

INTISARI

Salah satu instrumen HAM Internasional yang telah disahkan oleh PBB adalah The International Covenant on Economic, Social and Cultural Rights (ICESCR) pada 16 Desember 1966 dan berlaku mulai 3 Januari 1976. Kovenan ini berkomitmen bahwa para peratifikasinya bekerja ke arah pemberian hak-hak ekonomi, sosial, dan budaya (ESCR), termasuk di dalamnya perburuhan, hak kesehatan, hak atas pendidikan, dan hak atas jaman sosial. Pada 2015, Kovenan ini telah diratifikasi oleh 164 negara termasuk Indonesia. Pemerintah Indonesia meratifikasi ICESCR pada Oktober 2005. Ratifikasi ini ditandai dengan terbitnya UU No. 11 Tahun 2005 tentang Pengesahan International Covenant on Economic, Social and Cultural Right (Kovenan Internasional tentang Hak-hak Ekonomi, Sosial dan Budaya). Dengan demikian, negara wajib menghormati, melindungi dan memenuhi hak-hak tersebut kepada warganya. Meskipun Indonesia telah meratifikasi ICESCR lebih dari satu dekade silam, tingkat kepatuhan Pemerintah Indonesia terhadap isi perjanjian masih patut untuk dipertanyakan. Kepatuhan Indonesia terhadap hak perburuhan dalam ICESCR penting untuk dibahas karena hingga saat ini, kondisi pemenuhan hak-hak perburuhan di Indonesia masih memprihatinkan

Kata Kunci: ICESCR, Hak Perburuhan, Kepatuhan

ABSTRACT

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 3 January 1976. It commits its parties to work toward the granting of economic, social, and cultural rights (ESCR) to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living. As of 2015, the Covenant has 164 parties. The content of ICESCR also includes the labor rights, it means that labor rights is also human rights. The Indonesian government ratified the ICESCR in October 2005. This ratification was marked by the enactment of Law No. 11 Year 2005 on Ratification of the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights). Thus, the state must respect, protect and fulfill these rights to the citizens. Although Indonesia has ratified the ICESCR more than a decade ago, the level of adherence or compliance Indonesian Government to the contents of the agreement still ought to be questioned. Indonesia's compliance to labor rights in the ICESCR is important to discuss because until now, the fulfillment of labor rights in Indonesia is still inadequate.

Key words: ICESCR, Labor Rights, Compliance