INDONESIAN DIPLOMACY TO COMMUTE INDONESIAN MIGRANT WORKERS FROM DEATH SENTENCE IN SAUDI ARABIA (2011 – 2013)

An Undergraduate Thesis
Submitted to the Faculty of Social and Political Sciences
In Partial Fulfilment of the Requirements for Bachelor of Arts (B.A.) in International Relations

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STATE ISLAMIC UNIVERSITY SYARIF HIDAYATULLAH
JAKARTA
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2013
DECLARATION OF ORIGINALITY

This thesis entitled:

INDONESIAN DIPLOMACY TO COMMUTE INDONESIAN MIGRANT WORKERS FROM DEATH SENTENCE IN SAUDI ARABIA (2011 – 2013)

1. Is my original work proposed to fulfill one of requirements to obtain undergraduate degree in State Islamic University (UIN) Syarif Hidayatullah Jakarta.

2. All sources used in this thesis I have attached according to the rules applied in State Islamic University (UIN) Syarif Hidayatullah Jakarta.

3. If this thesis is afterwards found not as my original work or recognized as plagiarize from other’s work, I agree to take all the responsibilities and penalties applied by State Islamic University (UIN) Syarif Hidayatullah Jakarta.

Jakarta, 20 December 2013

Yurizka Nur Rahmah
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ABSTRACT

This thesis elaborates Indonesian diplomacy to commute Indonesian migrant workers from death sentence in Saudi Arabia from 2011 to 2013. Indonesia, as stated in the Preamble of Indonesian 1945 Constitution paragraph four, places security of its people as primary of national interest. The protection of Indonesian migrant workers in Saudi Arabia has become the priority in Indonesia’s foreign policy after the execution of Ruyati on June 2011. High pressure from public insists President Yudhoyono to respond Ruyati’s execution by stating out six instructions to protect Indonesian migrant workers from death sentence in Saudi Arabia.

This study aims to seek and analyze the development of diplomatic efforts conducted by Indonesian government in commuting the death sentence of Indonesian migrant workers in Saudi Arabia after Ruyati’s death execution. Thus, this study also aims to analyze challenges faced by Indonesian government in conducting diplomacy with Saudi Arabia. This study elaborates the attempts of Indonesian government in commuting Indonesian Migrant Workers from death sentence by using the concepts of national interest, foreign policy and diplomacy. After conducting literature research and interviews, the author finds out that Indonesian government implements first track diplomacy to Saudi Arabia. Indonesian government conducts its diplomatic efforts by sending diplomatic notes and its representatives to commute the sentence of Indonesian migrant workers in Saudi Arabia. The author argues that Indonesian government, through their diplomatic efforts, succeeded to commute the death sentence of Indonesian migrant workers in Saudi Arabia. The achievements of Indonesian government in commuting the sentence of Indonesian migrant workers are indicated through three diplomatic achievements. The achievements are indicated through the number of Indonesian migrant workers who have been released from death sentence, the number of Indonesian migrant workers who get suspension for their execution and the positive relationship between Indonesian government and Saudi’s government in negotiation and mediation processes. Moreover, the author also argues that there are three challenges faced by Indonesian government in commuting the death sentence of Indonesian migrant workers in Saudi Arabia. The challenges are lacking of forgiveness from victim’s family, un-affordable diyat for Indonesian migrant workers and under age heir to give approval to the Indonesian migrant workers.
PREFACE

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The author owes special thanks to interviewees who gave their time to conduct interviews with her. Their willingness to share their views and experiences is really appreciated by the author. The list of the interviewees is attached at the end of this thesis.

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Last, I dedicate this thesis as reward for my efforts in facing the challenges for the last one and half years.

Jakarta, 20 Desember 2013

Yurizka Nur Rahmah
CONTENTS

ABSTRACT..................................................................................................................v
PREFACE..................................................................................................................vi
CONTENTS...............................................................................................................viii
LIST OF TABLES.......................................................................................................x
LIST OF ABBREVIATIONS.......................................................................................xi
LIST OF ATTACHMENTS.........................................................................................xii

CHAPTER I  INTRODUCTION

A. Background.........................................................................................................1
B. Research Question .............................................................................................7
C. Purpose and Significant of Study......................................................................7
D. Literature Review .............................................................................................8
E. Theoretical Framework
   1. National Interest............................................................................................10
   2. Foreign Policy ...............................................................................................11
   3. Diplomacy ......................................................................................................13
F. Research Method ..............................................................................................15
G. Research Outline ..............................................................................................17

CHAPTER II  DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

A. Death Sentence in Saudi Arabia Legal System ..............................................20
B. Labor Regulations and Culture of Slavery in Saudi Arabia .....................22
C. Death Sentence Cases among Indonesian Migrant Workers
   in Saudi Arabia 2011 – 2013 .........................................................................26
CHAPTER III  INDONESIAN DIPLOMACY IN COMMUTING THE DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

A. Responses of Indonesian Government towards the Execution of Ruyati in 2011 ............................................................................................... 31

B. Diplomatic Efforts Conducted by Indonesian Government to Commute Indonesian Migrant Workers from Death Sentence in Saudi Arabia 2011 – 2013 ......................................................... 35

C. Diplomatic Achievements of Indonesian Government in Commuting the Death Sentence of Indonesian Migrant Workers in Saudi Arabia 2011 – 2013 ......................................................... 40

CHAPTER IV  CHALLENGES FACED BY INDONESIAN GOVERNMENT IN COMMUTING THE DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

A. Lacking of Forgiveness from Victim’s Family .................................... 44

B. Un-affordable *Diyat* for Indonesian Migrant Workers .................. 46

C. Under Age Heir to Give Approval to the Indonesian Migrant Workers ......................................................... 48

CHAPTER V  CONCLUSION .................................................................................. 51

REFERENCES .................................................................................................... xiii

ATTACHMENTS
LIST OF TABLES

Table II.1: The details of law process for 36 IMWs in Saudi Arabia that are threatened by the death sentence .................................................................25

Table II.2: The details of decree for 41 IMWs in Saudi Arabia that have been released from death sentence .................................................................24
LIST OF ABBREVIATIONS

BNP2TKI  Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia
National Agency for Placement and Protection of Indonesian Manpower

G to G  Government to Government

ILO  International Labor Organization

IMWs  Indonesian Migrant Workers

KBRI  Kedutaan Besar Republik Indonesia
Embassy of the Republic of Indonesia

KJRI  Konsulat Jenderal Republik Indonesia
Consulate General of the Republic of Indonesia

MoU  Memorandum of Understanding

NGOs  Non-Governmental Organizations

PWNIBHI  Perlindungan Warga Negara Indonesia dan Badan Hukum Internasional
Protection of Indonesian Citizens and Legal Entities Abroad

VoA  Voice of America

WNA  Warga Negara Asing
Foreign nationals

WNI  Warga Negara Indonesia
Indonesian citizens
LIST OF ATTACHMENTS

Attachment 1: Interview Report with Aidil Khairunsyah as staff of PWNIBHI for Saudi Arabia, Europe, Oman and Korea.

Attachment 2: Interview Report with Henry Prajitno, SH, M.Si as the Chief Coordinator in Crisis Centre BNP2TKI.

Attachment 3: Interview Report with Dr. Muhammad Lulu Iqbal, MA as the Deputy Director of PWNIBHI.
CHAPTER I
INTRODUCTION

A. Background

At the sixth biennial Assembly of the World Movement of Democracy in 2010, President Susilo Bambang Yudhoyono as Indonesian President, stated publicly that he and his team (‘Kabinet Indonesia Bersatu Jilid II’) would make human-rights protection as national priority.\(^1\) One year later, President Yudhoyono stated in his speech for International Labor Organization (ILO) conference in Geneva on June 14\(^{th}\) 2011 that he promised to concern on the prosperity of Indonesian Migrant Workers (IMWs) including their protection through law, institutional and administrative ways.\(^2\) However, Ruyati’s execution on June 18\(^{th}\) 2011 in Saudi Arabia contradicted from the promise that had already been stated by President Yudhoyono in ILO conference in 2011.

Ruyati binti Satubi is one of IMWs who was executed by Saudi’s government because she had committed a serious crime in Saudi Arabia. She admitted that she had killed the mother of her employer, Mrs. Khoiriyah Omar Moh. Omar Hilwani on January 12\(^{th}\) 2010. She also admitted that her crime was based on her disappointment towards Mrs. Khoiriyah who often scolded and never

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granted Ruyati’s request to back to Indonesia. Before she was executed, she had had two times trial. The first trial was held on May 3rd 2010. Then, the second trial was held one week later, on May 10th 2010. The Consulate General of The Republic of Indonesia (Konsul Jenderal Republik Indonesia / KJRI) in Jeddah and Embassy of the Republic of Indonesia (Kedutaan Besar Republik Indonesia / KBRI) in Riyadh believed that they had helped Ruyati as best as they could. Indonesian government, through KJRI Jeddah, sent some representatives to assist Ruyati on her trials seeking for pardon from Mrs. Khoiriyah’s family. Since Ruyati had admitted her crime in the trial and Mrs. Khoiriyah’s family did not give forgiveness to Ruyati, KJRI Jeddah was asking for forgiveness through the Governor of Mecca province. However, in the middle of mediation process, Ruyati was executed by Saudi’s government without prior notification to Indonesian government.

The execution triggered public pressure from local and international mass media. Local media, Republika, commented that Ruyati’s execution happened because of the weakness of diplomacy conducted by Indonesian government in protecting IMWs. Thus, Kompas also stated similar opinions through its articles by arguing that Indonesian government needed to revise their working

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4 Ibid.
performance. Moreover, Media Indonesia argued that Indonesian government was careless in handling Ruyati’s case. The local media represented the disappointment of Indonesian society towards Ruyati’s execution.

Meanwhile, international media also highlighted Ruyati’s execution case. The Economist online and Voice of America (VoA) discussed about the disappointment of Indonesian government towards Riyadh which did not notify Jakarta before executing Ruyati. Indonesian government helped the negotiation and mediation processes towards Mrs. Khoriyah’s family and the Governor of Mecca province in order to get forgiveness for Ruyati. However, according to KJRI Jeddah, it was Saudi’s government which was not giving further information about the date of Ruyati’s execution to KJRI.

Based on the report of Ministry of Foreign Affairs, Ruyati was not the first worker who was executed in Saudi Arabia. There were two IMWs who had been executed in Saudi Arabia from 1999 to 2011. In Saudi Arabia, the number of IMWs who were abused and suffered from sexual harassment was bigger than the number of IMWs who involved in serious crime. Indonesian Ministry of Foreign Affairs and its representatives in Saudi Arabia reported that in 2011 there were

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9 “Beheading the Golden Goose,” The Economist (online), 3 July 2011. [on-line database]; Download from ProQuest, 874853883. Available at http://search.proquest.com/docview/874853883?accountid=133190
10 “Inilah Kronologis Kasus Ruyati Versi KJRI Jeddah”.
720 sexual harassment cases and 469 abuse cases towards IMWs. Thus, there were 277 cases of serious crime committed by IMWs in Saudi Arabia. However, Ruyati was the only IMW who was beheaded in Saudi Arabia in 2011.

The execution towards Ruyati in 2011 led the public opinion to judge the response of President Yudhoyono and his team in handling this issue. Indonesian government was facing a lot of pressures. People condemned the Saudi’s government and criticized Indonesian government at the same time in media. They argued that President Yudhoyono and his team had failed in protecting Indonesian migrant workers’ right. They also argued that President Yudhoyono could not respond death sentence case properly like what former Indonesian President, Abdurahman Wahid, did in commuting the death sentence of Siti Zaenab in 1999.

