

ABSTRAK

Hak Asasi Manusia (HAM) merupakan hak yang tidak dapat diganggu gugat oleh siapapun. HAM wajib dihormati dan dijunjung tinggi serta tidak boleh dilanggar. Meskipun HAM telah dijamin secara nasional maupun internasional, namun pelanggaran HAM masih terjadi. Penelitian ini bertujuan untuk menganalisis pelanggaran HAM yang dialami pekerja perkebunan kelapa sawit di Socapalm Kamerun. Kajian dilakukan dengan mengidentifikasi apakah pelanggaran hak-hak pekerja perkebunan kelapa sawit yang dilakukan oleh Socapalm Kamerun dapat dikategorikan sebagai pelanggaran HAM dalam perspektif hukum internasional serta bagaimana upaya penegakan hukum HAM terhadap pekerja Socapalm Cameroon menurut hukum internasional. Penelitian ini merupakan penelitian yuridis normatif yang bersifat deskriptif analitis serta menggunakan metode kualitatif. Pendekatan penelitian yang digunakan yaitu pendekatan perundang-undangan, pendekatan konseptual dan pendekatan kasus. Hasil penelitian menunjukkan: *Pertama*, pelanggaran hak pekerja kelapa sawit di Socapalm Kamerun merupakan pelanggaran HAM internasional sebab telah melanggar ketentuan hak pekerja yang diakomodir dalam Pasal 23 UDHR, Pasal 15 *African Charter on Human and Peoples Rights* dan Pasal ICESCR. Persitiwa tersebut juga melanggar sebagian *non-derogable rights* pekerja dan secara terang-terangan dilakukan oleh aktor non-negara yang menurut sumber hukum sekunder termasuk dalam pelanggaran hukum internasional. *Kedua*, penegakan HAM atas persitiwa pelanggaran HAM pekerja dapat dilakukan dengan pengaduan ke *OECD* dan *ILO* guna menempuh mediasi. Upaya tersebut mempunyai kelemahan karena organisasi internasional hanya memberikan rekomendasi tanpa mempunyai kewenangan melakukan pengendalian. Penegakan hukum juga dapat dilakukan melalui pengadilan internasional. Meskipun prosedur tersebut hanya berlaku bagi perkara tertentu namun dalam praktik dan perkembangannya, perusahaan dapat menjadi subjek hukum internasional yang direpresentasikan melalui individu dalam perusahaan bersangkutan.

Kata Kunci: Pelanggaran Hak Pekerja, Socapalm Kamerun, Hak Asasi Manusia, Hukum Internasional

ABSTRACT

Human rights are rights that cannot be contested by anyone. Human rights must be respected and upheld and must not be violated. Although human rights have been guaranteed nationally and internationally, human rights violations still occur. This study aims to analyze the human rights violations experienced by oil palm plantation workers in Socapalm Cameroon. It conducted by identifying whether violations of the rights of oil palm plantation workers committed by Socapalm Cameroon can be categorized as human rights violations in the perspective of international law and how to enforce human rights law against Socapalm Cameroon workers according to international law. This research is a normative juridical research that is analytically descriptive and uses qualitative methods. The research approaches used are statutory approach, conceptual approach and case approach. The research results show: First, violations of the rights of oil palm workers in Socapalm Cameroon are international human rights violations because they have violated the provisions of workers' rights accommodated in Article 23 of the UDHR, Article 15 of the African Charter on Human and Peoples Rights and Article ICESCR. The incident also violated some of the non-derogable rights of workers and was blatantly carried out by non-state actors which according to secondary law sources are included in violations of international law. Second, human rights enforcement of labor human rights violations can be carried out by filing complaints to the OECD and ILO for mediation. However, these efforts have weaknesses because international organizations only provide recommendations without having the authority to control. Law enforcement can also be carried out through international courts. Although this procedure only applies to certain cases, in practice and development, companies can become subjects of international law represented through individuals in the company concerned.

Keywords: Violations of Workers' Rights, Socapalm Cameroon, Human Rights, International Law