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BLUE CRIME, HUMAN RIGHTS, AND CONSTITUTIONAL GOVERNANCE OF INDONESIAN FISHERIES

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ABSTRACT
Fisheries crime has moved beyond illegal harvesting and resource mismanagement to become a complex maritime governance problem in which illegal, unreported and unregulated fishing may intersect with forced labour, human trafficking, violence, document fraud, corruption and transnational criminal networks. This article asks how fisheries crime should be reframed as blue crime and what constitutional and human rights obligations arise for Indonesia as an archipelagic state. Using normative legal research, the study analyses international maritime, labour and anti-trafficking instruments, the 1945 Constitution of the Republic of Indonesia, relevant Indonesian legislation and recent fisheries governance regulations, together with policy materials from international organisations. The analysis shows that existing governance remains fragmented across fisheries regulation, labour protection, migration law, criminal enforcement and human rights accountability. Such fragmentation produces legal invisibility, especially for migrant crews working far from ordinary inspection and complaint mechanisms. The article argues that Indonesia should integrate maritime surveillance, fisheries enforcement, labour inspection, victim identification and protection, port-state measures, data sharing, network accountability, supply-chain due diligence and international cooperation. It concludes that a human-rights-based maritime governance model can strengthen constitutional state responsibility by treating fisheries enforcement as an entry point for protecting both marine resources and human dignity. The principal limitation is that the study is doctrinal and conceptual rather than based on field interviews or empirical case data.

Keywords : blue crime; fisheries crime; human rights at sea; forced labour; maritime governance.

I. INTRODUCTION

For decades, illegal fishing was treated mainly as a problem of conservation and fisheries management. Legal and policy responses were designed to prevent overfishing, protect marine biodiversity, secure state revenue and discipline access to fisheries resources. This approach remains indispensable. Yet it is increasingly insufficient because many illegal, unreported and unregulated fishing operations are embedded in wider criminal economies and labour exploitation systems. The same vessel that violates licensing rules may also carry coerced workers, falsified documents, undeclared catch, narcotics or other illicit goods. The regulatory category of illegal fishing therefore captures only part of the harm.

The emerging vocabulary of blue crime offers a more adequate frame for this transformation. Blue crime refers to the range of organised and transnational criminal activities that take place in, through or because of maritime spaces. It includes, among others, piracy, smuggling, trafficking in persons, illegal dumping, illegal fishing, wildlife crime, fuel theft and maritime corruption. Its analytical value lies in showing that maritime offences are rarely isolated events. They often depend upon mobility, secrecy, jurisdictional fragmentation and the economic value of ocean resources. In the fisheries sector, those features make vessels attractive to actors who seek both profit and regulatory invisibility.[1]

Fisheries crime is particularly important because the fishing vessel is at once a workplace, an economic asset, a transport platform and a moving jurisdictional object. It can operate far from land, change flag, trans-ship catch, avoid port calls and remain beyond routine labour inspection. Crew members may be isolated for months without access to family, consular services, lawyers, unions or independent monitors. In such circumstances, the vessel can become a site of forced labour, debt bondage, violence and even death. The human rights problem is not incidental to fisheries crime; it is structurally connected to the way high-risk fisheries operations are organised.[2]

The Indo-Pacific region illustrates the convergence with particular clarity. It contains some of the world's most productive fisheries, densely used maritime routes, major labour-sending communities, important distant-water fleets and uneven enforcement capacities among coastal, flag and port states. This combination produces opportunities for lawful trade and food security, but also for trafficking networks, abusive recruiters and criminal entrepreneurs. Indonesia is especially relevant to this discussion. As an archipelagic state, a major fisheries actor and a source and destination of

[1]Christian Bueger and Timothy Edmunds, "Blue Crime: Conceptualising Transnational Organized Crime at Sea," Marine Policy 119 (2020): 104067.

[2]International Labour Organization, Caught at Sea: Forced Labour and Trafficking in Fisheries (Geneva: International Labour Organization, 2013).

maritime labour, it sits at the intersection of resource governance, border control, labour protection and human rights accountability.[3]

This article argues that blue crime in the fisheries sector should be understood not merely as a question of maritime security but as a constitutional and human rights governance challenge. The constitutional dimension matters because the state is not simply an enforcer of fisheries rules. It is also the guarantor of human dignity, the right to decent work, freedom from slavery, protection from violence and equality before the law. When fishing vessels become spaces where rights are systematically denied, the state's obligation is not exhausted by seizing illegal catch or imposing administrative sanctions. It must also identify victims, investigate criminal networks, regulate recruitment chains and prevent recurrence.

The argument proceeds from three premises. First, the legal separation between fisheries regulation, labour law, migration law, criminal law and human rights law produces governance gaps. Each field sees part of the problem but rarely the whole pattern. Second, maritime surveillance technologies, while valuable, cannot by themselves identify coercion or abuse inside a vessel. They must be connected to labour inspection, victim reporting, intelligence sharing and port-state controls. Third, the global seafood economy creates a demand-side responsibility: products should not enter markets if they are made possible by illegal catch and exploited labour.

Existing scholarship has developed four relevant but still insufficiently connected strands. Blue-crime scholarship explains how maritime space facilitates transnational and organised criminality; fisheries-crime studies distinguish IUU fishing from criminal conduct across the fisheries value chain; human-rights-at-sea and decent-work research documents forced labour, trafficking and jurisdictional gaps affecting fishing crews; and Indonesian constitutional scholarship has examined judicial protection of economic and social rights. Yet these bodies of work do not adequately explain how Indonesia's constitutional positive obligations should reorganise fisheries administration when private labour abuse, IUU fishing, trafficking and transnational criminality converge in the same maritime operation. The unresolved issue is therefore not the absence of legal norms, but the lack of a constitutional doctrine connecting rights, state duties and institutional design in maritime governance.

This article fills that gap by treating fisheries enforcement as an institutional gateway for constitutional rights protection rather than as a stand-alone sectoral function. It addresses two research questions: (1) how should fisheries crime be conceptually and doctrinally reframed as blue crime within Indonesian constitutional law; and (2) what positive constitutional obligations and institutional arrangements follow for the Indonesian state to protect human rights at sea?

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[3]This article uses Indonesia as a focal case because its archipelagic geography, fishing economy, and patterns of outward and inward labor mobility make the governance challenges particularly visible.

II. RESEARCH METHOD

This study employs normative legal research using conceptual, statutory and international-instrument approaches. Primary legal materials were selected on the basis of their direct relevance to: (i) constitutional rights and state obligations; (ii) fisheries licensing and surveillance; (iii) labour and migrant-worker protection; (iv) trafficking and criminal enforcement; and (v) maritime jurisdiction. They comprise the 1945 Constitution of the Republic of Indonesia, statutes and implementing regulations in force through 8 August 2026, UNCLOS, ILO Convention No. 188 and the Palermo Protocol. Secondary materials consist primarily of peer-reviewed journal articles published between 2020 and 2026, supplemented by authoritative reports from international organisations where empirical or policy data are required. The analysis proceeds in four stages: first, mapping the applicable constitutional, statutory and international norms; second, classifying the respective obligations of the state and private actors; third, identifying gaps and overlaps among fisheries, labour, migration, criminal and human-rights regimes; and fourth, synthesising those norms through systematic and teleological interpretation to construct an integrated human-rights-based maritime governance model. No comparative jurisdictional claim is made; references to foreign or international practice are used only to illuminate general regulatory options. The study is doctrinal and conceptual and does not provide an empirical causal assessment based on field interviews.

