

LIFE INSURANCE IN MARITIME LABOUR AGREEMENT AS LEGAL PROTECTION AND CERTAINTY FOR FISHERMEN

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ABSTRACT

Fishermen in working with weather, climate and sea wave problems, which are determinants of the catch, including the risk of life which causes necessity of insurance. The government has been holding fisheries insurance for fishermen, which aimed at fishermen, fish raisers and salt farmers. In addition, there is life insurance for catching fish fishermen. Unfortunately, not all fishermen follow this insurance. On average, those who participate in life insurance, are fishermen who have vessels with a capacity above 20 GT (gross tonnage or gross tonnage), while for vessels measuring 30 GT can employ 15-20 crew members. The fact that fishermen's welfare must be prioritized has made the government issue Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers and Salt Farmers. This law relates to welfare and legal protection for fishermen, where the rights of fishermen are to seek welfare for their lives. Guarantees for fishermen participating in life insurance can be included in the Sea Work Agreement where ship owners or companies and fishing workers who work have an awareness of safety, welfare and a decent life as the state's objectives as stipulated in the 1945 Constitution

and Pancasila. To improve economic viability, especially for fishing workers, the government's role should focus on the welfare of labor fishermen as a further step from Law Number 7 of 2016 which regulates fisheries insurance or life insurance for fishermen. This research is conducted in Regency of Indramayu, using literature study, statute and conceptual approach.

Keywords: Life insurance, Fishermen, Maritime Labour Agreement

I. INTRODUCTION

Fishery alludes to agriculture as the business of agriculture utilizes fishery products in accelerating efficiency and revenue.¹ Fisheries comprise fishing and harvesting fish including wild fisheries in the wild such as lakes, rivers, and seas wielded by fishers and fishery labourers. Extreme weather and rough seas lead the fisheries to deal with risk.

For that reason, the President and DPR through the Ministry of Maritime Affairs and Fisheries (KKP) passed Law Number 7 of 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers (hereinafter: Law No. 7/2016) to provide legal certainty and protection. The enactment of Law No. 7/2016 considered (a) The 1945 Constitution of the Republic of Indonesia and Pancasila stipulates the responsibility of the state in protecting the whole Indonesian nation and the entire native land of Indonesia and to advance the public welfare, educate the life of the nation, and perceive the social justice of the whole Indonesian nation. (b) To achieve the national goals to prosper the people, the State shall, in a targeted, organized, and sustainable manner, organize the protection and empowerment of fishermen, fish farmers, and salt farmers. (c) Fisheries, fish farmers, and salt farmers greatly depend on fish resources, environmental conditions, facilities, infrastructure, business certainty, access to capital, science, technology, and information, hence need protection and

¹ Ahlil Ahdin, "Pengertian Pertanian Dalam Ekonomi", *Fakultas Kehutanan Universitas Tadulako: Jurnal Academia*, 2020, hlm. 6.

empowerment. (d) The laws and regulations on the protection and empowerment of fishermen, fish farmers, and salt farmers, are hitherto comprehensive.

The aforementioned considerations of Law No. 7/2016 enactment about the State's responsibility constrained in the Preamble of the 1945 Constitution and mandated in Pancasila to protect the whole Indonesian nation and the entire native land of Indonesia and to advance the public welfare, and perceive the social justice of the whole Indonesian nation, as well as providing the legal certainty upon the welfare-related right and obligations of the fishermen.

Fishermen faced various risks and problems, commencing oil fuel availability, fish theft, overfishing, climate change, and rough waves that greatly determined the income of the fishermen and directly impacted the fishermen's family. The risks and threats to the fishermen's life render the necessity for protection and regulations on legal certainty and justice.

Risks exposed to fishermen could be appearing as catch losses, occupational accidents, or deaths. These kinds of risks could be averted through the insurance mechanism. In accordance with this, the government organizes insurance programs for fishermen appearing as Fisherman Insurance which covers occupational accidents, and life insurance which covers deaths. According to a March 31, 2022, Ministry of Maritime Affairs and Fisheries press release, fishing vessels accounted for 31% of all marine accidents between 2018 and 2020 based on KNKT (National Traffic Accidents Commission) data with 25 cases in 2019, 12 cases in 2020, and augment to 19 cases in 2021, emphasizes a significant number of fishermen marine accidents.²

