



TRANSLATION OF SUARA NEWSPAPER ARTICLE

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Indonesian Migrant Workers (BMI) should not talk carelessly at the police station

By Veby Mega

Based on reflection from many legal cases that they have accompanied, Assistant Case Manager of PathFinders Christine J. Lintang on Monday (13/4/2015) urged to Indonesian Migrant Workers that they should not talk carelessly when they are being questioned by police for any legal cases.

“Because Indonesian Migrant Worker (BMI) actually has the right to remain silent, which is refuses to talk until gets a lawyer or legal aid. It has to be remembered that whatever Indonesian Migrant Worker (BMI) says at the police station can be used to sue back that Indonesian Migrant Worker (BMI),” Christine said.

Christine stated that in Ningsih’s case, it was the legal aid that has rescued her so that she was not dragged into becoming the accused of forgery case of medical document. “When Ningsih's employer came, we immediately asked pro bono lawyer of PathFinders for legal aid,” Christine said.

Based on legal advice from this lawyer, Christine did not just agree when police asked Ningsih to come as a witness. After further inquiry police admitted that this Indonesian Migrant Worker (BMI) could also become the accused if Ningsih comes to testify.

This could happen because there are two types of witnesses, a pure witness who could not be dragged into the ongoing case. However, there is an advanced witness such as Ningsih, in which this Indonesian Migrant Worker (BMI) can become the accused instead if police find enough evidences from her own testimony.

Because of that, an Indonesian Migrant Worker (BMI) who encounters legal cases, it is advisable to use the right to remain silent that is refuses to talk anything at the police station and requests for a lawyer or contacts organisations who can accompany them,” Christine said.

Christine also warned that to testify at the police station is different from talking at common places. “Sometimes when we talk too much, add too much story or eventually tell a lie that can actually harm us,” Christine said.

BMI jangan asal omong di kantor polisi

Oleh **Veby Mega**

BERKACA dari banyak kasus hukum yang mereka dampingi, Senin, (13/4/2015), Asisten Manajer Kasus Pathfinders Christine J. Lintang menghimbau agar para BMI jangan asal bicara saat ditanyai polisi untuk kasus hukum apapun.

"Karena sebenarnya BMI itu punya hak diam, yaitu menolak berbicara sampai mendapat pengacara atau pendampingan hukum dan harus diingat bahwa apapun yang BMI katakan di kantor polisi itu dapat digunakan untuk menuntut balik (BMI itu sendiri)," kata Christine.

Pada kasus Ningsih, Christine menyatakan, pendampingan hukumlah yang menyelamatkan BMI tersebut sehingga tidak ikut terseret jadi tersangka pemalsuan dokumen medikal. "Saat majikan Ningsih datang, kami langsung hubungi dengan pengacara pro bono Pathfinders untuk pendampingan hukum," kata Christine.

Atas dasar saran hukum pengacara ini, Christine tidak asal mengiyakan saat polisi meminta Ningsih datang sebagai saksi. Setelah ditanya lebih dalam, polisi pun mengakui bahwa BMI ini dapat ikut terseret jadi tersangka jika Ningsih



Kantor polisi Wan Chai.

datang bersaksi.

Ini karena ada 2 jenis saksi, yaitu saksi murni yang tidak akan dapat terseret ke dalam kasus yang berlangsung. Namun ada jenis saksi lanjutan seperti Ningsih, dimana BMI ini justru dapat menjadi tersangka jika polisi menemukan bukti-bukti yang cukup berdasarkan kesaksiannya sendiri.

"Karena itu, BMI yang terlibat kasus hukum sebaiknya menggunakan hak diam yaitu tidak mau bicara apa-apa saat di kantor polisi dan minta pengacara, atau hubungi organisasi-organisasi yang bisa mendampingi," kata Christine.

Christine juga mengingatkan bahwa memberi kesaksian di kantor polisi berbeda dengan berbicara di tempat biasa. "Kadang kalau kita kebanyakan omong jadi nambah-nambahin atau akhirnya malah jadi bohong yang bisa merugikan kita sendiri," kata Christine.*