III. ANALYSIS AND DISCUSSION

A. From IUU Fishing to Blue Crime

IUU fishing is a broad regulatory category. It covers fishing in violation of national laws, fishing that is not properly reported to relevant authorities, and fishing by vessels without nationality or in areas where no applicable conservation measures exist. The category is useful because it captures conduct that undermines fisheries management and the sustainability of marine resources. However, its strength is also its weakness. By centring on fisheries management, it may obscure the criminal infrastructures that enable illegal fishing and the human suffering that may occur on board.[4]

The shift from IUU fishing to fisheries crime changes the analytical lens. Fisheries crime refers not only to the act of catching fish unlawfully but also to the associated offences that make illegal fishing profitable. These may include document fraud, corruption, tax evasion, customs offences, money laundering, trafficking in persons, labour exploitation, violence against crew, obstruction of inspection and illegal trans-shipment. INTERPOL and UNODC have repeatedly emphasised that fishing vessels may be used to facilitate wider criminal activities because of their mobility, operational anonymity and access to remote maritime spaces.[5][6]

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[4]Food and Agriculture Organization of the United Nations, International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Rome: Food and Agriculture Organization of the United Nations, 2001).

[5]United Nations Office on Drugs and Crime, Transnational Organized Crime at Sea: Issue Paper (Vienna: United Nations Office on Drugs and Crime, 2013).

[6]INTERPOL, Fisheries-related Crimes, available at the INTERPOL website.

Blue crime goes further by situating fisheries crime within the broader political economy of the sea. It recognises that maritime criminality depends on the features of ocean space: distance from land, limited visibility, multiple jurisdictions, flag-state weakness, port-state constraints and the difficulty of identifying beneficial ownership. These conditions are not merely background factors. They are part of the opportunity structure of crime. A vessel can be lawful in appearance, but unlawful in operation; registered in one jurisdiction, crewed from another, financed through a third and landing products in a fourth.

In this sense, blue crime challenges the idea that the ocean is simply a neutral space of commerce. It is also a space in which law is unevenly present. International law contains extensive rules on maritime zones, flag-state jurisdiction, coastal-state rights and high seas freedoms. Yet the practical enforcement of these rules varies. The freedom of navigation, the mobility of vessels and the complexity of ownership can be misused to avoid accountability. Blue crime therefore exposes the difference between formal jurisdiction and effective jurisdiction.[7]

Fisheries crime also differs from some other forms of maritime crime because it can hide inside an otherwise legitimate industry. A fishing vessel does not automatically appear suspicious. It may have licences, catch records, crew lists and business partners. It may supply ordinary markets. This makes fisheries crime more difficult to detect than crimes that are overtly illicit. The same infrastructure that supports food production and international trade can be used to launder illegally caught fish or to conceal exploited labour.

The ordinary language of fisheries compliance can therefore understate the severity of the conduct. Terms such as underreporting, licensing violation or gear non-compliance may describe part of the offence, but they do not capture the presence of coercion, trafficking or violence. Conversely, an anti-trafficking investigation may identify victims without investigating the fisheries offences and supply-chain incentives that made the exploitation profitable. The blue crime frame allows these elements to be analysed together.

This integrated frame is also important for proportionality in enforcement. If a vessel is treated only as an administrative offender, penalties may be limited to fines, licence suspension or seizure of catch. If the same operation is understood as part of a transnational criminal network involving forced labour and trafficking, the enforcement response must include criminal investigation, victim protection, asset tracing, international cooperation and supply-chain consequences. The legal classification therefore shapes the state's practical obligations.

The fisheries sector is particularly exposed to such convergence because production often occurs far from public view. Long voyages, trans-shipment at sea and weak port controls reduce the number of moments at which inspectors can examine both fish and labour conditions. Where crew members are recruited through brokers, charged excessive fees, denied written contracts or prevented from leaving employment, illegal fishing can become

[7]United Nations Convention on the Law of the Sea, opened for signature 10 December 1982, entered into force 16 November 1994.

linked to forced labour. The harm is not only ecological; it is bodily, psychological and social.[8]

The concept of blue crime should not be used so broadly that it loses analytical precision. Not every regulatory breach in the fisheries sector amounts to organised crime or a human rights violation. The concept is most useful when it identifies patterns of convergence: illegal resource extraction combined with deception, coercion, cross-border networks, corruption or exploitation. Its purpose is to prevent legal fragmentation from hiding systemic harm. In this article, blue crime is therefore used as an integrative category, not as a substitute for careful legal classification.

Table 1. Doctrinal Distinction among IUU Fishing, Fisheries Crime, Maritime Crime and Blue Crime

Concept	Primary Object	Typical Conduct	Main Legal Response	Position in This Article
IUU fishing	Fisheries management and conservation	Fishing contrary to law, non-reporting or misreporting, and unregulated fishing	Fisheries and administrative enforcement; criminal sanctions where domestic law so provides	A regulatory category; not automatically organised crime or a human-rights violation
Fisheries crime	Criminal conduct connected to the fisheries value chain	Serious illegal fishing, document fraud, corruption, money laundering, trafficking, labour exploitation and illegal trans-shipment	Criminal investigation, prosecution, asset tracing and related administrative measures	Criminal conduct associated with fisheries activities and their value chain
Maritime crime	Criminality occurring at, through or because of the sea	Piracy, smuggling, trafficking, narcotics, weapons and environmental crime	Criminal-law and maritime-jurisdiction mechanisms	A broader category than fisheries crime
Blue crime	Converging organised or transnational criminality enabled by maritime space	Intersection of fisheries crime with trafficking, smuggling, corruption, environmental harm and labour exploitation	Integrated, multi-agency, cross-border and rights-based response	An analytical framework, not an autonomous criminal offence

Source: *Author, 2026.*

The categories may overlap factually, but they differ in legal object, attribution and enforcement consequences. “Blue crime” is used here as an analytical framework for understanding convergence rather than as an autonomous criminal offence.

8 See also the ILO indicators of forced labour, which remain relevant when assessing recruitment debt, coercion, isolation and abusive working conditions in fisheries.