After Ruyati’s death sentence case came up widely in mass media, Indonesian government had to respond this case quickly. President Yudhoyono initiated to take several steps responding the pressure of public opinion about this

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13 Ibid.
14 Hasibullah Satrawi, “Krisis Politik RI-Arab Saudi,” Kompas, 7 Juli 2011.
16 Azwar, “Saudi Remehkan RI”. See also Schonhardt, “Indonesia Imposes Moratorium on Sending Workers to Saudi Arabia”.
17 Mr. Gus Dur conducted diplomacy to Saudi King through direct phone call asking for forgiveness for Siti Zaenab. Thus, Siti Zaenab was successfully commuted from death sentence at that time. See “Soal Hukuman Mati TKI, SBY Diminta Mencontoh Gus Dur,” Republika Online, 20 June 2011. [on-line newspaper]; Available at http://www.republika.co.id/berita/nasional/umum/11/06/20/ln2/t36-soal-hukuman-mati-tki-sby-diminta-mencontoh-gus-dur
issue.¹⁸ He stated out six instructions to enhance the protection of IMWs.¹⁹ One of the prominent instructions was the establishment of a task force to look into the cases of IMW who sit on death row in Saudi Arabia for various offences.²⁰ He did not want any other cases like Ruyati happened to IMWs in the future. Therefore, a special team for death sentence cases was made by President Yudhoyono for IMWs starting by calling four Indonesian Ambassadors from Saudi, Malaysia, China and Singapore.²¹

Tuti Tursilawati (2010), Satinah (2011) and Siti Zaenab (1999) are some of the IMWs who sit on death row in Saudi Arabia. They need special effort to be commuted from their sentence. Indonesian government, including President Yudhoyono, conducted diplomatic efforts to persuade Saudi’s side to give them forgiveness so that there is a chance for the government to commute their death sentence through blood money. Indonesian government conducted its diplomatic efforts by sending diplomatic notes and representative of Indonesia to Saudi Arabia. These diplomatic efforts were implemented by President Yudhoyono and his team. For instance, President Yudhoyono wrote a letter asking for the suspension of death sentence and requested a pardon from Saudi King. Besides

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¹⁸ Satrawi, “Krisis PolitikRI-Arab Saudi.”
¹⁹ Sekretariat Kabinet Republik Indonesia, “Penjelasan Kasus Ruyati dan Pembentukan Sistem Perlindungan TKI.” Six instructions were announced by President Yudhoyono to respond Ruyati’s execution on June 18th. The first instruction was sending Moratorium to Saudi Arabia. Second, Indonesia was preparing other Moratorium for other Middle East countries. Third, President Yudhoyono sent a protest letter for Saudi Arabia King because Saudi’s government did not notify the date of Ruyati’s execution. Fourth, the President formed a task force to protect IMW abroad that are facing death sentence. Fifth, the President decided to form Legal Attaché and Human Rights in some Indonesian Embassies which have a lot of migrant workers. Sixth, further national policies concerning IMW abroad will be formulated and determined, after the joint team completed the task given by President Yudhoyono.
²⁰ “Beheading the Golden Goose.”
²¹ Presiden Republik Indonesia, “Transkrip Keterangan Presiden Soal Kasus Ruyati.”
the letter, another effort to commute the death sentence of IMWs was showed by sending former Indonesian President, B. J. Habibie, on December 2011. The diplomatic efforts conducted by Indonesian government showed significant achievements on IMWs who were sitting on death row. The achievements were supported by the fact that Tuti Tursilawati, Satinah and Siti Zaenab have not been executed yet up to now.\(^{22}\) Besides the achievements, there are three challenges faced by Indonesian government in commuting the sentence of IMWs. The challenges are ‘lacking of forgiveness from victim’s family’, ‘un-affordable *diyat* for IMWs’ and ‘under age heir to give approval to the IMWs’. These challenges came up after the diplomatic efforts had been conducted by Indonesian government to commute Tuti Tursilawati, Satinah and Siti Zaenab from death sentence.

This research focuses on the diplomatic efforts conducted by Indonesian government from 2011 to 2013 because the execution of Ruyati in 2011 was highlighted widely by mass media. It was the turning point of Indonesian government to give more attention towards the IMWs who were convicted under death sentence. Thus, for the first time ever, Indonesian President established a special task force to commute the death sentence of IMWs. Therefore, the writer eagers to find out the diplomatic efforts conducted by Indonesian government and the challenges faced by the government in commuting the death sentence of IMWs in Saudi Arabia from 2011 to 2013.

B. Research Questions

There are two research questions come up based on the previous research background.

1. How does Indonesian government conduct diplomatic efforts to commute the death sentence of IMWs in Saudi Arabia after Ruyati’s death execution in 2011?

2. What are the challenges faced by Indonesian government in its attempt to commute the death sentence of IMWs in the period of 2011 – 2013?

C. Purposes and Significant of Study

This research aims to seek and analyze the development of diplomatic efforts conducted by Indonesian government in commuting IMWs from death sentence in Saudi Arabia after the execution of Ruyati in 2011. Thus, this research also aims to analyze challenges faced by Indonesian government in conducting the diplomatic efforts to Saudi’s side.

This research is important because the study and research related to diplomacy to protect IMWs conducted by Indonesia in the Middle East has not been explored widely because Middle East countries are known for their strict and rigid culture. It is hard to get information about the process of diplomacy conducted by Indonesia in Middle East countries. Researchers prefer to conduct research about Indonesian diplomacy to protect IMWs in Malaysia because the are more available information about it. The research can enrich the knowledge and literature on diplomacy, particularly Indonesian diplomacy towards Saudi Arabia.
in its attempt to protect IMWs. This research can also provide feedbacks for decision makers in Indonesia to formulate foreign policy that will enhance the protection of IMWs in Middle East countries.

D. Literature Review

Research related to the protection of IMWs in Saudi Arabia has been conducted previously by scholars. Mega Kusumawati in her research found that violation of human rights often took place among IMWs who worked in Saudi Arabia.\textsuperscript{23} Through periods of study started from 2006 to 2012, she concluded that Indonesian government has not been able to give maximum protection for migrant workers in Saudi Arabia and for its internal and external factors. The internal factors are related to the lack of coordination between Indonesian government and private institutions in distributing workers in Saudi Arabia and the lack of law in protecting IMWs. Meanwhile, the external factor of the problem is coming from the absence of special bilateral relations between Indonesia and Saudi Arabia which are concerned with the protection of IMWs.\textsuperscript{24}

Fadhli Zikri examined diplomatic strategies developed by Indonesian government in dealing with several cases experienced by Indonesian workers during the periods of 2010 – 2011.\textsuperscript{25} His research findings showed the attempts of diplomacy demonstrated by Indonesian government through the series of

\textsuperscript{23} Mega Indah Kusumawati, “Penanganan Pemerintah Indonesia dalam Mengatasi Masalah Penempatan dan Perlindungan Tenaga Kerja Indonesia di Arab Saudi,” \textit{Jurnal Analisis Hubungan Internasional} 2, no.2 (2013 [02]).

\textsuperscript{24} Ibid.

meetings and negotiations such as Senior Official Meeting I, *Madinatul Hujaj* and Senior Official Meeting II from 2010 to 2011. However, his research does not focus on the particular IMWs who needed special diplomatic efforts and challenges faced by Indonesian government in commuting the particular IMWs. In his research, he suggested that maximum protection for Indonesian workers will be likely pursued if Indonesia and Saudi Arabia have signed a significant Memorandum of Understanding (MoU) about the protection of IMWs.\(^{26}\)

The literature reviews above suggest that there is no single study which particularly discusses “Indonesian diplomacy to commute Indonesian migrant workers from death sentence in Saudi Arabia 2011 – 2013.” This research focuses on diplomatic strategy conducted by Indonesian government towards Saudi’s side to commute Indonesian migrant workers from death sentences in 2011 to 2013. Thus, this research employs theory of diplomacy particularly first track diplomacy which focuses on Government to Government diplomacy (G to G). It also employs two other theories, national interest and foreign policy, in order to enhance the theoretical framework of this research.

**E. Theoretical Framework**

This research intends to investigate the diplomatic efforts to commute IMWs from death sentence after Ruyati’s death execution in 2011. Therefore, the study will be guided by three conceptual analyses.

\(^{26}\) *Ibid.*
1. **National Interest**

National interest is considered as basic aims and needs of a country. It is the basis of a country in determining its actions (and reactions) in interacting with other countries in international arena. This definition is in line with Donald E. Nuckertlein who stated that national interest is the perceived desires and needs of some sovereign states comprising its external environment.27 Apart of basic vital needs, K. J Holsti changes the term of national interest as ‘ends’ of a country.28 The ‘ends’ is defined as an image or purposes of a country that want to be pursued in the future through its interaction with foreign countries. Moreover, Holsti divided national interests into four hierarchy of interests. They are: security, autonomy, economy and status (reputation).29 These hierarchy of interests are objectives of every country. However, every country has its priority of national interests which depends on the policy of the country.

For example, if a country prioritizes security of its territory as national interest, the country will spend more budgets for its military operation to protect its territory and boundary from other countries. Another example, if a country prioritizes autonomy as its national interest, the country will avoid loan from World Bank because there are some conditions that have to be fulfilled by the borrowing country if the country borrows money from the World Bank. The borrowing country should allocate its loan for the development of its country and it will be directed by the committee of the bank. By having loan to World Bank, a

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29 Holsti, 139.
country allows outsiders to involve in its domestic affairs. Meanwhile, if a country prioritizes economy as its national interest, its national policy will encourage the economic boost for the country. For example, the country will involve in particular regional free trade area. Thus, if a country prioritizes status or reputation as its national interest, the country will actively participate in keeping world peace, sending humanitarian aid and preserving environment. The prior national interest of a country may change from time to time. It depends on ‘what’ the country needs for its nation at particular time.

National interest, in this research, is referred to Holsti’s theory that emphasizes on hierarchy of national interest. This research assumed that the prior national interest of Indonesia after Ruyati’s execution in 2011 is security of its people which focuses on IMWs who are waiting from death sentences in Saudi Arabia. This indication was based on the policy outcomes from President Yudhoyono that established a task force to commute the death sentence of IMWs in Saudi Arabia.

2. Foreign Policy

The concept of foreign policy has always been related with the concept of national interest. According to Morgenthau, foreign policy is a continuation of domestic policy which reflects its national interests.\(^\text{30}\) It is supported by Holsti who simply defined foreign policy as actions of a country towards its external

environment. The purpose of foreign policy is to create or escalate a condition (or a problem) outside its territorial-sovereign boundaries. The target of the foreign policy is not only state but also foreign actor and non-state actor. From the definitions above, foreign policy can be inferred as official actions initiated by government in conducting interactions with actors in international relations in order to pursue certain goals. It can be assumed that foreign policy is created by a country to fulfill its national interests.

However, this research uses the definition of foreign policy identified by Mark Webber and Michael Smith. They determine foreign policy in comprehensive manner. They stated that,

"Foreign policy is composed of the goals sought values set, decisions made, and actions made by states, and national governments acting on their behalf, in the context of the external relations of national societies. It constitutes an attempt to design, manage, and control the foreign relations of national societies.”

Webber and Smith divided foreign policy into three elements: foreign policy arena, foreign policy decision making and implementation of foreign policy. This research focuses on the third element, implementation of foreign policy particularly the instruments used by a state in conducting its foreign policy. Implementation of foreign policy consists of a spectrum which has two sides on it. The first side is military intervention and the other side is communication and

31 Holsti, 17.
persuasion ways. The communication and persuasion ways are referred to the actions of a country in conducting its policy through receiving, delivering and interpreting message. These ways which aim to express country’s view on a particular issue are known as part of diplomacy.\textsuperscript{35}

3. Diplomacy

The correlation of diplomacy and foreign policy was stated by R. P Barston. He argued that diplomacy is the implementation of foreign policy.\textsuperscript{36} Similar argument comes from Sukawarsini Djelantik. He stated that diplomacy has close interdependency with foreign policy because diplomacy is the implementation of foreign policy which is conducted by trained official agents.\textsuperscript{37} It can be assumed that diplomacy, foreign policy and national interest have close interdependent one to another. Diplomacy is one of instruments of foreign policy. Thus, foreign policy is the tool to pursue national interest of a country.

Diplomacy, according to Sir Ernest Satow in his book ‘Guide to Diplomatic Practices’, is the conduct of official relations between states by peaceful means.\textsuperscript{38} Peaceful means in diplomacy also supported by Sun Tzu who preferred to offer diplomacy as one of strategies to fulfill country’s national security and national interest.\textsuperscript{39} The main function of diplomacy is to protect and

\textsuperscript{35} Webber and Smith, 88.
\textsuperscript{37} Sukawarsini Djelantik, Diplomasi antara Teori dan Praktik, (Yogyakarta: Graha Ilmu, 2008), 13.
\textsuperscript{38} Mohammad Shoelhi, Diplomasi: Praktik Komunikasi Internasional, (Bandung: Simbiosa Rekatama Media, 2011), 76.
improve national interest. Meanwhile, the purpose of diplomacy is to change the attitude and behavior of its enemy.

Basically, the main point of diplomacy is to achieve mutual understanding in bilateral, trilateral and multilateral relationships. S.L Roy argued that successful diplomacy is reached when conflicting parties reach mutual understanding among them. Diplomacy can be conducted not only in official way (between state governments) but also in un-official way (between citizens, institutions, or communities from different countries). Diplomacy in official way is known as First Track diplomacy. First Track diplomacy or official diplomacy is described by De Magalhaes as,

“an instrument of foreign policy for the establishment and development of contacts between the governments of different states through the use of intermediaries mutually recognized by the respective parties.”

In state’s foreign policy, first track diplomacy is usually considered as the primary peacemaking tool of state to improve relations among nations. The actors of first track diplomacy are head of states, high-ranking government officials, and diplomats. The characteristics of the actors are authority-based activities and rigid interactions in conducting the official diplomacy to other states.

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40 Shoelhi, 135.
41 Djelantik, 14.
43 Shoelhi, 79.
45 Mapendere, 67.
46 Djelantik, 20.
Meanwhile, Track Two Diplomacy is defined as informal and unofficial conflict resolution between members of groups or nations that use three main ways such as developing strategies, influencing public opinion, and organizing human and material resources to escalate their conflict.\(^{47}\) Track two diplomacy is intended to complement first track diplomacy, not to replace it.

