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## Analysis of the Implementation of the Maritime Labour Convention (MLC) 2006 as an International Regime Toward Indonesian Seafarers in South Korea

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### Abstract

This study examines the implementation of the Maritime Labour Convention (MLC) 2006 as an international regime in the context of Indonesian seafarers working in South Korea. Using an international regime perspective that emphasizes norms as instruments governing the behavior of member states, this research contributes novelty by revealing operational differences between the internationally navigating fish carrier sector and the small-scale fishing vessel sector. Employing a descriptive qualitative method, primary data were obtained through in-depth interviews with key informants namely a marine engineer officer on a merchant vessel and an official of the Jangkar Karat Indonesia labor union selected through purposive sampling based on work experience, and further strengthened by thematic analysis of complaint records from BP2MI. The findings indicate that large merchant vessels tend to demonstrate compliance with MLC 2006 standards, while small fishing vessels still exhibit significant violations, including working hour violations, wage discrepancies, and inadequate health protection for seafarers. This study concludes that ratification status does not automatically guarantee comprehensive compliance, and that strengthening oversight mechanisms and transnational cooperation particularly between Indonesia and South Korea is essential to closing this implementation gap.

### KEYWORDS

mlc 2006; south korea; international regime.

### Introduction

The shipping industry is the backbone of the global economy, facilitating more than 80% of world trade by volume and approximately 70% of global trade by value through maritime routes (UNCTAD, 2024). Despite its vital role in the circulation of international commodities, this sector carries a long history of exploitation against seafarers. Maritime workers are frequently confronted with hazardous working environments and minimal protection standards under the jurisdiction of foreign flag states (Molumbot, Johanna, et al., 2025). In response to this vulnerability, the International Labour Organization (ILO) established the Maritime Labour Convention (MLC) 2006, now widely recognized as the "Seafarers' Bill of Rights." This convention was designed to create a level playing field for shipowners while simultaneously guaranteeing the fundamental rights of seafarers worldwide.

The primary motivation for this research is rooted in the urgency of protecting Indonesian Migrant Workers (PMI) in the maritime sector, who frequently face rights violations aboard foreign-flagged fishing vessels, particularly those registered in South Korea. As a major maritime power, South Korea is heavily dependent on foreign labor to sustain its industry (Putri & Hartati, 2022). This is reflected in significant placement trends; data from the Ministry of Foreign Affairs recorded the deployment of more than 10,000 PMI to South Korea during the 2021- 2022 period, followed by the participation of more than 9,000 workers in the Government-to-Government (G to G) program in 2023

(Pusat Pengkajian dan Pengembangan Kebijakan pada Organisasi Internasional (Pusat P2K-OI), 2026).

This increase in the number of workers is clearly visible in the fisheries sector. While South Korean immigration data in 2020 recorded approximately 5,343 Indonesian Fishing Vessel Crew Members (AKPI) working aboard vessels above 20 tons (Auralia, 2023), that figure is projected to continue rising (Yazid, 2017). Based on the latest data from Jangkar Karat Indonesia (2025), estimates indicate that the total number of PMI in South Korea has reached 25,000 individuals, of whom 10,000 are seafarers aboard coastal fishing vessels. This high labor demand is inseparable from South Korea's geographical condition as a peninsula surrounded by sea on three sides, rendering the country highly dependent on maritime trade, compounded by the territorial division between North and South Korea (Lee, 2024).

This study aims to analyze the implementation of MLC 2006 and its impact on the protection of Indonesian seafarers working under South Korea's maritime jurisdiction (Purboyo, 2025). As an international legal instrument, MLC 2006 the "Seafarers' Bill of Rights" was established to consolidate standards on wages, working hours, and health guarantees into a single powerful global regime.

Theoretically, the Maritime Labour Convention (MLC) 2006 is understood as an international regime, a set of principles, norms, rules, and decision-making procedures that align the expectations of actors within the maritime domain (Krasner, 1983). From a neoliberal institutionalist perspective, the existence of a regime such as MLC 2006 functions to facilitate interstate cooperation by providing information, reducing transaction costs, and creating predictable behavioral expectations (Keohane & Nye, 1998). Through this mechanism, the convention encourages member states such as South Korea to internalize strict regulations in order to foster humane competition in the global labor market (Bauer, 2008).

