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Bipartite industrial relations dispute resolution process for employment justice

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ABSTRACT

Humans are social creatures (Zoon Politicon) "Lalu Husni, Settlement of Industrial Relations Disputes Through the Court and Outside the Court namely beings who cannot escape from interacting or relating to each other in order to meet both physical and spiritual needs. The research method used in this paper is a normative juridical research, which is a research method that examines secondary data.Industrial relations are not just the management of a company's organization run by a manager, who places workers as parties who can always be regulated. However, industrial relations encompass phenomena both inside and outside the workplace related to the placement and arrangement of employment relationships. If there is a conflict between Employers and Workers in Industrial Relations According to Law No. 2 of 2004, concerning the Settlement of Industrial Relations Disputes, there are two ways, namely: Through Litigation (Court) and Non-Litigation (Outside the Court).In order for Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes to be properly implemented for employment justice, Law on Job Creation No. 6 of 2023 should be revised.

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Keywords: *Bipartite, Industrial Relations Dispute Resolution Process, concerning Manpower.*

INTRODUCTION

Background of the Problem

Humans are social creatures (Zoon Politicon) "Lalu Husni, Settlement of Industrial Relations Disputes Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 1.", namely beings who cannot escape from interacting or relating to each other in order to meet both physical and spiritual needs.

In dealing with each other, there are bound to be similarities and differences - differences in interests, views and differences can give birth to disputes, conflicts or conflicts. Conflict is the existence of a conflict or incompatibility between the parties who will and are entering into a relationship or cooperation, or it can also be called a condition where one party wants the other party to do or not to do as desired, but the other party refuses that desire. In general, conflicts that occur are caused by several factors, including:

1. Data Conflict

This conflict can occur due to lack of information, misinformation (e.g. information), differences of views, differences in interpretation/interpretation of data. Data is very important in carrying out a legal act, therefore its accuracy is very important, because otherwise it will be fatal in making decisions.

2. Conflict of interest

In carrying out an activity, a person has interests. It is this interest that motivates a person to interact with each other. In this case, a conflict of interest can occur due to several things, namely:

a. A sense of competition

b. The existence of substantial interests of the parties

c. The importance of the procedure

d. The existence of psychological importance.

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The four things mentioned above can cause conflicts of interest between the parties, because in a working relationship it usually gives birth to a feeling of competition among colleagues to obtain a higher position.

3. Reletionship Conflict.

Relationship conflicts can occur due to strong *emotions*, misperceptions, poor communication or miscommunication *(e.g. Communication)*, and repeated negative behaviors. Therefore, the parties who have a cooperative relationship must control their emotions by following the agreed rules of the game, clarifying differences in perceptions, and building positive perceptions, further improving the quality and quantity of communication and avoiding negative behavior that can disrupt the relationship with other parties.

a. Structural Conflict

Structural conflicts occur due to destructive patterns of behavior or interaction, unequal control of ownership or distribution of resources, the presence of power and power, or environmental factors that hinder cooperation, and the lack of time available.

b. Value Conflict

This conflict occurs because of differences in criteria for evaluating opinions or behaviors, differences in outlook on life, ideology, religion, and self-judgment without paying attention to the judgment of others. To avoid this conflict, the parties must avoid value issues, allow the parties to agree or disagree, create an environment of influence with one dominant value, and conduct research to find outcomes in which all parties have a share.

In resolving disputes that occur, the community has various ways to resolve disputes that they face, ranging from settlement by the parties cooperatively, with the help of other people or neutral third parties and so on.

This kind of settlement is commonly called Alternative Dispute Resolution (ADR) which in Indonesian society is known as Consensus Deliberations either by involving other parties or not ("Lalu Husni, Settlement of Industrial Relations Disputes Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 7.). ").

