

Improving Seafarer Certification Regulations For Ship Crew

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Abstract

This article is devoted to studying the procedures for recruiting ship crew, as well as their rights and obligations arising from employment relationships which are regulated by general norms of law in force in Indonesia. The article discusses giving complete freedom to the parties when making regulations, in this case the state is in the interests of protecting the life and health of the ship's crew, the safety of navigation and the fulfillment of its obligations arising from international agreements and which must not allow the presence of people who do not participate in the ship's crew and fulfill the requirements set for the qualifications and health of the ship's crew. Of relevance is the need to analyze the legal requirements for the professional qualifications of ship crew in Indonesia.

Keywords: seaman; professional qualifications; crew of a sea vessel; labor legislation; labor contract; safety of navigation

INTRODUCTION

Humans are inherently social beings with minds that both develop and can be developed. Throughout their lives, humans interact and depend on one another to fulfill various needs. Through cooperation, communication, and shared experiences, people can nurture their potential and achieve collective progress. One of the essential ways humans sustain their lives is through work, which enables them to meet their basic and social needs. Considering that more than 70 percent of the Earth's surface is covered by water, the ocean holds tremendous potential for human livelihood. These vast marine resources offer not only economic opportunities but also challenges that require responsible management and skilled human resources.

The maritime sector, with its enormous potential, has given rise to numerous industries and enterprises engaged in marine and fisheries activities. These industries contribute significantly to employment and economic growth, but they also demand a workforce with specialized expertise. Among the many professions in this sector, seafaring stands out as one of the most crucial and challenging occupations.

According to Government Regulation (PP) Number 7 of 2000 concerning Maritime Affairs, a seafarer is defined as a person who possesses the qualifications, expertise, or skills necessary to serve as a crew member aboard a ship. A ship's crew consists of individuals employed by the ship owner or operator to perform specific duties on board in accordance with the positions listed in their national seafarer's book.

Globally, More than 1.6 million seafarers worldwide are responsible for operating commercial vessels that transport nearly 90 percent of global trade. The safety and efficiency of these vessels are highly reliant on the competence, professionalism, and discipline of their crews. Recognizing the critical role of skilled seafarers, the International Maritime Organization (IMO) established the Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) Convention in 1978. This international framework defines the minimum qualification standards required for captains, officers, and watchkeeping personnel serving on merchant ships operating at sea.

METHODOLOGY

The research employed a constructivist paradigm with a sociological-juridical approach and utilized a descriptive-juridical type of study. It involved both primary and secondary data sources, collected through library research, observation, and interviews. The data were then analyzed using qualitative analysis methods.

RESULTS AND DISCUSSION

"Seafarers" can be interpreted as ship crew personnel involving ship officers and sailors. The scope of seafaring has many meanings but is limited to the context of seafaring as a job that is formed through work relationships. The subjects of this study are seafarers who are engaged in civil employment relationships with their employers. However, there are also many seafarers who work independently, carrying out sailing activities on their own initiative without any formal employment relationship. The definition of a seafarer in this research refers to Government Regulation No. 7 of 2000 on Maritime

Affairs and the Maritime Labour Convention (MLC). According to Government Regulation No. 7 of 2000, a seafarer is defined as any individual possessing the qualifications or skills to serve as a crew member. Within the same regulation, ship crew refers to a person who works or is employed on board a vessel by the ship owner or operator to perform duties on the ship according to the position stated in the national seafarer's book. Meanwhile, under the MLC, a seafarer is defined as any person who is employed, engaged, or works in any capacity on board a ship to which the convention applies..

Although the definition of a "seafarer" varies slightly across different labor conventions, the primary criterion for identifying someone as a seafarer lies in their work on board a vessel to which the convention applies. The content of many International Labour Organization (ILO) conventions primarily addresses the employment conditions of personnel engaged in ship operations – commonly referred to as the "crew."

Maritime law covers all aspects of the use or exploitation of the sea and the resources contained in the ocean. In continental countries, maritime law is generally defined as shipping law whose main focus is regulating the implementation of transportation by sea and matters related to it. In countries that adhere to the Anglo-Saxon system, maritime law is known as a legal provision that focuses on transportation by sea in relation to international trade. It can be said that shipping law or maritime law is essentially a special part of maritime law in a broad sense.

