

**Analisis Yuridis Tindak Pidana Pekerja Migran Indonesia
(Studi Kasus: Putusan Nomor: 367/Pid.Sus/2019/Pn.Btm).**

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ABSTRAK

Pemerintah telah membuat kebijakan dengan memperluas kesempatan kerja dalam rangka mengurangi angka pengangguran, namun banyaknya oknum-oknum di Indonesia yang tidak bertanggung jawab mengikut sertakan perekrutan calon pekerja migran Indonesia secara ilegal, berdasarkan Putusan Nomor 367/Pid.Sus/2019/Pn.Btm sebagaimana telah terbukti secara sah terdakwa melakukan tindak pidana orang perseorangan yang turut serta tanpa hak menempatkan pekerja migran Indonesia dengan jumlah calon pekerja migran sebanyak 47 orang. Penelitiann ini membahas bagaimana dasar pertimbangan hakim dalam menjatuhkan putusan perkara pekerja migran Indonesia pada Putusan Nomor 367/Pid.Sus/2019/Pn.Btm dengan tujuan untuk menganalisa dasar pertimbangan hakim dalam menjatuhkan putusan pekerja migran Indonesia. Seharusnya penempatan pekerja migran Indonesia hanya dapat dilakukan oleh badan yang memiliki dasar perjanjian secara tertulis antara pemerintah dengan pemeritah Negera yang memberikan pekerjaan bagi calon pekerja migran, dan mendapatkan Surat Izin Perusahaan Penempatan Pekerja Migran atau yang dikenal (SIP3MI). Jenis penelitian ini adalah jenis penelitian hukum normatif serta menggunakan pendekatan kasus karna objek penelitian adalah putusan pengadilan. Berdasarkan analisis yuridis dan telaah terkait pertimbangan hakim dapat disimpulkan bahwa majelis hakim tidak memberikan argumentasi/pertimbangan secara jelas dan komprehensif kenapa memilih UU tentang perlindungan pekerja migran dan mengesampingkan UU tindak pidana perdagangan orang, juga kurang menerapkan pendekatan keilmuan.

Kata Kunci: Calon Pekerja, Migran, Perdagangan Orang.

***Juridical Analysis of Criminal Acts of Indonesian Migrant Workers
(Case Study: Decision Number: 367/Pid.Sus/2019/Pn.Btm).***

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ABSTRACT

The government has made a policy of expanding employment opportunities in order to reduce the unemployment rate, but there are many irresponsible elements in Indonesia who are involved in the illegal recruitment of prospective Indonesian migrant workers, based on Decision Number 367/Pid.Sus/2019/Pn.Btm as it has been legally proven that the defendant committed the criminal act of individuals who participated without the right to place Indonesian migrant workers with a total of 47 potential migrant workers. This research discusses the basis for consideration of judges in passing decisions on cases of Indonesian migrant workers in Decision Number 367/Pid.Sus/2019/Pn.Btm with the aim of analyzing the basis for considerations of judges in passing decisions on Indonesian migrant workers. The placement of Indonesian migrant workers should only be carried out by an agency that has the basis of a written agreement between the government and the state government that provides jobs for prospective migrant workers, and obtains a Migrant Worker Placement Company Permit or what is known as SIP3MI. This type of research is a type of normative legal research and uses a case approach because the object of research is a court decision. Based on the juridical analysis and review of the judges' considerations, it can be concluded that the panel of judges did not provide clear and comprehensive arguments/considerations as to why they chose the law on the protection of migrant workers and ruled out the law on the crime of trafficking in persons, nor did they apply a scientific approach.

Keywords: Prospective Workers, Migrants, Trafficking in Persons.