In doing business, some fishermen own fishing vessels, while others work as labourers of the fishing vessel owner consisting of 10 to 15 workers each. Generally, the 30 GT fishing vessel workers have been termed seafarers (hereinafter: ABK). Pursuant to data from the Ministry of Maritime Affairs and Fisheries, 7.987 vessel units are registered with fishermen labourers, while not entirely of the registered vessels' workers

² Kementerian Kelautan dan Perikanan Republik Indonesia, "Siaran Pers Kementerian Kelautan dan Perikanan, Langkah KKP Selamatkan Nelayan dari Kecelakaan Kapal Ikan", <https://kkp.go.id/kkp/artikel/39318-langkah-kkp-selamatkan-nelayan-dari-kecelakaan-kapal-ikan>, accessed on 10 March 2022.

signed the maritime labour contracts (hereinafter MLA), which diminishes the workers' position in case of the life-threatening situation during the voyage.

The endeavour to alleviate the fishers' welfare could be administered through cooperatives as it considered non-bank institutions that provide significant benefits, notably the middle to lower-class citizens.³ Cooperatives wedge the economic structure of Indonesia, as the activities engage in the realization of the prosperous economic life of the members and community.⁴ One kind of cooperative is a Village Unit Cooperative (hereinafter KUD) which endorses the escalation of the village economics chiefly the farmers. The fishermen's KUD is the sustainment system of fishermen's economics by being the marine fish catch commercial instruments through auction. Sanguinely, Fishermen KUD could promote the fish auction as well as endorse life insurance.

Indramayu district is one of the aquatic producers in West Java that contributes 61,61% of the whole industry, embedding the fisheries dependency. Fishermen's life assurance through life insurance would greatly contribute to fishermen's economic feasibility, hence, the respective rules and regulations are compulsory.

The aforementioned situation enthruses the author to further research fishery life insurance accorded in the maritime labour agreement that should be obliged by vessel owners with seafarers. Furthermore, the aforesaid life insurance should be stated along with assent of the policy payment in order to stipulate the legal certainty and legal protection of fishermen labourers.

Several regions in Indonesia with fishermen as residents generate a fishery KUD, notably the KUD Mino Saroyo in Cilacap of Central Java. The cooperatives initiated the insurance coverage for 12.000 fishermen upon discerning the fishermen as high-risk occupational in commending protection over occupational risk and prevention of deaths.⁵ Fishery KUD contemplates contributing to being the village's economic

³ Djumran Yusuf, *et. al.*, "Peranan Koperasi sebagai Penyedia Kebutuhan Nelayan di Kabupaten Barru", *Jurnal IPTEKS PSP*, Volume 1 No. 2, 2014, hlm. 175.

⁴ Yovrin Revany dan Kirwani, "Perkembangan Usaha Koperasi Unit Desa (KUD) Melalui Partisipasi Anggota Maupun Non Anggota Kecamatan Mojosari Kabupaten Mojokerto", *Jurnal Pendidikan Ekonomi (JUPE) Universitas Negeri Surabaya*, Volume 4 No. 3, 2016, hlm. 1-9.

⁵ Hanan Wiyoko, "KUD Mino Saroyo Asuransikan 12.000 Nelayan", <https://jogja.tribunnews.com.2012/01/11/kud-mino-saroyo-asuransikan-12.000-nelayan>, accessed on 9 July 2020.

driving force. Fishery KUD could be an alternative for fishermen considering the benevolence in escalating the public welfare, as well as organizational association, broadening insight and information in furtherance of the fishermen.⁶

Considering the fishery insurance coverage regulated in Law No.7 of the Year 2016 concerning the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers as well as the marine labour agreement, the aforementioned issues shall be further explored.

The foremost issue resides in the responsibility of the fishery vessel owner's negligence or intent to preclude the workers from occupational risk guarantee through either the commencement working agreement or the maritime labour contract that resulted in losses for the workers. Subsequently, the second issue administers the stance of the Fishery KUD as one kind of alternative in organizing the life insurance guarantee for fishermen to escalate the fishers' economic viability as regards the attainment of legal certainty and legal protection. The abovementioned issues are due to the lack of protection as well as government attention for fishermen, the current legislation did not entirely administer legal protection and certainty to fishermen. The study conducted in this research are (a) Literature study, inter alia: (1) Legislation of Indonesia on social insurance in general and fishermen's life insurance in particular, (2) General arrangement of insurance for fishermen in practice, (3) Standard reference on the arrangement of social insurance and maritime labour agreement, (4) Other reference materials. (b) Uncover information on social insurance and related aspects in discussion with the associated stakeholders, notably the fisher labourers and village cooperatives unit administrator.