However, this study extends the discourse on compliance theory within international institutionalism. Whereas traditional theory tends to view state compliance as a monolithic phenomenon, the findings of this research instead reveal an asymmetry of compliance shaped by domestic structures and sectoral oversight (Keohane & Nye, 1998). This addresses the question of why minimum standards for wages and working hours are frequently overlooked in macro-level policy, particularly in the fisheries sector, which faces comparatively laxer oversight complexity than the commercial shipping sector (Puspitawati, 2017). In this regard, international institutions and organizations, as well as the rules they establish, can govern state actions within specific domains (Robert & Sorensen, 2005).

Accordingly, this study challenges the notion that regime ratification automatically produces uniform compliance, and instead demonstrates that the effectiveness of an international regime is highly dependent on the interdependence between the institutional capacity of the flag state and the specific characteristics of the industrial sub-sector being governed.

The motivation for this research arises from the reality that Indonesian seafarers still frequently encounter problems in receiving their rights as migrant workers aboard foreign-flagged fishing vessels (Azhar & Suhartoyo, 2022). Although Indonesian seafarers are recognized as hardworking, dependable, disciplined, non-alcohol-consuming workers with a strong capacity to adapt to the maritime environment, qualities that distinguish them from seafarers originating from landlocked countries rights violations remain prevalent (Junus & Munandar, 2020). Based on the background presented above, an urgency emerges to examine the implementation of MLC 2006 in protecting Indonesian seafarers working aboard

South Korean vessels. This study is structured to comprehensively address the following research questions:

1. How does South Korea apply MLC 2006 to Indonesian seafarers?
2. To what extent is MLC 2006 effective as an international regime in minimizing discriminatory practices and guaranteeing distributive rights for Indonesian seafarers aboard South Korean vessels?

These questions are critical for understanding the dynamics between global standards and the domestic policies of states that are highly dependent on foreign labor (Lee, 2024). Identifying these issues demands deeper analysis of the interaction between state and non-state actors within a bilateral cooperation framework. Accordingly, this study focuses its analysis on the implementation asymmetry or "compliance gap" that exists between the large-scale commercial shipping sector and South Korea's small-scale fishing vessel sector.

## Methods

This study employs a descriptive qualitative design aimed at exploring in depth the dynamics of international labor standard implementation aboard South Korean-flagged vessels. The qualitative approach is considered highly relevant because this research investigates procedural processes, inter-institutional interactions, and the subjective experiences of seafarers in real-world contexts, rather than focusing on testing pre-determined hypotheses (Sugiyono, 2013).

This qualitative design facilitates the identification of fundamental factors both institutional, technical, and human – that either support or hinder the effectiveness of the seafarer protection system under the Maritime Labour Convention (MLC) 2006 regime. Theoretically, this methodological focus enables the researcher to examine how the dynamics of recruitment and global coordination in the maritime industry influence shipping companies' compliance with worker rights standards (Sidjabat & Pardede, 2023). As argued by Lillie (2004), such transnational coordination is crucial because it is capable of creating patterns or "blueprints" for decent working conditions for the majority of maritime workers worldwide.

Research participants were defined with clear boundaries to ensure depth of data. Through purposive sampling, the researcher established criteria encompassing both institutional implementers and beneficiaries. The first group consisted of a practitioner serving as First Engineer (1E) aboard a fish cargo vessel in South Korea (Herdiansyah, 2025). According to the International Convention on Standards of Training, Certification and Watchkeeping (STCW) Section A-III/1, a Marine Engineer Officer is an internationally certified seafarer who acts as the technical leader of the engine department. Their duties include assisting the Chief Engineer in managing the operation, maintenance, and repair of all engine room equipment to uphold daily working standards and the vessel's operational safety.

The second group comprised active Indonesian seafarers and officials of the Jangkar Karat Indonesia Labor Union, who provided real-world data on complaint patterns and advocacy. Established in 2016 by former PMI Ari Purboyo, Jangkar Karat Indonesia is a labor union and advocacy organization based in Tegal, with the primary mission of protecting the labor rights of Indonesian Migrant Workers. The organization collaborates with the International Labour Organization (ILO) and has expanded by opening several branch offices in Central Java and West Java to enhance complaint services and assistance for fishery workers.