This research focuses on Indonesian foreign policy towards Saudi Arabia in 2011 – 2013. Indonesian foreign policy, through diplomacy conducted by Indonesian government towards Saudi Arabia, aims to pursue its national interests: security and protection of IMWs. Indonesian government uses diplomacy in order to settle the problem faced by IMWs in Saudi Arabia. Since this research focuses on diplomacy conducted by G to G, therefore, this research focuses on first track diplomacy. This research will elaborate the diplomatic efforts initiated by President Yudhoyono and his team in persuading Saudi government to commute the death sentence of IMWs in Saudi Arabia.

F. Research Method

This research uses qualitative approach in interpreting and analyzing data. It is a way to describe a situation or phenomenon which is part of the research problem that will be observed.\(^{48}\) Thus, it focuses on particular case study as data that will be analyzed in depth by the writer. The case study that will be observed and analyzed in this research is Indonesian diplomacy to protect IMWs from death sentence in Saudi Arabia 2011 – 2013.

\(^{47}\) Mapendere, 68.

This research uses library research and interviewing elite in collecting data. Library research is secondary data which is taken from literature data such as books, journals, articles, researches, government document, president speeches, newspaper, magazine and website that relates to the research. Besides library research, secondary data can be collected through interview. In this research the writer conducts interviewing elite to get data. Interviewing elite is special interview that focus on certain type of interview partner. The elites are selected for interview because they are expert in specialized fields or areas which are relevant to the research.\textsuperscript{49}

Since the writer focuses on the diplomacy conducted by Indonesian government to protect IMWs in Saudi Arabia, the writer conducts several interviews to political elites who are in charge in the Ministry of Foreign Affairs (\textit{Kementerian Luar Negeri}) and National Agency for Placement and Protection of Indonesian Manpower (\textit{Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia / BNP2TKI}) in Indonesia. The writer interviews Lalu Muhammad Iqbal as the Deputy Director and Aidil Khairunsyah as the staff of Department of Indonesian Citizens Protection and Indonesian Law Agency (\textit{Departemen Perlindungan Warga Negara Indonesia dan Badan Hukum Indonesia / PWNIBHI}) for Saudi Arabia, and Henry Prajitno as the Chief Coordinator of Crisis Centre in \textit{BNP2TKI}.

G. Research Outline

CHAPTER 1: INTRODUCTION

A. Background
B. Research Questions
C. Purpose and Significant of Study
D. Literature Review
E. Theoretical Framework
   1. National Interest
   2. Foreign Policy
   3. Diplomacy
F. Research Method
G. Tentative Outline

CHAPTER 2: DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

A. Death Sentence in Saudi Arabia Legal System
B. Labor Regulations and Culture of Slavery in Saudi Arabia

CHAPTER 3: INDONESIAN DIPLOMACY IN COMMUTING THE DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

C. Diplomatic Achievements of Indonesian Government in Commuting the Death Sentence of Indonesian Migrant Workers in Saudi Arabia 2011 – 2013

CHAPTER 4: CHALLENGES FACED BY INDONESIAN GOVERNMENT IN COMMUTING THE DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

A. Lacking of Forgiveness from Victim’s Family
B. Un-affordable *diyat* for Indonesian Migrant Workers
C. Under Age Heir to Give Approval to the Indonesian Migrant Workers

CHAPTER 5: CONCLUSION
CHAPTER II

DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN

SAUDI ARABIA 2011 – 2013

In the previous chapter, it has been stated that Ruyati’s execution on July 2011 gave public pressure for Indonesian government. Indonesian people judged the government that they had failed in protecting its people. After the execution, it was found that there were many other Indonesian Migrant Workers (IMWs) waiting for their execution. This situation triggered Indonesian government, especially President Yudhoyono, to conduct special diplomatic efforts to free them from death sentence.

This chapter focuses on death sentences among IMWs in Saudi Arabia from 2011 to 2013. It discusses three points that are related to the death sentence. The first point is ‘death sentence in Saudi Arabia legal system’. This point will be started by describing national law implemented by Saudi Arabia. Thus, it elaborates the various offences and crimes that should be punished in death sentence. The second is ‘labor regulations and culture of slavery in Saudi Arabia’. This point explains the national regulations on labor policy implemented by Saudi Arabia. It shows that IMWs that work in domestic sectors and women workers in Saudi Arabia have weak protection mechanism. They are not protected under law. The third is ‘death sentence cases among IMWs in Saudi Arabia 2011 – 2013’. In this point, the number of cases will be classified into three categories: IMWs that
are convicted to death sentence; IMWs that have been released from death sentence; and IMWs that are still in trial process facing the death sentence.

A. Death Sentence in Saudi Arabia Legal System

Saudi Arabia is the only country that implements Islamic law at the national level. It uses Sharia justice system where the influence from the royal family is very strong and the socio-cultural system of Arabian society is very strict.\textsuperscript{50} Sharia law is adopted by Saudi Arabia as its legitimate law. This law cannot be challenged by anyone because it uses Al-Quran, Hadith and Ijtihad as its primary sources.\textsuperscript{51} Ijtihad is the convention of the Moslem scholars that is appointed by Saudi Arabian government for the specific matters that happen after the time of the Prophet Muhammad PBUH. Therefore, Saudi government conducts its regulations based on Al-Quran, Hadith and Ijtihad. The authority of Saudi’s court is limited to matters of law and regulations issued by the Sharia. Meanwhile, the Governor only has power and authority on regulations issued by King Decree or Royal Decree.\textsuperscript{52}

Death sentence is stated in Al-Quran as the punishment for various offences such as murder, adultery (zina), sorcery (sihr) and drug offences. In murder cases, Saudi implements qishas as punishment for murderer. Qishas or

\textsuperscript{52} ‘Kajian Upaya Peningkatan Kualitas Perlindungan dan Pelayanan TKI di Luar Negeri,’ 41.
retaliation refers to death sentence for any individual who kill someone else. The underlying principle of this law is a direct extension of the divine rule stated in Al-Quran.\textsuperscript{53} However, if the family of the victim can forgive the murder, the murder should pay diyat or fine. Diyat is financial compensation paid by the murder to the family of the victim.\textsuperscript{54} Diyat, in Arab traditions, is also known as ‘blood money’. There is no specific amount for diyat. It depends on the family of the victim. It is the right of the heirs of the victim to decide how much the murder should pay the diyat. Arabian society believes that the principles of qishas and diyat can protect the rights and justice of mankind in Saudi Arabia.

Besides murder cases, death sentence will also be implemented to other offences such as zina, sihr and drug offences. Zina, literally means a unlawful sexual intercourse committed by a man and woman who are not their muhrim (legal spouse). In other countries, zina is not classified as a crime and will not be persecuted in death sentence. However, in Saudi Arabia, zina or adultery will be punished in Rajam. Rajam (stoning to death) is a form of capital punishment whereby group throws stones at a zina offender until death ensues. It is the reason why the punishment for zina is classified as a death sentence. Another offence is the sihr offence. It is the most difficult crime that can be proved in a court.\textsuperscript{55} Sihr offence is considered as a heavy crime because it is condemned in Islam. It is

\textsuperscript{53} Qishas, in murder’s case, is the right of the family of the victim to ask for death penalty for the murder. Qishas is stated on some verses in Al Quran (2:178 and 5:45).

\textsuperscript{54} Diyat, according to Sharia’ law, should be paid both in case of intentional as well as unintentional murder. Al Quran suggests the heirs of the victim to seek diyat instead of demand retribution towards the murder (5:45).

\textsuperscript{55} Interview with Aidil Khairunysyah, staff of PWNIBHI for Saudi Arabia, Europe, Oman and Korea, Directorate of Protection of Indonesian Citizens and Legal Entities Abroad, on Wednesday, 21 August 2013, Time: 14.30.
categorized as *musyrik* or practicing idolatry or polytheism. It is against the virtue of Islam that is *Tawhid* (monotheism). Death sentence is implemented in this offence since this offence is considered as a serious crime. And the last offence is drug offence. In order to protect citizen of a country from the danger of forbidden drugs, the punishment for drugs’ smugglers is death sentence. It is implemented not only in Saudi Arabia but also in other countries. Thus, this sentence is implemented not only for the smugglers from the outside of Saudi (non-Arabian) but also for the smugglers from inside the country (Arabian).

The various offences that are mentioned above will be punished on the death sentence. This law is implemented for all Arabian and non-Arabian who stay in Saudi Arabia. So, this law will also be implemented for those who work in Saudi Arabia, including IMWs who work there. As stated in Indonesia-Saudi Arabia Bilateral Cooperation Act that IMWs who work in Saudi Arabia should obey the *Sharia* law that is implemented by Saudi’s government. It is the basis of law that legalize death sentence for IMWs who conduct murder, *zina*, *sihr* and drug offences in Saudi Arabia.

**B. Labor Regulations and Culture of Slavery in Saudi Arabia**

In general, local laws in Saudi Arabia do not protect foreign workers who work in informal sector such as domestic workers. In Saudi Arabia, domestic workers are not categorized as labor. The absence of specific provisions to protect foreign workers who work as domestic workers creates a weak mechanism of protection towards IMWs in Saudi Arabia. Furthermore, the rules of labor in
Saudi Arabia also do not regulate the protection of women workers because women are not classified as workers.  

Saudi Arabia's national regulations related to labor policy include:

1. Council Decision No. 166. It was issued on July 2000. This law governs working relations between employers or users and foreign workers.

2. Royal Decree No. M/51. It was issued on September 27th 2005. It regulates labor relations between workers and service users, including the problem of contracts, rights and responsibilities of the workers and users, holidays, day-offs, allowance, and so forth. However, the provisions of this law do not apply for domestic workers and similar works stated in Royal Decree Article 7.

3. Ministerial Council Decision No. 244. It was issued on July 13th 2009. This law consists of provisions against human trafficking.

4. Minister of Labor and Social Affairs Decree No.157 which regulates insurance for labor.

The reason why domestic workers (and women working in domestic sectors) are excluded from labor policy is because Saudi Arabian society still considers people who work in domestic workers are slaves, not workers. Even though Saudi Arabia had abolished slavery since 1962, the culture of practicing slavery still remains in its society.

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56 'Kajian Upaya Peningkatan Kualitas Perlindungan dan Pelayanan TKI di Luar Negeri,' 40.
57 'Kajian Upaya Peningkatan Kualitas Perlindungan dan Pelayanan TKI di Luar Negeri,' 41.
58 Pius Kamau, 'An end of Slavery.' [on-line article]; Available at http://www.denverpost.com/kamau/ci_5595281
workers is triggered by *khafeel* system (sponsorship system).\textsuperscript{59} *Khafeel* system or sponsorship system is a system used by foreign workers to enter Saudi Arabia. Each of them has to state his/her employer or sponsor to enter Saudi Arabia. The foreign workers cannot enter Saudi Arabia without someone's sponsorship because the sponsor will be fully responsible for them. The sponsor will hold the passport and process the resident permits of the foreign workers.

Because of the *khafeel* system, the employers believe that they have full right towards their workers because they had already paid a lot of money to bring the workers from other countries to Saudi Arabia. Thus, they take the workers to be part of their family. Since the domestic workers are not covered by labor regulations in Saudi Arabia, it means that they are not protected under local law. They are protected by the sponsor under family law. If there is a problem between the employers and their workers, the problem will be settled under family law. However, under family law, the decision will take a side on the employers. The employers always win under family law because the employers had paid the right of the workers.

The Saudi society's point of view about slavery is coming from Islamic *Sharia*’ law.\textsuperscript{60} Slavery is lawful under *Sharia*’ to the present day even though many other countries strongly argue on cultural of slavery. The justification of a particular culture depends on the agreement of a society whether the culture is 'right' or 'wrong'. In this case, the cultural of slavery for domestic workers is

\textsuperscript{59} ‘Kajian Upaya Peningkatan Kualitas Perlindungan dan Pelayanan TKI di Luar Negeri,’ 40.
\textsuperscript{60} Anonymous, *Slavery in Islam*. [on-line article]; Available at http://www.bbc.co.uk/religion/religions/islam/history/slavery_1.shtml

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considered as something good by Arabian society. They believe that the workers will get many beneficial by becoming the part of the employers’ family.

The absence of labor regulations and culture of slavery in Saudi Arabia cannot stop the intention of IMWs to work in Saudi Arabia. Indonesian women, that willing to work in Saudi Arabia, even manipulated their marital status from married to widow so that they can work in Saudi Arabia. The main obstacle of IMWs that working in Saudi Arabia is the lack of knowledge on Arabian culture and Arabic language. The lack of knowledge about Saudi Arabian culture causes IMWs hard to cope with Saudi Arabian family. Meanwhile, the condition of IMWs who cannot understand Arabic language causes many misunderstandings between the worker and the employer. For example, the employer asked the worker to get particular thing from kitchen but the worker, since the worker does not understand Arabic language, cannot give the thing asked by her employer. This continuously misunderstanding triggers the anger of employer towards the worker. The employer tends to scold or abuse the worker because of this misunderstanding. Thus, the disappointment of the worker towards the employer often leads to criminal act conducted by the worker to the employer, like what Ruyati did towards her employer’s mother. Since IMWs (particularly women workers) in Saudi Arabia are protected under family law and there is no MoU and legal labor regulations between Indonesia - Saudi Arabia, IMWs in Saudi Arabia tend to be violated by Saudi’s law.