II. DISCUSSION

1. Maritime Labour Agreement Consists of Life Insurance of Fishermen Labourers

The Maritime Labour Agreement (hereinafter MLA) is a contract between ship enterprises and labourers, in which the party ensuingly agreed to engage in paid work as

⁶ Said Sagaff Assegaff, *Peran Koperasi Nelayan "Usaha Bahari" Dalam Pemberdayaan Masyarakat Nelayan Di Desa Di Kampung Baru Kecamatan Banda Naira Kabupaten Maluku Tengah*, Thesis Institut Agama Islam Negeri (IAIN) Ambon, 2020.

a captain or seafarer under the enterprise's orders (Article 395 Indonesia Commercial Code, hereinafter ICC).

The legal basis of the Maritime Labour Agreement (*zeearbeidsovereenkomst*) is enunciated in Book II Chapter 4 of the Indonesia Commercial Code on maritime labour agreement in general, as well as the comprehensive substance of MLA and the establishment of the agreement before the harbourmaster in particular (Article 400 and 401 of ICC, jo. Law Number 7 of the Year 2000 on Maritime Affairs). The provisions of MLA in ICC also further refer to the working executorial principles, while the principle of contract and the engagement to the contract that is regulated in the Civil Code would be applicable and compatible unless otherwise regulated in the ICC. The provision of MLA is further regulated in Law Number 13 of the Year 2003 concerning Manpower (referred to as Labour Law).

In annexation, the Maritime Labour Agreement is then regulated in Government Regulation No. 22 of the Year 2022 concerning the Placement and Protection of Migrant Trade Crew and Migrant Fishing Boat Crew, in which Article 1 Number 8 defined Maritime Labour Agreement hereinafter referred as MLA as an individual agreement that is compromised and signed between the seafarers and the party that represent for and on behalf of the Employer or Principal which consisted of rights and obligations of the parties and validated by parties and the harbourmaster.

In accordance with the principle of *lex specialis derogat legi generali* (the more specific rules will prevail over more general rules), the provision regulated in the Commercial Code is constantly binding despite the provision of the Labour Law, while the provision of contract regulated in the Civil Code and the Labour Law shall be null and void given that the MLA provision is being regulated in the Commercial Code. The aforesaid proviso applied due to the meta-principle of *lex posterior generalis, non-derogat legi priori specialis* conforming to Philipus M. Hadjon and Titiek Sri Djatmiati, that the preclude (general rules) did not prevail over the predecessor (specific rules).⁷ Therefore, preclude rule i.e. Labour Law would not prevail over the existing rule such as the Commercial Code and the Shipping Act (Law No. 17 of the Year 2008).

⁷ Philipus M. Hadjon dan Titiek Sri Djatmiati, *Argumentasi Hukum*, Yogyakarta: Gadjah Mada University Press, 2015, hlm. 54.

Pursuant to the MLA provision, the employer is obligated to compensate the employee in the event of an occupational accident that occurred during work or throughout the working relationship period, despite the unfavourable practice of the occupational accident provision for labourers. Protection of workers is intended to ensure the fundamental rights of workers and equal treatment without discrimination, on the grounds of attaining the welfare of workers and their families, while taking into account the development of the business sector and the interests of entrepreneurs.⁸

The aforesaid condition deviates the employer's responsibility in the occupational accident to the social security program through the embodiment of Worker's Social Security (pursuant to Law No.3 of the Year 1992 on Social Security of Labour), pioneering the social insurance of labourers as guarantee upon occupational accident. The labourers' social insurance constitutes protection against various labour market risks of the employer and the family, notably occupational loss, payment alleviation, occupational accidents, illnesses, disabilities, and so forth.⁹

There are 3 forms of Maritime Labour Agreement according to Article 398 of the Commercial Code, namely (a) MLA of the definite period; (b) MLA for one voyage/s; and (c) MLA of indefinite period or hitherto to the termination of the agreement.