The selection of South Korea as the research location is based on its functional significance within the transnational

maritime labor ecosystem between Indonesia and South Korea. Although the researcher did not conduct physical observation in South Korea, these areas serve as primary references in interviews with informants who have worked at South Korean ports, as well as with the Chairperson of the Jangkar Karat Indonesia Labor Union.

In addition to primary data collection conducted through in-depth interview procedures to explore subjective experiences, secondary data were gathered through library research on regulations and annual reports on seafarers' rights violations. One approach employed in research to acquire knowledge is by consulting specific individuals who possess relevant experience, expertise, and authority on a particular issue (Rahman & Winarto, 2021).

Through the combination of interviews and library research, the researcher reconstructed the reality of MLC 2006 compliance standards under South Korea's jurisdiction without requiring physical presence, while still obtaining valid data based on the empirical experiences of the key informants. Throughout the data collection process, the researcher served as the primary instrument, supported by supplementary instruments in the form of interview guides and digital observation checklists.

To ensure the credibility of findings, the researcher conducted source triangulation by cross-referencing the oral statements of informants, field notes, and written advocacy reports. This cross-validation was continuously performed to identify gaps between formal law (*law in books*) and actual practice (*law in action*) in the field (Puspitawati, 2017).

The collected data were then processed using a thematic analysis technique with an interactive model encompassing the stages of data condensation, systematic presentation, and circular conclusion-drawing. The researcher developed a codebook to categorize information into major themes such as wage standards, working hours, and health conditions. The resulting mapping was subsequently analyzed using the pillars of International Regime Theory to evaluate how MLC 2006 norms influence the behavior of actors at the operational level.

The analysis was directed toward uncovering the factors that give rise to compliance gaps, particularly the comparison between the internationally navigating fish carrier sector which falls under international oversight and the small-scale fishing vessel sector, which frequently operates under conditions of minimal monitoring. To maintain integrity, this study adheres to the principles of ethics and trustworthiness. Although no formal ethical clearance was obtained, the procedures carried out nonetheless upheld the values of respect, beneficence, and data security in accordance with the research standards of the discipline of International Relations.

## Result and Discussion

### South Korea's Implementation of MLC 2006: Domestic Regulation and Compliance Between the Commercial Shipping and Fishing Vessel Sectors

As an international regime, MLC 2006 operates through a set of principles, norms, rules, and decision-making procedures that govern the expectations of actors in the global maritime space (Krasner, 1983). In the context of South Korea, the effectiveness of this regime depends not only on formal legal ratification, but on the causal mechanisms linking international norms to domestic practice. The researcher identified a significant compliance gap between the large commercial shipping sector under international oversight and the fishing vessel sector, driven by differences in the intensity of monitoring mechanisms.

In the internationally navigating fish carrier sector, the decision-making procedures for standard enforcement tend

to be more stringent due to oversight pressure from Port State Control (PSC) and the reputational demands of companies operating within global supply chains. In general, cargo vessels are large maritime transport fleets specifically designed to facilitate the distribution of commodities between ports at the international level. These vessels do not carry passengers; their operations are entirely focused on transporting various categories of cargo, including containers, bulk cargo, vehicles, and fish.

By contrast, in the small fishing vessel sector, monitoring mechanisms are weakened by the low frequency of inspections and the more closed operational structure, causing distributive justice principles such as fair wages and rest hours (Laming, 2021) to frequently be neglected in everyday shipboard practice. Within MLC 2006, there is a distinction in terminology between crew members of large cargo vessels and those of fishing vessels the convention uses the term *seafarer* for commercial shipping and *fisher* for fishing vessels.

In the internationally navigating fish carrier sector, field findings show that MLC 2006 has succeeded in creating a transparent and structured working ecosystem. As stipulated in MLC 2006, every vessel of 500 GT or more operating internationally is required to hold a maritime labour certificate and a declaration of maritime labour compliance, both issued by the Flag State. Through these documents, the Flag State provides details on how the vessel complies with the requirements set out in MLC 2006.

