



**Legal Analysis of the Imposition of Criminal Punishment in the
Illegal Placement of Indonesian Migrant Workers
(Study Case: 381/Pid.Sus/2024/PNBtm)**

UNDERGRADUATE THESIS

**Submitted as one of the requirements to
obtain Sarjana Hukum (S.H.)**

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ABSTRAK

Penjatuhan hukuman terhadap pelaku penempatan ilegal Pekerja Migran Indonesia (PMI) dalam upaya pencegahan Tindak Pidana Perdagangan Orang (TPPO) berdasarkan Putusan No. 381/Pid.Sus/2024/PN Btm, yang muncul dari maraknya kasus PMI ilegal dengan risiko pelanggaran keselamatan, serta hukuman yang dinilai kurang memberikan efek jera. Penelitian ini untuk mengetahui penjatuhan hukuman pidana terhadap pelaku penempatan ilegal Pekerja Migran Indonesia dalam Putusan Pengadilan Nomor 381/Pid.Sus/2024/PNBtm, dan upaya pemerintah yang dapat memberikan dalam pencegahan Tindak Pidana Perdagangan Orang terhadap pekerja migran Indonesia (PMI). Dengan menggunakan pendekatan hukum normatif dan metode studi kasus, data dianalisis secara kualitatif berdasarkan putusan pengadilan, peraturan perundang-undangan, dan literatur hukum. Temuan penelitian menunjukkan bahwa hukuman denda sebesar 5 tahun penjara, dan Rp.4.375.000.000 (empat miliar tiga ratus tujuh puluh lima juta rupiah) atau hukuman penjara hanya 6 bulan, kurang nya mencerminkan efek jera terhadap pelanggaran di masa depan, sehingga menjaga risiko terulangnya kembali, dan pentingnya peningkatan pengawasan terhadap calon calon Pekerja Migran Indonesia. Kebaruan penelitian ini terletak pada pengintegrasian teori Pemidanaan untuk mengkaji efek jera, analisis kasus-kasus terkini.

Kata Kunci: Penempatan Ilegal, Pekerja Migran Indonesia, Perdagangan Orang

ABSTRACT

The imposition of sentences on perpetrators of illegal placement of Indonesian Migrant Workers (PMI) in an effort to prevent the Crime of Human Trafficking (TPPO) based on Decision No. 381/Pid.Sus/2024/PN Btm, which arose from the rampant cases of illegal PMI with the risk of safety violations, as well as sentences that were considered to have less deterrent effect. This study aims to determine the imposition of criminal sentences on perpetrators of illegal placement of Indonesian Migrant Workers in Court Decision Number 381/Pid.Sus/2024/PNBtm, and government efforts that can be provided in preventing the Crime of Human Trafficking against Indonesian migrant workers (PMI). Using a normative legal approach and case study method, data were analyzed qualitatively based on court decisions, laws and regulations, and legal literature. The research findings indicate that a fine of 5 years and Rp. 4,375,000,000 (four billion three hundred and seventy-five million rupiah) or a prison sentence of only 6 months does not adequately deter future violations, thereby reducing the risk of recurrence. This study emphasizes the importance of increased supervision of prospective Indonesian migrant workers. The novelty of this research lies in the integration of criminalization theory to examine the deterrent effect and analysis of recent cases.

Keywords: Illegal Placement, Indonesian Migrant Workers, Human Trafficking