The form of the MLA relies on the agreement between the shipowners and the seafarers, which consists of the identity of the workers/labourers, termination of the agreement, the voyage of the vessel, the job title of the workers, division of the mainland labour, commencement date of work, right for leave, and the termination of the employment. MLA is principal to seafarers as legal protection in the conformation of a written contract¹⁰ which would be indeed beneficial.

Heretofore, the MLA did not comprise life insurance or fishery insurance, as life insurance is considered personal. The enactment of Law No.7 of the Year 2016 on the

⁸ Sonhaji, "Tanggung Jawab Perusahaan Terhadap Kecelakaan Kerja Yang Terjadi Pada Pekerja/Buruh di PT III Pellindo Semarang", *Administrative Law & Governance Journal*, Volume 4 No. 2, 2021, hlm. 265.

⁹ Daniel Perwira, *et. al*, *Perlindungan Tenaga Kerja Melalui Sistem Jaminan Sosial: Pengalaman Indonesia*, Jakarta: Lembaga Penelitian SMERU, 2003, hlm. 1.

¹⁰ Hadijah, *et. al*, "Efektivitas Perjanjian Kerja Laut Sebagai Syarat Kelaiklautan Dan Kesejahteraan Anak Buah Kapal Indonesia", *Jurnal Manajemen Bisnis Transportasi dan Logistik (JMBTL)*, Volume 6 No. 3, 2020, hlm. 240.

Protection and Empowerment of the Fishermen, Fish Farmers, and Salt Farmers admittedly regulate the protection of fishermen through insurance, despite the stoicism. The fishery insurance program during the leadership period of Mrs Susi Pudjiastuti was to administer insurance policy aid for fishermen. However, in practice, the program could not proceed expeditiously due to the incomplete administration data of the fishermen. Conclusively, the program transference was not optimal, albeit the aim of small-scale fishermen with the ship under 10 GT.¹¹

The compensation is divided into two kinds, notably compensation for occupational accidents due to fishing activities, and compensation for activities aside from fishing. Both of the compensation amounts distinctly, in which the death case compensation would amount to two hundred million, while the permanent disability case would be compensated for a hundred million, and medical expense would be borne to twenty million.

Further, the unaffiliated fishermen that could self-paid the insurance premium, could apply for the government insurance program. The affordable insurance premium is contemplated for the enlistment of all fishermen, as the insurance covers a lifetime guarantee as well as protection for the safety of fishermen and fish farmers, ocean accidents, and business capital aid.¹²

The fishery insurance avail in covering occupational risks of fishermen which then announce insurance for fishermen all across Indonesia in 2016. The insurance covers both small-scale and traditional fishermen, fish farmers, and salt farmers which compensates for death risks, accidents, and medical expenses.¹³ The Ministry of Fishery and Maritime Affairs alleges that the beneficiary of the insurance would be the holder of a fishermen's card, have a maximum age of 65, have a maximum size of 10 GT boats, and have never received the government insurance aid program. Upon enactment of the

¹¹ Setiawan Adiwijaya, "Nelayan Bisa Dapat Asuransi Dari Menteri Susi, Ini Syaratnya", <https://bisnis.tempo.co/read/792223/nelayan-bisa-dapat-asuransi-dari-menteri-susi-ini-syaratnya>, accessed on 10 March 2022.

¹² Asuransi Jasindo, "Asuransi Nelayan", <https://kkp.go.id/an-component/media/upload-gambar/pendukung/PUSLATLUH%20KP/Materi/Asuransi%20Nelayan%20Komersial.pdf>, accessed on 10 March 2022.

¹³ Helda Sihombing, "Asuransi Nelayan: Arti, Manfaat, Cara Mendapatkan Bantuan", <https://lifepal.co.id/media/asuransi-nelayan/>, accessed on 10 March 2022.

program, the Ministry of Fishery and Maritime Affairs has issued approximately 143.600 fishery insurance in 34 provinces all across Indonesia.¹⁴

One of the government considerations regarding insurance grants for fishermen is the fairly high mortality rate. Pursuant to the compiled data of Kiara (People's Justice Coalition for Fisheries), 204 fishermen passed away due to an ocean accident, Mrs Susi Pudjiastuti, Ministry of Maritime and Fishery Affairs for the 2014-2019 period enacted Law No. 7 of the Year 2016 on the Protection and Empowerment of the Fishermen, Fish Farmers, and Salt Farmers which regulate the insurance for fishermen along with the protection of fishing boat accident from extreme wave and storm due to lack of safety equipment.

