

Effectiveness Of Sea Employment Agreement (Pkl) In Providing Legal Protection For Indonesian Crew Members (Case Study At The Tanjung Priok Main Harbormaster And Port Authority Office)

Paulus Zonathan

Institut Bisnis dan Multimedia asmi Jakarta

Ratna Prayogi

Institut Bisnis dan Multimedia asmi Jakarta

Haris Djoko Nugroho

Institut Bisnis dan Multimedia asmi Jakarta

Marisi Pakpahan

Institut Bisnis dan Multimedia asmi Jakarta

Corresponding Author: paul.zonathan@gmail.com

Abstract

This study examines the effectiveness of the Sea Employment Agreement in providing legal protection for Indonesian crew members, with the Main Harbormaster and Port Authority Office (KSOP Utama) of Tanjung Priok as the case study. The research addresses three aspects: the implementation and effectiveness of Sea Employment Agreement, obstacles affecting its effectiveness, and efforts to strengthen its implementation. This study employs a descriptive qualitative approach combined with legal research, focusing on the relationship between normative provisions and their practical implementation. Data were obtained through interviews with relevant stakeholders, observation, documentation, and analysis of primary and secondary legal materials. Data were analyzed qualitatively through data reduction, data presentation, and conclusion drawing, supported by source and technique triangulation. The findings indicate that Sea Employment Agreement implementation at KSOP Utama Tanjung Priok is generally very good, as reflected in structured verification procedures, clear contractual provisions, dissemination of information, fulfillment of crew rights, monitoring, complaint mechanisms, and mediation. However, several manageable obstacles remain, particularly concerning administrative completeness, communication and understanding of contractual provisions,

2265



structural and operational factors, complaint procedures, and inter-institutional coordination. The study concludes that strengthening Sea Employment Agreement effectiveness requires an integrated strategy involving standardization of contractual provisions, continuous education, accessible complaint mechanisms, strengthened supervision and coordination, periodic evaluation, and digitalization. These measures can support more consistent, transparent, responsive, and sustainable legal protection for Indonesian crew members within the maritime employment and port service system.

Keywords: Sea Employment Agreement, Legal Protection, Indonesian Crew Members, Maritime Employment, KSOP Tanjung Priok.

INTRODUCTION

Indonesia, as an archipelagic country, relies heavily on the shipping sector for logistics distribution, population mobility, and national and international trade. Seafarers are essential human resources for maintaining vessel operations and safety. Unlike land-based employment, maritime work involves enclosed working environments, high safety risks, and extended periods of assignment, creating a strong need for clear and enforceable legal protection. Therefore, seafarers' employment relationships require an instrument that ensures a balanced distribution of rights and obligations between the parties.

The main instrument governing this employment relationship is the Sea Employment Agreement (Perjanjian Kerja Laut/PKL), an individual employment agreement between a shipping company or crewing agency and a seafarer. PKL regulates essential matters such as position, employment period, wages, working and rest hours, social security, medical care, repatriation, and dispute resolution. Consequently, its effectiveness should not be assessed merely from the existence of a formal document, but from the extent to which its provisions correspond with the actual fulfillment of seafarers' rights and obligations (Sumanti, 2024).

Normatively, the legal protection of Indonesian seafarers is positioned at the intersection of maritime and labor law. The principal framework includes Law No. 17 of 2008 on Shipping, as amended most recently by Law No. 66 of 2024, and Law No. 13 of 2003 on Manpower, as amended by Law No. 6 of 2023. These regulations establish fundamental principles concerning employment relationships, wages, working time, and normative worker protection,



demonstrating the importance of harmonizing maritime and labor regulations in protecting seafarers.

At the international level, Indonesia ratified the Maritime Labour Convention (MLC) 2006 through Law No. 15 of 2016. The MLC 2006 establishes minimum standards for seafarers' working and living conditions, including employment agreements, wages, working and rest hours, accommodation, medical care, repatriation, and complaint mechanisms. Its implementation in Indonesia is supported by Minister of Transportation Regulation No. PM 58 of 2021 on Maritime Labour Convention Certification, which links seafarers' rights with maritime labor inspection and certification. Thus, PKL can serve as an important instrument for assessing whether these protection standards are implemented in practice.

The need to examine PKL effectiveness is also supported by empirical conditions. On June 25, 2024, the Directorate of Shipping and Seafarers issued information concerning the inspection and supervision of PKL, particularly regarding the payment of basic wages. The policy emphasized that basic wages must be paid regularly and in full each month in accordance with the PKL and Article 45 of PM 58 of 2021. A 2024 mediation case involving an Indonesian seafarer working on a Taiwan-flagged vessel also demonstrated a discrepancy between contractual provisions and the fulfillment of allowances for October 2023 to March 2024. Although the case concerned employment on a foreign vessel, it illustrates the practical need for effective supervision and dispute-resolution mechanisms (DirjenHubla Kemenhub, 2024).

The Main Harbormaster and Port Authority Office (KSOP Utama) of Tanjung Priok is particularly relevant because it performs maritime services and seafarer supervision at one of Indonesia's major ports. Its standard operating procedures incorporate PKL, sea service records, endorsement, and crew lists within the maritime service process. Accordingly, the study focuses on PKL implementation within the KSOP Utama Tanjung Priok area, rather than attempting to represent PKL implementation throughout Indonesia. The research examines services, registration or approval, verification, supervision, and legal protection for Indonesian seafarers working on Indonesian-flagged vessels.

The study also involves the Directorate of Shipping and Seafarers (Ditkapel), Directorate General of Sea Transportation, Ministry of Transportation, as an institutional source for policy-level information and data triangulation. PKL effectiveness is assessed through several indicators, including wage fulfillment, working and rest hours, occupational safety and health, social security, repatriation rights, seafarers' understanding of contractual provisions, access to complaint



mechanisms, and institutional supervision. Effective protection therefore depends not only on contractual substance but also on compliance, access to information, clear procedures, and coordination between implementing and supervisory institutions.

