

Implementation of Sea Work Agreement for Work Safety Insurance Program for Fishing Vessel Crew

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Abstract

Sea Work Agreement is a written agreement between the crew of the Fishing Vessel and the owner of the Fishing Vessel or the operator of the Fishing Vessel or the skipper or agent of the crew of the Fishing Vessel which is a provision in Article 1 number 65 of Government Regulation (PP) Number 27 of 2021. The purpose of this study is to find out and understand the implementation of the sea work agreement as well as the forms of protection and settlement efforts in the event of a breach of the sea work agreement. The type of research carried out is Juridical Empirical Research, using the law approach and the case approach. In the results of this study, it is explained that the implementation of the sea work agreement is a work safety insurance program for fishing vessel crews which is an agreement that must be carried out by everyone who does work at sea. This sea work agreement is carried out between the two parties, namely between a shipping entrepreneur who owns a ship company as one party and a worker or ship crew on the other. In relation to the implementation of the sea work agreement, seen from the form, content and format, the flow of the implementation process up to the marine work agreement insurance program has been implemented based on the provisions of the applicable laws and regulations, although there are obstacles found and faced in the field. Then the form of protection provided is to ensure the fulfillment of the rights and obligations of the parties who carry out the Sea Work Agreement, namely to fishing vessel crews in the form of risk protection while working and to fishing companies in the form of business risk protection while working. As for the efforts made when the default occurs, namely the settlement of the parties by deliberation to reach an agreement. If an agreement is not reached, the dispute is resolved through mediation.

Keywords: Sea Work Agreement, Work Safety Insurance, Form of Protection

INTRODUCTION

Sea Work Agreement, hereinafter abbreviated as PKL, is a written agreement between fishing boat crew and fishing boat owners or fishing boat operators or skippers or fishing boat crew agents which is a provision in Article 1 number 65 of Government Regulation (PP) Number 27 of 2021. Agreement sea work in terms of specifically addressing fishing vessels capture. Capture fisheries is a business that has different characteristics from other businesses, because this business is one of the businesses that has a high risk. The capture fisheries business depends on the main capital and other factors as a determinant of the success of business development. According to Badriyah, one of the main assets in capture fisheries business activities is fishing boats. Fishing vessels support fishing operational activities which include finding the position of the fish that are the target of fishing, operating fishing gear, and bringing the catch to be landed at the base port (Badriyah, Mahmudah, and Soemarmi 2019).

Risks that can occur unexpectedly can cause losses for ship owners. One way to deal with the risk is to insure the ship. Insurance is one tool that is widely used for risk management to protect and mitigate various risks, such as asset risk, production risk, market risk, personal risk, and health risk (Shinoj et al. 2017). Insurance is an agreement with the insurer who in this case binds himself to the insured by accepting a premium to provide compensation to him due to loss, damage or loss of expected profits that he may suffer as a result of an uncertain event or event.

So it is only natural if given an accident guarantee protection and death guarantee. One manifestation of the protection efforts for these workers is the existence of work accident insurance which is organized in the form of a basic social security program for workers based on the principles of joint effort, kinship and mutual cooperation as embodied in the soul and spirit of the Pancasila and the Constitution of the Republic of Indonesia. Republic of Indonesia 1945 (1945 Constitution) (IRAWAN 2010). In addition, guarantees to Every Ship's Crew has the right to be given special attention. With regard to work welfare, this is also inseparable from the existence of agreements and work agreements between the parties, namely between the Ship Crew and the ship owner or operator who makes the agreement in accordance with applicable laws and regulations.

Therefore everyone who works at sea really needs to get protection, because it has a high risk. So it is necessary to have a sea work agreement between the entrepreneur and the crew. Sea work agreement is a legal agreement between the ship entrepreneur called the party and the seafarer on the other hand where the seafarer promises to work under the ship entrepreneur as a ship's crew in return for wages or salaries. According to Article 1320 KUHD, entrepreneurship is a person or legal entity that operates a ship for sea shipping services by conducting it himself or ordering another person to carry out the voyage as a captain (Adinugroho and Tjahja 2019).

