

BAB III

PENUTUP

A. Kesimpulan

Mengacu pada rumusan masalah dan juga pembahasan yang sudah penulis sampaikan, dapat disimpulkan bahwa implementasi pemberian akses terhadap pemulihan oleh Pemerintah Korea Selatan dalam kasus yang terjadi terhadap Yu-mi Hwang telah dilakukan, namun belum sepenuhnya efektif jika ditinjau dari *United Nations Guiding Principles on Business and Human Rights* (UNGPs) .

Berdasarkan Prinsip 25 UNGPs menunjukkan bahwa akses terhadap pemulihan yang tersedia tidak cepat, belum memadai, dan belum sepenuhnya efektif, akibat proses yang panjang dan kelemahan prosedural. Keterbatasan efektivitas pemulihan dipengaruhi oleh dominasi *Chaebol*, lemahnya penegakan hukum nasional, serta sifat UNGPs sebagai *soft law* yang bergantung pada implementasi negara.

Dengan demikian, reformasi struktural dan kebijakan yang berkelanjutan, disertai penegakan hukum yang tegas serta komitmen korporasi untuk mematuhi standar HAM, menjadi landasan bagi terciptanya lingkungan

bisnis yang bertanggung jawab, di mana hak pekerja dihormati dan pemulihan yang efektif dapat dijamin. Studi kasus ini menyediakan pelajaran penting bagi pengembangan kerangka regulasi yang menghubungkan prinsip UNGPs dengan praktik operasional bisnis, sekaligus memberikan dasar bagi penilaian lebih menyeluruh terhadap kemampuan suatu negara dalam menyeimbangkan pertumbuhan ekonomi dan perlindungan HAM.

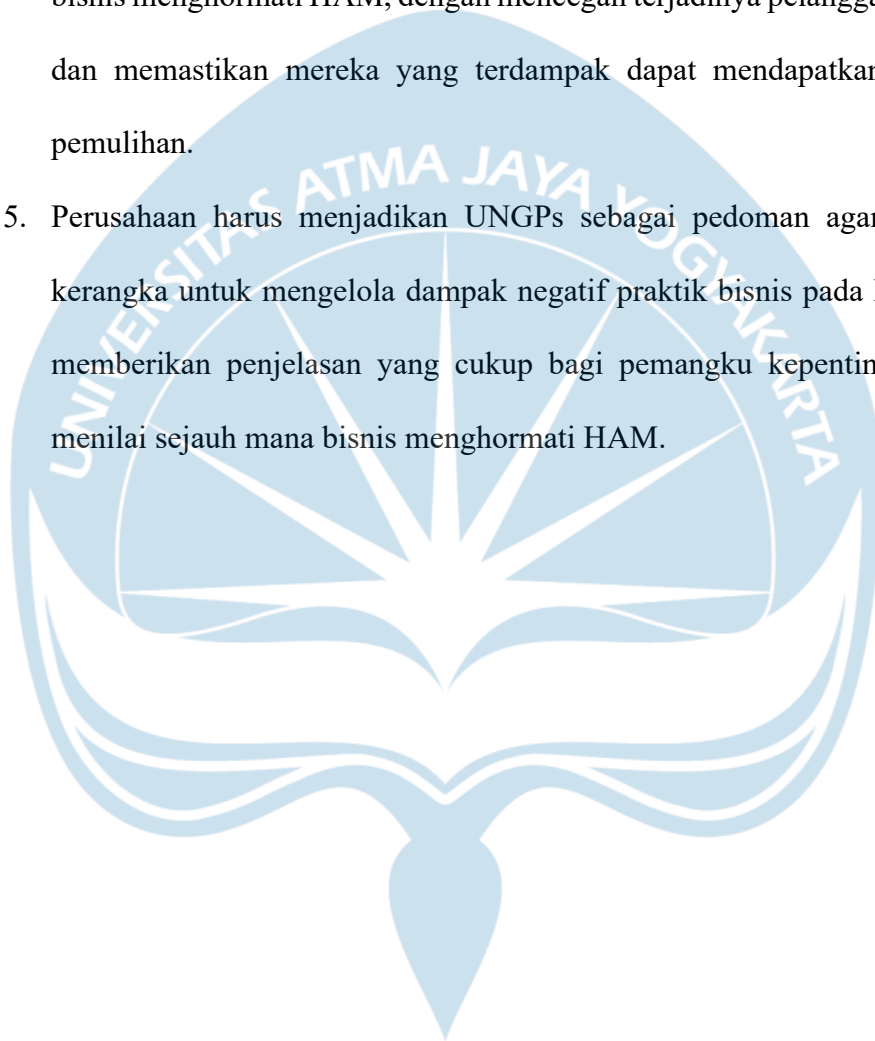
B. Saran

Berdasarkan hasil analisis terhadap implementasi hak atas pemulihan di Korea Selatan dalam kerangka *United Nations Guiding Principles on Business and Human Rights* (UNGPs), maka saran yang diberikan adalah sebagai berikut:

1. Pentingnya mengubah status *soft law* UNGPs menjadi *hard law* agar dapat mengikat para pihak, sehingga menciptakan kewajiban normatif yang harus dipatuhi. Dengan demikian, dapat memberikan kepastian hukum dan konsistensi yang lebih baik.
2. Pemerintah harus mewajibkan dan mengawasi penerapan Prinsip *Human Rights Due Diligence* (HRDD) oleh korporasi. Hal ini, bukan hanya panduan-panduan etis, tetapi harus menjadi bagian dari regulasi, di mana prinsip ini penting untuk memastikan akuntabilitas perusahaan.
3. Pemerintah perlu menjadikan UNGPs sebagai acuan normatif saat merancang kebijakan kompensasi, mekanisme pengaduan, dan

perlindungan terhadap pekerja, supaya terdapat keselarasan antara standar internasional dan praktik nasional.

4. Pemerintah harus menjadikan UNGPs pedoman untuk memastikan praktik bisnis menghormati HAM, dengan mencegah terjadinya pelanggaran HAM, dan memastikan mereka yang terdampak dapat mendapatkan hak atas pemulihan.
5. Perusahaan harus menjadikan UNGPs sebagai pedoman agar memiliki kerangka untuk mengelola dampak negatif praktik bisnis pada HAM, dan memberikan penjelasan yang cukup bagi pemangku kepentingan untuk menilai sejauh mana bisnis menghormati HAM.



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