Previous studies have examined PKL in relation to legal certainty, seafarers' protection, welfare, and implementation of the MLC 2006. However, there remains a need for empirical research specifically examining PKL effectiveness at KSOP Utama Tanjung Priok by connecting contractual substance, rights fulfillment, supervision, implementation barriers, and improvement strategies. This study addresses that gap by integrating normative analysis with empirical experiences obtained from seafarers, companies or crewing agencies, KSOP officials, and Ditkapel policy informants. Through triangulation, the research seeks to identify discrepancies between required standards and actual practices and to formulate practical improvements. The central issue is therefore not merely whether PKL is legally regulated, but to what extent it effectively provides legal protection for Indonesian seafarers through rights fulfillment, compliance, supervision, complaint mechanisms, and institutional follow-up.

LITERATURE REVIEW

Theory of Legal Effectiveness

Legal effectiveness refers to the extent to which law functions in social reality, particularly whether legal norms are obeyed, enforced, and capable of producing outcomes consistent with their intended objectives. From a socio-legal perspective, effectiveness is not limited to the existence of written rules but involves the interaction between legal norms, social behavior, and institutional practices. Thus, legal effectiveness can be assessed through compliance, consistency of enforcement, and the ability of law to respond to social problems in practice (World Justice Project, 2024).

Soerjono Soekanto explains that legal effectiveness results from the interaction of several factors, including law enforcement, facilities, society, and culture. Accordingly, law cannot be considered effective merely because it exists in the form of law in books; its implementation depends on institutional capacity, integrity, public understanding, and social acceptance. Similarly, Lawrence M. Friedman explains legal effectiveness through three interconnected components: legal substance, legal structure, and legal culture. Substance concerns applicable norms and policies, structure concerns institutions and law enforcement personnel, while culture



encompasses societal values, attitudes, and expectations toward law (Soekanto in Yusuf DM et al., 2025; Friedman, 2019).

Hans Kelsen distinguishes between the normative validity of law and its factual effectiveness. In his view, effectiveness is an important condition for maintaining a legal order as a functioning system, although it is not the primary source of a norm's validity. Building on this perspective and Friedman's framework, legal effectiveness can be examined through three main dimensions: the quality of legal substance, institutional structure, and legal culture. Clear, consistent, measurable, and realistic regulations facilitate implementation, while institutional capacity, coordination, accountability, human resources, technology, and access to justice determine the ability of institutions to enforce the law (Kelsen, 2005; OECD, 2021; UNDP, 2022; World Justice Project, 2024).

Legal culture complements these dimensions by determining how society understands and responds to legal rules. A culture that values compliance, fairness, institutional trust, and respect for legal norms can strengthen implementation, whereas experiences of injustice, uncertainty, or weak accountability may undermine compliance. Therefore, legal effectiveness requires more than comprehensive regulations or sanctions; it depends on the integration of sound legal substance, capable institutions, effective supervision, public access to justice, and a supportive legal culture. Transparency, equal treatment, and accessible legal communication are consequently important for strengthening legitimacy and ensuring that law functions effectively in society (Friedman, 2019; UNDP, 2022).

Legal Protection

Legal protection refers to legal efforts to ensure that individuals' rights and interests are recognized, respected, and restored when violations occur. In a rule-of-law state, protection is not limited to written regulations but also requires accessible, understandable, and fair mechanisms for implementing those regulations. It is closely related to legal certainty, utility, and justice because effective protection requires clear rules, uncomplicated procedures, and non-discriminatory decisions. Therefore, legal protection can be understood as a systemic guarantee that social and employment relations are conducted fairly and humanely (UNDP, 2022; World Justice Project, 2024).

Satjipto Rahardjo views legal protection through the perspective of progressive law, which places human beings as the primary purpose of law. Law should not merely operate as a formal



collection of provisions but should function as a means of protecting individuals and addressing substantive injustice. This approach requires legal institutions and officials to interpret and implement rules substantively, particularly to protect vulnerable parties. Such a perspective is relevant to employment relations, where differences in bargaining power may require legal mechanisms that uphold human dignity and social justice (Rahardjo, 2009).

Philipus M. Hadjon distinguishes legal protection into preventive and repressive protection. Preventive protection aims to prevent disputes or losses by providing opportunities for affected parties to obtain information, raise objections, or correct decisions before they become final. Repressive protection, on the other hand, focuses on resolving disputes and restoring rights after violations occur through judicial or other dispute-resolution mechanisms (Hadjon, 1987). In employment relations, preventive protection may include clear employment agreements, transparent working conditions, labor supervision, and safe complaint mechanisms, while repressive protection involves effective dispute resolution, enforceable decisions, and proportionate sanctions (ILO, 2022; UNDP, 2022).

From a labor-law perspective, legal protection encompasses the right to fair wages, reasonable working and rest hours, safe and healthy working conditions, non-discrimination, social security, and freedom of association and collective bargaining. Modern legal protection also emphasizes access to justice, including access to legal assistance, understandable procedures, and protection against retaliation when violations are reported. Because workers may occupy a vulnerable position, legal protection should extend beyond administrative compliance and ensure that decent work and human dignity are realized in practice (ILO, 2022; World Justice Project, 2024).

Sea Employment Agreement

The Sea Employment Agreement (Perjanjian Kerja Laut/PKL) is a specialized employment agreement governing the relationship between seafarers and shipowners, shipping companies, or ship operators. Unlike ordinary employment agreements, PKL reflects the distinctive characteristics of maritime work, including high occupational risks, cross-regional mobility, and strict requirements for discipline and navigational safety. Therefore, PKL functions not merely as a “work-for-payment” contract but as an instrument for ensuring employment certainty, seafarers’ welfare, and safety standards during their assignment. In the context of modern



maritime governance, PKL is also part of the implementation of decent work by protecting seafarers' fundamental rights and dignity (ILO, 2006; Kemen. Setneg., 2024).

The main elements of PKL include the contracting parties, the specific vessel or operational scope, wages and facilities such as food, accommodation, and medical care, as well as the duration and conditions of employment. The agreement should also clearly establish seafarers' identities, positions, sailing routes or areas, placement ports, and termination provisions. Occupational safety and health are integral components because maritime work involves risks associated with weather, machinery, isolation, and working hours. These requirements are consistent with the Maritime Labour Convention (MLC) 2006, which emphasizes clear employment agreements, fair working conditions, and effective complaint mechanisms both on board and ashore (ILO, 2006).

