

LEGAL ANALYSIS OF THE IMPLEMENTATION OF PKWT FOR BANYUWANGI MARITIME ACADEMY CADETS (AKABA) IN THE IMPLEMENTATION OF EID HOMECOMING TRANSPORTATION AT KETAPANG PORT, BANYUWANGI - GILIMANUK, BALI

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ABSTRACT

Sea transportation plays a strategic role in supporting mobility in Indonesia, especially during the Lebaran homecoming period, which is marked by a significant increase in passenger and vehicle flows. The Ketapang–Gilimanuk crossing route is one of the busiest corridors during this period. To support operational services, maritime cadets from institutions such as Akademi Kelautan Banyuwangi (AKABA) are often involved. Their participation can be carried out through a fixed-term employment agreement (Perjanjian Kerja Waktu Tertentu / PKWT), as regulated in Indonesian labor law. This study aims to analyze the legal implementation of PKWT for AKABA cadets in Lebaran transportation operations and to examine the forms of legal protection provided. The research uses a normative legal method with statutory and conceptual approaches. The results show that the application of PKWT for cadets is legally permissible as long as it complies with regulations, particularly for temporary or seasonal work. However, its implementation must also ensure legal protection, work safety, and clarity of employment status to prevent violations of cadets' rights as both workers and students. Therefore, clearer regulations and stronger coordination between educational institutions, transport operators, and related stakeholders are needed to ensure legal certainty and protection for cadets involved in Lebaran transportation activities.

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INTRODUCTION

Sea transportation is one of the most strategic modes of transport in supporting community mobility in Indonesia as an archipelagic country. With a territory consisting of thousands of islands, maritime transport plays a crucial role not only in facilitating the movement of goods and passengers but also in fostering economic growth, regional integration, and equitable national development. In this context, ports serve as vital nodes that connect various

regions through sea routes, enabling the continuity of logistics and human mobility across islands (Saragih, 2020; Ministry of Transportation, 2022). One of the busiest ports in this system is Ketapang Port in Banyuwangi, which acts as the main gateway linking Java Island to Bali Island through the Ketapang–Gilimanuk ferry crossing.

Every year, particularly during the Eid al-Fitr homecoming period (*mudik Lebaran*), the movement of passengers and vehicles along the Ketapang–Gilimanuk route increases significantly. The *mudik* tradition is deeply embedded in Indonesian culture, where millions of people travel to their hometowns to celebrate Eid with their families. This massive surge in mobility creates extraordinary pressure on transportation systems, requiring enhanced service capacity in terms of infrastructure, facilities, and human resources (Hidayat, 2021; BPS, 2023). Consequently, stakeholders must ensure that transportation services remain efficient, safe, and accessible during peak periods.

To address the increasing flow of passengers, relevant institutions such as port authorities, ferry operators, and maritime education institutions often collaborate by involving cadets or students from maritime academies. These cadets are assigned to assist in operational activities during the *mudik* period, providing them with practical experience while simultaneously supporting port operations (Prasetyo & Lestari, 2022). One such institution is the Banyuwangi Maritime Academy (AKABA), which is geographically close to the port area and focuses on maritime and sea transportation education.

In practice, the involvement of cadets in operational activities is not merely educational but is often formalized through specific employment mechanisms, such as Fixed-Term Employment Agreements (*Perjanjian Kerja Waktu Tertentu/PKWT*). PKWT is a contractual agreement between workers and employers for temporary or time-bound employment. In Indonesia, PKWT is regulated under Law Number 13 of 2003 on Manpower, later amended by Law Number 11 of 2020 on Job Creation and its implementing regulations (Santoso, 2021; Wijaya, 2022). These regulations emphasize that PKWT is only applicable to temporary, seasonal, or specific types of work that are expected to be completed within a certain period.

In the context of Eid homecoming transportation, the use of PKWT appears relevant since the activities are seasonal and occur within a limited timeframe. However, the application of PKWT involving cadets raises several legal concerns, particularly regarding their legal status, the protection of their rights as workers, and the responsibilities of both educational institutions and transportation authorities (Nugroho, 2023). This situation highlights the need for a clear legal framework to govern such arrangements.

Cadets, as vocational education participants, primarily hold the status of students. However, when they are directly involved in operational activities that serve the public, there is a possibility that their role may legally constitute an employment relationship. Such a relationship is generally characterized by three elements: work, wages, and employer instructions. If these elements are fulfilled, then juridically, the relationship may be classified as an employment relationship under labor law (Sutrisno, 2020; Rahman, 2022).