Within the neoliberal institutionalist framework, this transparency functions by reducing transaction costs and information asymmetry between seafarers and shipping companies. This is clearly reflected in the experience of Yuhdi Herdiansyah, an Indonesian seafarer holding the rank of First Engineer aboard a South Korean-flagged fish cargo vessel. From the very first day aboard, all contractual terms including the principle of *no cost to seafarer* were confirmed in writing in official documentation, ensuring that no recruitment fees were charged by either the agent in Indonesia or in South Korea [Interview with Yuhdi, 2025].

Similar compliance was evident in the management of working hours. Every day, a working hours summary was compiled by the Third Officer and Third Engineer, signed by the Captain, and a copy was submitted to each crew member monthly as a personal record. This documentation mechanism directly implements MLC 2006 provisions establishing a maximum of 14 hours of work and a minimum of 10 hours of rest in any 24-hour period (a safeguard to prevent fatigue), which is frequently a trigger for accidents at sea.

Yuhdi affirmed that the existence of these regulations provided a genuine sense of security:

*"Since the MLC regulations were enacted, we feel calmer and safer at work because we receive adequate rest. And more importantly, we receive our salary in the correct amount and on time"* [Interview with Yuhdi Herdiansyah, 2025].

The most concrete evidence of compliance came from Yuhdi's personal experience of a serious health condition that required surgery and hospitalization in Thailand. All medical expenses were fully covered by the company in accordance with MLC 2006 provisions, without any deductions or exceptions. This case confirms that in the commercial shipping sector, social security and health insurance are not merely normative clauses in a document, but rights that seafarers can genuinely claim in the field.

A starkly different picture, however, was found in the small-scale fisheries sector. Ari Purboyo, Chairperson of the Jangkar Karat Indonesia Labor Union, described the situation as a systemic "gray zone." Large vessels under international oversight tend to be compliant, while small vessels become spaces where repeated violations occur without adequate consequences ranging from unilateral wage deductions and delayed payments to excessive working hours without overtime

compensation [Interview with Ari Purboyo, 2025].

As stated in the Jangkar Karat report released in 2025, the situation is further aggravated by the defensive strategy commonly employed by small companies — claiming that their practices are in line with local law or industry custom within the fisheries sector, when in substance they are in direct violation of the decent work standards mandated by MLC 2006. This situation is compounded by the structural vulnerabilities of fishing seafarers themselves: this profession carries high risks of occupational accidents, human rights violations, hierarchical discrimination, and threats of human trafficking, with far thinner protection compared to their counterparts in the commercial shipping sector (Ningtyas, 2024). Working practices aboard fishing vessels frequently fail to conform to MLC 2006 standards due to overlapping regulations — among them, jurisdictional conflicts between the Ministry of Transportation and the Ministry of Marine Affairs and Fisheries/Ministry of Manpower (Ridzani & Pratama, 2024).

#### The Effectiveness of MLC 2006 as an International Regime in Guaranteeing the Distributive Rights of Indonesian Seafarers Aboard South Korean Vessels

The international regime is one of the key concepts in the study of International Relations. Krasner defines an international regime as a venue for realizing the shared interests of actors from various countries and for addressing common problems, with outcomes expected from the establishment of such regimes. Still according to Krasner, international regimes are a meeting point for the expectations of every actor, and the regime itself is an instrument for realizing those expectations (Rahmawati Putri & Puspita Sari, 2021).

Measuring the effectiveness of an international regime requires more than simply observing whether a state has ratified the convention; one must trace the extent to which the norms embedded within it genuinely alter actor behavior and ensure that distributive rights are fulfilled at the field level. In the context of MLC 2006 in South Korea, the effectiveness of this regime presents a dual face: successful on one side, yet containing serious structural weaknesses on the other.

The strongest indication of regime success is visible in internationally navigating fish carrier vessels above 500 GT, where the institutional mechanisms of MLC 2006 have proven capable of eliminating information asymmetry between seafarers and companies. The experience of Yuhdi Herdiansyah as an Indonesian seafarer aboard a South Korean vessel reflects the ideal conditions envisioned by the architects of this convention. There was no significant discrimination between local Korean crew and foreign Indonesian crew in terms of either welfare or rest entitlements as all crew members were subject to the same regulations under MLC 2006.

The transparent documentation of working hours carried out daily, signed by the Captain, and distributed to each crew member ensures that rest entitlements are not merely formalities on paper, but monitored and verifiable practices [Interview with Yuhdi Herdiansyah, 2025]. From a neoliberal institutionalist perspective, this situation illustrates the ideal function of a regime: providing accurate information, reducing uncertainty, and encouraging compliance through a structured mechanism. However, this picture of success must be read critically alongside the existing empirical data.