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61 Interview with Henry Prajitno, SH, M.Si, the Chief Coordinator in Crisis Centre BNP2TKI, National Agency for Placement and Protection of Indonesian Manpower, on Monday, 26 August 2013, Time: 15.30.
62 Ibid.
63 Ibid.
C. Death Sentence Cases among Indonesian Migrant Workers in Saudi Arabia 2011 – 2013

The condition of IMWs who tend to be abused by their workers increases the number of heavy crime committed by IMWs in Saudi Arabia. The heavy crime committed by IMWs in Saudi Arabia brings the workers to death sentence in Saudi’s court. Based on the data given by Indonesian Foreign Minister, Marty Natalegawa, in Hearing Session at the Parliament on September 11th 2013, from July 2011 to September 2nd 2013, there are 77 IMWs that are convicted to death sentence. From these 77 people, 41 people have been released from death sentence and the other 36 people are still in trial process facing the death sentence in Saudi Arabia. All of these Indonesian people who are convicted to death sentence is migrant workers working in domestic sectors.

In Saudi Arabia, IMWs are facing death sentence because of three offences: murder, zina and sihr offences. From 36 people who are still in trial process facing the death sentence in Saudi Arabia, 24 people conducted murder and 12 people conducted zina and sihr offences. In Saudi Arabia, there are no IMWs who conduct drug offence. IMWs who conducted murder in Saudi Arabia using disappointment feeling or self defense as their basic reason in killing someone.

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64 The data started from July 2011 because the establishment of task force to commute death sentence in Saudi Arabia was established on June 23rd 2011, five days after Ruyati’s death execution on June 18th 2011.
65 Presentation of Marty Natalegawa in ‘Rapat Dengar Pendapat’ at DPR RI building on September 11th 2013. [Power point]. Slides 55.
66 Interview with Aidil Khairunsyah.
67 Presentation of Marty Natalegawa. Slides 53.
68 Interview with Aidil Khairunsyah.
From 36 IMWs who are still in trial process facing the death sentence in Saudi Arabia, the details of law process for these people are shown through the table II.1.69

<table>
<thead>
<tr>
<th>No.</th>
<th>Level of Law Process</th>
<th>Number of IMW</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Investigation</td>
<td>12 people</td>
</tr>
<tr>
<td>2.</td>
<td>Court Level 1</td>
<td>7 people</td>
</tr>
<tr>
<td>3.</td>
<td>Appellate court</td>
<td>12 people</td>
</tr>
<tr>
<td>4.</td>
<td>Appeal court (decided on the appeal court)</td>
<td>5 people</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>36 people</strong></td>
</tr>
</tbody>
</table>

Table II.1

The details of law process for 36 IMWs in Saudi Arabia that are threatened by the death sentence

Table II.1 explains the level of law process for 36 IMWs that are penalized by death sentence in Saudi Arabia. There are 12 IMWs that are on investigation process. Thus, 7 IMWs are on the court level 1. Moreover, the other 12 IMWs are on the appellate court. Meanwhile, the rest 5 IMWs are on the appeal court. These 36 IMWs, however, still have chances to be commuted from death sentence. They still have chance to get forgiveness and or get imprisonment decree as their punishment, replacing their death sentence punishment.

From 77 IMWs that are convicted to death sentence, 36 IMWs are threatened by the death sentence and still in trial process facing their sentence. However, there are 41 IMWs that have been released from death sentence in

69 Presentation of Marty Natalegawa. Slides 58.
Saudi Arabia. The details of decree for 41 IMWs that have been released from death sentence in Saudi Arabia are shown through the table II.2.⁷⁰

<table>
<thead>
<tr>
<th>No.</th>
<th>Decree</th>
<th>Number of IMWs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Unconditionally free</td>
<td>20 people</td>
</tr>
<tr>
<td>2.</td>
<td>Lifetime imprisonment</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Lifetime imprisonment with trials</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>Imprisonment and/or Whipping</td>
<td>17 people</td>
</tr>
<tr>
<td>5.</td>
<td>Granted with forgiveness (<em>Tanazul</em>)</td>
<td>4 people</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>41 people</strong></td>
</tr>
</tbody>
</table>

Table II.2

The details of decree for 41 IMWs in Saudi Arabia that have been released from death sentence

Table II.2 describes that there are 41 IMWs that have been released from death sentence in Saudi Arabia. Based on the table, there are 20 people unconditionally free from death sentence. Thus, 17 people get imprisonment and/or whipping. Moreover, 4 people granted forgiveness from the victim’s family. Still based on the table, there is no IMWs punished by a lifetime imprisonment with and/or without any trials.

The data regarding death sentence cases among IMWs in Saudi Arabia from July 2011 to September 2⁴th 2013 concluded that there are 77 people that convicted to death sentence, 41 people that have been released from death sentence and the other 36 people that are still in trial process facing the death

⁷⁰Presentation of Marty Natalegawa. Slides 51.
sentence in Saudi Arabia. These people are threatened by death sentence because of murder, *zina* and *sihr* offences. IMWs in Saudi Arabia have no any involvement in drug offence. In Saudi Arabia, all of the IMWs that are suspected of death sentence are migrant workers from domestic sector. Moreover, all of them are Moslems. Since there is no fix number for the death sentence cases among IMWs in 2011 and 2012, this research only shows the latest data regarding death sentence cases among IMWs in Saudi Arabia given by Ministry of Foreign Affairs in 2013.
CHAPTER III

INDONESIAN DIPLOMACY IN COMMUTING THE DEATH SENTENCES AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

This chapter focuses to describe the attempts of Indonesian government in conducting diplomatic efforts towards Saudi’s government to free Indonesian Migrant Workers (IMWs) from death sentence. To analyze the attempts of Indonesian government in this issue, this chapter is divided into three points. First, the ‘responses of Indonesian government towards the execution of Ruyati in 2011’. Based on the responses, it leads to an explanation of the primary national interest of Indonesia which is security. Second, the ‘diplomatic efforts conducted by Indonesian government to commute IMWs from death sentence in Saudi Arabia 2011 – 2013’. This point leads to another explanation which is the implementation of foreign policy conducted by Indonesian government to pursue security as Indonesian primary national interest. Indonesian government chose diplomacy as the way to implement its foreign policy towards Saudi’s government. Thus, the diplomacy conducted to commute IMWs from death sentence is focusing on first track diplomacy particularly Government to Government (G to G) diplomacy. Third, the ‘diplomatic achievements of Indonesian government in commuting the death sentence of IMWs in Saudi Arabia 2011 – 2013.’ This point discusses the achievements that Indonesian government had achieved after they conducted diplomatic efforts to Saudi’s side.
The achievements are indicated through three diplomatic achievements: the achievements are indicated through the number of Indonesian migrant workers who have been released from death sentence, the number of Indonesian migrant workers who get suspension for their execution and the positive relationship between Indonesian government and Saudi’s government in negotiation and mediation processes.

A. Responses of Indonesian Government towards the Execution of Ruyati in 2011

Ruyati binti Satubi is one of IMWs who got attention from Indonesian government after she was executed by Saudi’s government on June 18th 2011. She made a statement in the trial process that she had killed Mrs. Khoiriyah Omar Moh. Omar Hilwani, the mother of her employer, on January 12th 2010. The main reason for this murder was the disappointment feeling of Ruyati towards Mrs. Khoiriyah during her working time.71 Ruyati had already worked for the family of Omar Moh. Omar Hilwani for 15 months. Ruyati often asked the permission of Mrs. Khoiriyah to back to Indonesia but Mrs. Khoiriyah never granted her permission. Ruyati admitted in the trial that, even though Mrs. Khoiriyah often scolded Ruyati, she never hurted or abused Ruyati physically. Before Ruyati was executed, she had had two times trial. The trials were held on May 3rd and May 10th 2010.72 Indonesian government, through KJRI Jeddah, assisted Ruyati in

72 Ibid.
mediation and negotiation process with the family of Mrs. Khoiriyah and the Governor of Mecca province. However, according to KJRI Jeddah, it was Saudi’s government which was not giving further information about the date of Ruyati’s execution to KJRI.  

The sudden execution of Ruyati triggered anger of Indonesian society. This condition pushed Indonesian government to react quickly because mass media started to judge and demonstrate the government at the same time. President Susilo Bambang Yudhoyono, particularly, initiated to take several steps responding the pressure of public opinion about this issue. On June 23rd 2011, President Yudhoyono publicly stated out six instructions to enhance the protection of IMWs. First instruction was sending Moratorium to Saudi Arabia. It would entry into force on August 1st 2011. President Yudhoyono expected that Indonesian people would obey and support this instruction by not attempting to find a short cut to Saudi Arabia. This Moratorium was only for domestic workers. The second instruction is preparing other Moratorium for other Middle East countries. This instruction is waiting for the result of observer team sent by Indonesian government. The third instruction was that the President sent a protest letter for Saudi Arabia King because Saudi’s government did not give any

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73 Ibid.
74 Hasibullah Satriawi, “Krisis Politik RI-Arab Saudi,” Kompas, 7 Juli 2011.
76 There are two sectors of job in Saudi Arabia, formal sector and informal sector. Formal sector refers to jobs that have working agreement with institution. It has clear regulations about right and duty of the workers towards the employer. For example: chef, waitress of restaurant and driver of company. Meanwhile, informal sector refers to jobs that do not have clear working agreement because the agreement is made by individual as the employer, not institution. For example: house maid, gardener working for particular family and driver working for particular person. The workers of these jobs are classified as domestic workers.
information before executing Ruyati. The fourth, the President formed a special task force to defend and handle IMWs abroad who are facing the death sentence. The fifth, President decided to form Legal Attaché and Human Rights in some Indonesian Embassies which have a lot of migrant workers. The sixth, further national policies concerning migrant workers abroad will be formulated and determined, after the joint team completed the task given by President.\textsuperscript{77}

These six instructions were expected not only to respond the pressure of public opinion on Ruyati’s execution but also to protect other IMWs abroad who have problems with law in their working countries. The instructions are expected to be the basic strategy of Indonesian government in protecting IMWs so that there will be no any other “Ruyati’s case” happened to IMWs in the future.

As stated by K. J. Holsti, national interests of a country may be divided into four hierarchy of interests: security, autonomy, economy and status (reputation).\textsuperscript{78} Indonesia, after Ruyati’s death execution in 2011, emphasized on security as its primary national interest.\textsuperscript{79} This indication was based on the policy outcomes from President Yudhoyono that established a task force to commute the death sentence of IMWs in Saudi Arabia. The establishment of special task force to commute death sentence of IMWs is never been done before. In this context, Indonesia places security of its people, particularly IMWs who are waiting for death sentences in Saudi Arabia, as Indonesia’s primary national interest.

\textsuperscript{77} Presiden Republik Indonesia, “Transkrip Keterangan Presiden Soal Kasus Ruyati,”.
\textsuperscript{79} According to K. J. Holsti, primary national interests of a country may differ from one to another. However, Indonesia’s hierarchy of interests are in line with Holsti’s hierarchy of interests by placing security as its primary national interests.
The personal letter of President Yudhoyono to Saudi’s King requesting the pardon for IMWs who are waiting for their death sentence showed that Indonesia puts the security of its people as its primary concern. President Yudoyono preferred to harm Indonesia’s reputation by asking for forgiveness from Saudi’s side in order to commute the death sentence of IMWs in Saudi Arabia. This action showed that Indonesia concerns more about its people and puts security of its people as its primary national interest.

The security of Indonesian people as primary national interest also can be found in Indonesia’s 1945 Constitution. As stated in Preamble of Indonesian 1945 Constitution, paragraph four:

"Kemudian daripada itu untuk membentuk suatu Pemerintahan Negara Indonesia yang melindungi segenap bangsa Indonesia dan seluruh tumpah darah Indonesia, ..."  

Pursuant to which, in order to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia, ...

It is stated that Indonesian government will protect Indonesian people or Indonesian citizens as a whole. It refers not only to Indonesian citizens who stay in Indonesia but also to Indonesian citizens who stay abroad. Protection of citizens is defined as all attempts conducted by representative of government to serve and protect the citizens.  

Meanwhile, IMWs are defined as Indonesian

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80 Sekretariat Jenderal MPR RI. 2009. 'Undang-Undang Dasar Negara Republik Indonesia Tahun 1945,' 3.
81 Menteri Luar Negeri Republik Indonesia. 'Peraturan Menteri Luar negeri Republik Indonesia No.04 Tahun 2008 tentang Pelayanan Warga pada Perwakilan Republik Indonesia di Luar Negeri,' Chapter I article 1-k, 5.
citizens who work abroad. So that, IMWs can also be included as Indonesian people who have right to be protected by Indonesian government.


