

Akses keadilan perempuan pekerja rumah tangga (PRT) migran: studi kasus penempatan di Hong Kong = Access to justice of female migrant domestic workers: case study of placement in Hong Kong

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Abstrak

Migrasi tenaga kerja internasional Indonesia dewasa ini direpresentasikan oleh tiga profil utama. Pertama, perempuan Pekerja Rumah Tangga PRT migran di Timur Tengah, yang jumlahnya berangsur-angsur berkurang. Kedua, pekerja rumah tangga migran di negara-negara maju di Asia seperti Hong Kong, Taiwan dan Singapura. Ketiga, laki-laki pekerja migran tidak berdokumen di Malaysia. Tesis ini difokuskan pada kategori kedua dari profil pekerja migran Indonesia, khususnya PRT migran di Hong Kong untuk memperlihatkan bagaimana migrasi tenaga kerja internasional Indonesia adalah migrasi berwajah perempuan akan tetapi akses keadilan perempuan PRT masih terbatas. Untuk melihat bagaimana akses keadilan perempuan PRT migran di Hong Kong, empat aspek dari Akses Keadilan, yaitu permasalahan hukum, literasi hukum, identitas hukum dan bantuan hukum dieksplor melalui penelitian kualitatif berperspektif feminis, menggunakan sudut pandang perempuan PRT migran yang sementara menghadapi permasalahan dengan agen dan/atau pemberi kerja di Hong Kong. Studi dokumen mengenai permasalahan hukum dilakukan terhadap Undang-Undang No. 18/2017 mengenai Perlindungan Pekerja Migran Indonesia dan Ordinansi Ketenagakerjaan serta Kontrak Kerja Standar Hong Kong, sedangkan studi lapangan mengenai literasi hukum, identitas hukum dan bantuan hukum dilakukan melalui wawancara mendalam terhadap lima subyek utama penelitian, FGD dan observasi. Hasil penelitian memperlihatkan perempuan masih terkendala akses keadilan karena instrumen hukum belum memperhitungkan pengalaman perempuan, terbatasnya literasi hukum, ketiadaan akses terhadap dokumen identitas hukum dan layanan bantuan hukum yang terbatas dari negara.

International labor migration of Indonesian migrant workers nowadays is represented by three main profiles that is female domestic workers in Middle East itself even though the number is less compare to previous years, migrant domestic worker in developing countries such as Hong Kong, Taiwan and Singapore, which increasing in number and the last category is undocumented male migrant workers in Malaysia who work on plantations. This thesis focuses on the second category, particularly Migrant Domestic Workers MDWs in Hong Kong to show how international labor migration has female face, but access to justice of female MDWs is still constrained. Access to justice here refers to four aspects that are legal problem, legal literacy, legal identity and legal aid. To explore these aspects, a qualitative feminist based research has been conducted using the life story of five Indonesian female MDWs who is now engage in legal proceedings due to disputes caused by both agencies and employers. At the same time, documentary study was also conducted toward the newest Indonesian The Law No.18 2017 on Protection of Indonesian Migrant Workers as well as Hong Kong law that are Employment Ordinance and Standard Working Contract of Foreign Domestic Helper. The research results show that women are restricted to access justice because legal instrument does not include women rsquo s experiences yet, the legal literacy of MDWs is limited, female MDWs do not have proper access to their legal identities as well as limited legal aid provided by the state.