The rights and obligations of the parties must be formulated reciprocally and proportionately. Seafarers are entitled to timely and adequate wages, regulated working and rest hours, proper accommodation and food, medical care, social security or insurance, and repatriation when the contract ends or certain circumstances arise. At the same time, seafarers must perform their duties according to their positions and safety standards, comply with lawful instructions from the master, maintain discipline, and avoid actions that may endanger the vessel, cargo, or other crew members. Shipowners or operators are responsible for providing safe working conditions, maintaining seaworthiness, providing safety equipment and training, and ensuring seafarers' welfare throughout the employment period. These reciprocal rights and obligations are reinforced by the MLC 2006 as minimum standards for decent working conditions (ILO, 2006).

Within Indonesian maritime law, PKL occupies an important position at the intersection of maritime and labor law. It supports operational certainty by ensuring competent crewing, proper command structures, and compliance with safety standards, while simultaneously serving as an employment instrument that protects wages, working hours, termination rights, and social security. Thus, PKL should not be treated merely as a formal document required before sailing but as primary evidence of the employment relationship and a legal protection mechanism in the event of disputes (Kemen. Setneg., 2023). Its legal foundation includes the KUHD, Law No. 17 of 2008 on Shipping, Law No. 13 of 2003 on Manpower and its subsequent amendments, including Law No. 6 of 2023, as well as the MLC 2006 at the international level. Harmonizing these national



regulations with MLC standards is essential to ensure that PKL is not only administratively valid but also provides internationally recognized protection for seafarers.

Elements and Validity Requirements of a Sea Employment Agreement

The Sea Employment Agreement (PKL), as a specialized employment contract in the maritime sector, is fundamentally subject to the general principles of contract law, supplemented by sector-specific shipping regulations and labor standards. This means that, in addition to being legally valid under civil law, a PKL must contain employment-related provisions that ensure navigational safety and the protection of seafarers. In practice, the PKL serves as the primary evidence of a seafarer's employment relationship, covering employment status, position, duration of employment, and rights to wages, medical care, and repatriation. Given the high risks and complexity of employment at sea, the clarity of the elements and validity requirements of a PKL determines the extent to which seafarers are effectively protected in cases of disputes, accidents, or termination of employment (ILO, 2006; Kemen. Setneg., 2024).

The elements of a PKL can be understood as the essential components required for the agreement to be implemented and its execution evaluated. These generally include: (1) authorized parties, namely the seafarer and the lawful shipowner, operator, or agency; (2) a clearly defined employment object, including the position or function on board and scope of duties; (3) remuneration and facilities, such as wages, allowances, accommodation, food, and medical services; and (4) the duration and termination provisions of the contract, including repatriation. Under the international standards of the MLC 2006, contractual clarity is emphasized through the requirement to establish minimum employment conditions, including working and rest hours, health and safety conditions, and complaint mechanisms. When these elements are complete and clearly documented, the PKL serves not merely as an administrative document but also as a control instrument for ensuring transparent and humane employment relations (ILO, 2006).

The validity requirements of a PKL, when viewed from Indonesian contract law, follow the general requirements for a valid agreement: mutual consent, legal capacity of the parties, a specific object, and a lawful cause (KUH Perdata, Article 1320). In the context of a PKL, these requirements must be applied concretely. Consent must be given freely without coercion or fraud, such as when a contract is forced upon a seafarer without sufficient opportunity to read and understand its contents. Legal capacity includes the identity and legal status of the parties



entering into the agreement, while the object must be clearly specified, including the position, vessel, and route or working area. The cause must comply with applicable law and must not contain provisions that violate minimum protection standards. Furthermore, because PKL is closely related to maritime safety, compliance with shipping and labor regulations, as well as applicable MLC minimum standards, is important in determining the legal strength of the PKL during supervision or dispute resolution (ILO, 2006; Kemen. Setneg., 2024).

Legal Framework for the Protection of Indonesian Seafarers

The protection of Indonesian seafarers is based on a multilayered legal framework because maritime employment involves not only labor relations but also navigational safety, competency standards, and maritime governance. This framework recognizes seafarers as legal subjects working in a high-risk and highly mobile environment. It regulates the rights and obligations of seafarers and shipowners/operators, while providing mechanisms for government supervision and guidance. Accordingly, regulatory certainty is essential to ensure that the Sea Employment Agreement (PKL) functions not merely as a formal document but as an effective instrument of protection from recruitment through repatriation.

Law No. 17 of 2008 on Shipping serves as the primary legal framework, positioning seafarers as an important component of maritime safety and security. It establishes obligations concerning seaworthiness, crew qualifications, and safety standards, while providing a basis for government supervision and guidance. Protection under the Shipping Law therefore extends beyond individual labor rights to the public interest, particularly the prevention of accidents and protection of life at sea. In addition, Government Regulation No. 7 of 2000 on Seafarers provides more detailed provisions concerning crew status and duties, competency requirements, and administrative arrangements. These provisions help prevent risks arising from inadequate qualifications, improper placement, or non-compliance with maritime procedures.

Furthermore, Minister of Transportation Decree No. KM 30 of 2008 on Seafarers' Identity Documents strengthens protection by establishing administrative recognition of seafarers' identity and status. Such documentation facilitates verification of qualifications and status, access to maritime services and inspections, and reduces vulnerability to non-transparent recruitment practices. Meanwhile, Minister of Transportation Regulation No. PM 59 of 2021 on the Implementation of Sea Employment Agreements establishes operational standards for the preparation and implementation of PKLs, including requirements, minimum contractual content,



and the government's role in supervision and guidance. Together, these regulations provide both certainty regarding seafarer status and documentation and certainty regarding the rights and obligations contained in the PKL.

Relationship between the Sea Employment Agreement and the Protection of Seafarers

The Sea Employment Agreement (PKL) has a close relationship with the protection of seafarers because it serves as a primary legal instrument that translates protective norms into concrete and enforceable rights and obligations. Through the PKL, minimum standards concerning the amount and payment of wages, working hours and rest periods, social security and insurance coverage, medical facilities, onboard accommodation, and the right to repatriation can be established in writing and made legally binding. Within the Indonesian legal framework, shipping regulations position seafarers as a key element of maritime safety; therefore, certainty in the employment relationship established through the PKL contributes to the fulfillment of safety and welfare requirements onboard ships (Law No. 17 of 2008). At the international level, the Maritime Labour Convention (MLC) 2006 also requires seafarers' employment agreements to contain minimum provisions and be subject to compliance mechanisms, making the PKL an important entry point for ensuring decent working conditions in the maritime sector (ILO, 2006).