If the parties do not reach a common point in resolving the dispute, then the parties can choose the Court route. However, settlement through the courts is not only

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expensive, takes a lot of time, and can arouse deep disputes because the Court's decision has 2 (two) alternatives, namely losing and winning. In this case, it can be seen that dispute resolution through the Court is less effective and efficient for the parties, especially for entrepreneurs.

Therefore, dispute resolution through ADR is still considered relatively cheap and fast, and the decision is a Win - Win Solution (not detrimental to either party).

Aware of the various advantages of dispute resolution outside of court/non-litigation or through justice/litigation, the laws and regulations in Indonesia have begun to regulate the settlement of disputes, including in Industrial Relations Dispute Resolution which accommodates 2 (two) ways of resolving the dispute.

Industrial relations (Industrial Reletions) are not just the management of the company's organization run by a Manager, who places workers as a party that can always be regulated. However, Industrial Relations includes phenomena both inside and outside the workplace related to the placement and arrangement of employment relationships. In developed countries, industrial relations reflect a number of workers, workers' organizations, factories, strikes, company closures and collective bargaining (collective bargaining agreements).

The current development of employment is marked by a new chapter in the settlement of industrial relations disputes, namely through the Industrial Relations Court and outside the Court regulated by Law No. 2 of 2004. The birth of this institution abolished the existence of the Labor Dispute Settlement Committee as stipulated in Law No. 22 of 1957 concerning the Settlement of Labor Disputes and Law No. 12 of 1964 concerning Layoffs. Settlement through this institution is less able to provide legal protection in terms of the dispute resolution process and the implementation of the decision. Especially after the enactment of Law No. 5 of 1986 concerning the State Administrative Court which stipulates the P4P decision as the object of a State Administrative dispute, so that the path taken by the parties to seek justice is getting longer "Farid Mu'azd, Industrial Relations Court and Alternatives and Alternatives for Industrial Relations Dispute Settlement Outside the Court (Jakarta: Ind-Hill Co, 2006), p. 2. ").

In Law No. 2 of 2004 concerning Industrial Relations Dispute Settlement, it is stipulated that the non-litigation industrial relations dispute resolution time (mediation, conciliation, and arbitration) is limited to a maximum of 30 working days. The settlement of Industrial Relations Disputes at the first level at the Industrial Relations Court is limited to a maximum of 50 working days and at the Supreme Court 30 working days. In addition, there is a restriction that only

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disputes of rights and disputes over Termination of Employment (PHK) can be filed in cassation at the Supreme Court without going through the appeal procedure.

Thus, it is hoped that the disputes faced by the parties will soon obtain legal certainty in accordance with the principles of fast, easy and low-cost justice.

One of the important instruments in the settlement of industrial relations disputes in Indonesia is **Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPHI Law).** This law provides a structural framework for how disputes are resolved through bipartite stages, mediation, conciliation, arbitration, and industrial relations courts. However, the Law stipulates that any dispute **must first be** resolved through **bipartite negotiations**.

The bipartite mechanism is a very important and mandatory initial stage before the parties move on to other settlement mechanisms. This stage puts workers and employers in a position to negotiate with each other directly to pursue a joint solution without third-party intervention. Therefore, bipartite has strategic value in creating faster, cheaper, flexible, and equitable settlements.

In line with the current development of reforms, any attempt to marginalize the workers will create a situation of prolonged conflict that can never be overcome. Therefore, the relationship between workers and employers is placed that work must be directed to the partnership relationship (Collaborative Relation) so that the parties do not need to use strike weapons or lock-outs to impose their will.

The existence of strikes as a social phenomenon always occurs because it is related to the pattern of relationships between workers/laborers and employers. The more collaborative the relationship between workers or laborers and employers, the lower the frequency of strikes, on the other hand, if the relationship between workers and employers is based on conflict relationships, then the higher the frequency of labor disputes followed by strikes.