Sea transportation in Indonesia plays a vital role in facilitating economic activities between islands. Maritime transportation is generally divided into two main aspects: shipping safety and marine environmental protection. Shipping safety encompasses the facilities and infrastructure that support maritime operations, while marine environmental protection focuses on preventing and addressing water pollution resulting from ship accidents. As the number of vessels continues to grow, the demand for qualified seafarers also increases. In response, seafarers—particularly in Indonesia—must enhance their capabilities by fulfilling the necessary qualifications, which are directly linked to the Maritime Education and Training (MET) system. MET is a dynamic sector that requires constant review and modernization, supported by technological innovation and knowledge transfer. Therefore, maritime institutions and governments are expected to continuously adapt their organizational and management systems to meet the evolving needs of the maritime industry. High-quality maritime education, training, and certification that align with international standards will gain broader global recognition. This ensures consistency in the competence of officers who adopt modern practices, utilize advanced simulation technologies, and demonstrate skills evaluated according to current industry benchmarks. Ultimately, such improvements will promote safe, secure, environmentally responsible, and efficient ship operations, thereby minimizing the risk of maritime accidents caused by insufficient seafarer competence.

Interest in improving maritime competence and soft skills is a challenge for seafarers. For example, to work on a tanker, a person needs more than just certification. They must have tanker operating skills certified by Basic Oil and Chemical Tanker training, and for more advanced roles, they require Advanced certification for oil and chemical tankers. And if seafarers want to work on larger ships with higher ranks, navigating wider sea routes, they must improve their competence, certified by the support of a higher level of certification. Increasing the level of professionalism is not an easy thing for a sailor, because it is directly related to income or salary. Competency development is a crucial factor in improving the quality of human resources, including in the maritime profession. This research highlights the existing regulations for taking competency certification in Indonesia and also emphasizes the 'knowledge-doing' gap which is correlated with seafarers' interest in taking certification. The study found that seafarers with lower salaries and challenging careers ashore tend to have lower motivation to undertake training and may not represent the competencies they should have. In contrast, seafarers with higher responsibilities and appropriate wages showed higher motivation to undertake training. Income or wages play a determining role in motivating individuals to take part in education and training.

The effectiveness of seafarer training and certification largely depends on the proper implementation of international standards throughout the process. For instance, ILO Recommendation No. 137 on Vocational Training for Seafarers (1970) outlines key policy objectives in the area of maritime vocational training. These objectives include: enhancing the professional qualifications and skills of seafarers; encouraging the participation of individuals suitable for maritime work; providing initial training for new recruits both onshore and onboard; offering training and retraining programs that meet the current and future needs of the maritime industry across various categories and ranks of seafarers; ensuring the acquisition of practical knowledge for the application of new technologies in ship operation, navigation,

and maritime safety; and creating opportunities for continuous professional development and career advancement up to the highest shipboard positions. Such initiatives aim to improve work efficiency, productivity, and job satisfaction. Additionally, where possible, references or evaluations should be provided to trainees upon completion of their courses. These guiding principles form the foundation of education and training for maritime professionals and are more explicitly articulated in international conventions, even when not directly stated. The international standards governing the qualifications of merchant ship officers were first established in ILO Convention No. 53 on the Minimum Qualifications of Masters and Other Officers of Merchant Ships (1936), which set the precedent for subsequent frameworks on maritime competence and certification.

Previously, An international instrument also established the principle of adequate manning with specific qualifications—namely the International Convention for the Safety of Life at Sea (SOLAS), adopted in London on November 1, 1974, commonly known as the SOLAS 1974 Convention. Chapter V, Regulation 14 on Manning of Ships stipulates that all vessels of signatory states must be manned with a sufficient number of crew members who possess the required qualifications. This regulation emphasizes that, in order to safeguard human life at sea, every ship must ensure that all crew members meet the necessary standards and fulfill all requirements prior to performing duties on board or at sea.

The International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW) was established in London on July 7, 1978, by the International Maritime Organization (IMO) and officially came into effect on April 28, 1984. Subsequently, in 1995, the Convention underwent significant amendments aimed at enhancing and modernizing its provisions, significant amendments were made to the Convention, fundamentally reshaping its core principles and implementation framework. Today, more than 130 countries are parties to this Convention, making it one of the most essential international legal instruments governing maritime training and certification. According to Article 3 of the Convention, its provisions apply to all seafarers serving on ships flying the flag of a State Party, with certain exceptions. These exceptions include seafarers serving on warships, ships owned or operated by the government and used exclusively for non-commercial public service, and those working on pleasure yachts not engaged in commercial operations or wooden ships of primitive construction.