Based on the BP2MI complaint report [table 1](#), South Korea ranks second highest in ABK case complaints for the 2018–2020 period, with a total of 46 complaints out of 415 recorded, second only to Taiwan with 122 complaints. This figure places South Korea above Peru (36 complaints), China (23 complaints), and Angola (20 complaints). This data directly calls into question the extent to which MLC 2006 as a

regime can effectively reach all layers of South Korea's maritime sector and not merely the large commercial vessels that fall under the scrutiny of international oversight.

The high number of complaints reflects the regime's failure to guarantee distributive rights uniformly, especially in the fisheries sector where oversight is minimal. Recurring violations from unilateral wage deductions and delayed payments to excessive working hours and more serious human rights violations demonstrate that the existence of MLC 2006 as a global norm has not been sufficient to change the behavior of domestic actors operating far beyond the reach of monitoring mechanisms (Susilo & Prihantoro, 2019).

As a state that has ratified MLC 2006, South Korea has a legal obligation to harmonize its domestic regulations and ensure that every vessel flying its flag meets minimum labor protection standards. However, this normative obligation has yet to be fully translated into consistent enforcement in the field.

Thus, the effectiveness of MLC 2006 in South Korea is conditional: the regime functions well when supported by strong monitoring mechanisms and high corporate commitment, as seen in the commercial shipping sector. Conversely, the regime loses its binding force when confronted with small-scale fishing vessels that are indifferent to oversight.

#### The Role of State and Non-State Actors in Closing the Protection Asymmetry for Indonesian Seafarers Under South Korea's Maritime Jurisdiction

The structural weaknesses of MLC 2006 in reaching the small-scale fisheries sector cannot be addressed solely through the mechanisms of the international regime itself. The convention was intended as a second line of defense to identify substandard vessels operating worldwide (McConnell, 2011). The most dangerous protection gaps arise from situations beyond the reach of formal oversight including the phenomenon of Indonesian seafarers who flee their vessels and become undocumented workers on South Korean soil. This condition is not merely a contractual violation, but a signal of systemic failure when seafarers lack access to safe and trustworthy complaint channels (Adityaningsih & Achmad, 2024).

On the state actor side, BP3MI and KP2MI play active roles in case assistance and recruitment oversight, while the Indonesian Embassy in Seoul (KBRI Seoul) functions as a bridge between seafarers experiencing violations and dispute resolution mechanisms in South Korea. This is in line with the mandate of MLC 2006, which requires member states to cooperate in the enforcement of the convention, including through Port State Control mechanisms based on the Certificate of Maritime Compliance. In one case in 2023, mediation involving Jangkar Karat, BP3MI, and KBRI Seoul successfully compelled a South Korean company to pay withheld wages in full and repatriate the crew safely to Indonesia [Interview with Ari Purboyo, 2025].

Nevertheless, the division of authority among agencies frequently slows responses to cross-border cases that require swift action. In complex cases, resolution can only be achieved through a tripartite process involving the Ministry of Manpower, KBRI, and civil society organizations with technical support from IOM and ILO. This pattern underscores that the effectiveness of seafarer protection depends on the quality of

**Table 1. 2018–2020 ABK Case Complaints**

No	Country	Frequency	Prosentage
1	Taiwan	122	38,73%
2	South Korea	46	14,60%
3	Peru	36	11,43%
4	China	23	7,39%
5	Angola	20	6,35%

Source: BP2MI

synergy among actors, not merely on the completeness of available regulations (Adityaningsih & Achmad, 2024).

On the non-state actor side, Jangkar Karat Indonesia occupies a strategic position with networks spanning seafarer hub communities in Tegal, Pemalang, Brebes, and Kebumen, extending to South Korean ports such as Busan, Hupo, and Tongyeong. When official complaint mechanisms through the Flag State or Port State Control are difficult to access due to language barriers and fears of retaliation, Jangkar Karat becomes the primary channel that seafarers can rely upon. Their field findings have been submitted to the Ministry of Marine Affairs and Fisheries and the Directorate General of Sea Transportation as recommendations for improving vessel certification and inspection policies.

