

ABSTRAK

Mobilitas pekerja internasional terus berkembang sesuai dengan perkembangan aktivitas kehidupan ekonomi, politik internasional, dan ketergantungan sosial ekonomi antarnegara. Hal ini mengakibatkan tingginya arus migrasi dalam berbagai bentuk termasuk pekerja migran. Di luar negeri, terkadang terjadi masalah yang menimpa pekerja migran. Salah satu kasus yang menimpa pekerja migran Indonesia adalah kasus Satinah pada 2007, yang dituduh melakukan pembunuhan terhadap majikannya dan dijatuhi vonis hukuman mati.

Penelitian ini bertujuan untuk mengetahui pengaturan pekerja migran dalam hukum internasional dan menganalisis perlindungan hukum oleh pemerintah Indonesia terhadap pekerja migran dalam kasus Satinah di Arab Saudi 2007. Spesifikasi penelitian ini adalah deskriptif analitis, dengan metode pendekatan yuridis normatif, dan data yang terkumpul disajikan dalam bentuk teks naratif dengan model analisis secara yuridis kualitatif.

Hasil penelitian menunjukkan diaturnya perlindungan pekerja migran dalam Universal Declaration of Human Rights (UDHR) 1948 Pasal 23, International Convention Labour Organization (ILO) 1919 No. 97 (Revised 1949) Pasal 6, Internasional Hak Ekonomi, Sosial dan Budaya 1966 Pasal 6, Konvensi Internasional Tentang Hak Pekerja Migran dan Anggota Keluarganya 1990 dalam Pasal 16 dan 70, Deklarasi ASEAN Mengenai Perlindungan dan Pemajuan Hak Pekerja Migran 2007. Pemberian bantuan hukum yang dilakukan pemerintah Indonesia dikatakan terlambat karena baru diberikan pada 2011 sementara peristiwa terjadi 2007. Upaya melindungi Satinah dilakukan dengan negosiasi antara pemerintah Indonesia dan keluarga korban sehingga berhasil melepaskan Satinah dari hukuman mati dan membayar *diyat*. Pemerintah dalam melakukan upaya perlindungan hukum pada pekerja migran Indonesia dalam kasus Satinah, berdasarkan ketentuan UU Nomor 39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri Pasal 7.

Kata Kunci: perlindungan hukum, pekerja migran, tanggung jawab

ABSTRACT

The mobility of international workers continues to develop in accordance with the development of the economic activity, international politics, and socio-economic dependence between countries. This has resulted in a high flow of migration in various forms including migrant workers. Abroad, sometimes problems happen to migrant workers. One of the cases involving Indonesian migrant workers is the case of Satinah 2007, who was accused of murdering her employer and sentenced to death.

This study aims to determine the regulation of migrant workers in international law and to analyze the legal protection by the Indonesian government against migrant workers in the 2007 Satinah case in Saudi Arabia. The method of this research is a descriptive analysis with a normative juridical approach, and the collected data is presented in a text form of narrative with a qualitative juridical analysis model.

The results showed that the regulation of the protection of migrant workers in the Universal Declaration of Human Rights (UDHR) 1948 Article 23, International Convention Labor Organization (ILO) 1919 No. 97 (Revised 1949) Article 6, International Economic, Social and Cultural Rights 1966 Article 6, International Convention on the Rights of Migrant Workers and Members of Their Families 1990 in Articles 16 and 70, ASEAN Declaration Concerning the Protection and Promotion of the Rights of Migrant Workers 2007. The Provision of appropriate legal aid that the Indonesian government executed was said to be too late since it was only provided in 2011 while the incident occurred in 2007. Efforts to protect Satinah were carried out through negotiations between the Indonesian government and the victim's family were successful in Satinah from the death penalty and paying diyat. The government in carrying out legal protection efforts for Indonesian migrant workers in the Satinah case, based on the provisions of Law Number 39 of 2004 concerning the Placement and Protection of Indonesian Migrant Workers Abroad Article 7.

Keywords: legal protection, migrant workers, responsibility