

BAB III

PENUTUP

A. Kesimpulan

Berdasarkan analisis ini, dapat disimpulkan bahwa Tiongkok belum sepenuhnya melaksanakan kewajiban HAM internasional, terkhusus dalam memastikan akses pemulihan bagi korban pelanggaran hak pekerja oleh pabrik pemasok bahan untuk SHEIN di daerah Guangzhou. Meskipun Tiongkok telah memiliki undang-undang seperti Undang-undang ketenagakerjaan (*Labour Law of the People's Republic of China*) dan undang-undang kontrak ketenagakerjaan (*Labour Contract Law of the People's Republic of China*), tetap menunjukkan pelanggaran terkait jam kerja yang berlebihan, ketiadaannya kontrak kerja, dan pembayaran upah yang tidak adil. Hal ini menunjukkan minimnya pengawasan terhadap pabrik pemasok bahan untuk SHEIN, yang seharusnya menjadi tanggung jawab negara dalam memenuhi dan melindungi HAM bagi setiap warganya.

Dalam *Sustainability and Social Impact Report*, SHEIN menyebutkan telah melakukan beberapa tindakan pencegahan untuk melawan pelanggaran HAM dalam rantai pasokannya, seperti audit pemasok, program pelatihan, dan pemutusan kontrak dengan pemasok yang tidak mematuhi kebijakan, namun tindakan tersebut belum sepenuhnya mengatasi tantangan struktural yang ada di lapangan. Menurut informasi dan pengamatan dari Komite ICESCR dalam *Concluding Observations* terhadap Tiongkok tahun 2023, negara masih belum memastikan adanya

akses yang efektif untuk pemulihan bagi korban pelanggaran HAM oleh perusahaan. Hal ini mengindikasikan bahwa kebijakan internal dalam perusahaan belum didukung oleh sistem hukum nasional yang responsif terhadap keluhan korban.

Penyelidikan independen yang dilakukan oleh *Public Eye* menunjukkan bahwa keadaan kerja di pabrik pemasok SHEIN masih sangat tidak memadai. Sejumlah pekerja di Guangzhou, Tiongkok, mengalami jam kerja yang berlebihan, kurangnya kontrak kerja yang resmi, dan sistem pembayaran yang merugikan pekerja. Strategi keberlanjutan SHEIN tetap reaktif dan berfokus pada kepentingan perusahaan, bukan pada pemulihan korban seperti yang diatur dalam UNGPHBR.

Secara normatif, Tiongkok sudah berusaha untuk menyediakan pemulihan yang adil dan efektif menurut UNGPBHR yang harus memenuhi elemen-elemen seperti legalitas, kemudahan akses, dan keadilan. Namun dalam kenyataannya, para pekerja di pabrik pemasok bahan untuk SHEIN, sulit mengakses mekanisme pemulihan tersebut karena tidak adanya kontrak yang mengikat. Tindakan SHEIN yang menyatakan telah menyelesaikan pelanggaran dengan cepat melalui langkah-langkah perbaikannya termasuk mengakhiri kontrak kerja dengan karyawannya yang masih di bawah umur, hanya bersifat responsif dan bukan bagian dari sistem pemulihan yang adil dan efektif.

Laporan Komite ICESCR, menyatakan bahwa Tiongkok belum menyediakan aturan hukum yang cukup untuk memastikan tanggung jawab

perusahaan terhadap pelanggaran HAM. Mekanisme pengaduan yang ada, masih kurang transparan dan belum sepenuhnya memberikan rasa aman bagi korban. Oleh karena itu, walaupun terdapat komitmen pada prinsip UNGPHBR, baik oleh negara maupun SHEIN sebagai perusahaan multinasional, implementasi pada praktiknya masih sangat terbatas.

B. Saran

Berdasarkan hasil penelitian ini, berikut adalah beberapa saran yang diharapkan mampu memberikan solusi untuk permasalahan yang telah dianalisis:

1. Pemerintah Tiongkok perlu segera menyusun dan mengadopsi Rencana Aksi Nasional Hak Asasi Manusia dan Bisnis yang secara tegas mengacu pada UNGPBHR. Penting untuk menjelaskan tanggung jawab negara dalam melindungi HAM dari suatu aktivitas perusahaan yang buruk, terutama bagi pekerja di pabrik pemasok bahan untuk SHEIN.
2. Tiongkok perlu memperkuat mekanisme pemulihan yang efektif sesuai UNGPBHR, baik dalam aspek ketenagakerjaan maupun pembentukan lembaga pengaduan HAM yang berfokus pada korban. Pentingnya kebutuhan akan akses yang efektif dan non-diskriminatif terhadap pemulihan bagi korban pelanggaran HAM.
3. Pemerintah Tiongkok perlu memberikan bantuan keuangan kepada korban pelanggaran HAM, seperti dukungan biaya hukum atau subsidi

akses pada mekanisme pengaduan, untuk memastikan bahwa setiap individu memiliki akses yang adil dan efektif terhadap mekanisme pemulihan, baik melalui jalur yudisial maupun non-yudisial, sesuai dengan prinsip UNGPBHR.

4. Perusahaan multinasional seperti SHEIN, tidak hanya berkomitmen pada program tanggung jawab perusahaan tetapi juga harus menjalankan uji tuntas HAM secara menyeluruh dan berkelanjutan. SHEIN perlu memastikan bahwa setiap pabrik pemasoknya tetap konsisten dengan 3 Pilar UNGPBHR dan menyediakan mekanisme pengaduan yang terbuka bagi semua pekerjanya.
5. Perusahaan multinasional wajib menyediakan sarana pengaduan yang efektif dan mudah untuk diakses oleh seluruh pekerjanya, baik pekerja dari pabrik pemasok bahan serta pekerja dari perusahaan itu sendiri, sehingga setiap pekerja yang merasa ada dalam situasi yang tidak aman, dapat melaporkan kapan pun dan dimana pun.

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