The issue becomes more complex when the involvement of cadets is not accompanied by clear legal protection mechanisms. In several cases, cadets working in the field face various occupational risks, including fatigue, workplace accidents, and operational pressure due to high passenger volumes during the *mudik* season (Putri & Anwar, 2023). Therefore, legal protection aspects such as occupational safety, labor social security, and clarity of rights and obligations become crucial considerations.

From a labor law perspective, the implementation of PKWT must comply with several formal requirements stipulated by legislation. One of the main requirements is that the agreement must be made in writing and clearly state the duration of employment, type of work, and the rights and obligations of both parties. Failure to meet these requirements may render the PKWT invalid and automatically convert it into an indefinite-term employment agreement (PKWTT), which carries significant legal consequences for both employers and workers (Kurniawan, 2021; Yuliana, 2022).

In the case of Eid transportation services along the Ketapang–Gilimanuk route, the involvement of Banyuwangi Maritime Academy cadets through PKWT represents an interesting phenomenon for juridical analysis. This is due to the intersection of multiple legal domains, including labor law, vocational education law, and maritime transportation

regulations. A comprehensive legal study is therefore necessary to evaluate whether the implementation of PKWT aligns with existing legal provisions and to assess the extent of legal protection provided to cadets (Firmansyah, 2023).

Furthermore, the participation of cadets in transportation operations holds strategic value in developing human resources in the maritime sector. Fieldwork experience allows cadets to gain practical insights into the dynamics of sea transportation operations, which is essential for their professional development. However, such activities must still adhere to principles of legal protection and occupational safety to prevent violations of cadets' rights as both students and temporary workers (Utami & Prabowo, 2024).

Based on the above discussion, it can be concluded that the implementation of PKWT for Banyuwangi Maritime Academy cadets in organizing Eid homecoming transportation at Ketapang Port–Gilimanuk is a complex legal phenomenon. Therefore, a comprehensive juridical analysis is needed to assess the conformity of this practice with Indonesian labor laws and to identify appropriate forms of legal protection for the cadets involved. This study is expected to contribute academically to the development of labor law studies in the transportation sector and to provide practical recommendations for stakeholders in ensuring legal certainty and protection for cadets participating in transportation operations during the Eid homecoming period.

METHODS

This study employs a normative juridical research approach, focusing on the analysis of legal norms governing the implementation of Fixed-Term Employment Agreements (PKWT) involving maritime cadets during the Eid homecoming transportation period. Normative legal research emphasizes the examination of statutory regulations, legal principles, and doctrines relevant to labor law, vocational education, and maritime transportation (Soekanto & Mamudji, 2019; Marzuki, 2021). This approach is appropriate because the study aims to assess the conformity of PKWT practices with existing legal frameworks rather than measuring empirical phenomena quantitatively.

The type of data used in this research is secondary data, which consists of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include statutory regulations such as Law Number 13 of 2003 on Manpower, Law Number 11 of 2020 on Job Creation, and their implementing regulations. Secondary legal materials consist of scholarly articles, legal journals, and previous research related to employment contracts and maritime operations, while tertiary materials include legal dictionaries and encyclopedias that support conceptual understanding (IRAC method framework) (Ibrahim, 2020; Zainuddin, 2022).

Data collection is conducted through a document study (library research) by systematically reviewing legal documents, academic literature, and official reports related to the involvement of cadets in transportation operations. This technique enables the researcher to gather comprehensive legal information and compare various sources to identify inconsistencies or gaps in the implementation of PKWT. Additionally, relevant case studies and policy documents are analyzed to provide contextual understanding of the Ketapang–Gilimanuk crossing operations during the Eid homecoming period (Creswell, 2018; Sugiyono, 2020).

The data analysis technique applied in this study is qualitative juridical analysis, which involves interpreting legal norms and aligning them with the facts or practices occurring in the field. The analysis is conducted through a statutory approach, conceptual approach, and case approach. The statutory approach examines the consistency of PKWT implementation with labor laws, while the conceptual approach explores doctrines related to employment relationships and legal protection. The case approach is used to analyze specific practices involving cadets in port operations (Marzuki, 2021; Ali, 2020).

Finally, the study adopts a descriptive-analytical method, aiming to provide a systematic and comprehensive description of the legal issues surrounding PKWT implementation for cadets, followed by critical analysis. This method allows the researcher to formulate legal arguments and provide recommendations for improving legal certainty and protection for cadets involved in seasonal transportation services. The expected outcome is a well-grounded juridical assessment that contributes both academically and practically to the development of labor law in the maritime transportation sector (Nazir, 2019; Ibrahim, 2020).