However, the protection provided by the PKL largely depends on the quality of its substantive provisions and compliance with the required procedures. In practice, some PKLs may contain provisions that do not fully meet applicable requirements, such as unclear wage clauses, excessive working hours, or inadequate arrangements for repatriation and medical care. Procedural deficiencies may also occur, including a lack of transparency during signing, failure to provide a copy of the agreement to the seafarer, or non-compliance with established procedures. Such conditions can place seafarers in a vulnerable position because their rights may be difficult to prove when disputes arise, the recovery of their rights may be delayed, and their bargaining position may be weakened when the contract does not provide clear and fair safeguards. Therefore, the effectiveness of the PKL—reflected in transparent preparation, inclusion of minimum standards, and compliance with national regulations and the MLC framework—is an important determinant of the actual level of protection received by seafarers. The greater the compliance and quality of the PKL, the stronger the legal certainty and protection that can be enforced (ILO, 2006; Kemenhub. RI, 2021).



RESEARCH METHODOLOGY

This study employs a descriptive qualitative approach to systematically and factually examine the implementation of the Sea Employment Agreement (PKL) and its relationship to the legal protection of Indonesian seafarers, including the implementation process, obstacles encountered, and efforts to improve its effectiveness (Hadjon, 1987; Marzuki, 2021). The qualitative approach enables an in-depth exploration of field realities and the perspectives of relevant informants, including seafarers, companies/agencies, and other related parties. In addition, this research constitutes legal research using a normative juridical (doctrinal) approach, focusing on the legal norms governing PKL and seafarer protection through analysis of primary legal materials, such as shipping, seafarer, and PKL regulations, as well as secondary legal materials including books, journals, and scholarly studies. This approach is appropriate for examining *das sollen* (what should be according to law), including the minimum standards that should be incorporated into PKLs and the legal implications of non-compliance with their substantive or procedural requirements, thereby providing a systematic academic basis for understanding PKL as an instrument of legal protection (Marzuki, 2021; Soekanto, 2001).

The object of this study is the effectiveness of the Sea Employment Agreement (PKL) as an instrument of legal protection for Indonesian seafarers, with a case study at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok). The study focuses on the PKL's ability to ensure clear and effective fulfillment of rights and obligations, particularly regarding wages, working and rest hours, social security, occupational safety and health, repatriation, complaints, and dispute resolution. The empirical analysis covers PKL services, registration/approval, verification, and supervision within the authority of KSOP Utama Tanjung Priok, involving Indonesian seafarers on Indonesian-flagged vessels, relevant companies/agencies, accessible PKL documents, and related supervisory practices. The study also examines legal protection through preventive and repressive dimensions, as well as the implementation of national regulations and relevant international standards, including the MLC 2006, while emphasizing the actual protection experienced by seafarers rather than viewing the PKL merely as an administrative document (Friedman, 2019; Soekanto, 2001).

Data analysis in this study employs the interactive model of Miles, Huberman, and Saldaña (2014), which views analysis as a cyclical process conducted concurrently with data collection rather than as a stage performed only after all data have been collected. This model is relevant



to qualitative research because it enables researchers to continuously refine the research focus, identify patterns, and progressively verify findings until well-founded conclusions are reached.

RESULTS

Data processing follows the interactive model of Miles, Huberman, and Saldaña, which consists of data condensation, data display, and conclusion drawing and verification. In this study, data condensation is conducted by coding information based on the substance of the Sea Employment Agreement (PKL), rights protection, supervision, obstacles, and improvement efforts. Data are presented through matrices and tables, while verification is carried out through triangulation of informants, documents, regulations, and activity documentation.

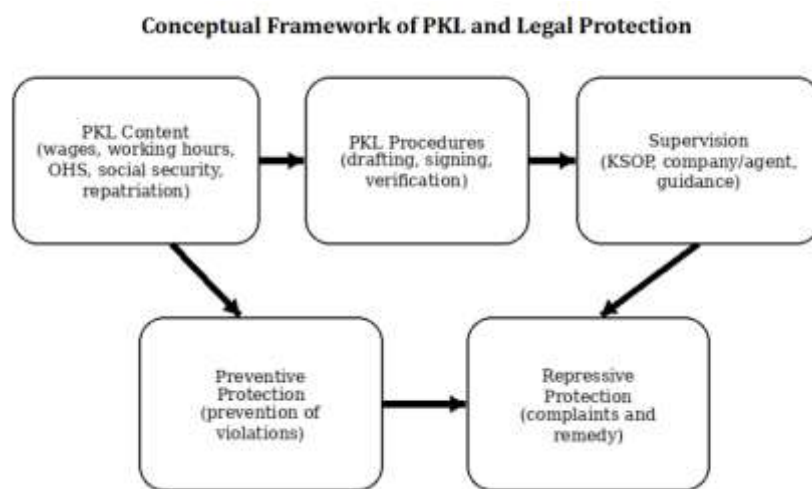


Figure 1. Flow of PKL Effectiveness Analysis and Legal Protection

Implementation and Effectiveness of the Sea Employment Agreement (PKL) in Providing Legal Protection for Indonesian Seafarers at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok)

The analysis of the first research question focuses on four main dimensions: PKL substance, service procedures, fulfillment of seafarers' rights, and supervision. The findings indicate that PKL implementation at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok) has been carried out in a structured manner. The PKL contains essential provisions concerning seafarer identity and position, contract duration, wages, working

and rest hours, social security, medical services, repatriation, and complaint mechanisms. These provisions provide certainty regarding the employment relationship and serve as a basis for seafarers to understand and claim their rights.

From a procedural perspective, the preparation, signing, examination, and registration of PKLs are conducted through systematic service mechanisms involving document verification and information provision. The findings also indicate that seafarers are expected to understand key contractual provisions, including their position, contract period, wages, working and rest hours, occupational safety and health, social security, medical care, repatriation, and complaint procedures. The fulfillment of these rights generally follows the provisions contained in the PKL, while KSOP performs an important supervisory role through document examination, maritime services, information provision, coordination, and complaint or mediation mechanisms when problems arise.