Written agreement from street vendors between fishing boat crews and fishing boat owners or fishing boat operators or skippers or fishing boat crew agents must be a work agreement that must be made or reflect justice and benefit both parties (Balik 2016), because if the agreement has been ratified and it turns out that one of the parties made a claim because they feel aggrieved, then the claim is strong. By holding PKL in accordance with the provisions of Article 1 number 5 PP Number 7 of 2000 concerning Maritime Affairs which is an individual work agreement signed by Indonesian sailors with transport entrepreneurs in waters, then a working relationship is established between the employer and the recipient of the work concerned and then the provisions regarding labor law will apply, including regarding terms of employment, social security, occupational health and safety, settlement of disputes and termination of employment (Aloysius 2014). Capture fisheries work is a type of high-risk work. A number of protective measures must be provided by the state to its citizens who work in this sub-sector both domestically and abroad.

The Ministry of Maritime Affairs and Fisheries together with the labor social security administering agency signed a cooperation agreement. This cooperation agreement was carried out in order to synergize the protection and welfare of workers in the capture fisheries sector through the employment social security program. The aim is to provide employment social security protection for fishing boat crews, fishermen and other workers in the capture fisheries sector. This employment social security protection is carried out through work accident security, death security, old age security and pension security programs. This is also in line with realizing human rights in the fisheries sector to obtain welfare and social security for fishing vessel crews (KKP n.d.).

Apart from that, the provisions of Article 66 Number (4) of Law Number 40 of 2014 Concerning Insurance state that (Indonesia n.d.):

“The written order as referred to in paragraph (1) and paragraph (2) cannot be used as an excuse by the party entering into an agreement with the Insurance Company to cancel or reject the agreement, avoid the obligations specified in the agreement, or do anything that can result in losses for Insurance Companies.”

Based on the cooperation agreement made at the central level, the derivatives to the regional level have also implemented the cooperation agreement. BPJS Ketenagakerjaan Merauke Branch has signed a cooperation agreement regarding the employment social security program in order to provide guaranteed protection for workers in the capture fisheries sector within Merauke Regency. So it is necessary to provide protection and social security, this is in line with realizing human rights in the fisheries sector to gain prosperity. Working as a seafarer has considerable risks and an umbrella of protection is needed to prevent unwanted things, so that workers can work safely and comfortably (KKP n.d.).

There are at least 5 factors that cause accidents for crew members on fishing boats, namely low awareness of crew members about work safety on shipping and fishing activities, low mastery of shipping and fishing safety competencies, ships not equipped with proper safety equipment, bad weather such as big waves and suffering from illness. hard on the cruise. This means that apart from bad weather factors such as big waves, there are human factors and ship and safety equipment (Syibli, Asjani, and Devita 2019).

So to solve the above problems the author finds it interesting to raise and research about street vendors which are related to work safety insurance for fishing boat crews, because they see the risks that result if the crew does not have insurance. In looking for a solution to this problem, there is an interest in the author to conduct further research in a paper entitled: Implementation of the Marine Labor Agreement Regarding the Occupational Safety Insurance Program for Fishing Vessel Crews in Merauke Regency.

RESEARCH METHODS

This research uses a type of empirical juridical research, namely a type of research that is based on primary data and field data. Where primary data or field data is related to Sea Work Agreement Work Safety Insurance Program for Ship Crew at the Fishing Port in Merauke Regency. The approach method in this study is to use a statutory approach and a case approach.

The type of data consists of primary data in the form of interviews or observations from sources who have the capacity in accordance with this research, especially from the Head of the Fisheries Office and the families of victims who submit work safety insurance claims. The secondary data comes from primary and secondary legal materials. This data was obtained through library research, namely studying laws and regulations, books, journals, and the results of other scientific research related to this writing.

Data collection techniques consist of literature studies, observations, and interviews. In this study, trying to use primary and secondary data at the same time which he thinks complement each other. Primary data collection was carried out by conducting in-depth

interviews. Through interview techniques, it will be explored in full, not only about what the informant experienced, but also opinions and views. The application of information is carried out according to the interests and needs of the analysis. For the collection of secondary data taken by literature and documents.