RESULTS AND DISCUSSION

Implementation of Fixed-Term Employment Agreements (PKWT) for AKABA Cadets in Eid Homecoming Transportation

The Concept of Employment Relationship in Labor Law Perspective

The concept of employment relationships in Indonesian labor law is fundamentally built upon three essential elements: work, wages, and employer authority (instructions). These elements serve as key indicators in determining whether a legal employment relationship exists between a worker and an employer. In the context of Eid homecoming transportation at Ketapang Port Banyuwangi–Gilimanuk Bali, the involvement of Banyuwangi Maritime Academy (AKABA) cadets in operational activities such as passenger services, traffic regulation, and safety assistance reflects structured work under institutional supervision. When these activities are carried out systematically under the direction of port authorities or ferry operators, they may juridically constitute an employment relationship (Sutrisno, 2020; Rahman, 2022).

Furthermore, the legal framework under Law Number 13 of 2003 on Manpower, as amended by Law Number 6 of 2023 on Job Creation, stipulates that employment relationships must be based on employment agreements, either fixed-term (PKWT) or indefinite-term (PKWTT). Given the seasonal and temporary nature of Eid transportation services, PKWT becomes the most relevant contractual framework. The temporary surge in passenger volume during the Eid period justifies the classification of such work as seasonal employment, aligning with the legal provisions governing PKWT (Santoso, 2021; Wijaya, 2022).

Normatively, PKWT is designed for temporary, seasonal, or project-based work that can be completed within a specified period. The Ketapang–Gilimanuk ferry operations during Eid clearly fall into the category of seasonal work due to the predictable increase in transportation demand. Therefore, the application of PKWT for AKABA cadets is legally justifiable, provided that it complies with statutory requirements, including clear contract duration, defined job roles, and protection of workers' rights (Kurniawan, 2021; Nugroho, 2023).

The Legal Position of Cadets in Eid Transportation Operations

AKABA cadets are primarily vocational students whose main objective is to acquire professional competencies in maritime and port operations. Their involvement in port activities is often framed as part of practical training or fieldwork designed to enhance their skills and readiness for the labor market. However, when cadets are assigned structured tasks with defined responsibilities and receive compensation, their role may extend beyond educational activities into the realm of employment relationships (Prasetyo & Lestari, 2022).

In practice, during the Eid homecoming period, cadets are frequently deployed to support operational efficiency at Ketapang Port. Their roles may include providing passenger information, managing vehicle queues, and assisting in safety coordination. These tasks are often performed under supervision and within a structured system, indicating the presence of organizational control. When such conditions are accompanied by financial compensation, the legal characteristics of employment relationships become more apparent (Rahman, 2022; Firmansyah, 2023).

However, it is important to distinguish between educational activities (internships or field practice) and formal employment relationships. Not all cadet involvement constitutes employment. If the primary purpose is educational and no wages are provided, the relationship remains within the domain of training. Conversely, if cadets perform operational duties under instruction and receive remuneration, the relationship may legally qualify as employment, thereby requiring formalization through PKWT to ensure legal certainty and protection (Nugroho, 2023).

Juridical Analysis of PKWT Implementation in Eid Transportation

From a juridical standpoint, the implementation of PKWT for AKABA cadets must comply with legal requirements stipulated in labor regulations. One of the primary conditions is that the work must be temporary or seasonal. The Eid homecoming transportation system at Ketapang–Gilimanuk meets this criterion, as operational intensity significantly increases only during specific periods each year (Santoso, 2021).

Additionally, PKWT must be established in written form and include clear provisions regarding employment duration, job descriptions, rights and obligations, and occupational safety guarantees. This requirement is particularly important in port environments, where operational risks such as accidents and safety hazards are prevalent. Therefore, ensuring compliance with these legal requirements is essential to protect cadets and prevent potential legal disputes (Kurniawan, 2021; Yuliana, 2022).

From the perspective of maritime law, Law Number 17 of 2008 on Shipping emphasizes that safety and security are fundamental responsibilities of transportation operators. Consequently, all personnel involved in port operations, including cadets, must possess adequate competence and understanding of safety procedures. The integration of labor law and maritime safety regulations highlights the complexity of PKWT implementation, requiring a balanced approach that ensures both legal compliance and operational safety (Putri & Anwar, 2023; Utami & Prabowo, 2024).