Overall, triangulation of sources, techniques, and documentation indicates consistency among information from KSOP officials, companies/agencies, seafarers, and available documentation. Based on the research framework, PKL effectiveness is reflected in the alignment between contractual provisions, service procedures, seafarers' understanding, fulfillment of rights, supervision, and problem-resolution mechanisms. Thus, the findings indicate that the PKL functions not merely as an administrative document but also as an instrument of legal protection and employment certainty for Indonesian seafarers at KSOP Utama Tanjung Priok. However, the characterization of the effectiveness level as "very good" remains subject to confirmation against the actual interview transcripts, PKL documents, and field evidence obtained by the researcher.

Obstacles Affecting the Effectiveness of the Sea Employment Agreement (PKL) in Providing Legal Protection for Indonesian Seafarers at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok)

Based on the research operationalization, the analysis of obstacles affecting PKL effectiveness covers administrative, communication, structural, technical-operational, complaint-handling, and coordination aspects. This classification ensures that obstacles are examined not only from the perspective of documentation but also through the experiences of relevant parties and the actual service processes in the field. Under the assumed findings indicating very good conditions, administrative obstacles are considered relatively minor and can



be addressed through document verification and completion procedures without significantly disrupting the PKL's function as a legal protection instrument.

Communication and understanding constitute another potential obstacle, particularly because legal and contractual terminology may not always be easily understood by all seafarers. However, these challenges can be minimized through education, socialization, and explanations provided by officials and companies. Structural and technical-operational obstacles, including the employment relationship, working and rest hours, ship operating conditions, and limitations in direct monitoring, can likewise be managed through clear contractual provisions, established procedures, documentation, supervision, and communication among seafarers, companies, and relevant authorities.

Complaint handling and problem resolution also represent important aspects of overcoming obstacles in PKL implementation. Complaint and mediation mechanisms provide avenues for seafarers to seek remedies when their rights are not fulfilled and represent an important component of repressive legal protection. In addition, coordination among KSOP, the Directorate of Shipping and Seafarers (Ditkapel), companies or agencies, and seafarers is essential to ensure effective information exchange and follow-up. Under the assumed very good conditions, coordination is supported by communication, coordination meetings, and clear distribution of responsibilities.

Overall, the identified obstacles at KSOP Utama Tanjung Priok can be understood as manageable operational challenges rather than fundamental barriers to PKL effectiveness. Administrative issues can be addressed through document verification, communication barriers through education, structural issues through clarity of rights and obligations, technical-operational challenges through procedures and monitoring, and rights-related problems through complaint and mediation mechanisms. Effective coordination among relevant parties further supports the implementation of legal protection, while the identification of these obstacles provides a basis for developing strategies to further improve PKL effectiveness.

Efforts to Improve the Effectiveness of the Sea Employment Agreement (PKL) in Strengthening Legal Protection for Indonesian Seafarers at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok)

Based on the data analysis, efforts to improve PKL effectiveness should focus not only on adding or revising regulations but primarily on strengthening their implementation in practice.



Six areas are identified: improving PKL clauses, socialization and education, complaint mechanisms, supervision, coordination, and evaluation. PKL clauses should clearly establish minimum protection standards covering position, contract duration, wages, working and rest hours, occupational safety and health, social security, medical care, repatriation, and complaint procedures. Clear and accessible contractual language can strengthen legal certainty and reduce potential disputes. This effort is coded UP-KL, involving companies, KSOP, and regulators.

The second area concerns strengthening socialization and education, including pre-signing briefings, explanations of rights and obligations, opportunities for questions, and access to PKL copies. Complaint and dispute-resolution mechanisms should also be accessible, safe, and well documented, with clear information regarding the responsible party, handling procedures, follow-up timelines, and resolution records. This effort is coded UP-SOS for socialization and UP-PGN for complaint mechanisms, with KSOP, companies, and seafarers' organizations playing key roles. These measures ensure that legal protection operates not only preventively but also through effective remedies when violations occur.

Finally, supervision, coordination, and periodic evaluation should be strengthened through checklists, audits, inspections, risk-based monitoring, information-sharing protocols, and clear follow-up procedures involving KSOP, Ditkapel, and companies. Evaluation should use concrete indicators, particularly the level of rights fulfillment and the time required to resolve complaints or cases, rather than focusing solely on the number of PKL documents processed. Under the assumed very good research findings, improving PKL effectiveness is therefore directed toward strengthening the existing system through clearer clauses, consistent education, accessible complaint mechanisms, systematic supervision, responsive coordination, and rights-based evaluation, thereby reinforcing the PKL as both an instrument of employment certainty and legal protection for Indonesian seafarers.

DISCUSSION

Implementation and Effectiveness of the Sea Employment Agreement (PKL) in Providing Legal Protection for Indonesian Seafarers

The effectiveness of the Sea Employment Agreement (PKL) in providing legal protection for Indonesian seafarers at KSOP Utama Tanjung Priok can be assessed through the alignment of contractual substance, implementation procedures, seafarers' understanding, fulfillment of rights, supervision, and complaint and dispute-resolution mechanisms. Under the assumed very



good research findings, the PKL functions not merely as an administrative document but as an instrument governing employment relationships and protecting seafarers' rights. Legal effectiveness therefore depends not only on the formal validity of the provisions but also on their practical implementation and benefits. This distinction is consistent with Rahmawan and Amrullah (2025), who distinguish legal validity from legal efficacy, emphasizing that legal norms must be implemented and produce tangible benefits.

The effectiveness of PKL is also reflected in structured procedures for preparation, examination, signing, and registration, with KSOP playing an important role in verifying administrative and seafarer-related requirements. These procedures serve a preventive function by identifying potential discrepancies before they develop into employment disputes, consistent with Putra (2023), who highlights the importance of PKL implementation in fulfilling the rights and obligations of seafarers, employers or agents, and the harbourmaster. In addition, seafarers' understanding of contractual provisions is essential because legal protection cannot be fully realized when workers do not understand their rights, obligations, and complaint mechanisms.

Another important dimension is the fulfillment of seafarers' rights, including wages, working and rest hours, occupational safety and health, social security, medical care, and repatriation. The PKL becomes an effective protection instrument when these contractual provisions are implemented in practice, as also emphasized by Putra (2023) regarding seafarer welfare, occupational safety and health, and economic rights. Supervision through document examination, monitoring, coordination, and follow-up further strengthens protection, while complaint and mediation mechanisms provide remedial protection when problems occur. Thus, legal protection operates through both preventive mechanisms, such as verification and education, and remedial mechanisms, such as complaints and mediation.