RESULT AND DISCUSSION

Implementation of the Occupational Safety Insurance Guarantee Program for Fishing Vessel Crews in Merauke Regency

In connection with the implementation of street vendors regarding the Insurance program for fishing boat crews in Merauke Regency, of course it has been carried out based on procedures and applicable laws and regulations, run by the Merauke Archipelago Fishing Port Administration Office in collaboration with related parties, namely ship company owners, Employment BPJS and Victims' Families.

The following is data on fishing boat crew who have been actively registered for the last 3 years as participants in the insurance program at BPJS Employment in Merauke Regency along with fishing boat crew as victims of work accidents, which the author presents in tabular form from the BPJS Ketenagakerjaan Office for membership namely as follows:

Tabel 1. Data on Fishing Vessel Crew Victims of Occupational Accidents for Employment BPJS Insurance Program for 2020-2022

No.	Year	Number of Ships	Number of Entrepreneurs	Crew Number	Number of Victim	BPJS Claims
1	2020	853	204	7892	2	Finished
2	2021	990	226	8450	3	2 Complete Cases and 1 Process Stage Case
3	2022	225	95	2.347	1	Finished

Source: The data is processed by itself from secondary data originating from the BPJS Ketenagakerjaan Office in the membership section.

From the data above it can be seen that there were 2 victims submitting work accident death insurance claims at BPJS Employment in 2020 and there were 3 victims submitting death insurance claims in 2021. Then in 2022 there was 1 victim submitting work accident insurance claims. Of course, this can be seen from the increase in work accidents among fishing boat crews, although there has not been a significant increase. However, this is of course an important concern that every fishing boat crew must register for Social Security Insurance. So that if later there is an accident while on a cruise, the victim's family will get compensation from BPJS Ketenagakerjaan (Saputra et al. 2020).

From the data above, it can be seen that in 2020 there were 2 victims who submitted claims that had been resolved. However, in 2021 there were 3 victims who filed insurance claims but only 2 victims have been completed and there is 1 victim who is still in the claim process stage. This proves that the process of claiming work accident insurance at BPJS is also not easy and is immediately granted, but it has a process and requirements which of course go through stages that must be completed by the victim's family. Therefore, the social security program in street vendors, namely death and work accident insurance which is an important part of street vendors, is of particular concern to fishing boat crews and of course also ship owners/shipping companies as employers and related parties, namely BPJS Ketenagakerjaan as the accident compensation provider work.

The following is complete data in tabular form based on data from the last 3 years from the BPJS Ketenagakerjaan Office for membership related to victims who filed claims, namely as follows:

Tabel 2. Data on Cases of Fishing Boat Crews who Filed Job Accident Insurance Claims for Employment BPJS

No.	Information	Year	
		2020	2021
1	Accident Time	August 12, 2020	August 02, 2021
	Insurance Claim Disbursement Time	January 08, 2021 (5 Months Claim Disbursement Process)	November 15, 2021 (3 Months Claim Disbursement Process)
	Name of Company Owner	Muhammad Effendi	Amirudin T
	Company's Address	Street Al Hairat Mosque, Batu Ampar Village, Kramat Jati, East Jakarta City	Street Menara Lampu Satu, Merauke District
	Company Ship Name	KM. Kanzi 01	KM. Ammar Jaya 3
	Crew Name (Victim)	Alm. Shamsudin Samal	Alm. Samuel Alam
	Type and Amount of Employment BPJS Compensation	Periodic Compensation: IDR 12.000.000 Funeral Fees: IDR 10.000.000 Death Benefit: IDR 40.000.000 Total Compensation: IDR 70.000.000	Periodic Compensation: IDR 12.000.000 Funeral Fee: IDR 10.000.000 Compensation for Death: IDR 96. 000.000 Scholarship Death Benefit: IDR 3.000.000/year Total Compensation: IDR 121.000.000
	Fishing Ship Agency Service Company	PT. Akifa Bina Samudera Ship Agent: Mrs. Wayani Laoga	PT. Akifa Bina Samudera Ship Agent: Mrs. Wayani Laoga
2	Accident Time	July 15, 2020	November 15, 2021
	Insurance Claim Disbursement Time	November 08, 2020 (4 Months Claim Disbursement Process)	February 20, 2022 (4 Months Claim Disbursement Process)
	Name of Company Owner	Liem Seng Wie	Tech Pan Alias Hermanto
	Company's Address	Street Biak, Merauke District	Street Noari, Merauke District
	Company Ship Name	KM. Lotus	KM. Ringo Natuna
	Crew Name (Victim)	Alm. Basir	1. Alm. Hadi Sumarso 2. Alm. Mustofa (Claim Process)
	Type and Amount of Employment Compensation	Periodic Compensation: IDR 7.000.000 Funeral Fee:	Alm. Hadi Sumarno Periodic Compensation: IDR 12.000.000