Reputational sanctions have proven to be the most effective instrument in compelling changes in corporate behavior, surpassing lengthy formal legal procedures. As Ari Purboyo firmly stated, "MLC 2006 is effective as an international legal and ethical framework, but it does not automatically compel changes in corporate behavior without external pressure" [Interview with Ari Purboyo, 2025].

The sustained collaboration among Jangkar Karat, BP3MI, KP2MI, the Ministry of Manpower, KBRI Seoul, ILO, and IOM is the minimum prerequisite for MLC 2006 to truly transform into protection that is concretely felt by every Indonesian seafarer in South Korea. The state is obligated to provide protection to each of its citizens – wherever and whenever they may be including those facing difficulties in foreign countries, as governed by Law Number 37 of 1999 on Foreign Relations (Hanifah, 2020). The handling of crew members (ABK) is an important part of efforts to improve the services and protection of Indonesian Workers (TKI) abroad.

#### Interpretation of Key Findings

The findings of this study confirm that the compliance gap occurring between the commercial shipping sector and the fishing vessel sector in South Korea is not merely a technical matter, but a reflection of a systemic misalignment between the state's normative commitments and its operational oversight capacity in the field. Although South Korea has ratified MLC 2006 and demonstrates high compliance among its large commercial fleet as evidenced by the experience of Yuhdi Herdiansyah this commitment has yet to be integrated evenly across all levels of its fleet, particularly the small-scale fishing vessels that operate under minimal oversight. This inconsistency renders MLC 2006 still perceived as a sectoral administrative obligation, rather than as the holistic maritime governance ecosystem it was envisioned to be at its inception.

From the perspective of regime effectiveness, BP2MI data recording 46 complaints from Indonesian ABK in South Korea during the 2018–2020 period proves that ratification of a convention does not automatically guarantee the comprehensive fulfillment of seafarers' distributive rights. Structural barriers – including minimal communication access aboard fishing vessels, limited seafarer contract literacy, and the defensive strategies of small companies invoking local law continue to widen the gap between global standards and field realities (Dharmawan et al., 2022). This aligns with the view that state compliance with international agreements is often viewed from two vantage points: a general tendency toward compliance, or deliberate violations in pursuit of national interests (Chayes & Chayes, 1993).

As a consequence, MLC 2006's contribution to ensuring the welfare of Indonesian seafarers still falls far short of its maximum potential. Therefore, effective seafarer protection can only be achieved when three elements move simultaneously: institutional commitment of the state, the operational oversight infrastructure of companies, and the strengthening of seafarers' bargaining position through non-state actors such as Jangkar Karat Indonesia [Interview with

Ari Purboyo, 2025].

Reputational sanctions, cross-institutional diplomatic intervention, and multilingual digital complaint systems recommended by Jangkar Karat are instruments that fill the void that the international regime alone cannot reach. Accordingly, MLC 2006 will only transform into substantive legal protection when sustained by consistent transnational synergy among state actors, non-state actors, and international institutions.

#### Previous Studies

Several prior studies are relevant to this research, yet each differs significantly in focus. Research on the urgency of ratifying the Maritime Labour Convention (MLC) 2006 in Indonesia was previously conducted by Hastuti et al. (2018) in their study entitled "The Urgency of Ratifying the Maritime Labour Convention 2006: Hopes and Challenges in Realizing Indonesia as a Global Maritime Axis."

In that study, Hastuti et al. emphasized that the ratification of MLC 2006 through Law Number 15 of 2016 holds significant importance in providing legal protection for Indonesian seafarers from exploitation, as well as in enhancing the competitiveness of the national shipping industry at the international level (Molumbot, Waha, et al., 2025). Their study employed a normative-juridical approach to map the benefits of ratification and identify national regulatory constraints that needed to be harmonized with the convention's standards.

Although that study provided a strong theoretical and normative foundation regarding Indonesia's position post-ratification, a research gap remained unaddressed. The study by Hastuti et al. (2018) was general in examining the urgency of ratification for Indonesia's position as a global maritime axis. In contrast, the present study fills that void by conducting a more specific and contextual analysis focusing on the implementation of MLC 2006 for Indonesian Fishing Vessel Crew Members (AKP) and commercial seafarers working in South Korea.