Conclusion of PKWT Implementation Analysis

Based on the juridical analysis, the application of PKWT for AKABA cadets in Eid transportation operations is normatively permissible due to the seasonal nature of the work. However, the legal validity of such arrangements depends on the fulfillment of employment relationship elements and compliance with statutory requirements. Clear differentiation between educational training and employment is essential to avoid legal ambiguity (Sutrisno, 2020; Rahman, 2022).

Moreover, transparency in contractual arrangements and adherence to labor law provisions are crucial to ensure legal certainty for both cadets and organizers. The implementation of PKWT must also prioritize occupational safety and align with maritime regulations to safeguard all parties involved in port operations (Wijaya, 2022).

Legal Protection for AKABA Cadets in Eid Transportation Operations

Legal Status of Cadets in Port Operational Activities

Cadets of maritime academies are vocational students undergoing professional training in the maritime sector. Field practice is an integral component of their education, allowing them to gain hands-on experience in real operational environments. In the context of Eid transportation at Ketapang–Gilimanuk, cadets participate through collaborative programs between educational institutions and transportation authorities (Utami & Prabowo, 2024).

Despite their involvement in operational tasks, cadets do not automatically qualify as workers under labor law. Employment relationships require the presence of work, wages, and employer authority. In many cases, cadet participation is primarily educational, meaning that the legal relationship is based on training rather than employment. However, given that cadets perform tasks similar to those of regular workers, they still require adequate legal protection (Nugroho, 2023; Prasetyo & Lestari, 2022).

This dual status—student and potential worker—creates legal ambiguity that must be addressed through clear regulatory frameworks. Without proper legal clarity, cadets may face risks without sufficient protection, particularly in high-risk environments such as ports (Firmansyah, 2023).

Analysis of Legal Protection Forms for Cadets

Legal protection for cadets can be analyzed through the framework of preventive and repressive legal protection. Preventive protection aims to prevent violations by establishing clear agreements and regulations before activities begin. In this context, cooperation agreements between educational institutions and port authorities must clearly define the scope of cadet involvement, rights, obligations, and supervision mechanisms (Hadjon, 1987; Ali, 2020).

Preventive protection also includes the implementation of occupational safety standards. Given the high-risk nature of port operations, cadets must receive adequate training in safety procedures and be equipped with proper protective equipment. This aligns with the principle that safety is the top priority in maritime transportation operations (Putri & Anwar, 2023).

Repressive legal protection, on the other hand, focuses on resolving disputes and addressing harm after it occurs. In cases of workplace accidents or operational incidents, responsibility should not rest solely on cadets but must be shared by educational institutions and port operators. This reflects the broader principle of liability in transportation law, where service providers bear responsibility for operational safety (Yuliana, 2022; Kurniawan, 2021).

Responsibilities of Educational Institutions and Port Authorities

The legal protection of cadets is closely linked to the responsibilities of both educational institutions and port authorities. Educational institutions must ensure that field practice programs align with educational objectives and do not expose cadets to excessive risks. They are also responsible for preparing cadets with the necessary competencies and safety knowledge before deployment (Utami & Prabowo, 2024).

Meanwhile, port authorities and transportation operators are obligated to ensure the safety of all individuals within the port environment, including cadets. This responsibility is mandated by maritime law, which emphasizes safety and security in all transportation activities. Therefore, operators must provide safe working conditions, supervision, and appropriate safety measures (Putri & Anwar, 2023).

Effective coordination between educational institutions and port authorities is essential to ensure both safety and educational value. Such collaboration not only protects cadets but also enhances their professional development by providing meaningful and safe learning experiences in real-world maritime operations (Prasetyo & Lestari, 2022; Firmansyah, 2023).

CONCLUSION

In conclusion, the implementation of Fixed-Term Employment Agreements (PKWT) for AKABA cadets in supporting Eid homecoming transportation at Ketapang–Gilimanuk Port is legally permissible due to the seasonal nature of the work; however, its application must strictly comply with labor law provisions and clearly distinguish between educational training and formal employment relationships to avoid legal ambiguity. The findings highlight the importance of ensuring that all elements of employment—work, wages, and authority—are transparently regulated, alongside the provision of adequate legal protection, particularly in terms of occupational safety, social security, and clarity of rights and obligations. Therefore, it is recommended that policymakers, educational institutions, and port authorities establish standardized guidelines or specific regulations governing cadet involvement in operational activities, strengthen coordination through formal agreements, and ensure comprehensive supervision and safety training. Such measures are essential not only to guarantee legal certainty and protection for cadets but also to optimize their role as future maritime professionals while maintaining the safety and efficiency of transportation services during peak periods like Eid homecoming.

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