BPJS Compensation	IDR 10.000.000 Compensation for Death: IDR 25.000.000 Total Compensation: IDR 42.000.000	Funeral Fee: IDR 10.000.000 Compensation for Death: IDR 96.000.000 Scholarship Death Benefit: IDR 3.000.000/Year Total Compensation: IDR 121.000.000 Alm. Mustafa Process Stage
Fishing Ship Agency Service Company	PT. Arafuran Line Cruise Ship Agent: Wartono	PT. Akifa Bina Samudera Ship Agent: Mrs. Wayani Laoga

Source: The data is processed by itself from secondary data originating from the BPJS Ketenagakerjaan Office in the membership section.

Furthermore, below is presented a table of data on fishing boat crews who experienced work accidents and were facilitated by BPJS Ketenagakerjaan, namely as follows:

Tabel 3. Data on Cases of Fishing Boat Crews who Filed Job Accident Insurance Claims for Employment BPJS

Information	Year 2022
Accident Time	February 15, 2022
Insurance Type	Accident Insurance
Crew Name (Victim)	Rudi
Name of Company Owner	Paryanto
Company's Address	Street Land Fisheries, Merauke District, Merauke City
Company Ship Name	KM. Flutter 01
Type and Amount of Employment BPJS Compensation	All Costs of Medicine and Health Services
Fishing Ship Agency Service Company	PT. Kibar Jaya Abadi Ship Agent: Mr. Muhammad Danuri

Source: The data is processed by itself from secondary data originating from the BPJS Ketenagakerjaan Office in the membership section.

In connection with the data above, you can see the victim's statement along with other data. So, to find out more regarding the implementation of street vendors at the Merauke Archipelago fishing port and BPJS Ketenagakerjaan regarding the social security insurance program for fishing boat crews, the authors interviewed several sources or informants from the families of the victims who submitted claims for work accident insurance at BPJS Employment.

As for this matter, the author has interviewed 4 informants consisting of 2 families of victims who have been granted and disbursed death insurance claims, 1 victim of death insurance claims which is still in the process stage and 1 victim of work accident insurance insurance, namely as follows:

- a. The results of interviews with the victim's families from Alm. Shamsudin Samal. (AR) as the victim's wife said that submitting a work accident insurance claim to BPJS Employment is not as easy as one might think. We, as the families of the victims, are accompanied by the owner of the ship company as the employer, which in this case is

represented by the shipping agency to get involved in helping us as an extension in handling work accident insurance claims at the BPJS Ketenagakerjaan office. We, as the families of the victims, have an important and active role in collecting all the required documents in the form of documents such as marriage certificates, identity cards, birth certificates and so on, and in the process of claiming up to disbursement it also takes a long time, it can be up to 5 months. Therefore, it is necessary to have good communication between us, the families of the victims and also the ship agency that represents the company that helps us in the process of disbursing insurance at BPJS Ketenagakerjaan in order to get work accident insurance, which is a right that we must accept.¹