The Problem of the Effectiveness of Bipartite Mechanisms in Resolving Industrial Relations Disputes in Indonesia" has become a social dilemma in the midst of the progress of the times. The reality is that **workers are often helpless** in the face of employers. Plus the Job Creation Law No. 6 of 2023 brings very big changes in Industrial Relations. PKWT arrangements, severance pay, outsourcing, working hours, unclear wage payments. This has led to a surge in **rights disputes and layoffs**. The impact of these laws has caused a bipartite mechanism to face new

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conflicts in the midst of a gap in norms and practices. Many Bipartite Agreements become unfair, the inequality of workers' bargaining positions is magnified, meaning that the power of employers increases, so that workers are in a weak position. plus Increased Conflict in the Outsourcing and PKWT Sectors so that many workers are not permanent, the duration of the contract is extended. So when there is a dispute, **bipartite industrial relations often do not result in a win-win agreement.**

Law No. 2 of 2004, which stipulates that every dispute **must first be** resolved through **bipartite negotiations that** puts workers and employers in a position to negotiate directly with each other and has strategic value in creating a faster, cheaper, flexible, and fair settlement, has now become vague.

Therefore, the question is:

1. How to resolve Industrial Relations Disputes in the event of a conflict between Employers and Workers in order to achieve substantive justice?

2. and What is the role of the community, academia and the Government in assisting in the bipartite Dispute Resolution in Industrial Relations for Employment Justice?

In this paper, the author will comprehensively discuss the Bipartite Industrial Relations Dispute Resolution Process and the role of the community, academics and the Government in assisting Bipartite Industrial Relations Dispute Resolution for Employment Justice. This discussion is important to strengthen academic and practical understanding of the concept of bipartite in the context of Indonesian labor law.

METHOD

The research method used in this paper is a normative juridical research "Soerjono Soekanto and Sri Mamudji, Normative Law Research (Jakarta: Rajawali, 1995), p.12.", which is a research method that examines secondary data. The types of secondary data used by the author in this paper research are:

a. Primary legal materials, namely binding legal materials, include laws and regulations.

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b. Secondary legal materials, namely materials that explain primary legal materials, including books, papers and articles in newspapers and magazines as well as the internet.

c. Tertiary legal materials, which are legal materials that provide information about primary and secondary legal materials.

Primary legal materials include:

a) Law Number: 2 of 2004 concerning the Settlement of Industrial Relations Disputes.

b) Law No. 13 of 2003 concerning Manpower.

c) Law No. 21 of 2000 concerning Trade Unions / Trade Unions.

d) Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution.

e) Law Number: 6 of 2023 concerning Job Creation

f) Regulation of the Minister of Manpower, Transmigration and Cooperatives Number: PER-02/MEN/1976 dated July 11, 1976 concerning Company Regulations.

g) Decree of the Minister of Manpower, Transmigration and Cooperatives Number: PER/-02/MEN/1978 dated July 11, 1976 concerning Company Regulations.

h) Permenaker Number: 17 of 2024 concerning the Appointment of Industrial Relations Mediators and Mediation Procedures.

The secondary legal materials studied are books and scientific writings that concern research materials to explain primary materials, tertiary legal materials in the form of Indonesian dictionaries, various sources from newspapers, magazines and materials from the internet, to explain primary legal materials and secondary legal materials.

To make it easier to discuss, the writing of this paper will be described in the following systematics:

CHAPTER I : INTRODUCTION

CHAPTER II : RESEARCH METHODS

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CHAPTER III : DISCUSSION

CHAPTER IV : CONCLUSION

CHAPTER V : ADVICE

RESULT & DISCUSSION

A. Definition of Industrial Relations

Industrial relations are not just the management of a company's organization run by a manager, who places workers as parties who can always be regulated. However, industrial relations encompass phenomena both inside and outside the workplace related to the placement and arrangement of employment relationships. In developed countries, industrial relations reflect a number of workers, workers' organizations, factories, strikes, company closures and collective bargaining (Collective Labor Agreements). Because it is difficult to formulate industrial relations universally and be accepted by all parties, this is also acknowledged by Michael Salamon in his book *Industrial Relation; Theory and Practice "However, it is difficult to define the term industrial relations in many is perceived to involve male, full time, unionized, manual workers in large, manufacturing units imposing restrictive practices, strikes, and collective bargaining".* "Then Husni, Industrial Relations Dispute Settlement Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 17."