For the forenamed consideration, the establishment of the maritime labour agreement (MLA) shall consist of insurance coverage for the seafarers, notably the life insurance inherent to the government program for fishery insurance in Indonesia. The insurance shall be enclosed in the initial maritime labour agreement between the shipowner and the seafarers or labourers in furtherance of the fulfilment of the fisherman's welfare altogether the fisher labourers.

Through the Tempo report in January 2020, the Ministry of Maritime and Fishery Affairs obligates the shipowner to provide insurance as one of the conditions in the maritime labour agreement for seafarers. The inscribe provision is contemplated as occupational accident protection of seafarers. The Association capacity is compulsory due to feasible practice in the implementation.¹⁵ Another deficiency of fishery insurance is the fishermen's lack of awareness of the insurance program despite its numerous advantages. Consequently, advisory on the introduction of the insurance program is required along with the enhancement of the associate and the advisor team.¹⁶

¹⁴ Kominfo, "Bantuan Premi Asuransi Nelayan", https://www.kominfo.go.id/content/detail/9456/bantuan-premi-asuransi-nelayan/0/artikel_gpr, accessed on 10 March 2022.

¹⁵ Francisca Christy Rosana, "KKP Wajibkan pemilik Kapal Beri Asuransi ABK Sebagai Syarat Perjanjian Kerja", https://bisnis.tempo.co/read/1375052/kkp-wajibkan-pemilik-kapal-beri-asuransi-abk-sebagai-syarat-perjanjian-kerja?page_num=2, diakses pada 10 March 2022.

¹⁶ Alfinatun Nazula, "Strategi Program Bantuan Premi Asuransi Nelayan (BPAN) Untuk Meningkatkan Minat Asuransi Nelayan Mandiri di Kabupaten Rembang", http://lib.unnes.ac.id/36653/1/7111414038_Optimized.pdf, diakses pada 10 March 2022.

2. Position of Fishermen Groups such as Fishermen KUD in Organizing Fishermen's Life Insurance in Relieving the Fishermen's Economic Viability

The concept of the welfare state is explained as the concept of government in which the state plays a key role in the protection of the economic and social well-being of its citizens. The concept is based on the principle of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions of a good life.¹⁷ The welfare state theory is amicable to the foundational philosophical theory of Indonesia that asserted the implementation of public welfare by the government and the state. The attainment of public welfare shall in accordance with the five principles, notably democracy, rule of law, social justice, and anti-discrimination, which were already declared in the 1945 Constitution of Indonesia as regards the national objectives in assuring the welfare of its citizen. The contriver of the welfare state theory, notably JM Keynes and R. Kraneburg declared that the state shall be earnestly pursuing welfare and reasonably be perceived equally and equivalent by its citizens.¹⁸

Jimly Asshidiqie proclaims that the comprehension of welfare in the 1945 Constitution could turn Indonesia's constitution into an economic constitution as flaunted by Russia, Czechoslovakia, Albania, Italy, and other states that abide by the allied constitution. In accord with Jimly, the substance of the 1945 Constitution deteriorated as the socialist states were in vogue.¹⁹ Herewith, this implies the role of the state as a constitutional body in the economic and social spheres for the benefit of the citizens.

In the welfare state theory, the state is accountable for the arrangement of the absolute least well-being of the citizens as the assurance of obtaining the basic needs, notably education, health, and food needs, as well as social protection of all citizens. In conjunction with maintaining order and security, the government shall be actively

¹⁷ Elviandri, *et. al.*, "Quo Vadis: Negara Kesejahteraan: Meneguhkan Ideologi Welfare State Negara Hukum Kesejahteraan Indonesia", *Jurnal UGM: Mimbar Hukum*, Volume 31 No. 2, 2019, hlm. 252-266.

¹⁸ Prabu Kresno, Konsep "Welfare State Theory" Maksimalkan Peran Pemerintah", <https://kumparan.com/bathara-kresno/konsep-welfare-state-theory-maksimalkan-peran-pemerintah>, accessed on 10 March 2022.