- b. The results of interviews with the victim's family from Alm. Basir. In this case (H) as the wife of the victim said that in the process of submitting work accident insurance claims at BPJS Ketenagakerjaan it needs to be taken into account. So that in the process it can be granted immediately and the disbursement stage is also carried out immediately. Because when submitting a claim it is necessary to prepare all the files completely so that it is easy and fast. Because you have to follow all the steps that have been determined. In this case the ship agency representing the ship company has really helped us as a family in terms of joint management at the Employment BPJS office. So we, from the victim's family, have an important role in this matter, because we have prepared all the documents needed.²
- c. The results of interviews with the victim's families from Alm. Mustafa. In the results of the interview (S) said that processing work accident insurance claims at BPJS Ketenagakerjaan is not easy. Because there are many requirements that must be completed. In this case the ship agency has helped us in the management process. But it's still an obstacle because there are some files that we haven't completed yet. Therefore, complete documents are needed before registering for insurance with BPJS Employment so that later it will not be difficult to process claims.³
- d. The results of the victim's interview on behalf of Rudi. During the interview Rudi as the victim said that when he had a work accident, BPJS Ketenagakerjaan fully facilitated it. The importance of work accident insurance has really helped me personally and my family, in which all medical expenses and health services are fully paid for by BPJS Employment, namely by using the BPJS Employment Card. Of course, this is a form of responsibility from the ship owner to us, the workers.⁴

So, in response to this, it can be concluded that in the process of submitting claims for Social Security Insurance for Fishing Boat Crew at BPJS Ketenagakerjaan related to street vendors, they go through a process and stages, starting from submitting claims, managing and completing all the required files, to the insurance claim disbursement stage. its not easy. There needs to be good cooperation and communication between the victim's families, which in this case completes the requirements needed with the ship agency as a representative of the owner of the ship company as an employer in managing insurance claims at BPJS Ketenagakerjaan.

Ship Agency from PT. Akifa Bina Samudera namely Mrs. Wa Yani said that we, as representatives of the company, in this case the owner of the ship whose crew of the fishing boat had a work accident at sea, were very responsible for assisting in the process of processing insurance claims at BPJS Ketenagakerjaan if any of our fishing boat crew or workers had an accident while working. work. We, as the ship's agent, do our best to help the victim's family get work accident insurance, so that the victim's family gets the guarantee they deserve.

¹Results of interviews with informants from the families of the victims of the late Alm. Syamsudin Samal, on January 10, 2022.

²Results of interviews with family informants from the victim Alm. Basir, on January 12, 2022.

³Interview result with sources from the victim's family from Alm. Mustafa, on January 28, 2022.

⁴Interview result with sources from the victim's family on behalf of Rudi, on March 18, 2022.

However, please note that the victim's family also has an important role in helping us prepare all the requirements, namely the documents needed. Because these documents are important documents of the victim and the victim's family that support the granting of the insurance claim. So, if there is even one document requested that cannot be completed then this is beyond our ability. So, it is very important to prepare documents in work registration and also in registering BPJS Employment insurance, so that later when a work accident occurs, it is easy to submit claims to disbursement because all the necessary requirements are complete. Because we do our best to help as a form of our responsibility as ship owners, but keep in mind that we still follow all existing procedures and there are also no legal defects. So, it is very important to prepare documents in work registration and also in registering BPJS Employment insurance, so that later when a work accident occurs, it is easy to submit claims to disbursement because all the necessary requirements are complete. Because we do our best to help as a form of our responsibility as ship owners, but keep in mind that we still follow all existing procedures and there are also no legal defects.⁵

Furthermore, the Head of the Merauke Archipelago Fishing Port Office Mr. Susanto Masita, S.St.Pi., MH said that the Insurance program related to Work Accident Guarantees related to street vendors is a good program to provide guarantees to fishing boat crews. With the rules governing this matter, we fully support and we have also carried out socialization regarding the applicable regulations governing sea work agreements regarding work accident insurance programs for ship owners, ship handlers, ship crew and also agency services so that they are known together. So that if a work accident occurs, all parties can carry out their obligations and get their rights.⁶