After Ruyati’s execution, President Yudhoyono together with his three ministers, Ministry of Foreign Affairs, Marty Nata Legawa, Ministry of Law and Human Rights, Patrialis Akbar, Ministry of Manpower, Muhaimin Iskandar delivered speech in Merdeka Palace on June 23rd 2011. This speech showed the effort of Indonesian government to protect IMWs abroad, especially in Saudi Arabia. Since there is no MoU or Working Agreement between Indonesia and Saudi Arabia regarding protection of Indonesian domestic workers, Indonesia’s government anticipated the death sentence towards IMWs through diplomatic efforts.

To commute the death sentence towards IMWs, Indonesian government conducted communication through diplomatic notes and sending Indonesian high-ranking government officials to negotiate and mediate with Saudi’s side. This (G to G) diplomacy is also involving the role of head of state in conducting diplomatic efforts. President Yudhoyono, in order to commute death sentence of

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83 Jeffrey Mapondere, “Track One and a Half Diplomacy and the Complementary of Tracks”, *Culture of Peace Online Journal*, 2(1): 67. [on-line journal]; Download at
Tuti Tursilawati, wrote a letter that he signed on October 6th 2011 to Saudi King.\textsuperscript{84} Through this diplomatic note, President Yudhoyono asked for the suspension of Tuti’s death penalty and requested a pardon for her. The Saudi King paid a serious attention on the letter.\textsuperscript{85} Thus, after the letter was dispatched to Saudi King, the request of President Yudhoyono was delivered to the governor of Mecca. The governor would seek the pardon for Tuti from victim’s family.\textsuperscript{86} 

Similar diplomatic note also had been delivered by Indonesia’s government on April 13th 2011 in a meeting with Saudi’s government. On that occasion, Minister of Law and Human Rights delivered a letter from President Yudhoyono to Saudi King. Through this letter, President Yudhoyono requested pardon for 23 IMWs who were waiting for death sentence, including the request for Tuti.

Besides diplomatic notes, Indonesia’s government also sent their representatives to conduct diplomacy with Saudi’s side. At the end of 2011, former Indonesian president, B. J. Habibie held a meeting with Prince Al Waleed bin Talal Al Saud in Riyadh.\textsuperscript{87} Prince Al Waleed is not only the most influential businessman in Saudi Arabia but he also the cousin of King Abdullah bin Abdul

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\textsuperscript{86} \textit{Ibid}.
Aziz. Mr. Habibie was sent to Saudi Arabia to conduct diplomacy with Prince Al Waleed because many Arabian lawyers suggested him to be the representative of Indonesian government to commute the death sentence of Tuti. Mr. Habibie is well known as a Moslem scholar in Saudi Arabia. His image as Moslem scholar is giving additional point for Mr. Habibie as the representative of Indonesian government. During the meeting, Mr. Habibie discussed with the Prince about the attempts to commute the death sentence of Tuti. He also asked the Prince to participate in negotiation and mediation process with the family of the victim so that the family is willing to forgive Tuti. Meanwhile, the task force from Indonesia and its representatives in Saudi Arabia also directly met the victim’s family. They approached the victim’s family, who was represented by victim’s son, requesting pardon for Tuti. However, the family had not given their forgiveness to Tuti.

Indonesia’s government had conducted formal approaches to persuade victim’s family to give pardon for Tuti. Tuti who killed her employer, Suud Malhaq Al Utibi, on May 11th 2010 admitted her crime in Saudi’s trial. She confessed that she killed Mr. Suud by hitting his head with a log. Mr. Suud

90 “Habibie akan Melobi Pangeran Al Walid demi Selamatkan Tuti.”
91 Ibid.
92 “Tuti Tursilawati Denies Murder Charges in Saudi Arabia.”
93 If the victim’s family had given their forgiveness for Tuti, she would have a chance to be saved from death sentence through diya. However, Tuti (who had already been given to death sentence by Saudi Supreme Court) got suspension for her sentence even though the victim’s family had not given their forgiveness to her. Tuti Tursilawati has not been executed yet up until now.
intended to do sexual harassment towards Tuti. After Tuti killed her employer at
his house, she escaped from that house bringing 31.500 Real cash and a hand
watch with her.94 The main reason why the family of Mr. Suud hard to give
forgiveness to Tuti is because Mr. Suud is coming from rich family.95 His family
does not need blood money or diyat from Indonesia to pay Tuti’s crime.
Therefore, Indonesian government together with Saudi’s government needed
more effort to persuade the victim’s family to give forgiveness for Tuti.

The term ‘victim’ is having a complex realm in explaining the death
sentence cases of IMWs in Saudi Arabia. For Tuti’s case, Tuti may also be
considered as the victim since she was punished by Saudi’s government to death
sentence for her self defense. Moreover, it has to be emphasized that she killed her
employer because she had to protect herself from sexual harassment. However,
the term ‘victim’ also refers to someone who has been killed by someone else.
The term ‘victim’, therefore, may also be referred to the employers of IMWs who
had been killed by IMWs in Saudi Arabia. In this study, without ignoring the
complexity of the realm of death sentence of IMWs in Saudi Arabia, the term
‘victim’ is referred to the employers who had been killed by IMWs in Saudi
Arabia. Thus, the family of the employers who had been killed by the IMWs was
called as the ‘victim’s family’.

One year after the sending of Mr. Habibie, on December 2012, Indonesia
sent Maftuh Basyuni, the former Chief of task force for IMWs, to Saudi Arabia.96
He succeeded to commute the death sentence of Satinah bt Jumadi Ahmad.

94 “Habibie akan Melobi Pangeran Al Walid demi Selamatkan Tuti.”
95 Interview with Aidil Khairunsyah.
96 Ed. B. Kunto Wibisono, “Pemerintah berupaya Selamatkan TKI Satinah, Tuti Tursilawati,”.
Basyuni admitted that the Governor of Qaseem, Prince Faisal bin Bandar bin Abdul Aziz Al Saud, had significant role in mediating Indonesia’s government with victim’s family. Moreover, the role of retainer lawyer for Indonesia, Abdullah bin Abdulrahman Al Muhaemeed, also played significant role in negotiating with the victim’s family. Indonesia’s government, assisted with Abdullah, negotiated the victim’s family to give forgiveness towards Satinah who killed her employer because she disappointed with her employer who often scolded and yelled at her. Because of the diplomacy conducted by Indonesia’s government towards Saudi’s side, Satinah could be commuted from the sentence by paying diyat to victim’s family.

Representative from Indonesia not always been individual sent directly from Indonesia. Indonesian Ambassador for Riyadh and Indonesian Acting Consulate General for Jeddah also contributed as the representatives of Indonesia in commuting the death sentence of IMWs. On April 21st 2013, The Ambassador and the Consulate General attempted to commute the sentence of Siti Zenaab by having assistance from Syekh Nughaimisy Al Ahmadi. He is one of respected persons in Medina. Syekh Nughaimisy mediated Indonesia’s government with one of the victim’s family members. By having his assistance, there was a strong indication from the family to give a pardon for Siti Zenaab.

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97 Ibid.
98 Interview with Muhammad Lalu Iqbal.
99 However, if Satinah and/or Indonesia’s government could not pay the diyat requested by the victim’s family, Satinah would be executed by Saudi’s government.
101 The victim’s family considered the amount of diyat and approval from the heir. Siti Zenaab needed to get forgiveness and approval from the victim’s son that was under age when the murder happened.
Most of the data regarding the diplomatic efforts conducted by Indonesian government to commute IMWs in Saudi Arabia from 2011 – 2013 was obtained from interviews in Indonesian Ministry of Foreign Affairs and National Agency for Placement and Protection of Indonesian Manpower. The interviewees were allowed by their institutions to give data only for three IMWs that dealing with death sentence cases. They are Tuti Tursilawati, Satinah and Siti Zaenab. During the interviews, the interviewees only discussed about these three IMWs. They did not discuss about other IMWs that dealing similar cases with Tuti, Satinah and Siti Zaenab. Thus, They did not give any information about other IMWs who are facing death sentence cases in Saudi Arabia. Moreover, the interviewer did not get other specific data regarding the IMWs who are facing the death sentence in Saudi Arabia because the data is confidential. Therefore, the interviewer only come up with three cases of IMWs (Tuti Tursilawati, Satinah and Siti Zaenab’s cases) who are facing the death sentence in Saudi Arabia after the execution of Ruyati in 2011.

C. Diplomatic Achievements of Indonesian Government in Commuting the Death Sentence of Indonesian Migrant Workers in Saudi Arabia 2011 – 2013

This part starts with the information that the data about the achievements of Indonesian government in commuting the death sentence of IMWs is available in particular institutions in Indonesia, however, the limited access to get the data causes media to highlight more about the suffers and injustice acts happened
towards IMWs who are working abroad. Since there is no access for public to get the data about the achievements of Indonesian government, it is hard for the public to verify the data that showed in mass media. Indonesian government, specifically particular institutions, believes that the issue about IMWs is sensitive issue. Therefore, all the data regarding the protection of IMWs, including the process of negotiation and mediation to commute them from death sentence, is highly classified.

Based on the interviews, the interviewer succeeded to get data about the achievements of Indonesian government in commuting death sentence of IMWs in Saudi Arabia. Still based on the interviews, the purpose of Indonesian diplomatic efforts towards Saudi, which is to commute the death sentence of IMWs in Saudi Arabia, is successfully achieved by Indonesia government. This achievement is based on three indicators mentioned during the interviews.

First indication is percentage of IMWs who have been released from death sentence in Saudi Arabia from July 2011 to September 2013. From 77 IMWs who are convicted to death sentence, there are 41 IMWs who have been released from death sentence in Saudi Arabia. It means that 53% of IMWs succeeded to be saved from the execution of death sentence in Saudi Arabia.

The second indication is the condition of the rest of 36 IMWs (from 77 convicted IMWs) who are still in the law process obtains suspension for their execution. This condition, as stated by Mr. Aidil Khairunsyah, is achievement of diplomatic efforts conducted by Indonesian government towards Saudi’s side. The sending of Indonesian representatives such as B. J. Habibie and Mahtuf Basyuni
to negotiate with Saudi’s Royal Family and its government successfully suspends the execution of the 36 IMWs. Mr Aidil stated that the culture of Arabian society that highly respected the King and his royal family gives a huge opportunity for Indonesian government to seek forgiveness for its IMWs who are facing the death sentence in Saudi Arabia. By having assistance from Saudi’s government, it will be easier for IMWs to get forgiveness from the victim’s families. This statement is supported by the fact that even though the victim’s families have not given their forgiveness towards the workers or the diyat has not been paid by Indonesian government, the rest of 36 IMWs have not been executed yet up to now.

The third indication is the peaceful negotiation and mediation processes between Indonesian government and the victim’s family. This peaceful negotiation and mediation processes are supported by the assistance of Saudi’s side such as retainer lawyers from Saudi, the Saudi’s governors, Syekh and other respected persons in Saudi, including Prince Al Waleed. They helped Indonesian government in mediation and negotiation not only during the process of the trials but also after the trials. Based on the interview with Mr. Lulu Iqbal, there is no debate or tension during the negotiation and mediation processes because the victim’s family respected the King’s family members, Syekh and their governors which are still the relatives of King’s family. Even though the victim’s families have a little bit respect with Indonesian government, by having assistance from Saudi’s side, the negotiation and mediation processes to get forgiveness for IMWs are successfully conducted.
According to the interviewees from Indonesian Ministry of Foreign Affairs and National Agency for Placement and Protection of Indonesian Manpower, the three indicators mentioned in the previous paragraphs are the basis of Indonesian successfulness in commuting the death sentence of IMWs in Saudi Arabia. However, the interviewees objected to reveal the detail of the data about IMWs who are facing the death sentence cases in Saudi Arabia. As stated by Mr. Aidil as the staff of *PWNIBHI* for Saudi Arabia,

"Since the data about IMWs is highly classified, I cannot give the detail about it. All I can say there are 36 IMWs in SA that are currently facing death sentence. I cannot revealed the detail cases of these workers and their law processes but I will give you paper about the number of IMWs that convicted to death sentence, that have been released from death sentence and still in the law processes for death sentence from 2011 to 2013."

He does not want to reveal the details of this data because the data can be misused by the greedy persons that want to take advantage for IMWs who have been released from death sentence.

Similar statement also comes from Mr. Henry Prajitno as the Chief Coordinator in Crisis Centre *BNP2TKI*. He stated that,

"I cannot give specific names of IMWs that convicted to death sentence. If I publish it to media, I am worried that there will be other parties using this opportunity to take advantage from the family of the convicted IMWs. Those parties will come to the house to the family of the convicted IMWs and manipulate them by asking money to free the convicted IMWs in Saudi Arabia."

In this point, the writer optimizes the arguments of interviewees from two Indonesian institutions that concern on the protection of IMWs as data to analyze the diplomatic efforts, achievements and the challenges of Indonesian government in commuting the death sentence of IMWs in Saudi Arabia 2011 – 2013.
CHAPTER IV
CHALLENGES FACED BY INDONESIAN GOVERNMENT IN COMMUTING THE DEATH SENTENCE AMONG INDONESIAN MIGRANT WORKERS IN SAUDI ARABIA 2011 – 2013

This chapter discusses the challenges faced by Indonesian government in commuting the death sentence among Indonesian Migrant Workers (IMWs) in Saudi Arabia 2011 – 2013. The challenges came up after the diplomatic efforts had been conducted by Indonesian government to commute the sentence of IMWs. This chapter describes three challenges faced by Indonesian government, they are: lacking of forgiveness from victim’s family, un-affordable diya for IMWs and under age heir to give approval to the IMWs.

