

BAB IV

KESIMPULAN

Kerentanan pekerja migran perempuan Indonesia perlu penanganan lebih lanjut tidak hanya dari pemerintah tetapi juga dari aktor-aktor lain. Dalam penelitian ini ditemukan bahwa kerentanan dapat dibagi menjadi tiga sumber, yaitu kerentanan yang berasal dari individu, kerentanan dalam hierarki masyarakat dan dampak dari kebijakan pemerintah. Kerentanan yang berasal dari individu baik secara fisik dan mental dapat menyebabkan pembatasan hak dan akses ke layanan kesehatan dan sosial. Kemudian kerentanan akibat hierarki dalam masyarakat seperti perbedaan gender dapat menyebabkan adanya ketidakadilan gender seperti marginalisasi, subordinasi, kekerasan, beban ganda dan stereotip dalam proses migrasi pekerja migran perempuan. Lalu, kerentanan yang muncul akibat dampak dari kebijakan pemerintah menyebabkan kebutuhan hak-hak dan perlindungan pekerja migran perempuan belum terpenuhi sepenuhnya secara hukum. ILO sebagai organisasi internasional yang berfokus pada kesejahteraan pekerja migran membuat program *Safe and Fair* guna mengatasi kerentanan tersebut. Maka dari itu, penulis merumuskan pertanyaan utama yaitu **“bagaimana peran dan fungsi ILO dalam mengatasi kerentanan pekerja migran perempuan Indonesia melalui program *Safe and Fair*?”**. Berdasarkan penelitian yang telah dilakukan pada bab-bab sebelumnya, peran dan fungsi ILO dalam menangani kerentanan pekerja migran perempuan Indonesia adalah dengan menjadi instrumen, aktor, dan arena sebagai peran serta artikulasi dan agregasi, normatif, dan sosialisasi sebagai fungsi untuk mencapai kerangka tata kelola migrasi pekerja yang gender responsif, yaitu tidak eksploitatif terhadap migran perempuan, memberikan akses pelayanan kesehatan dan sosial bagi migran perempuan, tidak diskriminatif bagi perempuan, dan melindungi migran perempuan dari segala bentuk kekerasan.

Upaya artikulasi dan agregasi oleh ILO dilakukan dengan menyampaikan dan

menggabungkan kepentingan dalam mencapai tata kelola migrasi yang gender responsif di Indonesia. Kebijakan mengenai pekerja migran di Indonesia sebelumnya masih bersifat netral gender. Selain itu, pekerja migran perempuan kesulitan dalam mengakses layanan kesehatan dan sosial. Oleh sebab itu, ILO melalui program *Safe and Fair* memfasilitasi dialog sosial antara tripartit nasional yang secara bersamaan menggunakan standar internasional dalam mencapai tujuan seluruh pihak. Beberapa hasil kesepakatan tersebut ILO berhasil membuat Indonesia membuat Keputusan Kepala BP2MI No. 9 tahun 2020 tentang Penghapusan Biaya Penempatan Pekerja Migran dan Pasal 38 UU PPMI No. 18/2017 tentang LTSA. LTSA berfungsi sebagai lembaga yang menaungi dinas-dinas yang berkaitan dengan proses migrasi dan dokumentasi pekerja migran. Oleh karena itu, LTSA dapat memberikan kemudahan bagi pekerja migran untuk mengakses layanan kesehatan dan sosial sebab di dalamnya juga termasuk dinas kesehatan. Selain dalam bentuk kebijakan, Indonesia dari hasil dialog sosial dengan pihak ILO menjalankan beberapa aktivitas yang mampu mengurangi kerentanan pekerja migran perempuan seperti dengan mengadakan pelatihan pra-kerja dan pengorganisasian bantuan hukum.

Kemudian, ILO berupaya dalam pembentukan norma dan kebiasaan baru kepada negara-negara anggotanya yaitu pembentukan rasa aman dan adil kepada pekerja migran perempuan. Sebab, pekerja migran perempuan lebih rentan untuk mendapatkan kekerasan berbasis gender, perdagangan manusia, dan eksploitasi seksual maupun ekonomi. Maka dari itu, dengan program *Safe and Fair*, ILO di Indonesia mendirikan pelayanan migrasi yang gender responsif dan berbasis desa seperti LTSA yang terintegrasi MRC dan Desmigratif. Program ini telah dilaksanakan di empat Kabupaten percontohan di Indonesia di Cirebon, Tulungagung, Blitar, dan Lampung.

ILO juga berupaya dalam memberikan sosialisasi dalam meningkatkan kesadaran para pekerja migran dan keluarga akan hak dan tanggung jawab mereka sebelum bermigrasi. Selain menjadi korban pekerja migran ilegal, mereka juga tidak memperoleh pembekalan pra-kerja

sebelum bermigrasi. ILO melalui *Safe and Fair* di Indonesia memberikan pelatihan pra-kerja dan FGD mengenai keselamatan dan kekerasan dan pelecehan yang mungkin terjadi di dunia kerja dan bagaimana tindakan yang tepat dalam mencegah dan menanganinya. Hal ini sesuai dengan Konvensi ILO no. 190 tentang mengakhiri kekerasan dan pelecehan terhadap pekerja migran dan menjadi implementasi akan Peraturan Pemerintah no. 59 tahun 2021 tentang Pelindungan Pekerja Migran Indonesia.

Pentingnya penanganan isu kerentanan pekerja migran perempuan Indonesia agar bebas dari kekerasan dan perlakuan yang tidak adil agar tercapainya kesetaraan dalam mendapatkan akses, kesempatan, dan kondisi kerja yang layak. Program pelayanan yang ramah gender, pemberian pelatihan, dan pembentukan kebijakan dalam negeri diharapkan dalam mengatasi sumber kerentanan para pekerja migran perempuan Indonesia. Oleh sebab itu, program *Safe and Fair* menunjukkan salah satu bentuk upaya yang dilakukan oleh ILO dalam mencapai kesejahteraan para pekerja migran sesuai dengan peran organisasi internasional sebagai aktor otonom yang mewadahi negara dan para pemangku kepentingan lainnya, serta menjadi instrumen penggerak adanya kebijakan yang lebih gender responsif.

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