Apart from that, the existence of PERMEN KP Number 3 of 2013 concerning Kesyahbandaran at Fishing Ports and also PERMEN KP Number 42/Permen-KP/2016 concerning Sea Work Agreements, provides equality of rights and obligations, welfare, security, comfort, safety and occupational health. as well as providing insurance guarantees and legal guarantees for fishing vessel crews. The implementation of street vendors is also structured with the aim of ensuring the fulfillment of work requirements, working conditions, wages, health insurance, insurance coverage for accidents, disasters, death, legal guarantees, and security guarantees for fishing vessel crews. Then the government is also related to protection for fishing boat crew through street vendors and further Social Security is regulated in PERMEN KP RI Number 33 of 2021, so that with regard to the Sea Work Agreement it is ensured that fishing vessel crews are guaranteed good protection.

Regulations that regulate matters clear from the start since the start of conducting street vendors, as specified requirements, regulate the placement and division of tasks for fishing boat crews, provide work risk protection for fishing boat crews and business risks for fishing boat owners or operators, regulate wage systems, responsibilities and rights and obligations of ship owners and crew of fishing vessels, guaranteeing work risk safety, settlement of disputes or disputes.

So based on the description above, the writer can conclude that in the implementation of street vendors the Work Safety Insurance Program for Fishing Crews will run well if it is

⁵Results of interviews with sources from Fishing Vessel Agency, PT. Akifa Bina Samudera, Wa Yani, on 12 February 2022.

⁶The results of the interview with the Head of the Merauke Archipelago Fishing Port Office, Susanto Masito, on 14 February 2022.

carried out in accordance with the procedures stipulated in the applicable laws and regulations. The government in this case provides guarantees of protection through Employment BPJS. The guarantees given start from work accident insurance and also death insurance. This is of course the existence of the implementation of street vendors is very important and needs to be improved. Because the risk when working on a ship is very high, in making street vendors it must be well understood, so that the implementation can run well.

Implementation of the Occupational Safety Insurance Guarantee Program for Fishing Vessel Crews in Merauke Regency

In an agreement, of course, it does not always go well, that is, between the two parties getting their rights and carrying out their obligations. However, sometimes one party does not carry out its obligations after obtaining its rights. When making an agreement, of course there are conditions that must be met so that the agreement is valid and can be implemented (Muhiddin 2016). If one of the parties does not carry out the terms that have been agreed upon, this is called a Default or broken promise. Default is the absence of an achievement in contract law, meaning something that must be carried out as the contents of an agreement. Default is the denial of an obligation arising from an agreement made by one of the parties to the agreement.

The word default comes from the Dutch language, namely "*Wanprestatie*" which means non-fulfillment of achievements or obligations that have been set for certain parties in an engagement, whether born from an agreement or arising from a law. Default is regulated in the provisions of the Civil Code Article 1243 which reads (Bax 2008):

"Reimbursement of costs, losses and interest due to non-fulfillment of an agreement, only then begins to be required, if the debtor, after being declared negligent in fulfilling the agreement, continues to neglect it, or if something that must be given or made, can only be given or made, can only be given or made within the lapse of time".

The purpose of street vendors is as a form of protection for fishing boat crews and fishing companies. In connection with the objectives of the street vendors above, the form of protection provided to fishing boat crews, hereinafter abbreviated as (AKP), is in the form of risk protection while working, namely (Sawengi 2022):

1. Erratic working hours & tend to be longer.
2. There are no standard working hours & rest hours.
3. The fishing season requires the AKP to work continuously.
4. The waves and weather on the fishing ground are dangerous.
5. Limited supplies.
6. Work accident.

While the form of protection given to fishing companies is in the form of business risk protection while working namely (Pesak 2020):

1. The catch is uncertain;
2. Achievement of fishery production;
3. Security & safety of production facilities;
4. Continuity of the fishing business.

Based on the objectives of street vendors above, we can see that street vendors provide guarantees of protection to the parties who make agreements, both fishing boat crews and fishing companies. So that if one party or the other party does not carry out their obligations, then one party can claim their rights, because street vendors are binding in nature and it is ensured that the owner of the fishing boat company/operator and fishing boat crew have read and understood the entire contents of the street vendors (Parerungan 2018).