A. Lacking of Forgiveness from Victim’s Family

The first challenge is ‘lacking of forgiveness from victim’s family’. It refers to the case whereas the victim’s family, particularly the victim’s heir, has not given his/ her forgiveness to the murder. This challenge happened on Tuti Tursilawati’s case. Tuti was accused of killing her employer on May 11th 2010, in Thaif. The court sentenced her to death sentence (Qishas). Tuti can be saved from the sentence if the victim’s heir gives her forgiveness. However, she has not been forgiven by the heir.

Indonesian government had conducted several attempts to commute the sentence of Tuti. First attempt was starting from the letter sent by President Susilo
Bambang Yudhoyono to Saudi King on October 6th 2011. President Yudhoyono asked for the suspension of Tuti’s execution and requested forgiveness for her. The request of President Yudhoyono was delivered to the Governor of Mecca and the governor would help to seek forgiveness for Tuti from victim’s family. He also asked the King to re-check Tuti’s case in General Court of Thaif. The investigation of Tuti’s case was re-checked from Court Level 1 to make sure the law procedure had been conducted properly. On December 25th 2012, Appellate Court sent back all file of Tuti’s case to General Court of Thaif. Since Tuti had not got forgiveness from victim’s son, Indonesian government through retainer lawyer and judges in the Court continuously persuaded victim’s family to give forgiveness for her. The judge also repeatedly delayed the trials to give more time for negotiation and mediation towards victim’s family.

Still on December 2011, Indonesia’s government sent a representative to commute the death sentence of Tuti. Former Indonesian president, B. J. Habibie, negotiated with Prince Al Walid bin Talal Al Saud in Riyadh during a meeting held in Saudi Arabia. Moreover, the task force from Indonesia and its representatives in Saudi Arabia directly met the family of the victim. They

105 Ibid.
106 “Tuti Tursilawati Denies Murder Charges in Saudi Arabia,”
approached the victim’s family requesting forgiveness for Tuti.\footnote{\textit{Ibid.}} It was represented by victim’s son, Munif Suud Al Qutaibi.

On Tuti’s case, Indonesian government had tried varies diplomatic strategies to persuade victim’s heir to give forgiveness for Tuti. It was starting from diplomacy to Saudi’s head of state, to Saudi’s government and to victim’s family. However, the victim’s heir still insisted not to give his forgiveness for Tuti. If he had given his forgiveness for Tuti, her sentence has a chance to be commuted through \textit{diyat}. Since the decision to commute the death sentence of Tuti lay on the hand of victim’s son, Indonesian government had no choice except to keep the diplomacy to Saudi’s side. Thus, the attempts of Indonesian government showed significant impact on Tuti’s case. This research found that even though Tuti had already been given to death sentence and had not been forgiven by victim’s heir, she has not been executed yet up to now.

\textbf{B. Un-affordable \textit{Diyat} for Indonesian Migrant Workers}

The second challenge is ‘un-affordable \textit{diyat}'. It refers to the case when Indonesian government succeeded to commute the death sentence through \textit{diyat} but the \textit{diyat} requested by victim’s family was too high. The government did not afford to pay the \textit{diyat}. It happened on Satinah bt Jumadi Ahmad. Satinah was guilty then sentenced to death because she killed her employer, Nurah Al Gharib, on June 26\textsuperscript{th} 2007.\footnote{‘Laporan Periodik Direktorat PWNIBHI kepada Menteri Luar Negeri terkait Penanganan Kasus Hukuman Mati pada Juli 2013,’ 2.} Since then, she was arrested in Buraidah prison, Qaseem province. The efforts of Indonesian government showed on some diplomatic
approaches conducted by President Yudhoyono, KBRI Riyadh, task force, and representative from Indonesia.\footnote{Ibid.}

To commute the sentence of Satinah, similar with Tuti’s case, President Yudhoyono sent a letter to Saudi King requesting pardon for her. Besides the letter, Indonesia sent Maftuh Basyuni, the former Chief of task force for IMWs, to Saudi Arabia.\footnote{Ed. B. Kunto Wibisono, “Pemerintah berupaya Selamatkan TKI Satinah, Tuti Tursilawati,”.} Thus, Basyuni was assisted by the Governor of Qaseem, Prince Faisal bin Bandar bin Abdul Aziz Al Saud, who played significant role in mediating Indonesia’s government with victim’s family. Moreover, another assistance coming from the retainer lawyer for Indonesia, Abdullah bin Abdulrahman Al Muhaemeed, who also helped Indonesia negotiating with the family.\footnote{Ibid.} The victim’s family decided to give forgiveness for Satinah by requesting 15 million SAR for 

\textit{diyat.} If she could not pay the \textit{diyat}, she would end up on death sentence. Indonesian government, with the assistance of Saudi’s government, succeeded to negotiate the \textit{diyat} from 15 million SAR to 10 million SAR. Because of the approaches from Indonesian government, the victim’s family decreased their \textit{diyat} to 7 million SAR. The government also succeeded to delay the deadline of \textit{diyat} for three times. The first deadline for payment of \textit{diyat} was December 2011. Indonesian government negotiated with victim’s family and the deadline changed to December 2012. The latest progress of negotiation was the deadline was suspended to December 2013.

The problem arose when Indonesian government could not afford to pay 7 million SAR to the victim’s family. The government afforded to pay 4 million
SAR to save Satinah from death sentence. However, the family still insisted with their final decision, 7 million SAR. In Indonesia, meeting for ministers’ level was held on May 23rd 2013.  

112 This meeting discussed about *diyat* for Satinah. Based on the meeting, Indonesian government decided not to give more money from nation’s budget. The government suggested Satinah’s family to fund raising the 3 million SAR from non-governmental organizations (NGOs) which concern on migrant workers.

After the meeting, all files of Satinah’s case was sent to Saudi Arabia Ministry of Home Affairs to get final decision whether the attempts to save Satinah could be continued or not.  

113 If the victim’s family still insisted on 7 million SAR and did not want to suspend the deadline of the payment for the 7 million SAR, Indonesian government could not save Satinah from her sentence. She would be executed immediately.

C. Under Age Heir to Give Approval to the Indonesian Migrant Workers

The last challenge is ‘under age heir to give approval to the IMW’. This challenge happened on Siti Zaenab’s case. Siti Zaenab killed her employer, Hurah bt Abdullah bin Duhem al Maruba, on September 28th 1999.  

114 Supreme Court sentenced Siti Zaenab to death. However, her execution should get approval from one of the victim’s heir, Waleed Abdullah Muhsin al Ahmadi, who was under age

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113 *Ibid*.
when her mother was killed.\footnote{Ibid.} He was too young to decide whether Siti Zenaab should be put on death sentence or not. At the same time, Waleed also has a chance to request *diyat* from Siti Zenaab by giving her forgiveness. It means that Siti Zenaab has to wait until Waleed mature enough to make a decision. Thus, she has stayed in Medina prison since 1999. She waited for Waleed reaching his 17 years old.

In this case, Indonesian government had conducted persuasion, assisted by Saudi’s government, to get forgiveness for Siti Zenaab.\footnote{Ibid.} Indonesian government directly approached high officials in Mecca and Medina. Thus, President Yudhoyono also sent a letter for Saudi King, requesting pardon for her. Indonesian government also approached *Jam’iyah Khairiyah*. It is an agency of social assistance, located in Medina.

There was a positive support from Saudi’s government to support and help the mediation between Indonesia government and victim’s family.\footnote{Ibid.} On April 21\textsuperscript{st} 2013, Indonesian Ambassador for Riyadh and Indonesian Acting Consulate General for Jeddah attempted to commute the death sentence of Siti Zenaab by persuading victim’s heir to give his forgiveness. By having assistance from *Syekh* Nughaimisy Al Ahmadi, one of respected persons in Medina, Indonesian government saw a chance for Siti Zenaab. There was a strong indication from the family to commute the death sentence because *Syekh* Nughaimisy asked about *diyat* that offered by Indonesian government to save Siti Zenaab. In this case, the challenge faced by Indonesian government was the
victim’s heir age that under age when the case happened. It caused Siti Zaenab had to wait 14 years to get her decision, whether she will be executed or not. Fortunately, based on the negotiation conducted before, Siti Zaenab seemed had a chance to be free from death sentence through *diyat*. However, if Indonesian government could not afford to pay the *diyat*, all of negotiations and mediations conducted by the government since 1999 were useless. Thus, at the end, Siti Zaenab will end up on death sentence.
CHAPTER V
CONCLUSION

After Ruyati’s execution on July 2011, President Susilo Bambang Yudhoyono responded to the case by ordering out six instructions to protect Indonesian Migrant Workers (IMWs) abroad, particularly those workers that were committing crimes and sentenced to death in Saudi Arabia. President Yudhoyono ordered to implement Moratorium for sending new IMWs to Saudi Arabia on August 1st 2011 and established a special task force to save IMW from death sentence in Saudi Arabia. These steps were taken by President Yudhoyono because he realized that IMWs, particularly women IMWs working in domestic sectors, were not categorized as workers by Saudi’s government. Moreover, Indonesia and Saudi Arabia do not have MoU or working agreement that protect the right of IMW. The lack of MoU and related regulations creates a weak mechanism of protection towards IMWs in Saudi Arabia. The weak mechanism of the protection of IMWs in Saudi Arabia is also severed by culture of Arabian society that, despite that the Saudi’s government abolished it, considers people who work as domestic workers as slaves. Moreover, since Saudi Arabia implements Sharia’ law, the IMWs that committed to serious crime (such as murder) will be sentenced to death or qishas. Thus, to commute the sentence, the worker needs to get forgiveness from victim’s heir. Meanwhile, Indonesian government places security of its people as its primary national interest. To save its people from
death sentence in Saudi Arabia, Indonesian government, through various channels, conducted diplomatic strategies to the Saudi’s side.

There were some challenges faced by Indonesian government in commuting the death sentence of some IMWs in Saudi Arabia. However, this research concludes that Indonesian government succeeded to commute the sentence for IMWs in Saudi Arabia. This understanding was based on the fact that 53% IMWs (41 people from 77 people) who are convicted to death sentence is released. Moreover, the rest of IMWs (36 people) obtain suspension for their execution. Even though the victim’s families have not given their forgiveness or the diiyat has not been paid, they have not been executed yet up to now. The positive role of Saudi’s government in negotiating and mediating Indonesian government and victim’s family should also be appreciated. The culture of Arabian society that really respected King’s family, Governors and Syekh can be a good opportunity for Indonesian government to commute the death sentence of IMWs in Saudi Arabia. By having the assistance from Saudi’s respected persons, Indonesian government had a chance to get forgiveness for its IMWs and to negotiate about the amount of diiyat offered by victim’s family.

The research also concluded that Indonesian government needs to implement multitrack diplomacy towards Saudi Arabia. The implementation of first track diplomacy only is not sufficient since the non-state actors also have important role in international arena nowadays. It is the reason why the second track diplomacy should also be implemented by Indonesian government in dealing with cases of IMWs. It will be more optimal if Indonesia also implements second
track diplomacy to Saudi Arabia. The implementation of second track diplomacy does not replace the first track diplomacy. The attempts of second track diplomacy still open the space for negotiation and agreement for high-official rankings on first track diplomacy. Indonesian government should also send the respected persons from Muhammadiyah and Majelis Ulama Indonesia or other Islamic organizations to approach Saudi King’s family members, NGOs, Islamic groups and respected Syekh and Imam in Saudi Arabia under the framework of second track diplomacy. The combination and the continuation between first track diplomacy and second track diplomacy is known as multitrack diplomacy. Through multitrack diplomacy, there will be many stakeholders engage the Indonesian government to face the challenges mentioned in Chapter IV.

Last but not least, this study concludes that the custom of Indonesian government in paying diyat to save IMW from death sentence may face serious challenges in the future. Indeed, the practice will open "the Pandora box" and give a precedent for all similar cases. In the future, Indonesia may have to allocate a lot of money to save its people from death sentence abroad. Moreover, it also delivers a wrong message for Indonesian people regarding the protection of IMW. The people will under estimate death sentence in Saudi Arabia and may continue to commit a serious crime (in this case: murder) because they believe that they will be saved by the government. They also believe that they have a chance to be a billionaire from donors that helping them to pay off the diyat. This wrong message is

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118 Interview with Dr. Muhammad Lulu Iqbal, MA as the Deputy Director of PWNIBHI, Directorate of Protection of Indonesian Citizens and Legal Entities Abroad, on Wednesday, on 27 November 2013, Time: 16.30.
triggered by Darsem’s case who was saved from death sentence and became a billionaire after she got 2 billion IDR from TV-One and Governor of Bogor.