B. Human Rights at Sea and the Problem of Legal Fragmentation

Human rights do not disappear at sea. Individuals on board fishing vessels remain rights-holders under general international human rights law, labour standards, anti-trafficking law and domestic constitutional systems. Nevertheless, the practical protection of rights at sea is often weaker than on land. The reasons are familiar: vessels are mobile, workers are isolated, inspection opportunities are rare, reporting channels are limited and multiple authorities may disagree about jurisdiction. This produces what can be called legal invisibility.[9][10]

Legal invisibility does not mean the absence of law. On the contrary, the fisheries sector is heavily regulated. The difficulty is that different legal regimes ask different questions. Fisheries law asks whether the vessel has permission to fish, whether catch is reported and whether conservation rules are respected. Labour law asks whether workers have contracts, wages, rest, safety and social protection. Migration law asks whether recruitment and placement are lawful. Criminal law asks whether coercion, trafficking or violence can be proven. Human rights law asks whether the state has respected, protected and fulfilled fundamental rights. In practice, these questions are rarely asked together.

This fragmentation allows serious abuses to be treated as separate, lesser or invisible problems. A port inspection may identify a fisheries violation without interviewing the crew. A labour complaint may be handled as a contractual dispute without investigating trafficking. A trafficking case may focus on recruitment brokers but ignore the vessel owner or seafood buyer. A maritime surveillance alert may identify a suspicious route but not the conditions of the people on board. The result is a chain of partial enforcement.

The rights at stake are fundamental. Forced labour and slavery-like practices violate the most basic principles of human dignity. Physical violence, threats and confinement implicate the right to security of the person and protection from cruel or degrading treatment. Non-payment of wages and excessive working hours violate labour rights and the right to just and favourable conditions of work. Confiscation of passports or seafarer documents can restrict freedom of movement and increase dependency. Denial of medical care or safe working conditions may threaten the right to life.[11]

Fishing vessel crews are especially vulnerable because they are often migrant workers. They may not speak the language of the flag state, coastal state or employer. They may lack knowledge of complaint mechanisms. They may fear deportation, retaliation, blacklisting or criminalisation for immigration violations. Recruitment debts can bind them to abusive employment. Family members at home may depend on remittances. These

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[9]The phrase 'legal invisibility' is used analytically to describe situations in which formal legal protection exists but is ineffective because monitoring, access to complaint mechanisms and jurisdictional coordination are absent.

[10]The term 'human rights at sea' is used here descriptively to capture rights protection in maritime spaces; it does not imply a separate treaty regime detached from general international human rights law.

[11]International Covenant on Civil and Political Rights, adopted 16 December 1966; International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966.

vulnerabilities are not accidental. Criminal networks and abusive businesses can exploit them deliberately. Recent Indonesian evidence reinforces the urgency of this problem: the ILO-BRIN Survey on Decent Work in Marine Fishing, covering 3,396 fishers across 18 ports, documented serious labour-rights concerns and indicators associated with forced labour and trafficking for forced labour.[12]

The worksite itself intensifies vulnerability. Unlike a factory, a fishing vessel is not easily accessible to labour inspectors, civil society organisations or unions. It can move away from jurisdiction, turn off tracking devices, avoid port, or transfer catch at sea. Crew members may be unable to leave, call for help or preserve evidence. When a complaint arises, the vessel may have changed location, ownership, flag or name. These features make conventional labour enforcement inadequate unless it is integrated with maritime intelligence and port-state measures.

The human rights at sea perspective therefore requires a shift from reactive rescue to preventive governance. Waiting for victims to escape or for abuses to become extreme is not enough. The state must identify risk indicators before abuse becomes irreversible. Such indicators include excessive recruitment fees, lack of written contracts, inconsistent crew lists, repeated port avoidance, history of fisheries violations, non-payment of social security contributions, restricted communication, unexplained injuries, and patterns of trans-shipment inconsistent with declared operations. Comparative fisheries scholarship likewise shows that conventional stock, revenue and ecological governance can overlook the human-rights dimensions of fishing activity, reinforcing the need to integrate rights protection into fisheries policy.[13]

The challenge is not only the conduct of private actors but also the responsibility of the state. Under the duty to protect, the state must regulate, supervise and provide remedies when private actors violate rights. This duty includes legislative measures, administrative inspection, criminal investigation and access to justice. In the context of fisheries, it also requires cooperation between agencies that historically operated in separate sectors. Human rights protection cannot be left to labour authorities alone if the abuse occurs on a vessel detected by fisheries surveillance. Doctrinally, these forms of responsibility must be kept distinct. A private act of abuse does not automatically become a constitutional violation. Constitutional responsibility is engaged when public authorities fail, within the scope of their lawful powers, to take reasonable legislative, administrative, supervisory, investigative or remedial measures required to protect constitutionally guaranteed rights. By contrast, individuals and corporations incur statutory criminal responsibility when the elements of trafficking, violence, fraud, corruption or other criminal offences are satisfied; employers and recruiters may incur labour-law liability

[12]International Labour Organization and National Research and Innovation Agency of Indonesia (BRIN), Understanding Working Conditions of Fishers in Indonesia: Evidence from the 2024 Survey on Decent Work in Marine Fishing (ILO, 2025), https://doi.org/10.54394/HTBY3881.

[13]Kofi Otumawu-Apreku, Transform Aqorao, Fiona Meke and Kezyiah Lusa Saepioh, "Fishing activities in Pacific Island Countries: A human-rights perspective," Marine Policy 161 (2024): 106008, https://doi.org/10.1016/j.marpol.2024.106008.

for unlawful recruitment, contracts, wages, working time, occupational safety or social-protection breaches; and vessel owners or operators may incur administrative liability for licensing, crewing, reporting, safety or inspection violations. The same factual episode may therefore trigger several legal regimes simultaneously, but the basis, addressee, standard of attribution and remedy differ. Constitutional law frames the state's positive duty to prevent and respond, whereas criminal, labour and administrative law determine the direct legal liability of private actors.

International labour standards are central to closing this gap. ILO Convention No. 188 recognises that work in fishing requires specific protection because fishing is hazardous, mobile and often remote. It addresses minimum requirements for work on board, conditions of service, accommodation, food, occupational safety and health, medical care and social security. Its relevance is not merely technical. It provides a normative bridge between fisheries governance and human rights protection.[14]

Anti-trafficking law also has a crucial role. The Palermo Protocol defines trafficking through the combination of acts, means and exploitative purposes. In fisheries, trafficking may occur through recruitment, transportation, transfer or harbouring of workers by deception, coercion, abuse of vulnerability or debt bondage for the purpose of forced labour. Because exploitation may occur across several jurisdictions, effective response requires cooperation between labour inspectors, immigration authorities, police, prosecutors, consulates and maritime agencies.[15]

The fragmentation problem shows why blue crime cannot be solved by adding one more law to an already dense legal environment. The central task is orchestration. Existing norms must be made to interact. Fisheries permits should be linked to labour compliance. Port entry should trigger human rights risk checks. Crew lists should be matched with recruitment records and social protection data. Criminal investigation should follow financial flows and beneficial ownership. Remedies should include not only punishment but also unpaid wages, repatriation, medical care and protection from retaliation.

