

ABSTRAK

Beberapa permasalahan muncul seiring dengan proses migrasi ke Kerajaan Arab Saudi. Contohnya adalah adanya pekerja ilegal, masalah hukum kasus pidana, serta masalah yang palingkrusial adalah masalah pekerja migran Indonesia yang bekerja di Arab Saudi namun tidak sesuai prosedur izin tinggal yang diberlakukan oleh Arab Saudi bagi para pekerja asing. Jumlah PMI di Arab Saudi yang melebihi batas masa izin tinggal (*overstayers*) mencapai ribuan jiwa. Berbagai upaya perlindungan hukum telah diusahakan oleh negara Indonesia, namun realitanya banyak warga negara Indonesia yang tidak mematuhi peraturan yang berlaku dengan melakukan penyelewengan terhadap prosedur pra dan pasca pemberangkatan pekerja migran Indonesia (PMI) ke Arab Saudi dengan tidak mengikuti peraturan mengenai migrasi ketenagakerjaan yang telah berlaku di Arab Saudi. Faktor penyebab PMI *overstay* juga beragam, mulai dari permasalahan internal maupun permasalahan eksternal terkait dengan perusahaan yang bertanggungjawab menempatkan maupun pihak *sponsorship* yang lalai. Selain itu, upaya hukum telah Pemerintah Indonesia realisasikan dalam berbagai kegiatan dan bantuan bagi para PMI *overstayers* di Arab Saudi, diantaranya upaya pendeportasian, permohonan *amnesty*, pembaharuan hukum, realisasi program SPSK (Sistem Penempatan Satu Kanal), serta program pasporisasi. Melalui metode kualitatif dan jenis normatif empiris, penelitian ini mencoba mendeskripsikan data-data primer dari perundang-undangan maupun pandangan-pandangan dan doktrin-doktrin ilmu hukum yang berlaku. Data sekunder tersaji terkait dengan jumlah PMI berdokumen resmi, jumlah penempatan dan perlindungan PMI di Arab Saudi, serta jumlah keberhasilan pemerintah Indonesia dalam bantuan pemulangan PMI *overstay* di Arab Saudi.

Kata Kunci: Pekerja Migran Indonesia, Overstayer, Izin tinggal, Perlindungan Hukum

ABSTRACT

Several problems arose along with the migration process to the Kingdom of Saudi Arabia. For example, the presence of illegal workers, criminal case law issues, and the most crucial issue was the problem of Indonesian migrant workers who worked in Saudi Arabia but did not comply with the residence permit procedures imposed by Saudi Arabia for foreign workers. The number of PMIs in Saudi Arabia who have exceeded the limit for their residence permits (overstayers) has reached thousands. Various legal protection efforts have been made by the Indonesian state, but in reality many Indonesian citizens do not comply with applicable regulations by distorting the pre- and post-departure procedures for Indonesian migrant workers (PMI) to Saudi Arabia by not following the regulations regarding labor migration that have been in effect in Saudi Arabia. Factors that cause PMI overstays also vary, ranging from internal problems and external problems related to companies that are responsible for placing or sponsors who are negligent. In addition, the Government of Indonesia has implemented legal remedies in various activities and assistance for PMI overstayers in Saudi Arabia, including deportation efforts, amnesty requests, legal reforms, realization of the SPSK (One Channel Placement System) program, and the passportization program. Through qualitative methods and empirical normative types, this study tries to describe primary data from legislation as well as views and prevailing legal science doctrines. Secondary data is presented related to the number of PMIs with official documents, the number of PMI placement and protection in Saudi Arabia, and the number of successes of the Indonesian government in assisting the repatriation of overstayed PMIs in Saudi Arabia.

Keywords: Indonesian Migrant Workers, Overstayers, Residence Permits, Legal Protection