

**JURIDICAL STUDY ON LEGAL PROTECTION OF INDONESIAN MIGRANT WORKERS WHO EXPERIENCED ABOUT TREATMENT IN MALAYSIA FROM AN INTERNATIONAL LAW PERSPECTIVE**

**(Case Study of Violence That Leads to Death of Adelina Sau Indonesian Migrant Worker in Malaysia in 2018)**

**Rizaldi Ramadhan<sup>1</sup>, Narzif<sup>1</sup>, Deswita Rosra<sup>1</sup>**

<sup>1</sup>Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Bung Hatta

E-mail: [rizaldyramadhan11@gmail.com](mailto:rizaldyramadhan11@gmail.com)

***ABSTRACT***

Indonesian Migrant Workers are every Indonesian citizen who will be, are currently doing, or have been doing work with wages outside the territory of the Republic of Indonesia. Migrant workers, especially in the domestic worker sector (PRT), are the sector most vulnerable to discrimination and exploitation from their employers. Therefore, Indonesia has regulated the protection of migrant workers in Law No.18 of 2017 concerning the Protection of Indonesian Migrant Workers. While the provisions of International Law are regulated in ILO (International Labor Organization) Convention No.189 Concerning Decent Work for Domestic Workers. Problem Formulation: (1) How is the regulation of Migrant Workers According to ILO Conventions and Indonesian National Law ?, (2) What is the juridical study of legal protection for Indonesian Migrant Workers who experience violence in Malaysia? In this study the authors used a type of Normative Law research. The data source that the writer uses is secondary data consisting of primary, secondary, and tertiary legal materials. Data collection techniques are done by studying documents or literature and the data are analyzed qualitatively. Conclusions from the research results: (1) Regulations for migrant workers according to ILO Conventions are contained in ILO Convention No. 189 concerning Decent Work for Domestic Workers and Law No.18 of 2017 concerning the Protection of Indonesian Migrant Workers. Convention No. 189 regulates the protection of the rights of domestic workers, Law No. 18 of 2017 regulates the guarantee of protection of rights and opportunities for every citizen who works both at home and abroad by the state. (2) Indonesia and Malaysia have taken legal action against Adelina's own case and provided assistance and compensation to Adelina's family.

**Keywords: Protection, Employees, Migrants, International Law Perspectives**

**KAJIAN YURIDIS TENTANG PERLINDUNGAN HUKUM TERHADAP PEKERJA  
MIGRAN INDONESIA YANG MENGALAMI PERLAKUAN KEKERASAN DI  
MALAYSIA DITINJAU DARI PERSPEKTIF HUKUM INTERNASIONAL  
(Studi Kasus Kekerasan Yang Menyebabkan Kematian Terhadap Adelina Sau Pekerja  
Migran Asal Indonesia di Malaysia Pada Tahun 2018)**

**Rizaldi Ramadhan<sup>1</sup>, Narzif<sup>1</sup>, Deswita Rosra<sup>1</sup>**

<sup>1</sup>Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Bung Hatta

E-mail: [rizaldyramadhan11@gmail.com](mailto:rizaldyramadhan11@gmail.com)

**ABSTRAK**

Pekerja Migran Indonesia adalah setiap warga negara Indonesia yang akan, sedang, atau telah melakukan pekerjaan dengan menerima upah di luar wilayah Republik Indonesia. Pekerja migran khususnya disektor Pekerja Rumah Tangga (PRT) merupakan sektor yang paling rentan mengalami tindak diskriminasi dan eksploitasi dari majikannya. Maka dari itu, Indonesia telah mengatur terkait perlindungan pekerja migran dalam Undang-Undang No.18 Tahun 2017 Tentang Pelindungan Pekerja Migran Indonesia. Sedangkan dalam ketentuan Hukum Internasional di atur dalam Konvensi ILO. Rumusan Masalah: (1) Bagaimanakah pengaturan Pekerja Migran Menurut Konvensi ILO dan Hukum Nasional Indonesia ?, (2) Bagaimanakah kajian yuridis tentang perlindungan hukum terhadap Pekerja Migran Indonesia yang mengalami kekerasan di Malaysia?. Dalam penelitian ini penulis menggunakan jenis penelitian Hukum Normatif. Sumber data yang penulis gunakan adalah data sekunder yang terdiri dari bahan hukum primer, sekunder, dan tersier. Teknik Pengumpulan Data dilakukan dengan studi dokumen atau kepustakaan dan data dianalisis secara kualitatif. Simpulan hasil penelitian:(1) Pengaturan pekerja migran menurut Konvensi ILO terdapat dalam Konvensi ILO No.189 Tentang Pekerjaan Layak Bagi Pekerja Rumah Tangga dan Undang-Undang No.18 Tahun 2017 Tentang Pelindungan Pekerja Migran Indonesia. Konvensi No.189 mengatur terkait perlindungan hak-hak pekerja rumah tangga, Undang-Undang No.18 Tahun 2017 mengatur terkait jaminan perlindungan hak dan kesempatan bagi setiap warga negara yang bekerja baik didalam maupun diluar negeri oleh negara. (2) Indonesia dan Malaysia telah melakukan upaya hukum terhadap kasus Adelina sendiri dan memberikan bantuan serta ganti rugi terhadap keluarga Adelina.

**Kata kunci: Perlindungan, Pekerja, Migran, Perspektif HI**