C. Indonesia's Constitutional Responsibility as an Archipelagic State

Indonesia's position as an archipelagic state gives the blue crime problem a constitutional significance. The sea is not peripheral to the state; it is central to territory, economy, food security, mobility and national identity. The Indonesian constitutional order must therefore be read in light of maritime realities. Protecting sovereignty and marine resources is important, but so is protecting the human beings who work within maritime industries. A constitutional approach prevents fisheries governance from becoming a purely technocratic exercise.

The 1945 Constitution contains several provisions that are relevant to blue crime. Article 28D(2) recognises the right to work and to receive fair and proper remuneration and treatment in employment. Article 28G protects personal security and freedom from fear. Article 28I includes rights that

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[14]International Labour Organization, Work in Fishing Convention, 2007 (No. 188).

[15]Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted 15 November 2000.

cannot be reduced, including freedom from enslavement and recognition as a person before the law. These rights provide the normative basis for treating exploitation on fishing vessels as a constitutional problem, not merely as a private labour dispute.[16]

The relationship among Articles 28D(2), 28G and 28I should be read through the constitutional principle of human dignity. Article 28D(2) protects fair and proper treatment in employment; Article 28G requires protection of personal security; and Article 28I places freedom from enslavement among non-derogable rights. Read together, these provisions do more than prohibit direct state interference. They support a positive obligation to establish a regulatory and enforcement system capable of preventing foreseeable private abuse, detecting violations and providing effective remedies. In the fisheries context, constitutional compliance therefore cannot be measured only by the existence of statutes; it must also be assessed through licensing design, labour inspection, inter-agency referral, victim protection and access to remedy.

Indonesian Constitutional Court jurisprudence supports an active, although context-sensitive, approach to economic and social rights. In Decision No. 85/PUU-XI/2013 concerning water resources, the Court linked state control over an essential resource to the constitutional objective of public welfare. More recently, Decision No. 168/PUU-XXI/2023 concerning labour provisions under the Job Creation Law reaffirmed constitutional scrutiny over regulations affecting workers' rights. These decisions do not establish a fisheries-specific doctrine, but they demonstrate that constitutional guarantees may require the state to structure regulation so that socio-economic rights are effective in practice. On that basis, the integrated governance model proposed here is both a constitutional obligation at the level of minimum state protection and a statutory-policy recommendation as to the institutional means by which that obligation should be operationalised.

The constitutional duty is reinforced by a layered statutory framework. Fisheries governance rests on Law No. 31 of 2004 concerning Fisheries, as amended by Law No. 45 of 2009 and most recently through Law No. 6 of 2023.[17] Protection of Indonesian migrant workers, including migrant fishing-vessel crew, is grounded in Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, as subsequently amended and adjusted.[18] Law No. 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons provides the special anti-trafficking framework.[19] Law No. 39 of 1999 concerning Human Rights affirms the state obligation to respect, protect, uphold and advance human rights.[20] Together, these statutes provide the basic legal architecture for an integrated response, although coordination across regimes remains the central challenge. For migrant commercial-ship

[16]Constitution of the Republic of Indonesia 1945, arts 28D(2), 28G and 28I.

[17]Law No. 31 of 2004 concerning Fisheries, as amended by Law No. 45 of 2009 and most recently by Law No. 6 of 2023 (Indonesia).

[18]Law No. 18 of 2017 concerning the Protection of Indonesian Migrant Workers, as subsequently amended and adjusted, including by Law No. 6 of 2023 and Law No. 1 of 2026 (Indonesia).

[19]Law No. 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons (Indonesia).

[20]Law No. 39 of 1999 concerning Human Rights (Indonesia).

crew and migrant fishing-vessel crew, Government Regulation No. 22 of 2022 provides a specific placement and protection framework.[21] The placement regime was further updated in 2026 through Regulation of the Indonesian Migrant Worker Protection Agency No. 2 of 2026.[22] The criminal-law dimension must also now be read together with the national Criminal Code under Law No. 1 of 2023 and the Penal Adjustment Law No. 1 of 2026, both operative in the 2026 legal landscape.[23]

Indonesia's ratification of ILO Convention No. 188 through Presidential Regulation No. 25 of 2026 is particularly significant. Ratification signals that the state accepts international standards for decent work in the fishing sector and must translate them into domestic implementation. The importance of this step is not only diplomatic. It creates an opportunity to align labour standards, fisheries licensing and maritime inspection. If implemented seriously, it can transform the way vessels are evaluated: not only by catch and permit compliance, but also by crew welfare and labour rights.[24]

Ministerial Regulation of Marine Affairs and Fisheries No. 4 of 2026 further strengthens the governance framework by regulating fishing vessel crewing, education and training, examination and certification of fishing vessel crew. It is best understood as more than a technical regulation. Standards for crewing, competency, documentation, employment agreements and minimum safe manning are preventive human rights tools. They reduce the space for abusive recruitment and unqualified or unprotected labour on board. They also provide inspectors with concrete indicators of compliance.[25]

The constitutional perspective also clarifies the relationship between sovereignty and rights. Maritime law enforcement in Indonesia has often been associated with sovereignty, border security and resource protection. These are legitimate priorities. Yet sovereignty should not be understood only as control over space. It should also mean the capacity and willingness of the state to protect persons within maritime economic systems. A sovereign archipelagic state that controls its waters but leaves workers invisible has not fully performed its constitutional role.

A rights-based reading of sovereignty requires that fisheries enforcement be measured by more than the number of vessels apprehended or the value of illegal catch prevented. It should also be measured by whether workers are identified as potential victims, whether recruiters are regulated, whether employers pay wages and social protection, whether injured or abused fishers receive remedies, and whether supply chains remove incentives for

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[21]Government Regulation No. 22 of 2022 concerning the Placement and Protection of Migrant Commercial Ship Crew and Migrant Fishing Vessel Crew (Indonesia).

[22]Regulation of the Indonesian Migrant Worker Protection Agency No. 2 of 2026 concerning Procedures for the Placement of Indonesian Migrant Workers by Placement Implementers (Indonesia).

[23]Law No. 1 of 2023 concerning the Criminal Code, read together with Law No. 1 of 2026 concerning Penal Adjustment (Indonesia).

[24]Presidential Regulation No. 25 of 2026 concerning the Ratification of Convention Concerning Work in the Fishing Sector, International Labour Organization Convention 188 (Indonesia).

[25]Ministerial Regulation of Marine Affairs and Fisheries No. 4 of 2026 concerning Governance of Fishing Vessel Crewing, Education and Training, Examination and Certification of Fishing Vessel Crew (Indonesia).

exploitation. Human security and ecological security are therefore mutually reinforcing, not competing objectives.

Indonesia also faces the complexity of multiple categories of workers. Some Indonesian citizens work on domestic vessels. Others work on foreign fishing vessels through recruitment channels that may be formal, semi-formal or illegal. Foreign workers may also appear on vessels operating in or connected to Indonesian ports. Each category raises different issues of jurisdiction, consular protection, immigration status and labour rights. A constitutional approach should avoid a narrow citizenship-based protection model. Human dignity attaches to persons, while specific diplomatic protection may attach to citizens.