Indeed, the government has obligation to secure its people. However, the government also has obligation to educate its people. By always paying the big amount of diyat offered by victim’s family in Saudi Arabia, Indonesian government does not educate its people. In fact, it increases public awareness in a wrong way. Therefore, any diplomatic strategies attempted by the government will end up in paying the diyat.
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Hari/Tanggal: Rabu, 21 Agustus 2013
Ruang: Ruang Konsultasi

HASIL TANYA JAWAB

1. Mengapa banyak tenaga kerja migran asal Indonesia yang memilih Arab Saudi sebagai negara tujuan mereka dalam mencari pekerjaan?

Jawab:
Alasan utama mengapa banyak Tenaga Kerja Indonesia (TKI) memilih Arab Saudi secara sepesifik, salah satunya adalah kesamaan agama. Penyebab kedua adalah adanya kesempatan untuk naik haji. Seluruh TKI yang bekerja di Arab Saudi adalah Muslim atau beragama Islam. Dengan bekerja di Arab Saudi, mereka yakin bahwa kesempatan untuk menunaikan ibadah Haji atau Umroh di tanah suci akan lebih besar.

2. Faktor apa yang menyebabkan banyaknya pekerja migran Indonesia kerap kali mengalami pelanggaran hak asasi manusia seperti penganiayaan, pelecehan seksual sampai hukuman mati di Arab Saudi?

Jawab:
Banyak faktor yang mempengaruhi hal tersebut tetapi faktor yang paling utama adalah pekerjaan yang dilakukan TKI kita di luar negeri. Kebanyakan dari TKI kita yang bekerja di Arab Saudi bekerja sebagai pekerja informal atau domestic workers. Mereka bekerja sebagai pembantu rumah tangga (PRT), supir dan pekerja perkebunan yang dimana dalam negeri sendiripun posisi pekerjaan mereka rentan terhadap penganiayaan, pelecehan seksual, ataupun pelanggaran Hak Asasi Manusia (HAM). Tidak perlu jauh – jauh, di Indonesia pun banyak PRT banyak mengalami tindak pelanggaran HAM seperti penganiayaan, penyiksaan, gaji tidak dibayar, dll. Namun ada juga faktor lain yaitu tidak adanya hukum setempat yang melindungi TKI kita di luar negeri. Di Arab Saudi, contohnya, TKI yang bekerja disana tidak dilindungi oleh UU Ketenagakerjaan Arab Saudi karena mereka menanggap PRT itu adalah bagian dari keluarga. Jadi ada sebuah adat kebiasaan di Arab Saudi ketika mereka sudah membayar seseorang, orang tersebut

3. Adakah respon khusus pemerintah Indonesia dalam menanggapi kasus-kasus yang disebutkan diatas?

Jawab:

penurian biasa, kami hanya memberikan pengacara probono atau cukup dengan pendampingan dari staff KBRI saja.

4. Bagaimana koordinasi pemerintah Indonesia di Jakarta dengan perwakilan pemerintah Indonesia di Saudi Arabia untuk meminimalisasi jumlah TKI terpidana mati?
   
   Jawab:
   

5. Apa ada perjanjian bilateral seperti Memorandum of Understanding (MoU) atau working agreement yang secara spesifik membahas tentang perlindungan TKI di Arab Saudi?

   # jika ada, hal apa saja yang di bahas dalam agreement tersebut?
   # jika tidak, mengapa sampai saat ini belum ada agreement yang membahas hal tersebut mengingat banyaknya kasus yang merugikan pekerja migran Indonesia disana?
   
   Jawab:

6. Sebenarnya bagaimana pandangan pemerintah Arab Saudi terhadap TKI yang bekerja disana?
Jawab:

7. Pada 18 Juni 2011 lalu, pemerintah Arab Saudi melakukan eksekusi hukuman mati terhadap Ruyati dan pemerintah Indonesia merasa kecolongan karena pihak Arab Saudi tidak memberikan konfirmasi kepada KBRI Jeddah lebih dahulu. Mengapa hal itu bisa terjadi?
Jawab:
Berkaitan dengan jawaban no.5 sebelumnya, sebenarnya Vienna Convention ini diatur apabila ada warga negara dari negara pengirim mendapatkan masalah di negara penerima, ada waktunya. Biasanya 2x24 jam. Tapi konvensi ini tidak mengikat dan tidak ada sanksi atau hukuman. Tidak semua negara menjalankan Vienna Convention ini. Mungkin untuk Ruyati mereka merasa hal ini sudah masuk tahap persidangan dan dari tahap persidangan itu Bu Ruyati sudah mengaku bahwa dia telah membunuh. Dengan
pengakuan itu adalah segalanya di Arab Saudi, itu mutlak. Jadi kalau saat itu pun dilakukan eksekusi tidak apa-apa. Hal tersebut yang membuat pemerintah Arab Saudi merasa mereka mempunyai kewenangan untuk mengeksekusi Ruyati tanpa memberi tahu terlebih dahulu kepada pihak KJRI Jeddah. Kenapa kita protes waktu itu? Protes kita pada dasarnya adalah Vienna Convention ini dimana wajib bagi negara penerima untuk memberikan pemberitahuan kepada perwakilan negara pengirim, dalam hal ini KJRI Jeddah, apabila ingin mengeksekusi dan sejak saat itu kita melakukan pendekatan kepada Raja dan para Gubernur yang notabene masih keluarga kerajaan, agar mereka mau menotifikasi terlebih dahulu jika ada WNI yang akan dieksekusi.

8. Apa saja upaya pemerintah Indonesia dalam menelamatkan Ruyati sebelum ia di eksekusi?
Jawab:
#Itu total semua kasus bang?
Iya semua kasus, tidak hanya hukuman mati. Dan itu bukan TKI saja tetapi semua WNI yang di Arab Saudi juga termasuk. Jadi kalau dalam kasus Ruyati, kita juga tidak menutup mata memang ada beberapa kesalahan dalam penanganan yang telah dilakukan oleh kami, pihak Kemlu, KBRI dan KJRI tetapi itu semua menjadi pembelajaran buat kami dalam kasus selanjutnya. Dan dalam menangani perlindungan WNI, kita tidak bisa bergerak seorang diri, dalam hal ini hanya Kemlu saja atau KBRI dan KJRI saja. UU no.39 tahun 2004 juga menyebutkan bahwa tanggung jawab PPTKIS ada. Selain itu, ada juga pihak-pihak lain yang sebenarnya kita perlu peran mereka juga, seperti LSM.
Sebenarnya mereka tidak perlu menuarakan hal-hal yang miring terus. Kita perlu kerjasama mereka juga agar kita bisa melakukannya bersama. Tapi selama ini yang kita terima hanya kritis dan demo. Tidak semua LSM buruk. Ada beberapa LSM juga memberikan masukan yang sangat bagus. Masukan yang sangat membangun unutk kita. #Berarti kasus Ruyati kemarin memang kecolongan atau kesalahan dari pihak Arab Saudi-nya bang?


Jawab:


10. Adakah upaya diplomasi khusus lainnya yang dilakukan pemerintah Presiden Yudhoyono dalam membebaskan 23 TKI yang terancam hukuman mati?

Jawab:

mengirimkan surat ke Menteri luar negeri Arab Saudi, terakhir Pak Habibie waktu itu menjadi perwakilan dari pemerintah RI dalam berdialog.

11. Bagaimana hubungan kerjasama Indonesia – Arab Saudi dalam bidang ketenagakerjaan sesudah kasus pengeksekusian Ruyati?
Jawab:
Sesudah eksekusi Ruyati, berarti pemberlakuan Moratorium pada Agustus 2011. Kita berhentikan pemberangkatan tenaga kerja domestik ke Arab Saudi tapi tenaga kerja profesional seperti pekerja minyak, masih banyak yang tetap berangkat ke Arab Saudi untuk bekerja. Untuk kerjasama di bidang ketenagakerjaan, untuk pekerja domestik sudah tidak ada kerjasama lagi, kalau untuk sektor lainnya masih tetap berjalan.

12. Apa saja kendala atau hambatan yang dihadapi pemerintah Indonesia dalam membebaskan 23 TKI tersebut?
Jawab:
Akar permasalahannya itu ada dua. Satu, tertutupnya pihak pemerintah Arab Saudi. Dua, anggaran. Ketika kita ingin membayarkan diyat yang bayarannya besar. Akan ada pertimbangan apakah masuk alwat untuk membayarkan sekian milyar untuk membebaskan satu orang WNI.

13. Menurut pendapat bapak, apakah upaya pemerintah Indonesia dalam melindungi TKI di Arab Saudi sudah optimal? Apa saja aspek yang harus ditingkatkan keberannya?
Jawab:
DRAFT HASIL WAWANCARA

Narasumber : Henry Prajitno SH MSi
Jabatan : Kepala Koordinator Crisis Centre
Instansi : Badan Nasional Penempatan dan Perlindungan Tenaga Kerja Indonesia (BNP2TKI)
Tempat : Gedung Crisis Centre BNP2TKI, Jakarta
Hari/Tanggal : Senin, 26 Agustus 2013
Ruang : Ruang Pelayanan Tamu

HASIL TANYA JAWAB

1. Mengapa banyak tenaga kerja migran asal Indonesia yang memilih Arab Saudi sebagai negara tujuan mereka dalam mencari pekerjaan?

Jawab:

2. Faktor apa yang menyebabkan banyaknya pekerja migran Indonesia kerap kali mengalami pelanggaran hak asasi manusia seperti penganiayaan, pelecehan seksual sampai hukuman mati di Arab Saudi?

Jawab:
Kita juga sumber permasalahan jangan dilihat dari luar, misalnya mba ambil tenaga kerja dari kampung, kita suruh kerja dirumah kita tapi orang itu disuruh ambil pisau dia ambil sendok, suruh ambil sendok dia ambil yang, lama-lama kita kemplang. Itu misalnya. Orang yang kita berangkatkan ini. Sebenarnya sumber permasalahan ini adanya di dalam negeri, bukan diluar negeri. Diluar negeri iya, tapi persentasenya lebih tinggi di dalam negeri. Kalau saya bilang 75% : 25% nanti saya menyinggung yang lain. Saya juga tidak
mau. Tapi yang jelas, bagaimana mungkin dengan keahlian yang terbatas, biasa kita
dikampung nyuci pake penggilesan, disana mencuci pakai mesin cuci. Yah bingunglah
nyoloknya mba. Antara lain.

3. Adakah respon khusus pemerintah Indonesia dalam menanggapi kasus-kasus yang
disebutkan diatas?
Jawab:
Sangat responsif mba. Cuma satu hal, Arab Saudi tidak masuk International Labor
Organization (ILO) ya. Kemudian, jika mba lihat dari pekerja kita di sektor perusahaan,
ini permasalahannya kecil. Tapi kalau kerja di perorangan, itu permasalahannya besar
mba. Respon cukup baik, UU perburuhan disana tidak memasukkan pekerja rumah
tangga (PRT) tidak termasuk dalam aturan perburuhan. Pemerintah ya tidak bertanggung
jawab.

4. Bagaimana koordinasi pemerintah Indonesia di Jakarta dengan perwakilan pemerintah
Indonesia di Saudi Arabia untuk meminimalisasi jumlah TKI terpidana mati?
Jawab:
Sebetulnya kalau pidana mati itu karena melakukan kesalahan kan mba. Dan tidak
mungkin tiba-tiba langsung dipidana. Seseorang dihukum mati itu karena punya dosa.
Yang kita tanya kenapa dia sampai melakukan hal itu. Kan itu pertanyaannya. Untuk
meminimalisasi TKI terpidana mati, kira-kira supaya mereka jangan membunuh apa
tindakan kita? Saya balikin lagi pertanyaannya ke mba. Jadi kita jangan langsung ke
perwakilan, karena perwakilan itu menerima. Apa yang dilakukan agar orang itu tidak
membunuh? Mba pikir sendiri aja deh.

5. Apa ada perjanjian bilateral seperti Memorandum of Understanding (MoU) atau working
agreement yang secara spesifik membahas tentang perlindungan TKI di Arab Saudi?
# jika ada, hal apa saja yang di bahas dalam agreement tersebut?
# jika tidak, mengapa sampai saat ini belum ada agreement yang membahas hal tersebut
mengingat banyaknya kasus yang merugikan pekerja migran Indonesia disana?
Jawab:
Arab Saudi ini sampai sekarang belum ada perjanjian bilateral, tidak ada MoU, tidak ada
agreement. Yang kemarin baru dilakukan adalah Statement of Intent (SoI). Saya tidak
mau menyebut law ya, soalnya SoI dan Law of Intent (LoI) itu berbeda. Hal ini tidak

6. Sebenarnya bagaimana pandangan pemerintah Arab Saudi terhadap TKI yang bekerja disana?
Jawab:

7. Pada 18 Juni 2011 lalu, pemerintah Arab Saudi melakukan eksekusi hukuman mati terhadap Ruyati dan pemerintah Indonesia merasa kecolongan karena pihak Arab Saudi tidak memberikan konfirmasi kepada KBRI Jeddah terlebih dahulu. Mengapa hal itu bisa terjadi?
Jawab:
Soal ini pihak Kementrian Luar Negeri yang lebih berwenang untuk menjawab mba.