Industrial relations are the relationship between the actors of the production process of goods and services, namely entrepreneurs, workers, and the government. Industrial relations aim to create harmonious, harmonious and dynamic relationships between the actors of the production process. Therefore, each of these production actors must carry out their respective duties and functions properly. "http://www.focustraco.com/1261-Hubungan Industrial and Employment-Basics, accessed 26 March 2010."

In Indonesia, Hubngan Industrial is a relationship formed between actors in the production of goods and/or services consisting of elements of Entrepreneurs, Workers/Laborers, which is based on the values of Pancasila and the 1945 Constitution (Article 1 number 16 of Law No. 13 of 2003 concerning Manpower).

Industrial Relations is a system of relationships formed between actors in the production process of goods and/or services consisting of elements of

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entrepreneurs, workers/laborers, and the government based on the values of Pancasila and the 1945 Constitution (1945 Constitution). "Purbadi Hardjoprajitno, Employment Law, (Jakarta, Open University, 2007), p.6."

The role of the government in industrial relations is realized by issuing various policies, laws and regulations that must be obeyed by the parties, as well as supervising or enforcing these regulations so that they can run effectively, as well as assisting in the resolution of industrial disputes. Thus, the government's interest in industrial relations is to ensure the sustainability of the production process more broadly.

Meanwhile, for workers/SP/SB, it is to carry out work according to their obligations, maintain order for the continuity of production, channel aspirations democratically and participate in advancing the company and fighting for the welfare of workers and their families.

Entrepreneurs and entrepreneurs' organizations are responsible for creating partnerships, developing businesses, expanding employment and providing workers/laborers' welfare in an open, democratic and fair manner.

With the creation of harmonious, safe and harmonious industrial relations, it is hoped that it can increase production and work productivity, thus the company will be able to grow and develop so that the welfare of workers can be improved.

In Indonesia, the concept of industrial relations embraced is Pancasila Industrial Relations (HIP) which was born from the results of the National Workshop which was held from December 4 to 7, 1974 and was attended by representatives from labor/worker organizations, business organizations, government representatives, and elements of universities. Pancasila industrial relations are the relationships between actors in the process of producing goods and services (laborers/workers, entrepreneurs and the government) which is based on values that are a manifestation of the entire precept of Pancasila and the 1945 Constitution and grow and develop on the personality of the nation and the national culture of Indonesia. "Lalu Husni, Industrial Dispute Settlement Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 24."

Therefore, it is imperative that there is a managerial "working partner" in industrial relations. This means that between policy makers in a company and workers/employees, there needs to be good cooperation, not a *top-down* leadership system. Where should be feared by the workers, but how to create parallels in work

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between the company leadership and the workers. "Eggi Sudjana. Destiny & Labor Struggle in Indonesia (Jakarta: Renaisan, 2005), p. 114."

The basic principle of the enactment of industrial relations is so that the parties, especially workers and entrepreneurs, can maximize the value of benefits at work. Employers want to get maximum profits and workers want to get welfare and a sense of security. To create conducive industrial relations, the provisions of industrial relations for each party are regulated in the applicable laws and regulations.

B. Definition of Industrial Relations Disputes

Labor Disputes are disputes between employers or employers' associations and labor unions or trade union associations related to the absence of a concordance of understanding regarding employment relations, working conditions and/or labor conditions. "Imam Soepomo, Introduction to Labor Law (Jakarta: Djambatan, 2003), p. 131."

