

# Peran perlindungan pemerintah Indonesia terhadap tenaga kerja Indonesia sektor domestik kasus : hukuman mati Darsem Binti Dawud Tawar dan Satinah Binti Jumadi Ahmad di Arab Saudi = The role of government protection for Indonesian labour in domestic sector the case of the death penalty of Darsem Binti Dawud Tawar and Satinah Binti Jumadi Ahmad in Saudi Arabia

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## Abstrak

[Penelitian ini dilatarbelakangi oleh banyaknya tindak kekerasan yang dialami para TKI sektor domestik ketika bekerja di luar negeri bahkan keadaan ini membawa dampak yang lebih buruk yaitu terdapat TKI yang terjerat hukuman mati terutama di Arab Saudi. Selama ini kebijakan penempatan TKI di luar negeri masih belum dapat melindungi para TKI dari jeratan hukuman mati tersebut, seperti UU No. 39 Tahun 2004 tentang PPTKILN. Oleh karena itu, penelitian ini dilakukan untuk mencari jawaban bagaimana implementasi kebijakan perlindungan Pemerintah Indonesia terhadap TKI melalui UU No. 39 Tahun 2004, dan penelitian ini juga ingin mengetahui peran Pemerintah Indonesia dalam memberikan perlindungan pada proses pembebasan TKI Darsem binti Dawud Tawar dan Satinah binti Jumadi Ahmad dari vonis hukuman mati yang diterima di Arab Saudi. Sebagai pijakan teoritis, penelitian ini menggunakan teori konflik dan konsensus dari Maswadi Rauf, teori feminisme sosial dari Irish M. Young dan Allison Jagger, dan perspektif perbudakan. Penelitian ini menggunakan metode kualitatif, sedangkan teknik pengumpulan data dilakukan dengan mengumpulkan data-data dan melakukan wawancara mendalam dengan berbagai pihak dari berbagai kementerian terkait seperti Kementerian Luar Negeri, Kementerian Tenaga Kerja dan Transmigrasi, Kementerian Koordinator Politik, Hukum, dan Keamanan, BNP2TKI, dan beberapa orang TKI dari Kabupaten Indramayu yang pernah berangkat ke Arab Saudi.

Temuan di lapangan menunjukkan bahwa dalam menyelamatkan Darsem dan Satinah, pemerintah telah melakukan koordinasi dengan berbagai pihak di dalam dan luar negeri serta negosiasi dengan keluarga ahli waris korban terkait besaran uang diyat. Namun, pemerintah tidak dapat hanya mengandalkan membayar uang diyat dalam menyelamatkan TKI terjerat hukuman mati, tetapi harus memperbaiki kebijakan penempatan yang lebih baik karena implementasi aturan hukum yang ada belum mampu mengurangi tindakan kekerasan dan vonis hukuman mati yang dialami TKI di Arab Saudi.

Implikasi teoritis menunjukkan bahwa konsep perbudakan masih kuat dalam mindset orang Arab terutama dalam memandang dan memperlakukan para TKI sektor domestik, sehingga tindak kekerasan banyak dialami para TKI dan dalam rangka melindungi dirinya banyak para TKI melawan yang berujung pada pembunuhan dengan ancaman hukuman mati. Untuk menyelamatkan para TKI terjerat hukuman mati seperti Darsem dan Satinah, pemerintah berhasil melakukan konsensus dengan berbagai pihak seperti Pemerintahan Arab Saudi dan keluarga ahli waris korban sesuai dengan pendapat Maswadi Rauf; This research is motivated by the many acts of violence experienced by the domestic sector workers while working abroad and the fact is this situation brings worse impact that there are workers who ensnared the death penalty,

especially in Saudi Arabia. During this placement policy workers abroad are still not able to protect the workers from the bondage of the death penalty, such as UU No. 39 of 2004 on PPTKILN. Therefore, this research was conducted to seek answers to how the implementation of the policy of the Indonesian government protection of migrant workers through UU No. 39 of 2004, and this research also wanted to know the role of the Indonesian government in providing protection to the acquisition process TKI Darsem binti Dawud Tawar and Satinah binti Ahmad Jumadi of received death sentences in Saudi Arabia.

As a theoretical foundation, this research uses the theory of conflict and consensus of Maswadi Rauf, social feminist theory of Irish M. Young and Allison Jagger, and the perspective of slavery. This research used qualitative methods, while the technique of data collection is done by collecting data and conduct in-depth interviews with various stakeholders from various relevant ministries such as the Ministry of Foreign Affairs, the Ministry of Manpower and Transmigration, Coordinating Ministry for Political, Legal and Security, BNP2TKI, and some migrant workers from Indramayu district that went to Saudi Arabia.

Field findings show that in rescuing Darsem and Satinah, the government has been coordinating with various parties inside and outside the country as well as negotiations with the heirs of the victim family related diyat amount of money. However, the government can not simply rely pay diyat in rescuing trapped TKI death penalty, but must fix better placement policy for the implementation of existing legal rules have not been able to reduce the violence and the death penalty suffered by migrant workers in Saudi Arabia.

The theoretical implication shows that the concept of slavery is still strong in the Arab mindset, especially in view and treat the domestic sector workers, so that acts of violence were experienced by the workers and in order to protect itself against a lot of the workers that led to the murder death penalty. To save the workers trapped death penalty as Darsem and Satinah, the government managed to make consensus with various stakeholders such as the Government of Saudi Arabia and the victim's family heirs in accordance with the opinion of Maswadi Rauf.

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