The state's obligation also includes access to remedy. Victims of forced labour or trafficking in fisheries may require immediate shelter, medical treatment, translation, legal aid, wage recovery, witness protection and safe repatriation. If enforcement focuses only on administrative sanctions against vessels, victims may be returned home without justice. In some cases, they may even be treated as immigration violators or witnesses whose needs are secondary. A human rights approach requires victim-centred procedures as part of maritime enforcement.

The constitutional dimension therefore generates institutional consequences. The Ministry of Marine Affairs and Fisheries cannot be the only institution responsible for the human rights implications of fisheries crime. Labour, migration, foreign affairs, police, prosecutors, immigration, port authorities, maritime security agencies and local governments all have relevant mandates. The challenge is not absence of authority but coordination. Constitutional responsibility requires a governance architecture that makes these mandates work together rather than in sequence or isolation.

Finally, the constitutional approach gives blue crime democratic significance. Hidden exploitation at sea undermines public accountability because it occurs outside the ordinary visibility of courts, parliaments, media and communities. It also affects public trust in the legality of seafood supply chains and the state's protection of vulnerable citizens. By reframing fisheries crime as a constitutional and human rights issue, the public can demand not only stricter fisheries enforcement but also more transparent and humane maritime governance.

D. Transnational Networks, Recruitment Chains and Supply-Chain Invisibility

Blue crime in fisheries is rarely limited to the vessel. The vessel is a visible node in a wider network that may include recruiters, manning agencies, document brokers, vessel owners, beneficial owners, captains, trans-shipment operators, processors, exporters, importers and retailers. Some actors may be lawful and unaware of abuse. Others may actively benefit from illegality. Enforcement that stops at the captain or crew risks missing the economic structure that makes exploitation profitable.

Recruitment is a critical point of vulnerability. Workers may be promised lawful employment, decent wages and safe conditions but later receive different contracts or no contracts at all. They may pay fees that create debt, sign documents they do not understand, or surrender identity documents. Once at sea, debt and isolation can prevent them from leaving. The abuse may begin long before the vessel leaves port. For that reason, anti-trafficking and labour enforcement must reach recruitment chains, not only fishing operations.[26]

The transnational character of these networks complicates accountability. A worker may be recruited in one country, transported through another, work on a vessel flagged to a third state, fish in the waters of a fourth, trans-ship catch to a fifth and supply markets elsewhere. Each state may claim that another authority is better placed to act. Criminal actors exploit this diffusion of responsibility. Effective governance therefore requires mutual legal assistance, information sharing, joint investigations and harmonised standards.

Beneficial ownership is another blind spot. Fishing vessels may be registered under companies that obscure the real economic controllers. Flags may change. Corporate layers may separate ownership, operation and employment. Where enforcement targets only the registered owner or the vessel master, the individuals or entities that organise and profit from the operation may remain untouched. Asset tracing and corporate transparency are therefore essential to blue crime enforcement, especially when labour exploitation and illegal catch generate significant profit.

Supply chains add further complexity. Seafood products often move through multiple stages of landing, processing, mixing, freezing, export and retail. Illegally caught fish can enter legitimate markets if traceability is weak. Similarly, products produced through forced labour may be indistinguishable from lawful products once mixed in processing facilities. This creates a risk that consumers and downstream businesses unknowingly support exploitation. It also allows upstream actors to externalise human rights costs.

For this reason, a human rights-based approach must include due diligence by business actors. The UN Guiding Principles on Business and Human Rights require businesses to identify, prevent, mitigate and account for human rights impacts. In the seafood sector, due diligence should cover recruitment fees, contracts, wage payment, working hours, social security, grievance mechanisms, vessel ownership, catch documentation and supplier audits. Compliance should not be reduced to paper certification; it must be capable of detecting coercion.[27]

Transnational networks also create links between fisheries crime and other illicit markets. Fishing vessels can provide cover for smuggling narcotics, fuel, wildlife, weapons or persons. They may transport goods between remote locations while appearing to conduct ordinary fishing. Past accounts from practitioners and international organisations indicate that the fisheries sector

[26]International Organization for Migration, Human Trafficking, Forced Labour and Fisheries Crime in the Indonesian Fishing Industry (IOM Indonesia, 2016).

[27]United Nations Human Rights Council, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework, UN Doc A/HRC/17/31 (2011).

can be misused as logistical infrastructure for broader criminal activities. This reinforces the need for intelligence-led enforcement that treats fisheries data as part of a wider maritime security picture.[28][29]

However, enforcement should avoid criminalising vulnerable workers. Crew members may be present on illegal vessels but may also be victims of deception, debt bondage or coercion. If enforcement treats all persons on board as offenders, victims may remain silent and criminal networks may escape. A victim-identification protocol is therefore essential during fisheries inspections. Questions about recruitment, wages, documents, injuries, threats and communication access should be standardised and conducted in a language the crew understands.

Supply-chain transparency can support enforcement but cannot replace state responsibility. Market measures, import controls and private certification can incentivise compliance, especially where buyers demand proof that seafood is legal and free from forced labour. Yet private governance may fail if audits are superficial, workers cannot speak freely, or suppliers falsify documents. Public regulation, criminal enforcement and victim remedies remain indispensable. The task is to combine state and market mechanisms without allowing one to substitute for the other.

The networked nature of blue crime also requires attention to inequality. Workers who enter exploitative fisheries labour often come from economically vulnerable communities with limited employment options. Their vulnerability is shaped by poverty, debt, limited education and unequal bargaining power. At the same time, demand for cheap seafood and competitive global markets place pressure on labour costs. Blue crime therefore reflects not only criminal intent but also structural conditions in the global ocean economy.[30] These interventions are constitutionally relevant because private supply-chain responsibility complements, rather than replaces, the state's duty to protect. Where public authorities know or ought reasonably to know that recruitment practices, opaque ownership structures or purchasing arrangements create a substantial risk of forced labour or trafficking, constitutional responsibility requires an adequate regulatory framework, effective supervision and access to remedies. Beneficial-ownership transparency, recruitment oversight and human-rights due diligence are therefore not merely market-oriented policy preferences; they are statutory techniques through which the state may discharge its positive protective obligations while preserving the direct legal responsibility of private actors.

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[28]Yogi Putranto, 'When Illegal Fishing Facilitates Drug Smuggling', The Jakarta Post, 22 September 2021.

[29]On fisheries crime and the masking of other illicit markets through fishing operations, see INTERPOL, Maritime Crime, available at the INTERPOL website.

[30]United Nations General Assembly, Transforming our World: The 2030 Agenda for Sustainable Development, UN Doc A/RES/70/1 (2015), especially Goals 8, 14 and 16.