At the global level, Exarchopoulos et al. (2018) in "Seafarers' Welfare: A Critical Review of the Related Legal Issues under the Maritime Labour Convention 2006" examined the legal provisions for crew protection at a macro level. While concluding that MLC 2006 improves working conditions, they highlighted definitional ambiguity surrounding the concept of "protection" that leads to inconsistencies in field-level guarantees. However, that study relied on large-scale data from the Paris Memorandum of Understanding (MoU) without specifically examining South Korea's legal jurisdiction as a flag state.

Shifting to the Indonesian national context, Adela (2018) examined the urgency of ratifying MLC 2006 through Law Number 15 of 2016 as a response to legal injustice for Indonesian seafarers on the international stage. Adela emphasized normative aspects and national-level regulatory harmonization, whereas the present study focuses more on the practical application of MLC 2006 as an international regime within the operational context aboard South Korean vessels, in order to test the effectiveness of those standards within a foreign fleet.

In a similar vein regarding domestic regulatory evaluation, Ridzani and Pratama (2024) examined the protection of migrant seafarers following the enactment of the Job Creation Law, which was found to still leave regulatory overlaps. Their research provided an important contribution to the present author's effort to clearly distinguish the status and working patterns of commercial vessel crew who follow a multi-port trajectory from fishing vessel crew, who operate in a circular pattern. Although both studies reference MLC 2006, Ridzani and Pratama place greater emphasis on the reconceptualization of protection within Indonesia's domestic legislation, whereas the present study specifically examines the

dynamics of its implementation under South Korea's jurisdiction (Dombia-Henry, 2017).

Within the scope of Indonesia–South Korea bilateral relations, Serena Auralia (2025) explores the motivations behind the 2021 MoU on Cooperation in the Fields of Employment and Labour Affairs for Fishermen. This study highlights the diplomatic aspects and national interests of both countries, yet does not detail the practical application of MLC 2006 standards aboard vessels. This complements the study by Syamsul (2018) on the successes of the Employment Permit System (EPS) during the 2013–2017 period, which concluded that the care of the South Korean government and society contributed greatly to labor protection through the establishment of labor laws and an online complaint system.

Furthermore, Febrianti et al. (2025) and Andriani & Kenepri (2024) both highlight the role of government institutions (the Ministry of Foreign Affairs and BP2MI) in protecting PMI in South Korea. Febrianti et al. (2025) focus on the diplomacy of PMI protection in general during the Joko Widodo administration, while Andriani and Kenepri emphasize the Government-to-Government (G to G) program as a means of reducing exploitation risks. Both studies share a similar gap: they do not specifically address the implementation of the MLC 2006 regime, nor do they reach the analytical depth needed to examine differences in vulnerability between commercial vessel crew and fishing vessel crew (ABK).

This study therefore emerges to fill this literature gap through an examination of conditions in South Korea, while investigating the MLC 2006 implementation asymmetry between the large commercial shipping segment and the small fishing vessel segment, a topic that has not been previously studied.

#### Limitations and Cautions

Although this study provides valuable insights into maritime protection governance, several limitations must be noted – including dependence on dynamic advocacy datasets and a focus on a single jurisdictional area. The specific limitations of this research that should be considered when interpreting the findings are as follows:

- **Dependence on Advocacy Data Estimates:** This analysis relies heavily on labor dispute report data and labor union advocacy records, which are dynamic in nature; thus, the findings may evolve as datasets are updated in the future.
- **Limited Generalizability:** The study's concentration on South Korea's maritime jurisdiction limits the direct generalizability of findings to other flag states with different regulatory characteristics.
- **Accessibility of Institutional Data:** Access to internal vessel operational records and port authority inspection data is highly dependent on access restrictions and the transparency of information from relevant overseas institutions.

Based on these limitations, future research is encouraged to incorporate the following:

- Conducting comparative research involving several major flag states (e.g., South Korea, Taiwan, and Japan) to obtain a broader picture of MLC 2006 compliance.
- Developing and testing maturity models for migrant labor protection governance in the maritime sector.
- Conducting longitudinal assessments of the impact of MLC 2006 implementation following updates to domestic regulations or improvements to international-level oversight systems.

