

ABSTRAK

Penelitian ini menganalisis tugas dan fungsi perwakilan konsuler dalam kasus penembakan pekerja migran Indonesia di Malaysia dan upaya pemerintah Indonesia, khususnya perwakilan konsuler, dalam memberikan perlindungan hukum terhadap PMI di Malaysia. Kasus yang menjadi fokus kajian adalah peran perwakilan konsuler dalam kasus penembakan lima PMI oleh Agensi Penguatkuasaan Maritim Malaysia di perairan Tanjung Rhu, Selangor, pada 24 Januari 2025. Insiden tersebut menimbulkan persoalan serius mengenai tugas dan fungsi perwakilan konsuler dalam memberikan perlindungan terhadap warga negara yang berada di luar negeri.

Penelitian ini merupakan penelitian hukum normatif, dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan konseptual (*conceptual approach*), serta bersumber pada bahan hukum primer seperti Konvensi Wina 1963 tentang Hubungan Konsuler, Undang-Undang Nomor 37 Tahun 1999 tentang Hubungan Luar Negeri, dan Undang-Undang Nomor 18 Tahun 2017 tentang Pelindungan Pekerja Migran Indonesia. Analisis dilakukan secara deskriptif, evaluatif, dan argumentatif terhadap peran perwakilan konsuler Indonesia di Malaysia.

Hasil penelitian menunjukkan bahwa perwakilan konsuler Indonesia belum menjalankan fungsi perlindungan secara optimal. Mekanisme diplomatik yang ditempuh pemerintah masih terbatas pada penyampaian nota protes tanpa hasil hukum yang jelas khususnya dalam hal perlindungan hukum terhadap pekerja migran Indonesia. Layanan bantuan hukum dan pendampingan kasus masih terbatas, dan respons diplomatik pemerintah cenderung bersifat administratif melalui penyampaian nota protes tanpa menghasilkan tindakan hukum yang nyata. Akibatnya, banyak pekerja migran yang tidak memperoleh kepastian hukum, keadilan, dan perlindungan yang memadai. Temuan ini mengindikasikan adanya kelemahan dalam efektivitas instrumen diplomasi dan koordinasi lintas lembaga, sehingga belum mampu memberikan jaminan kepastian hukum serta perlindungan optimal bagi pekerja migran yang menghadapi permasalahan di luar negeri.

Kata Kunci: Perlindungan Konsuler, Pekerja Migran Indonesia, Kekerasan, Hukum Internasional, Diplomasi Bilateral.

ABSTRACT

This study analyzes the duties and functions of consular representatives in the shooting case of Indonesian migrant workers in Malaysia and the efforts of the Indonesian government, especially consular representatives, in providing legal protection to Indonesian migrant workers in Malaysia. The case that is the focus of the study is the role of consular representatives in the shooting case of five Indonesian migrant workers by the Malaysian Maritime Enforcement Agency in the waters of Tanjung Rhu, Selangor, on January 24, 2025. The incident raises serious issues regarding the duties and functions of consular representatives in providing protection to citizens abroad.

This study uses a normative legal research method, with a statute approach and a conceptual approach, and is based on primary legal materials such as the 1963 Vienna Convention on Consular Relations, Law No. 37 of 1999 on Foreign Relations, and Law No. 18 of 2017 on the Protection of Indonesian Migrant Workers. The analysis was conducted descriptively, evaluatively, and argumentatively on the role of Indonesian consular representatives in Malaysia.

The research findings indicate that Indonesian consular representatives have not yet optimally implemented their protection function. The diplomatic mechanisms employed by the government are still limited to issuing protest notes without clear legal outcomes, particularly regarding legal protection for Indonesian migrant workers. Legal aid and case assistance services remain limited, and the government's diplomatic response tends to be administrative, with protest notes issued without any concrete legal action. Consequently, many migrant workers lack legal certainty, justice, and adequate protection. These findings indicate weaknesses in the effectiveness of diplomatic instruments and cross-institutional coordination, resulting in an inability to provide legal certainty and optimal protection for migrant workers facing problems abroad.

Keywords: *Consular Protection, Indonesian Migrant Workers, Violence, International Law, Bilateral Diplomacy.*