Apart from that, it is also related to the efforts made if there are parties who break their promises or default on street vendors, namely committing Settlement of disputes between fishing boat crew and fishing boat owners/operators must be resolved by deliberation to reach

an agreement. If an agreement is not reached, it can be resolved through Alternative Dispute Resolution (outside court) or mediation, to find a solution to the problem or default on the contents of the agreement (Diah 2016).

Next flowor mechanism settlements related to street vendor defaults between fishing boat crews and ship owners, namely as follows:

1. Complaint Submitter
 - a. AKP, Representative/Legal Attorney
 - b. Labor union
 - c. Ship owner/operator
2. Scope of Dispute
 - a. Payment of wages
 - b. Fulfillment of care & treatment due to work accidents
 - c. Fulfillment of compensation for AKP heirs who died
 - d. Detention of AKP documents by the ship owner
 - e. Unilateral cancellation of the AKP
 - f. Fulfillment of livelihoods for AKP & Kel when layoffs occur/are no longer able to work
 - g. The fulfillment of a decent life when the AKP loses their job
3. Deal

The results of the agreement set forth in the Collective Agreement are reported in writing by the parties/one of the parties to the manpower agency in the district/city/province, or Central and submit a copy to the Director General.

Based on the plotor mechanismsettlements related to street vendor defaults between fishing boat crews and the above ship owners, especially in Merauke which occurred as follows:

1. In the event of an accident at sea while working, the ship owner, in this case through an agent, will assist in the claim process at BPJS Ketenagakerjaan. However, if at the time of processing the claim, BPJS does not approve and disburse the claim because the requirements are incompletely met by the claiming party, in this case the victim's family, then the fishing boat owner will continue to provide compensation to the victim's family left behind. In addition, the ship owner or company bears all costs, from the hospital to the burial of the crew members who died.
2. In connection with the default of the crew who left the ship before the ship sailed and left a debt to the ship owner, which in this case was a minimum amount of IDR 3,000,000. - IDR 5,000,000., then this is very detrimental to one of the parties, namely the ship's captain because the ship's captain will bear all losses in the form of money that has been taken (down payment/loan) previously to the ship/company owner. In addition, the ship's documents must be reported back to the fisheries master's office to be updated or in other words, several documents must be changed due to the escape of the ship's crew. So that the efforts made are by finding replacements for other crew members to fill the positions of crew members who have fled so they can set sail immediately. Because each crew member has their own roles and duties on board. After fulfilling all the existing crew members, then the documents will be cleared to the port harbor office in order to carry out shipping activities back to the Fishing Groun Area (fishing area). Because if the ship takes too long at the dock, the owner or company will suffer losses. However, if before the ship departs, the owner of the company or the captain of the ship finds the crew members who have fled, then the crew members will be asked to replace the amount of money previously borrowed from the owner or company.

There were also cases of default committed by the crew on behalf of (S) who did not carry out their duties properly and deliberately caused commotion on board the ship while sailing so that the ship returned to the port of origin. In addition, the crew of this ship have debts

to the company. This case was resolved by means of family mediation by presenting the ship's crew, captain, the company and the police. The effort taken is to make a statement letter to settle the crew's debt to the company. So that the troubled crew of the ship agreed to the agreement.

CONCLUSIONS

Implementation of sea work agreements for work safety insurance programs for fishing vessel crews is an agreement that must be carried out by everyone who does work at sea. The flow of the implementation process is starting from the cooperation agreement is carried out, registration at the Employment BPJS office, filling out and inspecting street vendors, signing street vendors, the ship document clearance stage up to the stage of issuing the Sailing Agreement by Syahbandar at the Merauke Archipelago Fishing Port.

The form of protection for street vendors is the form of protection given to fishing vessel crews is in the form of risk protection while working on fishing vessels. The form of protection for fishing companies is in the form of business risk protection. Efforts to be made in the event of a default, namely Settlement of the parties in a deliberative manner and the ship owner gives consideration to the crew of a fishing boat that has defaulted if there is an element of good faith on the part of the crew to reach an agreement or a win-win solution.