¹⁹ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi*, Jakarta: Konstitusi Press, 2005, hlm. 124.

endorsing the realization of the social and economic of communities as an advanced measure of the attainment of public welfare.²⁰

Indonesia also adheres to the doctrine of popular sovereignty with freedom of work in obtaining individual welfare.²¹ It could be inferred that all citizens of Indonesia have the freedom of occupational choice for the benefit of their life and family, which usually depend on the geographical conditions of the place of residence of the person concerned. People that live on the coast could choose to be fishermen, fish farmers, or salt farmers. The foreground issue concerns the welfare of the fishermen who do not entirely have good welfare with the majority being small-scale fishermen that are greatly dependent on capital loans for voyage and fish farming. Fishermen without boats would be labourers or seafarers of the shipowner or going voyages with great loans for the boat fuels as well as living expenses while not going fishing.

Village Cooperatives (KUD) are rural cooperatives dedicated to administering the needs of villagers in agricultural related pursuant to the Presidential Decree of the Republic of Indonesia No.4 of the Year 1984 concerning the Guidance and Development of Village Cooperatives, as well as the economic development forum of villagers for the benefit of the villagers.²² The village cooperative aims to be the economic pillar and actively assist the development of small-scale businesses and family businesses in the distribution of the manufacturing production of agricultural products.

Village-based cooperatives (KUD) were initially established through the emergence of the philosophy of the Gotong Royong principle to support the national economy derived from the power of citizens. The founding father of cooperatives declared the concept of cooperatives in Article 33 of the 1945 Constitution as fundamental to the national rural public economy in distributing and marketing agricultural products. In

²⁰ S.F. Marbun, *Hukum Administrasi Negara I*, Yogyakarta: FH UII Press, 2012, hlm. 14-15.

²¹ Nany Suryawati, *Kedaulatan Rakyat Dalam Konstitusi*, Simposium Nasional & Call for Paper Universitas Kanjuruhan Malang, 2018, hlm. 116.

²² Dinas Koperasi, Usaha Kecil dan Menengah Kabupaten Gunung Kidul, "Hadirnya Koperasi Unit Desa Memiliki Peran dan Manfaat", <https://kukm.gunungkidulkab.go.id/berita-139/hadirnya-koperasi-unit-desa-memiliki-peran-manfaat-.html>, accessed on 10 March 2022.

lieu, the fishery cooperatives are aiming to the escalation of economic capacity and prosperity of the fishermen.²³

The role of village cooperatives that indirectly support public welfare is in accordance with the principle of the welfare state. In correlation, the role of village cooperatives is assisting the marketing of the fish caught along with the product of fish farming to the market. Hitherto, the existence of village cooperatives shall be supported by the government in regard to capital procurement and market access in agricultural product distribution.²⁴ One of the involvement and engagement of the KUD in the fishermen's community is to help and provide indirect guarantees for the realization of the prosperity of the fishermen's lives.

In addition, the village cooperative could assist the distribution and marketing of the fisherman's fish caught, as well as provide the fishing equipment and finance the processed fish products. The role of cooperatives in marketing the caught fish could guarantee a good deal in comparison to the wholesaler's price as the wholesaler incessantly enumerated an unreasonable price due to the former loans of fishermen for ship fuel or living expenses. Hitherto of region afore developed fishery cooperatives, notably the Barru District in South Sulawesi that provide capital procurement (capital loan), supplier of equipment, and domestic needs.²⁵ The role of the cooperatives is indeed efficacious for the fishermen in the fulfilment of basic needs and performing work.

Concerned the government upon the high mortality rate of fishermen amid impoverishment generate legal protection and certainty through fishery insurance conducive to fishermen. The insurance could be appearing as insurance for fish farmers, salt farmers, and life insurance for fish catchers dedicated to all Indonesian fishermen, including insurance coverage aid for small-scale fishermen with boats under 10 GT. The insurance aid would be borne by the government with the condition of completeness of administrative requirements regardless of feeble benefits perceived due to the low enrolment of the fishermen.

²³ Anonim, "Koperasi Unit Desa", <https://kud.co.id/koperasi-unit-desa/>, accessed on 10 March 2022.

²⁴ Ika, "Revitalisasi Peran KUD Untuk Kesejahteraan Masyarakat Desa", <https://ugm.ac.id/id/berita/680-revitalisasi-peran-kud-untuk-kesejahteraan-masyarakat-pedesaan>, accessed on 10 March 2022.

²⁵ Djumran Yusuf, *et. al*, *ibid*.

