.

The removal of the body into the sea will be allowed if the body dies due to an infectious disease or the ship does not have facilities to store the body, which will have an impact on the health of the ship. However, from the explanation above, we know that the illness suffered by the fishermen who died was due to Indonesian crew members drinking seawater that was filtrated. Hence, the ship crew drinks the seawater because of the bad treatment from the Chinese vessel. Thus, the writer would say that the burials of the Indonesian crewman that died did not follow the International Labour Organization standards purely since from the start the Chinese vessel

did not give them the proper food and drink and let them suffer from the unhealthy lifestyle. The disease that was suffered by the Indonesian ship crew was the impact of the Chinese vessel's bad treatment on them.

Therefore, as ILO recognizes that ship crew (ABK) is also a part of workers, ILO as an international organization that deals with matters related to labour, has any authority to guarantee health, safety, peace, social justice, and solve problems if there are problems that occur to the ship crew. Hence, ILO has the obligation as well as the authority to deal with this case, especially since this case is a case within the international scope. Based on ILO Convention No. 188 of 2007 concerning Work in Fishing, Part IV, Article 13, each Member State needs to implement a law requiring fishing vessel owners to ensure that crew members are given regular and sufficient rest periods to maintain their safety and health. Many multilateral human rights treaties also provide support for a state's obligation to investigate grave human rights violations and take action against the responsible parties (Roht, 1990).

Indonesia as a member of the ILO since 1950, has ratified all major ILO conventions, and until 2008 has ratified 18 ILO Conventions (Agus, 2013). Moreover, in ILO Convention Number 105 which has been validated through Law Number 19 of 1999, the state or government is obliged to suppress and will not use forced labour in any form (Dewi, 2018). Hence, the position of the ILO Convention in Indonesian labour law is one of a source of law among other laws that are existed in Indonesia (Suhartoyo, 2018). Thus, Indonesia as the nationality of the origin of the Indonesian ship crew should take an action to solve this problem as granting legal protection for Indonesian citizens has been stated as one of the regulations in various laws in Indonesia (Vidianditha, 2020).

#### **4. CONCLUSION AND SUGGESTIONS**

The result of the research above showed that there was a violation of human rights in this case. The Indonesian ship crews were treated improperly as humans and as labourers who work on the Chinese vessel. Even though the Indonesian ship crews are entitled to be treated the same as the other crews who are in the same position as workers, their right to an appropriate salary, their right to security and comfort at work, their right to health and safety at work, their right to justice all their rights as human beings or labourers are being exploited. This case certainly

violates the rules which have been regulated in International Labour Organization Conventions.

The authors recommend that the government must be more concerned with Indonesian workers who work abroad. Thus, the researchers suggest that the Indonesian government should follow up on this case and find solutions so that such case would not happened again to Indonesian citizens. Besides that, as an international organization dealing with workers' rights, the International Labour Organization must also take action following the rules that apply to ILO conventions. Thus, both the Indonesian government and the ILO must provide justice to the the Indonesian crew who work on the Chinese vessel. Hence, the parties from the Chinese vessel company must also be followed up regarding their employment system in their relevant ship.

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