



HAS THE INDONESIAN GOVERNMENT PROVIDED ADEQUATE SOCIAL SECURITY PROTECTION FOR ITS MIGRANT WORKERS?

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Universitas Gadjah Mada, 2021 | Diunduh dari <http://etd.repository.ugm.ac.id/>

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ABSTRACT

Sending migrant workers abroad often was seen as a simple way to solve problems of unemployment and underemployment in the archipelago and simultaneously to bring in a significant amount of remittance from overseas. However, due to the low level of education and skills, Indonesian migrant workers were commonly vulnerable to exploitation and having severe treatment from their employers. In order to deal with the issues, the Indonesian government has conducted some steps to protect all the citizens, especially those working abroad. With the aim to provide social security protection to all Indonesian citizens, including migrant workers working abroad, the Indonesian government has transformed its social security scheme and programs for migrant workers in the past sixteen years (2004-2020). This thesis discusses the transformation of the provision of social security for migrant workers, and furthermore examines whether the current implementations have met with **ICRMW and ILO standards** in providing social security protection for migrant workers. To do so, this study applied a policy analysis approach by studying Indonesian Laws, Minister of Manpower Decree and ICRMW and ILO instruments. It also applied the theory Principle of Territoriality and Principle of Nationality, which assuming that every citizen has the same rights of social security wherever they reside. Based on the research, it concludes that the current implementation of the protection program is sufficient to meet the basic standards of the ILO and ICRMW. However, this is still not optimal because there is no agreement on cooperation between the government of Indonesian and the government of all destination countries for migrant workers to strengthen guarantees for the protection of migrant workers. However, the government of Indonesia has continued to make internal improvements such as improving training and sending mechanisms as well as social security for migrant workers.

Keywords: Indonesian migrant workers, social security, BPJS Ketenagakerjaan, BNP2TKI, BP2M, ILO.



Mengirim pekerja migran ke luar negeri sering dilihat sebagai cara sederhana untuk menyelesaikan masalah pengangguran dan setengah pengangguran di nusantara serta sekaligus mendatangkan remitansi dalam jumlah yang signifikan dari luar negeri. Namun karena rendahnya tingkat pendidikan dan keterampilan, pekerja migran Indonesia pada umumnya rentan terhadap eksploitasi dan perlakuan kejam dari majikannya. Untuk mengatasi masalah tersebut, pemerintah Indonesia telah melakukan beberapa langkah untuk melindungi seluruh warga negara, terutama yang bekerja di luar negeri. Dengan tujuan untuk memberikan perlindungan jaminan sosial bagi seluruh warga negara Indonesia, termasuk pekerja migran yang bekerja di luar negeri, pemerintah Indonesia telah mengubah skema dan program jaminan sosial bagi pekerja migran dalam enam belas tahun terakhir (2004-2020). Tesis ini membahas tentang transformasi penyediaan jaminan sosial bagi pekerja migran, dan selanjutnya mengkaji apakah implementasi yang ada saat ini telah memenuhi standar ICRMW dan ILO dalam memberikan perlindungan jaminan sosial bagi pekerja migran. Untuk itu, studi ini menerapkan pendekatan analisis kebijakan dengan mempelajari Hukum Indonesia, Keputusan Menteri Tenaga Kerja dan ICRMW serta instrumen ILO. Selain itu juga diterapkan teori “Principle of Territoriality dan Principle of Nationality”, yang mengasumsikan bahwa setiap warga negara memiliki hak yang sama atas jaminan sosial dimanapun mereka berada. Berdasarkan penelitian, disimpulkan bahwa pelaksanaan program perlindungan saat ini sudah cukup untuk memenuhi standar dasar ILO dan ICRMW. Namun hal tersebut masih belum maksimal karena belum adanya kesepakatan kerjasama antara pemerintah Indonesia dengan pemerintah negara tujuan seluruh pekerja migran untuk memperkuat jaminan perlindungan bagi pekerja migran. Namun demikian, pemerintah Indonesia terus melakukan pembenahan internal seperti peningkatan pelatihan dan mekanisme pengiriman serta jaminan sosial bagi pekerja migran.

Kata kunci: Pekerja migran Indonesia, jaminan sosial, BPJS Ketenagakerjaan, BNP2TKI, BP2M, ILO.