

ABSTRAK

Tingginya angka kasus eksploitasi dan pelanggaran hak terhadap pekerja migran Indonesia khususnya pelaut perikanan menandakan lemahnya perlindungan hukum yang diberikan oleh negara meskipun telah ada beberapa regulasi seperti Undang-undang Nomor 18 tahun 2017 dan Peraturan Pemerintah Nomor 22 tahun 2022. Dengan meningkatnya migrasi tenaga kerja, perlindungan hak-hak pekerja migran menjadi isu krusial yang memerlukan perhatian mendalam. Penelitian ini menggunakan pendekatan yuridis normatif dengan bahan hukum primer berupa peraturan perundang-undangan terkait, seperti Undang-Undang Nomor 18 Tahun 2017 tentang Perlindungan Pekerja Migran Indonesia serta PP Nomor 22 Tahun 2022. Ditemukan bahwa adanya tumpang tindih kewenangan antara Kementerian Perhubungan dan Kementerian Ketenagakerjaan menyebabkan permasalahan dalam perlindungan hak-hak pekerja migran pelaut perikanan. Selain itu, tanggung jawab negara selama proses penempatan dan saat mereka menghadapi permasalahan di luar negeri diatur secara bertahap, namun implementasinya masih perlu peningkatan. Penelitian ini juga membahas tantangan hukum yang dihadapi pekerja, seperti perlakuan tidak adil dan pelanggaran hak asasi manusia di kapal asing. Rekomendasi yang diajukan meliputi harmonisasi regulasi serta penguatan mekanisme perlindungan hukum demi menjamin hak, keselamatan, serta kesejahteraan pekerja migran Indonesia pelaut perikanan. Diharapkan hasil studi ini dapat bermanfaat sebagai acuan perbaikan kebijakan perlindungan hukum pekerja migran di Indonesia.

Kata kunci: Pekerja Migran, Pelaut Perikanan, Perlindungan hukum, Tanggung Jawab Negara, Tumpang Tindih Kewenangan.

ABSTRACT

The high number of cases of exploitation and violations of the rights of Indonesian migrant workers, especially fisherman, indicates the weak legal protection provided by the state even though there are several regulations such as Law Number 18 of 2017 and Government Regulation Number 22 of 2022. With the increasing number of migrant workers, the protection of migrant workers' rights has become a crucial issue that requires in-depth attention. This study uses a normative legal approach with primary legal materials in the form of related laws and regulations, such as Law Number 18 of 2017 concerning the Protection of Indonesian Migrant Workers and Government Regulation Number 22 of 2022. It was found that the overlapping authority between the Ministry of Transportation and the Ministry of Manpower caused problems in protecting the rights of migrant workers. In addition, the state's responsibilities during the placement process and when they face problems abroad are regulated in stages, but their implementation still needs to be improved. This study also discusses the legal challenges faced by workers, such as unfair treatment and human rights violations on foreign ships. The recommendations raised include harmonization of regulations and empowerment of legal protection mechanisms to guarantee the rights, safety, and welfare of Indonesian migrant workers as fisherman. It is hoped that the results of this study can be useful as a reference for improving the policy of legal protection of migrant workers in Indonesia.

Keywords: Migrant Workers, Fishermen, Legal Protection, State Responsibility, Overlapping Authority.