E. Technology, Maritime Surveillance and the Limits of Visibility

Technological developments have transformed maritime governance. Vessel monitoring systems, automatic identification systems, satellite imagery, machine learning and data analytics make it easier to detect unusual vessel behaviour. They can reveal loitering, unauthorised fishing in protected areas, suspicious rendezvous, trans-shipment patterns, gear deployment and dark vessels that turn off tracking devices. These tools have become important for fisheries enforcement and ocean transparency.[31]

Yet technology does not automatically produce accountability. A satellite can detect that a vessel entered a prohibited zone or met another vessel at sea. It cannot determine whether a crew member's passport has been confiscated, whether wages are unpaid, whether a worker is injured, or whether threats are being made below deck. The most serious human rights abuses often occur inside the vessel, beyond the sensory reach of remote monitoring. This is the central limitation of digital visibility.

The risk is that states may overestimate the governance value of technological surveillance. Technology can identify where to look, but it cannot by itself decide what questions to ask or how to protect victims. A human rights-sensitive system must connect vessel alerts to inspection protocols, crew interviews, labour records, recruitment data, medical assessment and law enforcement follow-up. Otherwise, digital tools may strengthen fisheries control while leaving labour exploitation untouched.

Technology also raises questions of data integration. Fisheries authorities may possess vessel movement data. Labour authorities may possess employment records. Migration authorities may hold placement or travel information. Police may hold criminal intelligence. Port authorities may hold entry and clearance records. If these databases are not interoperable, each authority sees only a fragment. Blue crime thrives in the spaces between databases. Integrated analysis is therefore as important as data collection.

A risk-based approach can make surveillance more useful. Certain patterns should trigger enhanced scrutiny: repeated disabling of tracking devices, prolonged periods at sea, frequent trans-shipment, inconsistent crew lists, histories of prior violations, use of high-risk recruitment channels, absence of social protection records, and reports from civil society or families. These indicators do not prove crime, but they justify inspection and victim-sensitive inquiry.[32]

Integrated maritime surveillance must therefore be constrained by constitutional and statutory safeguards. First, data collection and inter-agency sharing must have a clear legal basis and a defined purpose linked to fisheries enforcement, labour protection or criminal investigation. Second, the scope and duration of processing must satisfy necessity and proportionality, particularly where vessel data are combined with crew, migration, employment or social-protection records. Third, personal data must be processed consistently with Law No. 27 of 2022 concerning Personal Data Protection,

[31]Global Fishing Watch, materials on satellite technology, transparency and ocean governance.

[32]This formulation is adapted from risk-based regulatory theory: enforcement resources should be directed to activities, actors and routes with the highest probability and severity of harm.

including purpose limitation, security and accountability requirements. Fourth, risk scores generated by automated or machine-learning systems should not by themselves determine sanctions, detention or adverse immigration consequences; affected persons must have access to human review and an opportunity to challenge materially adverse decisions. Finally, risk models should be periodically reviewed for false positives and discriminatory effects, especially against small-scale fishers. These safeguards ensure that digital visibility strengthens constitutional protection rather than creating a new source of arbitrary state power.

Technology should also support transparency beyond enforcement agencies. Publicly accessible vessel tracking and supply-chain information can enable researchers, journalists, civil society and buyers to identify suspicious patterns. However, transparency must be designed carefully to protect victims and witnesses. Information that exposes workers to retaliation should not be disclosed irresponsibly. The challenge is to build a system where data increases accountability without increasing vulnerability.

Ultimately, technology is a tool, not a governance philosophy. The philosophy must be human rights-based. A technically advanced system that ignores crew welfare may produce efficient but incomplete enforcement. A rights-based system uses technology to identify risk, guide inspection, protect victims, trace networks and inform policy. The measure of success is not only the number of suspicious vessels detected, but the reduction of exploitation and impunity.

F. Toward an Integrated Human-Rights-Based Maritime Governance Model

The central policy implication of the blue crime frame is integration. The state should not treat fisheries enforcement, labour protection, anti-trafficking measures and maritime security as separate tracks. It should design a governance model in which each track reinforces the others. This model can be built around five pillars: regulatory alignment, risk-based inspection, victim-centred enforcement, network accountability and supply-chain due diligence. To clarify the constitutional logic of the model, each pillar links a constitutional principle to a positive state obligation, an institutional mechanism, an enforcement instrument and a measurable rights outcome.

Table 2. Constitutional Framework of the Five-Pillar Blue Crime Governance Model

Pillar	Constitutional Principle	Positive State Obligation	Institutional Mechanism	Expected Outcome
Regulatory alignment	Human dignity; Article 28D(2); equality before the law	Ensure that fisheries authorisation does not facilitate labour abuse	migrant-worker authorities coordinate licence, contract and social-protection checks	Prevention of abusive employment and non-compliant vessels
Risk-based port inspection	Personal security;	Detect foreseeable risks	Fisheries inspectors, port authorities,	Earlier detection of IUU fishing,

	protection of life and dignity	and intervene proportionately	labour inspectors and immigration	forced labour and trafficking
Victim-centred enforcement	Freedom from enslavement; dignity; access to remedy	Identify, protect and provide remedies to victims	Police, prosecutors, migrant-worker authorities, social services and consular authorities	Effective protection, restitution, wage recovery and repatriation
Network accountability	Rule of law; equality before the law	Investigate organisers, controllers and facilitators	Police, prosecutors, financial intelligence and corporate-registration authorities	Disruption of criminal networks and impunity
Supply-chain due diligence	State duty to protect against private abuse	Regulate business conduct where rights risks are foreseeable	Ministries, regulators, processors, exporters and buyers	Lawful and rights-compliant seafood supply chains

Source: *Author, 2026.*

The model therefore combines a minimum constitutional duty effective protection of fundamental rightswith statutory and administrative choices concerning how that duty is implemented.

The first pillar is regulatory alignment. Fisheries licences and vessel permissions should be conditional not only upon technical fishing requirements but also upon labour and human rights compliance. A vessel that lacks proper crew contracts, social protection, safe accommodation or compliant recruitment records should be treated as a governance risk. Regulatory alignment means that labour non-compliance can affect fisheries authorisation, and fisheries violations can trigger labour and trafficking checks.

Regulatory alignment also requires harmonised definitions and procedures. Agencies should agree on indicators of forced labour, trafficking, abusive recruitment and unsafe working conditions in fishing vessels. They should develop joint inspection forms and referral pathways. If a fisheries inspector sees signs of coercion, the case should not depend on personal initiative or informal communication. There should be a legal procedure for referral to labour inspectors, police, victim services and prosecutors.

The second pillar is risk-based port inspection. Ports are critical governance points because they are moments when vessels, catch, documents and crew can be examined. Inspections should not be limited to catch documentation. They should include confidential crew interviews, verification of contracts, wage records, rest hours, social protection, medical access, accommodation, food, identity documents and communication access. Where indicators arise, inspectors should have authority to delay departure, protect crew and refer the case.