With regard to the formulation, disputes are distinguished between disputes - rights (rechtsgeschil) "See: Labor Law, Labor Relations, Iman Soepomo, Cet. 6th, p. 175." and disputes - interests (belangengeschil). "Regarding the term dispute - rights, Mr. Soetiksno, former Secretary General, Department of Labor RIS, used the term legal dispute, which was then seen as the right term by Prof. Iman Soepomo.".

Industrial Relations Disputes are differences of opinion that result in disputes between employers or joint employers and workers or unions due to disputes concerning rights, conflicts of interest, and disputes over termination of employment, as well as disputes between trade unions in one company. "Purbadi Hardjoprajitno, Employment Law, (Jakarta: Open University, 2007), p. 6.4."

C. Types of Insutrial Relationship Disputes

In accordance with Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (PPHI Law), the types of industrial relations disputes are divided into four groups:

a. Dispute of Rights is a dispute that arises due to the non-fulfillment of rights, due to differences in implementation, or interpretation of the provisions of laws and regulations, employment agreements, company regulations or collective labor agreements (Article 1 number 2 of Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes).

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From the above definition, it is clear that a dispute of rights (rechtsgeschil) is a legal dispute because this dispute occurs due to a violation of an agreement that has been made by the parties, including matters that have been determined in the company's regulations and applicable laws and regulations.

b. Conflict of Interest is a dispute that arises in an employment relationship due to the incompatibility of opinions regarding the making, and/or change of the terms of employment stipulated in the employment agreement, or company regulations or collective labor agreements (Article 1 number 3 of Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes).

Conflicts of interest or also called belangen geschil, according to Iman Soepomo occur due to a mismatch in the change in work conditions and or labor conditions. "Lalu Husni, Industrial Relations Dispute Settlement Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 44."

c. Termination of Employment Dispute is a dispute that arises due to the lack of agreement regarding the termination of employment by one of the parties (Article 1 number 4 of Law No. 2 of the Year concerning the Settlement of Industrial Relations Disputes).

Disputes regarding layoffs (Termination of Employment) have occurred most often because layoffs are carried out by one party and the other party cannot accept them. Layoffs can occur on the initiative of employers and workers/laborers. From the employer, it is done because the laborer/worker commits various actions or violations. Likewise, layoffs can also be carried out at the request of laborers/workers because the employer does not carry out the obligations that have been agreed upon or acts arbitrarily to the laborer/worker.

d. Disputes between trade unions/trade unions are disputes between trade unions/trade unions and other trade unions/trade unions in only one company, due to the lack of agreement regarding the membership, implementation of rights and obligations of trade unions (Psal 1 number 5 of Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes).

In line with the era of openness and democratization, in the industrial world which is manifested by the freedom to organize for workers/laborers, the number of Labor Unions in a company cannot be limited. Law No. 21 of 2000 concerning Trade Unions/Trade Unions makes it easier for workers to form a Labor Union/Trade Union (SP/SB) at the Company (TP) level, which is a minimum of ten members. This law also emphasizes that anyone is prohibited from obstructing or coercing

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the formation or not forming a Trade Union (SP) or a Trade Union (SB) - TP. This provision means that no one can prevent a worker/laborer from becoming an administrator or member of the SP/SB-TP union, or prohibit the union from carrying out or not carrying out its activities.

D. Legal Basis for Settlement of Industrial Relations Disputes

In Indonesia, Industrial Relations is a relationship formed between actors in the production of goods and/or services consisting of elements of entrepreneurs, workers or laborers based on the values of Pancasila and the 1945 Constitution (Article 1 number 16 of Law No. 13 of 2003).

In this case, if there is a dispute between an employer and a worker or laborer, either in terms of a dispute of rights, a dispute of interest, a dispute of termination of employment, a dispute between a trade union/labor union in a company, it can be resolved by the procedure stipulated in Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, either through the Court or outside the Court.

E. Procedure for Settling Industrial Relations Disputes Out of Court

Settlement through bipartite.

