

Pelaksanaan Jaminan Kecelakaan Kerja atas Kematian Pekerja Migran Indonesia di Taiwan dan Jepang = Implementation of Work Accident Insurance for the Death of Indonesian Migrant Workers in Taiwan and Japan

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Abstrak

Penelitian ini menganalisis perlindungan dan jaminan sosial ketenagakerjaan yang diberikan bagi pekerja migran Indonesia, khususnya program jaminan kecelakaan kerja. Pelaksanaan jaminan kecelakaan kerja menjadi faktor penting dalam perlindungan yang diberikan bagi pekerja. Penelitian ini, disusun menggunakan metode penelitian doktrinal dan menggunakan studi komparatif yang membandingkan implementasi perlindungan serta jaminan sosial ketenagakerjaan di Taiwan dan Jepang. Meskipun kedua negara ini memiliki sistem jaminan sosial yang cukup baik, terdapat perbedaan dalam penerapan dan aksesibilitasnya bagi PMI. Adanya akibat kebijakan One China Policy membuat interaksi Indonesia dan Taiwan menjadi terbatas dan hanya dilakukan melalui Kantor Dagang Ekonomi Indonesia di Taipei. Selain itu, di Taiwan, masih ditemukan berbagai permasalahan perlindungan, seperti overcharging, gaji yang tidak sesuai dengan kontrak, pemutusan hubungan kerja secara sepihak oleh pemberi kerja, hingga kecelakaan kerja. Pelaksanaan jaminan sosial ketenagakerjaan, khususnya jaminan kecelakaan kerja juga menghadapi tantangan, seperti kurangnya pemahaman PMI dan keluarganya terhadap prosedur klaim serta lamanya waktu yang dibutuhkan untuk pencairan manfaat. Adanya tantangan tersebut, dapat berdampak langsung pada kesejahteraan keluarga PMI yang kehilangan sumber pendapatan utamanya. Sebaliknya, di Jepang, hubungan bilateral terjalin dengan baik melalui Indonesian-Japan Economic Partnership Agreement yang memberikan implementasi perlindungan dan jaminan sosial lebih efektif dengan proses klaim yang lebih cepat. Penelitian ini, menegaskan pentingnya sinergi antara pemerintah Indonesia dan negara tujuan untuk memastikan hak-hak PMI terlindungi secara optimal, serta dapat memberikan manfaat terbaik di wilayah penempatan manapun.

.....The study analyzed the protection and employment social security provide to Indonesia migrant workers, focusing on the work accident insurance program. The implementation of this insurance become a crucial factor in ensuring workers protection. The research was conducted using a doctrinal legal research method and employed a comparative study to examine the implementation of protection and employment social security in Taiwan and Japan. Although both countries had well-established social security system, differences in application and accessibility for migrant workers were identified. Due to the One China Policy, interactions between Indonesia and Taiwan were limited and conducted exclusively through the Indonesian Economic Trade Office in Taipei. Moreover, in Taiwan, several protection issues persisted, such as overcharging, salaries not matching contractual agreement, unilateral termination of employment by employers, and work accident. The implementation of labor social security, particularly work accident insurance, also faced challenges, including a lack of understanding among migrant workers and their families about claim procedures and the lengthy time required for benefit disbursement. The challenges directly impacted the welfare of migrant workers families who had lost their primary source of income. In contrast, Japan maintained strong bilateral relations with Indonesia through the Indonesian-Japan Economic

Partnership Agreement, enabling more effective implementation of social protection and security measures, including a faster claims process. The research emphasized the importance of synergy between the Indonesian government and destination countries to ensure migrant workers' rights were optimally protected and that the benefits provided could improve their well-being in any placement area.