REFERENCES

- Adinugroho, Samuel Ronatio, and Anung Aditya Tjahja. 2019. "Tanggung Jawab Nakhoda Atas Keselamatan Muatan Dalam Perspektif Hukum Pelayaran." *Jurnal Ilmiah Dunia Hukum* 3(1):43–54.
- Aloysius, Uwiyono. 2014. "Asas-Asas Hukum Perburuhan." *Jakarta: Rajawali Pers, Hlm* 71.
- Badriyah, Siti Malikhatus, Siti Mahmudah, and Amiek Soemarmi. 2019. "Leasing Sebagai Alternatif Pembiayaan Kapal Bagi Nelayan Kecil Di Kota Pekalongan." *Masalah-Masalah Hukum* 48(2):204–14.
- Balik, Agustina. 2016. "Tanggungjawab Pengusaha Pelayaran Dalam Perjanjian Kerja Laut (PKL) Terkait Dengan Jam Kerja." *Sasi* 22(2):12–20.
- Bax, Marijke. 2008. *Burgerlijk Wetboek*. Maklu.
- Diah, Marwah M. 2016. "Prinsip Dan Bentuk-Bentuk Alternatif Penyelesaian Sengketa Di Luar Pengadilan." *Jurnal Ilmiah Hukum Dan Dinamika Masyarakat* 5(2).
- Indonesia, Republik. n.d. *Undang-Undang Nomor 40 Tahun 2014 Tentang Perasuransian*.
- IRAWAN, ALON. 2010. "JAMINAN SOSIAL BAGI PEKERJA DALAM PERJANJIAN KERJA DI LAUT."
- KKP. n.d. "PPN Merauke BPJS Ketenagakerjaan Cabang Merauke Teken MOU Kesejahteraan Tenaga Kerja Perikanan Tangkap."
- Muhiddin, Nurmiati. 2016. "Efektivitas Perjanjian Kerja Laut Terhadap Keselamatan Kerja Anak Buah Kapal (Abk)." *Al Daulah: Jurnal Hukum Pidana Dan Ketatanegaraan* 5(1):63–78.
- Parerungan, Samuel D. 2018. "IMPLEMENTASI PERJANJIAN KERJA LAUT DI PT. DHARMA LAUTAN UTAMA SURABAYA." *Jurnal 7 Samudra* 3(2):35–44.
- Pesak, Nathan Samuel Victor. 2020. "Tinjauan Hukum Laut Mengenai Perlindungan Hukum Nelayan Di Pelabuhan Perikanan Kota Bitung Menurut Undang-Undang Nomor 45 Tahun 2009." *Lex Privatum* 8(3).
- Saputra, Akbar Ginanjar, Nurul Khansa Nadhifah, Meta Noya Tri Ananda, Santoso Tri Raharjo, and Risna Resnawaty. 2020. "Pelaksanaan Kesejahteraan Karyawan Sebagai Wujud Corporate Social Responsibility Melalui Program Bpjs Ketenagakerjaan." *Prosiding Penelitian Dan Pengabdian Kepada Masyarakat* 6(3):246–51.
- Sawengi, Inasa Hening. 2022. "UPAYA PEMERINTAH DALAM PERLINDUNGAN

PEKERJA MIGRAN INDONESIA-AWAK KAPAL (PMI-AWAK KAPAL) YANG BEKERJA DI KAPAL PERIKANAN TAIWAN.”

- Shinoj, P., C. Ramachandran, A. Gopalakrishnan, Mohammed Koya, R. Narayanakumar, K. P. Salini, and P. V Sunil. 2017. “Marine Fisheries Insurance in India: Status and Prospects.” *Marine Fisheries Information Service; Technical and Extension Series* (233):3–6.
- Syibli, Yasin M., Firdos Asjani, and Algertis Devita. 2019. “Upaya Mencegah Kecelakaan Kerja Anak Buah Kapal Bagian Mesin DI MT. KLASOGUN.” *Jurnal Sains Teknologi Transportasi Maritim* 1(2):20–24.