From the perspective of legal protection, the PKL therefore constitutes an integrated system combining clear contractual provisions, document verification, information access, rights fulfillment, supervision, complaints, mediation, and coordination. Under the assumed findings, these mechanisms demonstrate that PKL provides relatively comprehensive protection for Indonesian seafarers. However, its effectiveness ultimately depends on whether contractual provisions are genuinely implemented and supported by accessible supervision and dispute-resolution mechanisms. Accordingly, the PKL can function as both an instrument of employment certainty and legal protection by connecting written legal norms with actual rights, prevention of violations, fulfillment of obligations, and access to remedies when disputes arise.



Obstacles Affecting the Effectiveness of the Sea Employment Agreement (PKL) in Providing Legal Protection for Indonesian Seafarers: Obstacles and Gaps between *Law in Books* and *Law in Action*

The discussion focuses on obstacles affecting the effectiveness of the Sea Employment Agreement (PKL) in providing legal protection for Indonesian seafarers at KSOP Utama Tanjung Priok from the perspective of law in books–law in action. Although legal provisions establish rights and protections through regulations and contractual documents, their existence does not automatically guarantee optimal implementation. The identified gaps involve administrative, communication, structural, technical-operational, complaint-handling, and coordination aspects. Administrative issues, such as incomplete documents or data discrepancies, may delay verification and certification, while communication barriers may arise when seafarers have difficulty understanding contractual or legal terminology.

Structural and practical factors may also create differences between normative rights and their realization. Although PKL formally establishes rights and obligations, unequal bargaining positions between companies and seafarers may affect their willingness or ability to raise concerns about unfulfilled rights. Technical-operational conditions onboard, including working and rest hours, occupational safety and health, and operational demands, may also influence how contractual provisions are implemented in practice. In addition, complaint mechanisms may be less effective when seafarers lack sufficient knowledge about reporting channels, procedures, or available assistance. These conditions demonstrate that legal protection depends not only on the existence of rules but also on accessibility, understanding, and practical implementation.

Coordination among seafarers, companies or agencies, KSOP, and other relevant institutions is another important factor in closing the gap between law in books and law in action. Formal coordination mechanisms are meaningful when they result in clear decisions, responsibilities, problem resolution, and documented follow-up. Overall, the identified gap is better understood as an implementation gap rather than an absence of protective norms. Therefore, improving PKL effectiveness requires not only strengthening written provisions but also enhancing education, supervision, complaint accessibility, inter-institutional coordination, and continuous evaluation so that rights established in the PKL can be understood, accessed, implemented, monitored, and effectively remedied when violations occur.



Efforts to Improve the Effectiveness of the Sea Employment Agreement (PKL) to Strengthen Legal Protection for Indonesian Seafarers: Strategies for Improving Effectiveness

The strategies for improving the effectiveness of the Sea Employment Agreement (PKL) should strengthen the connection between legal norms and their implementation in practice. Based on the analysis, improvement should address six areas: standardization of PKL provisions, socialization and education, complaint mechanisms, supervision, coordination, and evaluation. PKL should therefore be regarded not merely as an employment requirement but as a legal protection instrument that enables seafarers to understand, exercise, and defend their rights. Standardized provisions should clearly cover position, contract duration, wages, working and rest hours, social security or insurance, medical care, occupational safety and health, repatriation, and dispute-resolution mechanisms.

The second strategy is to strengthen socialization and education so that seafarers understand their contractual rights and obligations before signing the PKL. Information should be delivered in clear and accessible language, supported by opportunities for questions and access to a copy of the agreement. The third strategy is to strengthen complaint and dispute-resolution mechanisms by ensuring accessible procedures, clear reporting channels, proper documentation, follow-up, confidentiality, and opportunities for assistance. These measures ensure that legal protection is not limited to the normative recognition of rights but also provides an effective remedy when contractual rights are not fulfilled.

The fourth strategy involves strengthening supervision by examining not only the completeness of PKL documents but also the consistency between contractual provisions and actual working conditions. Checklists, monitoring, and risk-based approaches can help identify recurring problems and prioritize supervision. The fifth strategy is to strengthen coordination among KSOP, the Directorate of Shipping and Seafarers (Ditkapel), companies or agencies, and other relevant parties through clear information exchange, responsibilities, decisions, and follow-up. Effective coordination should produce concrete actions rather than function merely as a forum for communication.

Finally, periodic evaluation and digitalization can support continuous improvement. Evaluation should consider PKL compliance, seafarers' understanding, fulfillment of employment rights, complaints, resolution times, and follow-up from supervision. Digital systems can support PKL data management, document verification, information provision, complaint recording, and monitoring, while remaining a supporting tool rather than a replacement for human assistance.



Overall, the strategies form an integrated approach in which standardization strengthens contractual quality, education improves understanding, complaint mechanisms provide remedies, supervision ensures implementation, coordination connects relevant actors, and evaluation supports continuous improvement. The effectiveness of PKL can ultimately be reflected in whether seafarers' rights are clearly formulated, understood, implemented, continuously monitored, and capable of being defended and restored when violations occur.

Synthesis of Findings, Theoretical Perspectives, and Managerial Implications

Table 1. Relationship between Findings, Theory, and Managerial Implications

Evidence	Theoretical Interpretation	Managerial Implications
PKL education and exculpation	Preventive protection; legal efficacy requires access to information.	Standard briefing, concise material, proof of understanding.
Seafarer document check	The legal structure works through administrative procedures.	Standardized checklist and audit quality audit.
Mediation of seafarers' rights	Repressive protections require traceable remedies.	Complaint system, case documentation, results monitoring.
Coordination meeting	Effectiveness is influenced by the structure and coordination between the actors.	Role sharing, follow-up, and periodic coordination forums.
Limitations of interview data	The validity of empirical findings requires triangulation.	Interviews must be accompanied by documents and member checks.