Incognizance of the insurance program is another obstacle that arises in practice resulting in loans of small-scale fishermen to wholesalers or fishery seafarers employed by shipowners without fishery insurance. Henceforth, the role of the village cooperatives shall associate with the government in ascending the participation of fishermen in fishery insurance and life insurance by registering the data of all fishermen in the workstation as members of the cooperatives. The refusal of fishermen to be registered due to the indebtedness of wholesalers could be alleviated through debt repayment loans as a mechanism of dispersal from wholesalers.²⁶

The insurance coverage aid program distribution also could abet the government through the registered data of the citizens by cooperatives as the system could be practical with the continuity of economic management upon regional and central governmental synergy. The foregoing barrier is the lack of capacity of village cooperatives as non-state-owned enterprises (hereinafter SOEs) to organize the insurance program due to the only authority in enforcing the social insurance is the capacity of the state-owned enterprise. Example of mandatory enforcement of the insurance program notably in East Belitung District that obliges fishermen to obtain a Maritime and Fisheries Business Card (KUSUKA). The substitute of the fishery card encapsulates an ATM and fishery insurance for fishermen, where the governmental aid is distributed through the fishery cooperatives or joint business groups (hereinafter KUB) in the East Belitung region.²⁷ The role of cooperatives is expected to attain fishery welfare, including the fishery labourers.

III. CLOSING

The citizens' economy notably the fishermen would not obtain prosperity unless they thrive. Hitherto, the government proffer the insurance program to support the fishermen's welfare through the enactment of Law No.7 of the Year 2016 on the Protection and Empowerment of Fishermen, Fish Farmers, and Salt Farmers that

²⁶ Depriyanto, "Peranan Koperasi Unit Desa (KUD) Mina Bahari Dalam Pengembangan Ekonomi Masyarakat Nelayan Eretan Kulon Indramayu", <http://repository.syekhnurjati.ac.id/144/1/Depriyanto.pdf>, accessed on 9 July 2022.

²⁷ Pemerintah Daerah Kabupaten Belitung Timur, "Ingin Bantuan, Nelayan Wajib Punya KUSUKA", <https://www.belitungtimurkab.go.id/?p=13134>, accessed on 9 July 2022.

provided insurance coverage aid for small-scale fishermen. The current issue is that not all fishermen are covered or participated and the absence of a maritime labour agreement in working for the shipowners that alternatively utilize as a guarantee for the shipowner's responsibility in the event of an occupational accident during the voyage. Cooperation between governments, respectively the Ministry of Fishery and Maritime Affairs, and the relevant associations are required in the implementation of the insurance and maritime labour agreement for seafarers with the aim of ensuring legal certainty and protection.

In addition to that, the government postulates the village cooperative unit (KUD) in each rural area in the conformation of public welfare development on the agricultural production as well as allocating the life insurance policy aid needed by fishermen in the voyage that are susceptible to the occupational accident due to lack of safety equipment. The capacity of KUD also promotes the continuity between the regional and central governments in supporting the welfare of fishermen through organizing government aid including fishery insurance coverage aid.

In 2018, the government already enacted regulations in relation to fishermen's insurance aid through the General Director of Fisheries Regulation No.3 of the Year 2018 concerning the Technical Guidelines for fisheries insurance premium aid support. The regulation is envisioned to assist in the realization of fishermen's insurance for all fishermen in Indonesia. Even though the result is yet to be accomplished as a whole success as the fishermen in Eretan Wetan village in Indramayu Regency have not received the insurance policy aid due to the lack of data collection in which not all fishermen's data are properly recorded. For the foregoing reason, coordination of the village cooperatives and village officials as well as the fishermen's community is required in order to promote the realization of the benefit of the insurance premium aid for all fishermen.

To the foregoing issues, it is suggested that administering the fishermen's welfare shall collude with the government and the fishermen. The integration of the fishermen's data administration shall be continuity through the capacity of village officials. The shipowners' awareness of establishing the maritime labour agreement along with registering the insurance for the fisher labourers are required in

administering the shipowners with seafarers by the Ministry of Fishery and Maritime Affairs.

Continuation of the village cooperative units shall be revived to actively assist the villagers notably the fishermen. Government capacity through the Ministry of Cooperatives shall supervise and observe the implementation of the fishery insurance program as it was not the capacity of KUD as non-BUMN in administering the social insurance for fishermen.

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