

ABSTRAK

Perlindungan hukum terhadap tindak pidana kekerasan bagi pekerja rumah tangga (PRT) merupakan tanggung jawab negara dalam pemenuhannya. Realitanya, sampai saat ini PRT belum mendapatkan perlindungan dan pemenuhan hak tersebut karena masih mengalami berbagai bentuk kekerasan. Perlindungan yang diberikan melalui UU PKDRT belum cukup bagi PRT yang terkena kekerasan sehingga diperlukan payung hukum lainnya. Dalam penanganannya, kasus kekerasan yang dialami PRT belum juga ditangani secara optimal, terlebih pada PRT yang tidak menginap (bekerja *full time*). Selain itu, nihilnya payung hukum yang mengakomodasikan perlindungan hukum secara keseluruhan juga kerap menambah persoalan penanganan kasusnya. Kondisi demikian semakin menunjukkan perlunya peran negara dan pemerintah untuk hadir dan memberikan perlindungan hukum bagi PRT.

Penelitian ini menggunakan metode *socio-legal research* dengan spesifikasi penelitian deskriptif. Data yang digunakan ialah data primer dan sekunder. Pengumpulan data dilakukan melalui observasi dan wawancara kepada Pengawas Ketenagakerjaan Disnakertrans Provinsi Jawa Tengah; Tenaga Penelaah Teknis Kebijakan UPTD PPA DP3AP2KB Provinsi Jawa Tengah; LBH APIK Semarang; dan Ketua SPRT Merdeka Semarang. Sedangkan data sekunder melalui studi pustaka yang bersesuaian dengan materi penelitian.

Berdasarkan dari hasil penelitian disimpulkan bahwa perlindungan hukum terhadap tindak pidana bagi PRT belum sepenuhnya terwujud. Dilihat dari sisi substansi, peraturan yang secara eksplisit memberikan perlindungan hukum terhadap PRT belum juga disahkan. Dilihat dari sisi struktur, lembaga yang seharusnya bertanggung jawab terhadap perlindungan dan pemenuhan hak PRT belum juga melihat PRT sebagai pekerja yang wajib diatur. Oleh beberapa lembaga, isu-isu PRT masih berupaya digaungkan dan didukung agar tercipta sistem kerja yang layak bagi PRT. Dilihat dari sisi kultur, penanganan kekerasan terhadap PRT memerlukan perspektif APH yang lebih baik agar dapat memahami bahwa kasus ini terjadi dengan berbagai faktor yang melatarbelakangi. Kondisi inilah yang menunjukkan bahwa sistematika kerja PRT masih memerlukan perubahan secara mendasar, sebab perlindungan dari kekerasan baru dapat tercipta apabila terdapat konsekuensi logis bagi setiap lembaga untuk dapat mewujudkannya secara utuh.

Kata Kunci: Perlindungan Hukum; Tindak Kekerasan; Pekerja Rumah Tangga

ABSTRACT

Legal protection against violent crimes for domestic workers (PRT) is the responsibility of the state in fulfilling it. In reality, until now domestic workers have not received protection and fulfillment of these rights because they are still experiencing various forms of violence. The protection provided through the PKDRT Law is not enough for domestic workers who are affected by violence, so other legal umbrellas are needed. In its handling, cases of violence experienced by domestic workers have not been handled optimally, especially for domestic workers who do not stay overnight (work full time). In addition, the absence of a legal umbrella that accommodates legal protection as a whole also often adds to the problem of handling cases. Such conditions further show the need for the role of the state and government to be present and provide legal protection for domestic workers.

This study uses a socio-legal research method with descriptive research specifications. The data used are primary and secondary data. Data collection was carried out through observation and interviews with the Manpower Supervisor of the Central Java Province Directorate of Manpower; Technical Review Staff of UPTD PPA Policy DP3AP2KB Central Java Province; LBH APIK Semarang; and Chairman of SPRT Merdeka Semarang. Meanwhile, secondary data is through literature studies that are in accordance with the research material.

Based on the results of the study, it is concluded that legal protection against criminal acts for domestic workers has not been fully realized. In terms of substance, regulations that explicitly provide legal protection for domestic workers have not yet been passed. In terms of structure, the institution that should be responsible for the protection and fulfillment of the rights of domestic workers has not yet seen domestic workers as workers that must be regulated. By several institutions, domestic workers' issues are still trying to be echoed and supported in order to create a decent work system for domestic workers. From a cultural perspective, handling violence against domestic workers requires a better APH perspective in order to understand that this case occurs with various factors behind it. This condition shows that the systematics of domestic workers' work still requires fundamental changes, because protection from violence can only be created if there are logical consequences for each institution to be able to realize it in its entirety.

Keywords: Legal Protection; Acts of Violence; Domestic Workers