Source: Researcher's Data Processing, 2026

The findings indicate that the effectiveness of the Sea Employment Agreement (PKL) in protecting Indonesian seafarers at KSOP Utama Tanjung Priok is shaped by the interaction of legal



substance, implementation, and protection mechanisms. PKL functions not only as an administrative document but also as an instrument governing rights and obligations, establishing working conditions, and supporting verification, supervision, and dispute resolution. Consistent with the perspectives of legal effectiveness, legal protection, and law in books–law in action, its effectiveness depends on how contractual provisions are translated into practice through verification, seafarers' understanding, rights fulfillment, supervision, and complaint mechanisms. The identified challenges, including administrative issues, understanding of PKL provisions, bargaining position, technical-operational conditions, complaints, and coordination, demonstrate that legal protection requires continuous implementation and institutional support.

Managerially, the findings suggest that KSOP Utama Tanjung Priok and relevant stakeholders should establish an integrated PKL management process covering verification, supervision, education, complaint handling, coordination, and evaluation. Companies or agencies should ensure that PKLs contain clear protection provisions and are understood by seafarers before signing, while KSOP can strengthen verification, supervision, education, and complaint facilitation. Coordination should be supported by documented information exchange and follow-up, while periodic evaluation of seafarers' rights fulfillment can serve as a basis for improving procedures and service quality. Through this approach, PKL compliance can be strengthened while developing a transparent, responsive, documented, and sustainable protection system that enables the PKL to function effectively as an instrument of legal protection in practice.

CONCLUSION

The obstacles affecting the effectiveness of the Sea Employment Agreement (PKL) at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok) can be grouped into administrative, communication, structural, technical-operational, complaint-handling, and coordination aspects. Administrative obstacles mainly concern document completeness, data accuracy, and service requirements, which can be controlled through verification and document-completion procedures. Communication barriers may arise from legal or contractual terms that are not easily understood by all seafarers; therefore, education, socialization, pre-signing briefings, and the use of clearer language are important to ensure that seafarers understand and exercise their rights.

Structural and technical-operational challenges include seafarers' bargaining position, working conditions, working hours, rest periods, vessel conditions, and monitoring limitations.



These factors can be managed through clear rights and obligations, appropriate procedures, and regular monitoring. Meanwhile, complaint handling may be constrained by limited awareness of complaint channels, the need for assistance, and uncertainty regarding follow-up. The availability of complaint and mediation mechanisms provides a means of addressing rights violations, while effective coordination among relevant parties facilitates information exchange and supports timely problem resolution. Overall, the identified obstacles remain relatively manageable and do not fundamentally undermine the protective function of the PKL.

The obstacles affecting the effectiveness of the Sea Employment Agreement (PKL) at the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok) include administrative, communication, structural, technical-operational, complaint-handling, and coordination aspects. Administrative issues involve document completeness and data conformity, while communication barriers may arise from complex contractual or legal terms. These challenges can be managed through document verification, education, socialization, pre-signing briefings, and the use of clearer language to ensure that seafarers understand their contractual rights.

Structural and technical-operational challenges relate to seafarers' bargaining position, working hours, rest periods, vessel conditions, and monitoring limitations. Complaint handling may also be affected by limited knowledge of complaint channels, the need for assistance, and uncertainty regarding follow-up. However, complaint and mediation mechanisms, together with coordination among relevant parties, provide means to address these issues. Overall, the findings indicate that the gap between law in books and law in action represents a manageable implementation gap rather than an absence of legal protection, requiring continued strengthening of verification, communication, monitoring, complaints handling, mediation, and coordination.

Improving the effectiveness of the Sea Employment Agreement (PKL) requires an integrated and sustainable strategy covering PKL substance, education, complaint mechanisms, supervision, coordination, evaluation, and digitalization. Key efforts include strengthening the standardization of clauses on position, employment duration, wages, working and rest hours, occupational safety and health, social security, medical care, repatriation, and dispute resolution. Clear and consistent clauses can support the verification process and reduce differences in interpretation among companies, agents, seafarers, and supervisors. In addition, pre-signing



briefings, accessible PKL copies, and simple language are important to improve seafarers' understanding of their rights and obligations.

Further efforts should focus on accessible and documented complaint mechanisms, clear follow-up responsibilities, and mediation to support both preventive and remedial legal protection. Supervision should assess not only document completeness but also the fulfillment of contractual rights, supported by effective coordination among KSOP, Ditkapel, companies or agents, and other relevant parties. Periodic evaluation and digitalization can help identify recurring problems and improve service consistency. Overall, the effectiveness of PKL can be strengthened through the integration of standardization, education, complaints handling, supervision, coordination, evaluation, and digital support within a transparent, responsive, documented, and rights-oriented protection system.

RECOMMENDATION

For the Tanjung Priok Main Harbormaster and Port Authority Office (KSOP Utama Tanjung Priok)

KSOP Utama Tanjung Priok is advised to maintain and improve the quality of examination and verification of the Sea Employment Agreement (PKL), so that the process is not limited to administrative completeness but also ensures that the substance of the PKL provides effective protection for seafarers' rights. Examination may be conducted using a checklist covering position, employment duration, wages, working and rest hours, occupational safety and health, social security or insurance, medical services, repatriation, and complaint mechanisms. This measure is important to ensure that supervision functions as a preventive instrument against potential violations of seafarers' rights.

For the Directorate of Shipping and Seafarers (Ditkapel)

Ditkapel is advised to continue strengthening the standardization and development of PKL implementation, particularly regarding uniformity in protection provisions and examination mechanisms. Minimum PKL guidelines or standards should be continuously developed by taking into account regulatory developments and the protection needs of seafarers. In addition, the results of supervision and various issues identified in the field can be used as evaluation materials to improve national policies, procedures, and seafarer development systems.



For Shipping Companies and Seafarer Agencies

Shipping companies and agencies are advised to ensure that every PKL is prepared clearly, completely, transparently, and in a manner that is easily understood by seafarers before signing. Companies should also provide explanations regarding seafarers' rights and obligations, particularly concerning wages, working and rest hours, occupational safety and health, social security, medical services, repatriation, and complaint mechanisms. Fulfillment of the rights stipulated in the PKL should be supported by adequate documentation so that, in the event of a problem, the examination and resolution processes can be conducted objectively and be properly traceable.