Risk-based inspection should prioritise high-risk vessels and routes. It is neither realistic nor necessary to inspect every vessel with the same intensity. Instead, enforcement resources should focus on vessels with suspicious movement patterns, histories of violations, opaque ownership, prolonged voyages, frequent trans-shipment or crew from high-risk recruitment channels. This approach makes integration administratively feasible and legally defensible because it links scrutiny to risk.

The third pillar is victim-centred enforcement. A victim-centred approach means that crew members are not treated merely as sources of evidence. They are rights-holders entitled to safety, information, interpretation, legal assistance, medical care, wage recovery and protection from retaliation. Identification should occur before immigration or fisheries offences are attributed to them. Where there is a reasonable indication of trafficking or forced labour, protective measures should be activated immediately.

Victim-centred enforcement also requires remedies. Criminal punishment is important but incomplete. Workers may need unpaid wages, compensation, repatriation, replacement documents and long-term reintegration support. Without remedies, enforcement may produce symbolic accountability while leaving victims economically and psychologically harmed. In transnational cases, remedies require coordination with consulates, labour authorities, recruitment agencies and courts in multiple jurisdictions.

The fourth pillar is network accountability. Enforcement should move beyond the vessel as the sole object of regulation. It should identify the recruiter, manning agency, vessel operator, registered owner, beneficial owner, financier, trans-shipment partner and buyer where evidence supports responsibility. This requires financial investigation, corporate transparency and cooperation with foreign authorities. Otherwise, the vessel may be sanctioned while the network reconstitutes itself through another vessel.

Network accountability also requires anti-corruption measures. Blue crime often depends on falsified documents, bribery, weak inspection and collusion. If corrupt practices enable illegal fishing or abusive recruitment, enforcement must address them directly. Administrative reform, digital verification and whistle-blower protection can help reduce opportunities for corruption. But institutional integrity also depends on leadership, resources and accountability for officials who facilitate crime.

The fifth pillar is supply-chain due diligence. Seafood businesses should be required or strongly incentivised to verify that products are legal and not produced through forced labour. Traceability systems should connect catch documentation with vessel identity, ownership, crew welfare and labour compliance. Buyers should not be able to claim ignorance where risk indicators are widely known. Due diligence transforms human rights protection from a purely state-centred obligation into a shared governance responsibility.

These pillars should be supported by interoperable data. A single integrated database may not be immediately possible, but agencies can begin with secure data-sharing protocols. Relevant data include vessel licences, tracking records, crew lists, contracts, certification, social protection, inspection results, recruitment agencies, complaints, accident reports and prior sanctions. Data should be used for prevention, inspection and investigation, with safeguards for privacy and victim protection.

Institutional coordination should be formalised. Memoranda of understanding are useful but insufficient if they do not create operational duties. Indonesia could develop a joint task protocol for blue crime cases involving fisheries, labour, trafficking and transnational crime indicators. The protocol should specify lead agencies, referral procedures, evidence handling, victim services, consular coordination, data access and timelines. It should also provide training for frontline officers in identifying forced labour and trafficking at sea.

Legal education and professional training are also necessary. Judges, prosecutors, investigators, fisheries inspectors, labour inspectors and immigration officers may approach the same case from different legal cultures. Training should explain how illegal fishing, forced labour, trafficking and organised crime can appear in one factual pattern. Without shared understanding, cases may be fragmented at the investigative stage. Integrated governance therefore depends not only on laws but also on institutional knowledge.

Finally, the model should be evaluated through indicators that include both ecological and human rights outcomes. Traditional indicators such as vessels inspected, catch seized or fines imposed remain relevant. They should be complemented by indicators such as workers interviewed, victims identified, wages recovered, recruitment agencies sanctioned, cases referred for trafficking investigation, beneficial owners identified, and supply-chain corrective actions taken. What is measured shapes what institutions value.

G. Implications for International Law and Local Governance

The blue crime problem reveals a broader tension in international law. International maritime law provides jurisdictional categories, but local governance determines whether protection is real. Flag states, coastal states and port states have different roles, but victims experience law as a practical question: who can help, who will listen, who can stop the vessel, who can recover wages, and who can punish those responsible. International law becomes meaningful only when translated into operational institutions.

This translation is particularly important in the Global South. Many coastal and archipelagic states face resource constraints, large maritime zones and pressure to develop fisheries economies. They may be expected to implement international standards while also competing in global seafood markets. A human rights-based approach must therefore avoid imposing abstract obligations without attention to capacity. Capacity-building, technical assistance and fair market incentives should accompany demands for stricter enforcement.

At the same time, capacity limitations should not become an excuse for inaction. The most immediate reforms often concern coordination rather than expensive technology. Standardised crew interviews, joint inspection protocols, referral mechanisms, training and data-sharing can significantly improve detection of exploitation. Ratification of ILO Convention No. 188 and the development of domestic crewing regulations create a legal foundation for these reforms in Indonesia.

International cooperation should also be more victim-centred. Mutual legal assistance and police cooperation often focus on evidence and suspects. In blue crime cases, cooperation should also include victim identification, safe repatriation, wage claims, translation and witness protection. Consular authorities should be integrated into the response where foreign or migrant workers are involved. Without these measures, victims may disappear from the process while the criminal case continues.

The local implementation of international standards also requires engagement with communities. Workers and their families often possess early information about abusive recruitment, unpaid wages or disappearance at sea. Civil society organisations, unions, fisher associations and local governments can provide reporting channels and support services. A governance model that relies only on central agencies may miss these local warning signs. Human rights protection at sea begins before the vessel departs.

The article therefore proposes an understanding of blue crime that connects international law, constitutional responsibility and local governance. International law supplies standards and cooperation frameworks. Constitutional law provides legitimacy and duties of protection. Local governance identifies risks, supports workers and turns abstract norms into practical safeguards. The sea may be transnational, but protection must also be embedded in local institutions and everyday administrative practice.

H. Implementation Challenges and Safeguards

Implementation is often where integrated governance fails. Many states have enacted fisheries, labour, migration and anti-trafficking laws, but frontline officers may lack a common operational language. A fisheries inspector may not be trained to identify forced labour. A labour inspector may not have access to vessels. A police investigator may focus on individual perpetrators rather than corporate networks. A prosecutor may find it difficult to connect illegal catch, recruitment abuse and trafficking evidence. Integration therefore requires not only coordination meetings but practical procedures that change how cases are detected and processed.

The first challenge concerns institutional mandates. Agencies are usually designed around sectors: fisheries, labour, immigration, policing, ports, maritime safety and foreign affairs. Each has legal authority, budget lines, reporting obligations and performance indicators. Blue crime cuts across these lines. If no institution has responsibility for the whole pattern, each may handle only the part that fits its mandate. A joint protocol should therefore define when a case becomes a blue crime case and what consequences follow for inter-agency coordination.

The second challenge concerns evidence. Human rights abuses at sea are difficult to prove because evidence may be mobile, destroyed or controlled by the alleged perpetrators. Crew members may be afraid to testify. Documents may be falsified. Digital tracking may show vessel movements but not coercion. Investigators therefore need an evidence strategy that combines crew testimony, medical evidence, recruitment records, wage documents, vessel logs, electronic communications, tracking data, port records and financial transactions. This strategy should be prepared before crisis cases arise.