In 1995, the Code for the Training, Certification, and Watchkeeping of Seafarers was adopted as part of the development of the STCW-78 Convention, establishing three distinct levels of professional competence (Chapter I, Section A-I/1): operational level, management level, and support level. The STCW Code (1995) outlines the required competencies of ship personnel using the concept of “responsibility.” This term encompasses a comprehensive set of duties, knowledge, skills, and abilities, as well as the corresponding level of professional training required for each maritime specialist. Thus, the concept of responsibility at every professional level integrates both the qualifications a specialist must possess to be deemed employable and their moral and professional accountability for their actions, decisions, and the resulting consequences.

In Indonesia, the requirements for obtaining a Basic Safety Training (BST) certificate are regulated under Government Regulation No. 7 of 2000 on Maritime Affairs, which mandates that seafarers aspiring to join a ship’s crew (ABK) must hold a competency qualification proven by a BST certificate. The BST certificate serves as evidence that the individual has undergone essential safety training and learned preventive measures to avoid accidents or emergencies both on land and at sea. There are two categories of BST in Indonesia: BST for KLM (Motor Sailing Ships) and BST for Commercial Ships.

According to the Regulation of the Minister of Transportation of the Republic of Indonesia Number PM 39 of 2016 on Ship Loading Lines and Loading, a Motor Sailing Vessel (KLM) is defined as a ship primarily constructed from wood, with a gross tonnage (GT) of up to 500 GT and equipped with auxiliary propulsion power not exceeding 535 Horse Power (HP). These vessels are specifically designed to transport goods and/or livestock and are not permitted to carry passengers. In contrast, the definition of a commercial vessel is outlined in the Government Regulation of the Republic of Indonesia Number 47 of 1957 concerning Shipping Licensing, which describes a commercial vessel as a sea-going ship utilized for public transportation. This form of transportation operates on a fee-based system under a transportation agreement, as commonly recognized in civil law. Additionally, there are ships that provide transportation services as part of other contractual agreements—not solely transportation contracts—where the transportation costs are incorporated as a component of the overall price of the goods being transacted.

In registering to take part in BST training, several requirements are required, including:

1. KTP or NIK on the Family Card along with Birth Certificate

2. Middle school diploma/equivalent
3. Health certificate from a hospital or other health institution that has received recognition/determination/appointment from a doctor who has been appointed by the Directorate General of Sea Transportation

Hence, these qualifications constitute an essential element of a seafarer's legal capacity as a subject under international maritime labor law. Accordingly, it can be affirmed that the primary and fundamental criterion for a worker's eligibility for a specific position or task is the possession of the required knowledge, level of training, or professional experience as stipulated by law.

The Indonesian government underlines the need for changes in this regulation. In this case, the requirements for taking a certificate include age and education groups. In Indonesia, the age group under 17 years with junior high school education can take this training. However, with the high number of ship accidents in Indonesia, regulations for age and education should be changed. Education is fundamental in people's ability to make decisions. The higher the education, the better people are at making decisions. If something dangerous happens, the better you will be at making important decisions. At the 65th IMO, the Safe Seas Committee stated that training in management and human behavior in emergencies is required for capital ship personnel and should include the following:

- human behavior and reactions;
- optimization of resource use;
- development of emergency plans;
- the ability to exercise leadership;
- the ability to overcome stressful situations

With the 65th IMO decision as above, with the regulatory conditions in Indonesia, with only junior high school education being able to take a training certificate, there needs to be a change by changing to the minimum education, namely DIPLOMA I/II/III. Because the higher the education, the higher the level of ability to make decisions. If regulations in education are changed, the age level will also change because the age limit will be above 20 years. So that with this change in regulations, ship accidents in Indonesia can be reduced as much as possible.