For Indonesian Seafarers

Indonesian seafarers are advised to improve their understanding of the contents of the Sea Employment Agreement (PKL) before signing the agreement, particularly regarding their rights and obligations, employment duration, wage system, working and rest hours, social security, occupational safety, repatriation, and complaint procedures. Seafarers should also retain copies of the PKL and other supporting documents as evidence of the employment relationship. If any rights are inconsistent with the agreement or problems arise in the employment relationship, seafarers are encouraged to use the available complaint channels and dispute-resolution mechanisms so that the issues can be addressed through clear procedures.

For Parties Involved in Supervision and Problem Resolution

Coordination among KSOP, Ditkapel, companies or agencies, and other relevant parties should be strengthened, particularly when complaints or problems arise concerning the fulfillment of seafarers' rights. Each resolution process should include clear documentation of the issue, the responsible parties, coordination outcomes, and follow-up actions. Mediation mechanisms should also be maintained and further developed as a structured means of resolving disputes, ensuring that legal protection does not stop at prevention but also provides remedies when seafarers' rights are compromised. This is consistent with the research findings that complaint handling, mediation, coordination, and follow-up are important components of legal protection.



For All Relevant Parties and the Development of the Seafarer Service System

All relevant parties are advised to conduct periodic evaluations of PKL implementation effectiveness by considering not only document completeness but also seafarers' level of understanding, the practical fulfillment of rights, supervision outcomes, the number and resolution of complaints, and the effectiveness of follow-up actions. Digitalization can also be developed to support the traceability of PKL data, examinations, complaints, and follow-up actions. Thus, PKL implementation can continue to develop beyond administrative compliance into a more transparent, accessible, responsive, and sustainable legal protection system. This direction is consistent with the research findings, which identify standardization, education, complaint mechanisms, supervision, coordination, and evaluation as key strategies for improving PKL effectiveness.

REFERENCES

- DirjenHubla Kemenhub. (2024). Pemeriksaan dan Pengawasan Perjanjian Kerja Laut Terhadap Gaji Pokok Awak Kapal. Direktorat Jendral Perhubungan Laut Kemenhub.
<https://pelaut.dephub.go.id/detail-peraturan/9>
- Friedman, L. M. (2019). *The Legal System: A Social Science Perspective*. New York : Russell Sage Foundation.
- Hadjon, P. M. (1987). *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penanganannya Oleh Pengadilan Dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi negara*. Bina Ilmu.
- ILO. (2006). *Maritime Labour Convention, 2006*. <https://www.ilo.org/international-labour-standards/maritime-labour-convention-2006>
- ILO. (2022). *World Employment and Social Outlook: Trends 2022*.
https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_834081.pdf
- Kelsen, H. (2005). *Pure Theory of Law*. New Jersey : Law Book Exchange Ltd.
- Kemen. Setneg. (2023). Undang-undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-undang. <https://jdih.kemnaker.go.id/peraturan/detail/2302/undang-undang-nomor-6-tahun-2023>
- Kemen. Setneg. (2024). Undang-Undang Republik Indonesia Nomor 66 Tahun 2024 Tentang



- Perubahan Ketiga Atas Undang-Undang Nomor 17 Tahun 2008 Tentang Pelayaran.
<https://jdih.dephub.go.id/peraturan/detail?data=ELIn6wVSawk3jV4pWIBUnj8gmuiA5Ddju4KD8niBOc0S8gj2z4CFCfG8n1fzXg1V6w4eRicor9V614a9vUs2gxLV4Duk6WM7iK78bP2huxJ1Dm87wr8xxff6XF86GOnO8NVXEgcELlrRjW2BG52uA8XJFu>
- Kemenhub. RI. (2021). Peraturan Menteri Perhubungan Republik Indonesia Nomor PM 59 Tahun 2021 Tentang Penyelenggaraan Usaha Jasa Terkait Dengan Angkutan di Perairan. JDIH KEMENHUB.
<https://jdih.kemenhub.go.id/peraturan/detail?data=EidggIwPvpb7feM5kViNfb4ObMNQE8ssi4OZpCcFr8bK4jqsfOZpRWq8lwsj5zdxwp4UtiCS7SsWC4ZCaZRkbt5y8n1vLbD2qRf4PUZDVYRip46nAo91hAlc5EebNQpypl7vH8zWO2Y6AMf8huGkARCG95>
- Marzuki, M. (2021). Penelitian Hukum: Edisi Revisi. Jakarta : Penerbit Kencana.
- Miles, M. B., Huberman, M., & Saldana, J. (2014). Qualitative Data Analysis: A Methods Sourcebook (3rd ed.). SAGE Publications, Inc. : London.
- OECD. (2021). OECD Regulatory Policy Outlook 2021.
https://www.oecd.org/en/publications/oecd-regulatory-policy-outlook-2021_38b0fdb1-en.html
- Putra, T. I. (2023). The Analysis of the Legal Protection of Ship's Crew in Sea Work Agreement in Indonesia. Indonesian Journal of Advocacy and Legal Services, 5(2), 181–206.
<https://doi.org/10.15294/ijals.v5i2.75367>
- Rahardjo, S. (2009). Hukum Progresif: Sebuah Sintesa Hukum Indonesia. Genta Publishing.
- Rahmawan, T. I., & Amrullah, M. F. (2025). Legal Validity and Efficacy in the Legislative Process in Indonesia. Jurnal Penelitian, 22(1), 58–66. <https://doi.org/10.26905/jp.v22i1.15999>
- Soekanto, S. (2001). Penelitian Hukum Normatif: Suatu Tinjauan Singkat. Raja Grafindo Persada.
- Sumanti, C. X. H. (2024). Tinjauan Yuridis Terhadap Perjanjian Kerja Laut (ZEE Arbeidsovereenkomst) Menurut Kitab Undang-Undang Hukum Dagang. Lex Privatum, 14(2), 1–12.
https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/58322?utm_source=chatgpt.com
- UNDP. (2022). UNDP Rule of Law and Human Rights Annual Report.
<https://rolhr.undp.org/annualreport/2022/>
- World Justice Project. (2024). Rule of Law Index ®2024. <https://worldjusticeproject.org/rule-of-law-index/downloads/WJPIIndex2024.pdf>



Yusuf DM, M., Putra, A. K., Hasibuan, R. Y., & Giawa, S. D. (2025). Faktor-Faktor yang Mempengaruhi Penegakan Hukum dalam Masyarakat. *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 5(4), 2866–2871. <https://doi.org/10.38035/jihhp.v5i4.4234>