#### Recommendations for Future Research

Future research should focus on addressing the identified limitations by adopting a longitudinal design to trace the trajectory of MLC 2006 compliance over time particularly in

measuring changes in the behavior of South Korean shipping companies following the imposition of reputational sanctions and diplomatic interventions.

Additionally, studies specifically examining Port State Control mechanisms and the effectiveness of Certificate of Maritime Compliance-based inspections on small-scale fishing vessels would provide deeper insight into the structural factors that either promote or inhibit compliance with international labor standards. Expanding research to other flag states with high concentrations of Indonesian ABK such as Taiwan, Peru, and China would also strengthen the comparative basis for evaluating the effectiveness of MLC 2006 as an international regime across jurisdictions.

Furthermore, the application of a mixed-method approach that combines large-scale quantitative surveys of Indonesian seafarers across various sectors with in-depth qualitative interviews would yield a more comprehensive understanding of the dynamics of protection asymmetry in the field (Yanto et al., 2023).

Future research is also encouraged to integrate the perspectives of South Korean shipping companies directly, in order to understand compliance barriers from the industry side a perspective that has been underrepresented in maritime labor protection studies. The resulting findings would be able to inform a more responsive and evidence-based bilateral employment diplomacy policy framework between Indonesia and South Korea.

## Conclusion

This study examines the implementation of the Maritime Labour Convention (MLC) 2006 as an international regime and its effectiveness in protecting Indonesian seafarers under South Korea's maritime jurisdiction. The findings indicate that MLC 2006 has succeeded in creating transparent and accountable working conditions in the internationally navigating fish carrier sector, as reflected in consistent compliance with wage standards, working hour documentation, and medical protection principles. However, a significant compliance gap persists in the small-scale fishing vessel sector, where monitoring mechanisms remain structurally weak.

The fact that South Korea recorded 46 complaints from Indonesian crew members (2018–2020) the second highest globally according to BP2MI data affirms that the formal ratification of an international convention does not automatically produce equitable protection. Theoretically, this study contributes to International Relations scholarship on institutional compliance by demonstrating that regime effectiveness depends not only on the state's (flag state's) legalistic commitment, but also on the political-economic structures within different industrial sub-sectors.

These findings underscore that MLC 2006 functions optimally only when institutional monitoring mechanisms are consistently present and when state and non-state actors operate in coordinated synergy. In the context of transnational labor governance, this research demonstrates that the protection of migrant workers in the maritime space requires a multi-level governance model.

The active roles of KBRI Seoul, BP3MI, the Ministry of Manpower, and non-state actors such as the Jangkar Karat Indonesia Labor Union have proven crucial in bridging the protection gaps that the regime alone is unable to reach. This indicates that the transformative potential of MLC 2006 as an instrument of distributive justice is highly dependent on the quality of transnational collaboration among state actors, international organizations such as ILO and IOM, and the oversight power of civil society.

While this research contributes to the understanding of MLC 2006 implementation asymmetry, it carries several

limitations – including the limited number of informants and a geographical concentration on specific port cities. Future research should be directed toward comparative analysis across flag states with high concentrations of Indonesian seafarers, as well as longitudinal studies conducted following recent regulatory reforms, in order to deepen understanding of international labor governance and to inform evidence-based policy for bilateral maritime employment diplomacy between Indonesia and South Korea.

## Author contributions

The first author played a significant role in developing the primary research idea, constructing the theoretical framework based on the concept of international regimes, and designing the qualitative method employed. In addition, the first author assumed full responsibility for primary data collection conducting in-depth interviews with Indonesian seafarers and labor union representatives in South Korea, and performing thematic analysis of recruitment records and complaint data from BP2MI.

The second author contributed to comparative analysis of compliance mechanisms between the commercial shipping and fisheries sectors. The third author was responsible for aligning the legal policy framework with field findings and led the drafting and revision process to ensure the technical accuracy of this research. All three authors reviewed and approved the final version of the manuscript for publication.

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## Conflict of interest

The authors declare that there are no potential conflicts of interest in the conduct and preparation of this research. This article was produced exclusively for the purpose of advancing knowledge, without any intervention or encouragement from any external party. All stages of data collection, analysis, and decision-making regarding the implementation of MLC 2006 in South Korea were conducted independently. The authors received no monetary compensation or personal gain from any organization, government body, or private company that could compromise the impartiality of this research.

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