8. Apa saja upaya pemerintah Indonesia dalam menyelamatkan Ruyati sebelum ia di eksekusi?
Jawab:
Sama dengan pertanyaan sebelumnya, pihak Kementrian Luar Negeri lebih berwenang untuk menjawab hal ini mba.

Jawab:
Satgas termasuk perwakilan tidak akan cerita apa yang sudah dilakukan, seperti kita disini sudah bekerja mati-matian tapi tidak ditanggapi. Saya tidak mengerti kalau efektif. Kalau dengan usahanya berhasil mengurangi kasus hukuman mati itu disebut efektif, sebetulnya apa yang dilakukan Satgas itu melanjutkan apa yang sudah dilakukan oleh perwakilan.

# Kalau disini ada data yang divonis berapa dan yang selamat berapa kan pak?
Jadi begini mba, kalau secara rinci nama-nama TKI yang mau dihukum mati memang saya tidak untuk publikasi. Mungkin Kementrian Luar Negeri juga akan menjawab hal yang sama. Ada ketakutan jika dipublikasi, ada pihak-pihak lain yang mengambil kesempatan ini.

# Kalau misalnya saya dapat data untuk klasifikasi tanpa menyebutkan nama bisa pak?

# Maka dari itu, saya minta data kesini karena data dari media kan seperti itu pak.
Tidak valid itu dara dari luar! Data dari kami valid. Tapi saya tidak bisa menyebarkannya mba. Terlalu beresiko.

10. Adakah upaya diplomasi khusus lainnya yang dilakukan pemerintah Presiden Yudhoyono dalam membebaskan 23 TKI yang terancam hukuman mati?
Jawab:
Kementrian Luar Negeri yang berhak menjawab hal ini.

11. Bagaimana hubungan kerjasama Indonesia – Arab Saudi dalam bidang ketenagakerjaan sesudah kasus pengekskusian Ruyati?
Jawab:
Kita melakukan moratorium karena pemerintah Arab Saudi tidak merespon keinginan kita makanya di dalam Sol itu kan kita padukan lagi agar bisa ditingkatkan ke dalam MoU. Sampai sekarang belum kelihatan.

# Sol itu kapan sih pak?

# Soalnya saya tidak menemukan Sol di media pak.
Oh itu memang tidak di expose.
Tetapi saya melihat MoU, kalau adapun, tidak ada gunanya. Kenapa? Soalnya peraturan
perburuhan disana tidak mengatur domestic worker. Dan satu hal, kita melakukan
kebohongan. Orang yang kita berangkatkan kesana, kita selalu memakai status janda
hanya untuk bisa diterima masuk ke Saudi. Kalau dia bersuami, itu tidak boleh masuk ke
Saudi. Itulah yang terjadi di kita.

12. Apa saja kendala atau hambatan yang dihadapi pemerintah Indonesia dalam
membebaskan 23 TKI tersebut?
Jawab:
Kamu tahu angka 23 dari mana? Ini angka NGO ini. Tidak jelas ini. Media itu banyak
bohongnya mba. Media bagus juga untuk mengkritisi kita. Saya senang juga sama
media tetapi tidak seluruh yang disampaikan media itu benar. Walaupun kita ada hak
jawab juga untuk hal itu, kami tidak mau jawab.

13. Menurut pendapat bapak, apakah upaya pemerintah Indonesia dalam melindungi TKI di
Arab Saudi sudah optimal? Apa saja aspek yang harus ditingkatkan kedepannya?
Jawab:
Memang belum optimal, karena belum optimal itu tidak ada kesepakatan antara dua
belah pihak karena itu Indonesia melakukan pemberhentian sementara. Karena dianggap
tidak mau bekerja sama dalam perlindungan TKI. Itu salah satunya seperti itu.
Pendekatan yang dilakukan mulai dari Joint Working Group (JWG), dll. SoI yang mau
kita tingkatkan ke MoU saja mereka tidak mau, apalagi bilateral. Bahkan sebenarnya kita
sudah siapkan bahan-bahan untuk MoU tetapi tidak pernah ada realisasi. Saya juga tidak
tahu kenapa. Tetapi itu memang salah satu upaya yang dilakukan oleh kita.
DRAFT HASIL WAWANCARA

Narasumber : Dr. Muhammad Lalu Iqbal, MA
Jabatan : Deputi Direktur Perlindungan WNI dan Badan Hukum Indonesia
Instansi : Kementrian Luar Negeri Republik Indonesia
Tempat : Gedung Direktorat PWNIBHI (Perlindungan Warga Negara Indonesia dan Badan Hukum Indonesia), Pejambon, Jakarta
Hari/Tanggal : Rabu, 27 November 2013
Ruang : Ruang Rapat Staff PWNIBHI

HASIL TANYA JAWAB

1. Mengapa banyak tenaga kerja migran asal Indonesia yang memilih Arab Saudi sebagai negara tujuan mereka dalam mencari pekerjaan?

Jawab:
Saya kira jawabannya sederhana karena adanya persamaan kultural dan kesamaan agama yang mendorong orang kesana. Banyak juga yang ke Arab Saudi awalnya untuk umroh. Setelah di sana mereka berubah pikiran menjadi pencari pekerjaan dan akhirnya menjadi over stayer dan menjadi problem di kemudian hari.

2. Faktor apa yang menyebabkan banyaknya pekerja migran Indonesia kerap kali mengalami pelanggaran hak asasi manusia seperti penganiayaan, pelecehan seksual sampai hukuman mati di Arab Saudi?

Jawab:
negaranya saja dia harus minta izin. Exit permit itu akan dikeluarkan oleh imigrasi kalau ada rekomendasi dari kafil. Jadi kalau seseorang TKI masih punya kasus dengan kafilnya atau kafilnya tidak berkenan dia pulang maka kafilnya bisa tidak memberikan izin untuk pulang, maka tidak dapat pulanglah TKI itu. Tapi sistem kafalah juga mempengaruhi mindset orang Arab dalam memperlakukan pekerjanya. Sehingga dia cenderung memperlakukan pekerjanya sebagai budak.


# Kalau TKI terkait kasus narkoba ada tidak pak?

3. Adakah respon khusus pemerintah Indonesia dalam menanggapi kasus-kasus pelanggaran HAM disana?
Jawab:

Satu, mereka tidak punya hukum yang melindungi pekerja informal atau *domestic worker*.


# Berarti belum ada MoU atau working agreement?

Sudah ada upaya untuk membahas MoU. Kita sudah initiate tiga kali dan sekarang masih on going negosiasinya. Tapi memang ada beberapa isu yang menurut Indonesia itu menjadi redline dan menurut mereka juga redline jadi sampai sekarang masih diusahakan mencari jalan tengah.

# Apa itu yang dimaksud dengan redline pak?

*Redline* itu adalah batasan yang tidak bisa ditolerir. Jadi buat Indonesia yang *redline* nya tidak mungkin di negosiasikan adalah aspek – aspek perlindungannya. Misalnya, paspor harus dipegang sendiri oleh TKI. Selama ini kan paspor dipegang oleh majikan. Itu yang menyebabkan mereka rentan. Lalu, ‘one day free’ untuk para TKI. Misalnya, bisa dikasih istirahat satu hari. Lalu bagi mereka yang memperkerjakan orang Indonesia, mereka harus membukti kan kalau merka sudah punya penghasilan sekian Real. Selama ini tidak semua orang yang mendatangkan pembantu dari Indonesia itu adalah orang yang mampu membayar pembantu tersebut. Kadang – kadang supir taksi Saudi, yang untuk dirinya
sendiri saja sudah pas – pasan, dia mendatangkan pembantu dari Indonesia. Jadi sejak awal sudah tidak sesuai.


4. Apa ada perjanjian bilateral seperti Memorandum of Understanding (MoU) atau working agreement yang secara spesifik membahas tentang perlindungan TKI di Arab Saudi?
   # jika ada, hal apa saja yang di bahas dalam agreement tersebut?
   # jika tidak, mengapa sampai saat ini belum ada agreement yang membahas hal tersebut mengingat banyaknya kasus yang merugikan pekerja migran Indonesia disana?
   Jawab:
   Sepertinya soal no.4 sudah terjawab ya.

5. Sebenarnya bagaimana pandangan pemerintah Arab Saudi terhadap TKI yang bekerja disana?
   Jawab:
bukan untuk melayani. Orang Bangladesh pun tidak bisa menggantikan kebutuhan mereka terhadap orang Indonesia. Indonesia tetap menjadi favorit.

# Apa pemerintah Arab Saudi respect terhadap mereka?

# Berarti prevention bukan tanggung jawab Kementrian Luar Negeri ya seharusnya?
Ya tanggung jawab pemerintah lah, tetapi yang jelas itu bukan porsinya Kementrian Luar Negeri. Karena harus dimulai dari sistem rekrutmen dan itu Kementrian yang lain yang terkait.

# Berarti selain Kementrian Luar Negeri ada agency atau Kementrian lain yang harusnya berperan dalam melindungi TKI tersebut. Kementrian dan agency apa saja pak itu?
# Untuk pertanyaan lebih spesifik, misalnya ada TKI atau TKW yang terancam hukuman mati, itu Kementrian mana yang benar – benar bertanggung jawab memberikan perlindungan pada TKI tersebut pak?

Jadi begini, Kementerian Luar Negeri itu tugas utamanya, berdasarkan konstitusi dan berdasarkan Undang – Undang, adalah memberikan perlindungan kepada WNI, bukan TKI. Kebutulan 80% WNI adalah TKI. Ketika ada orang yang mendapat ancaman hukuman mati, itu merupakan WNI, jadi Kementrian Luar Negeri berada paling depan dalam kasus ancaman hukuman mati.

# Hanya Kementrian Luar Negeri sendiri ?


Lalu di perwakilan, kita bikin unit kerja khusus yang memantau kasus day to day untuk TKI yang terancam hukuman mati itu. Termasuk mengumpulkan bukti – bukti baru lalu melakukan pembahasan dengan pengacara.

# itu kapan dibuatnya?

Sejak tahun 2011.

# berarti setelah kasus Ruyati itu ya pak ?


6. Pada 18 Juni 2011 lalu, pemerintah Arab Saudi melakukan eksekusi hukuman mati terhadap Ruyati dan pemerintah Indonesia merasa kecolongan karena pihak Arab Saudi tidak memberikan konfirmasi kepada KBRI Jeddah terlebih dahulu. Mengapa hal itu bisa terjadi? Apa saja upaya pemerintah Indonesia dalam menyelamatkan Ruyati sebelum ia di eksekusi?
Jawab:


# jadi upaya memberikan pendampingan, sudah ya pak?

7. Bagaimana hubungan kerjasama Indonesia – Arab Saudi dalam bidang ketenagakerjaan sesudah kasus pengeksekusian Ruyati?

Jawab:


Jawab:

Sebetulnya setiap masalah hukuman mati ada banyak yang mirip ada juga yang berbeda, karena kasusnya kan berbeda – beda. Hanya memang dalam penanganan hukuman mati ini ada satu pertanyaan yang belum terjawab dengan baik dan untuk mencari jawabannya harus bersama sama antara masyarakat dengan pemerintah.


Memang, pemerintah memiliki kewajiban untuk melindungi warganya. tetapi pemerintah juga punya kewajiban untuk mengedukasi masyarakatnya. Lalu apakah dengan penanganan seperti itu aspek edukasinya ada? Malah pemerintah menyampaikan pesan yang salah ke masyarakat. Maka jangan heran masyarakat berbondong-bondong ke Saudi untuk bekerja lalu bunuh aja sekalian majikannya, mereka nanti dapat duit. TV One malah mengumpulkan uang sampai 1 milyar untuk membebaskan Darsem dan sesampainnya di Indonesia dia pakai untuk berfoya – foya. Ini kan mendidik rakyat kita
dengan cara yang salah. Jadi harus ada batasan dari peran negara dalam memberikan perlindungan. Dengan demikian, kita memberikan pesan yang benar kepada masyarakat.

9. Apa saja kendala atau hambatan yang dihadapi pemerintah Indonesia dalam membebaskan para TKI tersebut?

Jawab:


Pada hal itu yang membuat dia terancam hukuman mati.


10. Menurut pendapat bapak, apakah upaya pemerintah Indonesia dalam melindungi TKI di Arab Saudi sudah optimal?

Jawab:
Sudah optimal, tapi tidak berarti itu sudah maksimal karena kita bicara optimal itu dengan semua sumber daya yang kita punya. Dilihat dari sumber daya yang ada seperti, financial, sumber daya manusia dan infrastruktur yang kita punya, apa yang kita berikan itu sudah optimal tapi belum maksimal. Artinya ada kesempatan untuk bisa memaksimal kan upaya perlindungan TKI ini kalau ditambah sumberdayanya. Kerjasama bilateral melalui MoU atau perjanjian perlu di inisiasi lagi. Lalu kita mendorong pemerintah Arab Saudi untuk membuat peraturan setempat mengenai tenaga kerja yang informal ini.

# jadi aspek – aspek apa saja pak yang harus di tingkatkan?

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