1. Settlement through Bipartite

In a company, fundamental problems often arise that can interfere with work productivity. The reasons include communication between workers and employers or management that is not smooth. For example, workers are secretly dissatisfied with arrangements regarding working hours, overtime wages, layoffs or salary increases, medical expenses. On the other hand, entrepreneurs are often considered to be less responsive to the aspirations of the undercurrent. Similarly, the company also considers that it is not fully supported by its employees in an effort to achieve the target.

This unhealthy communication system will not only have an impact on declining productivity, but it will also hinder the managerial aspect in general. Usually, a communication system that is not smooth is caused because the existing regulations in the company are not communicated properly or are not well accommodated by employees or even the regulations themselves are not firm and unclear. To launch a two-way communication system between subordinates and superiors, between employees and employers, a communication forum was created, *then known as the Bipartite Cooperation Institution.* Its function is as a

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medium for parties to share and listen to each other's aspirations from each party, especially to bring together two interests between the interests of subordinates and superiors or the interests of employees and employers. Bipartite dispute resolution is the best Dispute Resolution. The reason is that this settlement is a settlement by the parties to the dispute by consensus without the interference of other parties, so that it can obtain a result that benefits both parties. In addition, deliberation can reduce costs and save time. That is why Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes that occurred was resolved first through bipartite deliberative negotiations for consensus (Article 3).

Bipartite Negotiation is a negotiation between workers/laborers or unions/labor unions and employers to resolve industrial relations disputes. "Lalu Husni, Industrial Relations Dispute Settlement Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 53."

Bipartite settlement in the literature on Alternative Dispute Resolution (ADR) is referred to as negotiated settlement. Negotiation is a two-way communication designed to reach an agreement when the parties are in conflict.

In the Great Dictionary of Indonesian Language (Department of P&K) negotiation is defined as:

- The bargaining process is a negotiation process to give or receive in order to reach a mutual agreement between one party (group or organization) and another party (group or organization).
- Peaceful resolution of disputes through negotiations between the parties to the dispute.

The procedure for settlement by biaprtit (negotiation) in the Industrial Relations Dispute Settlement Law is regulated in Article 6 (six) and Article 7 (seven) which in essence are:

- A settlement to seek a solution through deliberation to reach a consensus must be made in a minutes signed by the parties. The brochure contains, among others:

1. Names and addresses of the parties;
2. Date and place of negotiation;
3. The subject matter or reason for the dispute;

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4. Opinions of the parties;
5. Conclusions or results of the consultation, and
6. Date and signature of the parties to the negotiations.

- If the deliberations reached a settlement agreement, a Collective Agreement is made signed by the parties,
- The collective agreement is binding and becomes legal and must be implemented by the parties,
- The Collective Agreement must be registered by the parties who entered into the agreement at the Industrial Relations Court at the District Court in the Territory where the parties entered into the Collective Agreement,
- If the Collective Agreement is required to be registered by the parties entering into the agreement in the Industrial Relations Court at the District Court in the Territory where the parties entered into the Collective Agreement, a deed of proof of registration of the Collective Agreement is given and is an integral part of the Collective Agreement.
- If the Collective Agreement is not executed by either party, the aggrieved party may apply for execution to the Industrial Relations Court at the District Court in the Collective Agreement Territory registered to obtain an execution determination.
- In the event that the application for execution is domiciled outside the District Court where the Collective Agreement is registered, the applicant for execution may submit an application for execution through the Industrial Relations Court at the District Court in the area of domicile of the execution applicant to be forwarded to the Industrial Relations Court at the District Court competent to execute the execution.

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Industrial Relations Dispute Settlement Chart, Law No. 2 of 2004.

Observing the procedure for resolving industrial relations disputes in a bipartite manner / negotiation as mentioned above, it is clear that the agreements produced by the parties made in the form of a Collective Agreement receive definite legal guarantees in their implementation, namely through forced effort.

Thus, the settlement of industrial relations disputes will soon receive legal certainty.