The right to work for every individual is guaranteed in Article 27 paragraph (2) of the 1945 Constitution, which declares that every Indonesian citizen has the right to employment and a livelihood that is worthy of human dignity. In practice, however, low wages—particularly among seafarers—have driven many to seek better career opportunities on other vessels. Often, this involves transferring to commercial ships, where salaries are generally higher than those on motor sailing vessels (KLM). Career development refers to the process of enhancing an individual's professional abilities in order to achieve desired career goals or qualifications. Nevertheless, under current Indonesian regulations, holders of KLM BST certificates are not permitted to participate in BST Niaga (Commercial Ship BST) training. This restriction has led to disparities and feelings of social inequality regarding access to BST certification. To obtain a BST certificate for commercial ships, seafarers must undergo additional specialized training designed specifically for commercial vessel operations. So this becomes an obstacle for motor sailing ship sailors who receive low salaries to register and take part in training for commercial ships. For this reason, the government must change the current regulations so that seafarers can get 2 certificates directly by following only 1 training. By having 2 certificates in 1 training, seafarers have the opportunity to develop careers anywhere, improve their standard of living and also help the government in reducing poverty. Moreover, most workers at KLM are still at the poverty line due to low wages at KLM.

According to Prof. Dr. Notonagoro, A right is the authority to obtain or perform something that inherently belongs to a specific party and not to others, and which, in principle, can be asserted or enforced. Rights and obligations are inseparable; however, conflicts often arise when there is an imbalance between the two. Although every citizen has both the right and the obligation to attain a decent standard of living, in reality, many people still struggle to experience true prosperity in their lives. According to Iman Soepomo, work safety is a rule that aims to maintain the safety of workers against the danger of accidents in carrying out work in a workplace that uses tools or machines, and/or dangerous processing materials. Then there is also the right to comfort and safety, which is intended to guarantee the comfort and safety of consumers using the goods and/or services they obtain, so that consumers can avoid/free from harm (physical or psychological) when consuming or using a product.

With the requirements for taking BST certification training in Indonesia which according to researchers are still low, it is necessary to change regulations to make them higher. Because motor sailing ship users and motor sailing ship owners need to get their rights, namely a sense of comfort and safety. If these 2 rights or any of these rights are not fulfilled then there will be a loss of confidence in the work currently being done. However, with the condition of Indonesian education where there are still many people who only study at junior high school, this is a challenge for the government. If the government changes regulations with a minimum education of a diploma, there will be junior high school age students who will not be absorbed by work. This is a dilemma for the government, whether to prioritize rights and obligations in fulfilling a sense of safety and comfort for seafarers or to eradicate poverty by still sticking to the old regulations with a minimum of junior high school education.

Every citizen possesses both the right and the obligation to attain a decent standard of living. However, in reality, many citizens still struggle to achieve prosperity in their daily lives. The advancement of social welfare represents an effort to realize the nation's goals as outlined in the 1945 Constitution of the Republic of Indonesia. The fifth principle of Pancasila emphasizes the ideal of social justice for all Indonesian people, while the Preamble to the 1945 Constitution mandates the state to protect the entire Indonesian nation and its territory, promote general welfare, educate the nation, and contribute to establishing a world order based on independence, lasting peace, and social justice. With the existence of rules or regulations where seafarers who have KLM BST cannot work on commercial ships, this is a form of injustice received by seafarers. By only having a KLM BST certificate, the standard of living of seafarers will also be lower because the wages they receive will be smaller. By changing the regulations, seafarers can get training and issue 2 certificates, namely KLM and Commercial Ships, so the standard of living for seafarers is guaranteed. The weakness in this regulatory change is that there are still fewer job opportunities on commercial ships than on motor ships, so it is still an obstacle for seafarers if they want to change jobs. This can also be a motivation for seafarers to work abroad because the BST certificate issued in Indonesia is recognized internationally.

CONCLUSION

There remains inequality in the ownership of seafarers' certificates, which limits opportunities for crew members to advance their careers. This situation contradicts Article 31 paragraph (1) of the 1945 Constitution, which guarantees every citizen the right to education under the protection of law without discrimination. As a result, many crew members—particularly those serving on Motor Sailing Vessels (KLM)—lack the opportunity to improve their living standards and the welfare of their families. Therefore, regulatory reforms are essential to enhance the overall welfare and career development of seafarers.

It is still found in the field that the regulations for taking a Basic Safety Training (BST) certificate, according to researchers, are still not in accordance with the level of professionalism of seafarers whose education level and age are still at junior high school and this also means the loss of rights and obligations in terms of safety and comfort for seafarers due to the low requirements for taking certification. So there needs to be changes in regulations in order to improve and obtain rights and obligations as seafarers. The weakness of the change in regulations is that there are age and education levels that lose opportunities to get a job.

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