The third challenge concerns victim trust. Workers who have experienced abuse may not immediately disclose it to uniformed officials, especially if they fear deportation, criminal charges, loss of wages or retaliation against family members. Confidential interviews, interpreters, information about rights and separation from the captain or employer are essential. If victims perceive inspectors as extensions of the same authority that may punish them for immigration or contract irregularities, they are unlikely to speak. Trust is therefore an enforcement resource.

The fourth challenge concerns small-scale and large-scale differentiation. Not all fisheries actors possess the same capacity or risk profile. Human rights due diligence should not become an administrative burden that harms small-scale fishers who are not part of exploitative networks. Regulation should distinguish between subsistence or small-scale operations and industrial or distant-water operations where risks of transnational crime and labour exploitation are higher. Proportionality is necessary to maintain legitimacy and avoid unintended economic harm.

The fifth challenge concerns corruption and regulatory capture. Where profits are high and oversight is weak, actors may seek to influence licensing, inspection, recruitment approval or law enforcement. Anti-corruption safeguards should be embedded in blue crime governance. Digital records, rotation of inspectors, audit trails, whistle-blower channels, public reporting and independent oversight can reduce opportunities for collusion. Without integrity safeguards, stronger rules may simply create new opportunities for rent-seeking.

The sixth challenge concerns international cooperation. Blue crime cases may require evidence from foreign recruiters, flag registries, port authorities, banks, companies and victims' home communities. Formal mutual legal assistance can be slow. Operational cooperation through liaison officers, regional networks and international organisations can help, but it must respect due process and data protection. Indonesia's diplomacy should treat protection of fishers and lawful fisheries trade as linked priorities in regional maritime cooperation.

Safeguards are equally important. A human-rights-based model must ensure that enforcement does not reproduce harm. Crew members should not be detained merely because they were present on a non-compliant vessel. Confiscation of vessels should not prevent wage recovery. Public disclosure of case information should not identify victims without consent. Data-sharing should protect sensitive personal information. The rule of law requires that blue crime enforcement be strong against networks but careful toward vulnerable individuals.

Judicial interpretation will also matter. Courts may be asked to assess whether facts constitute fisheries offences, trafficking, forced labour, fraud, assault or a combination of crimes. Prosecutors should avoid fragmenting cases into minor charges when evidence shows systematic exploitation. At the same time, charges must be supported by evidence and respect the rights of defendants. A rights-based approach protects victims without abandoning fair trial guarantees. This balance is essential for sustainable accountability. In Indonesia, this victim-centred and due-process orientation should also be aligned with Law No. 20 of 2025 concerning the Criminal Procedure Code, effective from 2 January 2026, which strengthens the procedural position of victims and regulates restitution and compensation alongside other procedural reforms.[33]

Parliamentary and public oversight can strengthen implementation. Because blue crime occurs beyond ordinary public visibility, legislative committees, national human rights institutions, ombuds institutions and civil society have a role in monitoring whether reforms actually protect workers. Regular public reports could include statistics on inspections, forced labour indicators, trafficking referrals, sanctions, victim remedies and supply-chain compliance. Transparency can prevent maritime governance from becoming a closed administrative domain.

Academic institutions also have a role. Legal scholarship can clarify doctrine, evaluate cases, train officials and develop indicators for human rights-sensitive fisheries enforcement. Universities can work with government, civil society and international organisations to generate evidence without compromising victim safety. Interdisciplinary research is especially valuable because blue crime sits at the intersection of law, criminology, labour studies, ocean governance, technology and political economy.

The implementation agenda should therefore be gradual but concrete. In the short term, agencies can adopt joint inspection indicators and victim referral protocols. In the medium term, Indonesia can integrate vessel, crew, recruitment and social protection data. In the long term, the state can build a comprehensive blue crime framework that links prevention, enforcement, remedies and supply-chain responsibility. The objective is not to create another bureaucratic label, but to ensure that the law sees the whole harm.

I. Phased Implementation Roadmap for Indonesia

To avoid duplication and distinguish constitutional obligation from implementation technique, the proposed reforms should be phased according to the legal level and institutional capacity required.

Table 3. Phased Implementation Roadmap

Phase	Priority Measures	Legal/Institutional Level	Main Outcome
Short term (0–2 years)	National blue-crime risk checklist; joint port inspection and referral protocol; confidential reporting channel; crew-interview standards; use of fisheries-port administration as an entry point	Administrative and operational	Immediate detection, referral and victim protection
Medium term (2–5 years)	Interoperable vessel, crew, recruitment and social-protection data; beneficial-ownership verification; risk-based inspection rules; human-rights due diligence for high-risk seafood supply	Regulatory	Preventive, coordinated and traceable governance

[33] Law No. 20 of 2025 concerning the Criminal Procedure Code, effective 2 January 2026 (Indonesia).

	chains; independent audit of risk systems		
Long term (5 years and beyond)	Formalised inter-agency mandates; legislative integration where current mandates remain fragmented; evidentiary and remedy standards; periodic statutory review; stronger ASEAN and bilateral cooperation	Legislative and constitutional consolidation	Durable accountability and cross-border enforcement

Source: *Author, 2026.*

This sequencing preserves the constitutional core of the model while allowing implementation to begin through existing authority. Short-term measures operationalise existing duties; medium-term reforms strengthen regulatory integration; and long-term reform should be pursued where statutory fragmentation cannot be adequately resolved through administrative coordination.

IV. CONCLUSION

The first research question is answered by distinguishing IUU fishing, fisheries crime and blue crime. Blue crime is not a new stand-alone offence; it is an analytical category for situations in which fisheries violations converge with trafficking, forced labour, corruption, fraud or other transnational criminality. The doctrinal significance of this reframing is that fisheries enforcement cannot remain confined to resource protection when the same factual pattern also engages constitutionally protected rights.

The second research question is answered by the positive obligations arising from Articles 28D(2), 28G and 28I of the 1945 Constitution, read through human dignity and the state's duty to protect. At a minimum, Indonesia must maintain an effective legal and institutional system capable of prevention, risk detection, victim identification, investigation and remedy. The proposed five-pillar model translates that constitutional duty into regulatory alignment, risk-based port inspection, victim-centred enforcement, network accountability and supply-chain due diligence, supported by lawful and proportionate data sharing.

The study's original contribution is therefore the constitutionalisation of blue-crime governance: fisheries enforcement is conceptualised as an institutional gateway through which the state protects both marine resources and human dignity. In practical terms, Indonesia should prioritise joint port-based inspection and referral protocols in the short term, interoperable and rights-protective data and regulatory reforms in the medium term, and formal legislative consolidation of inter-agency responsibilities in the long term. Because this study is doctrinal, future research should test the model empirically through port-level implementation, case analysis and interviews with fishing-vessel crews, inspectors, investigators and relevant businesses.

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