Therefore, to conduct good and successful negotiations, a negotiation strategy or tactic is needed. Negotiation strategies or tactics are in the form of: "Lalu Husni, Industrial Relations Dispute Settlement Through the Court and Outside the Court (Jakarta: Raja Grafindo Persada, 2005), p. 58."

a) Competition

The parties see the conflict that occurs as a win-lose, where the opponent must lose. This strategy is used when:

1. You or your group need immediate decision action;
2. All parties to the conflict expect and are pleased with the use of power and force;

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3. All parties to the conflict understand and accept the power relationship between them.

b) Compromising

The parties believe that everyone will have the same right to express their opinions. This strategy is often used to find solutions, such as using voting as a way to avoid ongoing conflicts.

Compromise techniques are used when:

1. Both sides are likely to benefit from such a compromise;
2. If the ideal solution is not needed;
3. If a temporary solution to a complex problem is needed;
4. When both parties have the same power.

c) Problem Solving

This strategy provides a basis for consideration that profits will be generated if it is completed in an open way. Openness and honesty of communication are the characteristics of this strategy. The parties are trying to reach a consensus to solve the problem and this takes a lot of time. This strategy is effectively used by parties who are resolving conflicts when:

1. The parties have the same goal;
2. Conflict results in misunderstandings or lack of communication;
3. The parties are aware of the importance of solving the problem.

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F. The role of the community, academics and the Government in assisting Dispute Resolution in Industrial Relations in a bipartite manner for Employment Justice

THEORY	CONCEPT	HOW TO RESOLVE CONFLICTS	CHARACTERISTIC MAIN IDEA	RELEVANCE TO EFFICIENCY	DISPUTE RESOLUTION PROCESS (DAYS)
CONFLICT **(INDUSTRIAL RELATIONS DISPUTES)** 1. Disputes of Rights; 2. Conflict of Interest; 3. Termination of employment disputes; **4.** Disputes between SP/SB in one Company.	**NON-LITIGATION**	**BIPARTITE** The settlement of Industrial Relations through negotiation / deliberation reached a consensus. ENTREPRENEUR ⬇	**REFERS TO:** Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes.	**In the event of a dispute, Bipartite is highly recommended.** **Highly Relevant:** ● Win-win solution ● Cost Efficient ● time efficient. **Note:** **When an agreement is reached, it is included in the negotiation brochure, containing:** **1. The full names and addresses of the**	(30 working days from the start of negotiations)

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		WORKERS.		**parties;** **2. Date and place of negotiation;** **3. The subject matter or reason for the dispute;** **4. Opinions of the parties;** **5. Conclusions or results of the consultation; and** 6. **Date and signature of the parties to the negotiations.** The Collective Agreement (PB) that has been agreed upon, is registered with PHI. After that, they will get a deed of proof of registration of the collective agreement and it is an integral part of the PB.	
If you disagree. Mediation is recommended.Assisted by a Mediator from the Manpower Office					
		TRIPARTITE Industrial	Law No. 2 of 2004 concerning the Settlement of Industrial	**Note:** **If an agreement is reached, a Collective**	(30 working days from receiving

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		Relations Settlement through an Intermediary, namely a Mediator. ENTREPRENEUR ⬇ WORKERS ⬇ MEDIATOR.	Relations Disputes. Law No. 13 of 2003 concerning Manpower. Law No. 21 of 2000 concerning Trade Unions. Law No. 6 of 2003 concerning Job Creation. Permenaker Number 17 of 2024 concerning the Appointment of Industrial Relations Mediators and Mediation Procedures	**Agreement (PB) will be made. and registered with the Industrial Relations Court (PHI).**	the transfer of dispute resolution).
If the Non-Litigation Process Fails/Disputes are processed through the Industrial Relations Court.					
	LITIGATION	**INDUSTRIAL RELATIONS COURT** Industrial Relations	Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes.		(50 working days from the first hearing in court).

