

BAB V KESIMPULAN

Negara-negara anggota ASEAN merupakan negara pengirim sekaligus penerima buruh migran, ketiadaan kebijakan perlindungan buruh migran di ASEAN membuat kasus-kasus kekerasan terhadap buruh migran terabaikan dan terus meningkat. Sejak 2007 kemudian munculah kebijakan-kebijakan di ASEAN yang mengatur perlindungan buruh migran dan muncul sebuah forum regional yang khusus untuk mendiskusikan isu tersebut yang dalam prosesnya melibatkan aktor-aktor OMS, termasuk OMS dari Indonesia yang merupakan negara pengirim buruh migran terbesar di kawasan. Sedangkan ASEAN merupakan organisasi regional yang *state-centric* yang mengedepankan peran negara dalam tata kelolanya, dan cenderung kurang partisipatif terhadap OMS karena adanya ketentuan pembatasan ruang politik bagi entitas-entitas non-negara. Sehingga kondisi tersebut memunculkan pertanyaan “bagaimana keterlibatan organisasi masyarakat sipil Indonesia dalam menciptakan ruang partisipasi di ruang publik ASEAN untuk mempengaruhi proses pembuatan kebijakan regional perlindungan buruh migran?”.

Untuk menjawab pertanyaan tersebut maka Penulis menggunakan teori Kritis Linklater dan Habermas. Pandangan Linklater melihat OMS sebagai kelompok masyarakat solidaris yang mencoba mentransformasikan lingkungannya sebagai upaya determinasi diri melalui dialog terbuka di dalam sistem internasional. Dalam perspektif teori kritis sistem internasional merupakan sistem yang dibangun dari interaksi kompleks antar negara dan masyarakat sehingga

perlu dibangun suatu komunikasi universal masyarakat. Linklater sependapat dengan Habermas memandang bahwa dialog yang dilakukan OMS di ruang publik dapat menciptakan perubahan sosial, karena ruang publik mempertemukan antar aktor negara dan non-negara. Komunikasi tersebut dilakukan di dalam ruang jaringan yang berfungsi untuk membentuk suatu opini publik yang dinamakan ruang publik. Ruang publik tersusun secara *multilayer*, dimana setiap entitas di setiap *layer* memiliki fungsinya masing-masing dalam proses pembuatan suatu kebijakan. Menurut Mitzen secara legitimasi ruang publik internasional terdapat dua jenis: pertama, yaitu *vertical public sphere* dimana legitimasi suatu kebijakan berada di tangan warga negara; kedua, yaitu *interstate publi sphere* dimana legitimasi kebijakan terjadi antara aktor negara.

Pada bab II temuan Penulis adalah bahwa walaupun ASEAN merupakan organisasi regional yang *state-centric* yang memposisikan aktor-aktor non-negara hanya sebatas *transmission belt* atau pelaksana kebijakan. Namun di dalam sistem tersebut masih terdapat ruang alternatif yang dapat digunakan OMS untuk membuka ruang partisipasinya yaitu ruang yang dikenali ASEAN dan ruang yang dibuat sendiri oleh OMS. Pada bab III Penulis menemukan bahwa posisi OMS Indonesia sebagai salah satu *stakeholder* dalam isu buruh migran di kawasan di dorong oleh beberapa faktor seperti: posisi Indonesia sebagai pengirim buruh migran terbesar di kawasan yang didominasi jumlah buruh migran tanpa dokumen dan adanya keterbatasan daya jangkau pemerintah yang dapat diisi OMS dan perlu didorong oleh OMS.

Pada bab IV Penulis menemukan bahwa hal-hal yang dilakukan OMS Indonesia untuk dapat mempengaruhi proses pembuatan kebijakan perlindungan buruh migran di ASEAN di tengah kondisi *state-centrism* ASEAN adalah: pertama, membentuk dan bergabung dalam jaringan nasional dan regional; melakukan diskusi di ruang publik sebagai sarana bertukar informasi dengan jaringan OMS dari negara anggota lain untuk membentuk opini publik berbentuk usulan kebijakan bersama OMS; ketiga, menyampaikan usulan kebijakan tersebut kepada pemerintah ASEAN melalui tiga ruang partisipasi, yaitu: ruang yang dibangun ASEAN yaitu jalur konsultasi *ad hoc*, ruang yang dikenali ASEAN yaitu melalui jaringan melalui SAPA yang merupakan *output* jaringan dari ACSC, dan ruang yang dibuat sendiri oleh OMS seperti kegiatan paralel dan interaksi dengan institusi global ILO.

Berdasarkan temuan-temuan penulis dalam bab 2, 3 dan 4 serta kerangka teori yang digunakan, penulis menarik kesimpulan bahwa organisasi masyarakat sipil Indonesia merupakan salah satu kelompok masyarakat solidaris yang berusaha mendeterminasi diri dalam kondisi *state-centric* ASEAN dalam proses pembuatan kebijakan ASEAN, dengan memanfaatkan keterbatasan ruang-ruang partisipasi yang ada di ASEAN sebagai ruang publik yang berfungsi sebagai ruang dialog untuk dapat mempengaruhi pemerintah negara-negara anggota ASEAN sehingga instrumen-instrumen kebijakan regional dan pembentukan forum diskusi regional perlindungan buruh migran yang diusulkan OMS disepakati di dalam kondisi *interstate public sphere* di ASEAN.

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