

RINGKASAN

SITI FATIMAH
NIM 210510271

PELINDUNGAN HUKUM BAGI PEKERJA MIGRAN INDONESIA KORBAN TINDAK KEKERASAN

(Dr. Budi Bahreisy, S.H., M.H. dan Dr. Yusrizal, S.H.,
M.H)

Pekerja migran Indonesia merupakan tenaga kerja yang bekerja di luar negeri untuk memperoleh penghasilan yang lebih baik, namun banyak di antara mereka masih menghadapi berbagai bentuk kekerasan, eksploitasi, dan ketidakadilan, termasuk perdagangan orang, penipuan, serta kekerasan fisik maupun nonfisik. Meskipun pemerintah telah membentuk BP2MI dan menerbitkan Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia, berbagai data menunjukkan bahwa kasus kekerasan, PMI non-prosedural, dan tindak pidana perdagangan orang masih tinggi, sehingga menunjukkan perlunya peningkatan efektivitas pelindungan yang diberikan negara. Kondisi ini menegaskan bahwa pekerja migran berperan penting bagi perekonomian melalui remitansi, namun tetap rentan terhadap pelanggaran hak asasi.

Penelitian ini bertujuan untuk mengetahui bentuk-bentuk pelindungan hukum bagi Pekerja Migran Indonesia yang menjadi korban tindak kekerasan, khususnya pelindungan yang diberikan berdasarkan Undang-Undang Nomor 18 Tahun 2017.

Metode penelitian adalah yuridis normatif dengan menelaah bahan hukum primer, sekunder, dan tersier melalui studi kepustakaan. Data diperoleh dari Undang-Undang, buku, jurnal, skripsi, dan sumber penunjang lainnya, kemudian dianalisis secara kualitatif.

Hasil penelitian ini menunjukkan bahwa bentuk pelindungan hukum bagi Pekerja Migran Indonesia korban tindak kekerasan diberikan melalui mekanisme preventif dan represif sebagaimana ditegaskan dalam Undang-Undang Nomor 18 Tahun 2017, yang menempatkan nilai kemanusiaan dan penghormatan terhadap martabat pekerja sebagai prinsip utama. Pelindungan preventif dilakukan melalui pendidikan, sosialisasi, pelatihan, pembinaan, dan pengawasan, sedangkan pelindungan represif mencakup penyelesaian perselisihan dan pemberian bantuan hukum. Pelindungan hukum diperoleh tenaga kerja migran Indonesia korban tindak kekerasan berdasarkan Undang-Undang No. 18 Tahun 2017 dalam tiga tahapan sebelum bekerja, selama bekerja, dan setelah bekerja sehingga pemerintah berkewajiban memastikan setiap pekerja migran mendapatkan jaminan keselamatan, bantuan hukum, dan kepastian hak sesuai hukum yang berlaku.

Disarankan kepada pemerintah agar memperluas akses bantuan hukum agar pelindungan yang dijamin undang-undang benar-benar dirasakan oleh seluruh pekerja migran.

Kata Kunci : Pelindungan Hukum, Pekerja Migran Indonesia, Kekerasan.

SUMARRY

SITI FATIMAH 210510271 *Legal Protection For Indonesian Migrant Workes Who Are Victims Of Violence.*
(*Dr. Budi Bahreisy, S.H., M.H and Dr. Yusrizal, S.H., M.H*)

Indonesian migrant workers are individuals who work abroad to obtain better income, yet many of them continue to face various forms of violence, exploitation, and injustice, including trafficking in persons, fraud, as well as physical and non-physical abuse. Although the government has established BP2MI and enacted Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers, numerous data indicate that cases of violence, non-procedural migrant workers, and trafficking in persons remain high, demonstrating the need to enhance the effectiveness of state-provided protection. This situation affirms that migrant workers contribute significantly to the economy through remittances, yet they remain vulnerable to human rights violations.

This study aims to identify the forms of legal protection provided to Indonesian migrant workers who become victims of violence, particularly the protection granted under Law Number 18 of 2017. The research employs a normative juridical method by examining primary, secondary, and tertiary legal materials through a literature study. Data were obtained from laws, books, journals, theses, and other supporting sources, and were analyzed qualitatively.

The findings of this study indicate that legal protection for Indonesian migrant workers who are victims of violence is provided through preventive and repressive mechanisms as emphasized in Law Number 18 of 2017, which upholds humanitarian values and respect for workers' dignity as its core principles. Preventive protection is carried out through education, dissemination, training, guidance, and supervision, while repressive protection includes dispute resolution and the provision of legal assistance. Legal protection for Indonesian migrant workers who are victims of violence under Law Number 18 of 2017 is implemented in three stages before employment, during employment, and after employment thus obligating the government to ensure that every migrant worker receives safety guarantees, legal assistance, and certainty of rights in accordance with the applicable laws.

It is recommended that the government expand access to legal aid so that the protection guaranteed by the law can be truly realized for all migrant workers.

Keywords: *Legal Protection, Indonesian Migrant Workers, Violence.*