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		Dispute Resolution through the courts.	CIVIL PROCEDURE LAW: HIR/Rbg.		
If one of the parties objects to the PHI Decision, the process can be continued through CASSATION.					
		THE SUPREME COURT OF THE REPUBLIC OF INDONESIA Industrial Relations Dispute Resolution through the Supreme Court.	Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes. CIVIL PROCEDURE LAW: HIR/Rbg.	**Note:** **Disputes 2 and 4 cannot be appealed.**	(30 working days from the first hearing).

The Ideas of Conflict Theory Karl Marx (1848, 1867), John T. Dunlop (1958), Ralf Dahrendorf (1959)

From the chart mentioned above, it is clear that the Government has a responsibility in resolving industrial relations disputes.

- The role of the government in assisting Dispute Resolution in Industrial Relations on a bipartite basis for Employment Justice is:

1. The government must be responsible for the Job Creation Law No. 6 of 2023, by restoring the bargaining position of Workers/Unions so that there is a Power Balance in the bipartite process. If necessary, the Job Creation Law will be immediately revised for labor justice. Because the Job Creation Law contains partiality to Employers (considered in a strong position).

2. In the Tripartite process (Workers, Employers and Government/Mediator), the Mediator must understand the sitting of the case and ensure that the previous Bipartite Process has been carried out properly, not just an administrative formality before entering the mediation stage.

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3. The Central Government must support and provide space for the Directorate of Labor in each district and city to educate company employees about employment. So there is no reason for the Regency/City Directorate not to have a budget in the future. This counseling is considered important because workers must know their rights and obligations in a balanced manner. Both to protect Workers and Employers.

4. The Government/Mediator must ensure that the Collective Agreement agreed in the Mediation must protect both workers and employers, so that Employment Justice can be realized for the welfare of the Indonesian people as stated in the 1945 Constitution precept 5, namely Social Justice for all Indonesian people.

5. The government must dare to digitize the complaint platform related to the employment sector directly and quickly resolve. Centralized supervision is directly connected to the District and City Directorates as a form of supervision and protection of workers and entrepreneurs openly.

- The role of Academics in assisting Dispute Resolution in Industrial Relations on a bipartite basis for Employment Justice is:

1. It is time for the Faculty of Law of each university to develop research and assessment of the Bipartite Industrial Relations Dispute Resolution Process so that it can provide objective data to influence government policies.

2. It is time for the Faculty of Law of each University to develop research and review of Law No. 6 of 2023 concerning Job Creation so that it can provide objective data to influence government policies in the field of fair employment. Because the law is considered to be in favor of entrepreneurs (Power Imbalance), as a result, negotiation decisions or relationships between the two parties become unequal.

3. It is time for the Faculty of Law of each University to have a "Legal Consultation Clinic" specifically in the field of employment. This Legal Consultation Clinic aims to be a Campus Legal Aid Center to assist workers and/or entrepreneurs when industrial relations disputes occur.

- The Role of the Community in Assisting Dispute Resolution in Industrial Relations in a bipartite manner for Employment Justice.

The community here includes: employment NGOs, independent trade unions, community leaders and Community Advocacy. The roles that can be carried out by the community are:

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1. Holding counseling, webinars, workshops, and mentoring Because bipartite settlement requires workers to have equal knowledge so that bargaining positions are not unequal from the initial stage of negotiations.

2. The public can also carry out supervision in Industrial Relations Dispute Resolution such as highlighting potential human rights violations or intimidation by raising dispute cases to trusted media or journals.

This is the role of the Government, Academics and the Community in assisting Dispute Resolution in Industrial Relations on a bipartite basis for Employment Justice.

CONCLUSION

1. If there is a conflict between Employers and Workers in Industrial Relations According to Law No. 2 of 2004, concerning the Settlement of Industrial Relations Disputes, there are two ways, namely: Through Litigation (Court) and Non-Litigation (Outside the Court).

Through Litigation, lawsuits can be filed to the Industrial Relations Court which is in the General Court in each Regency and City, while Non-Litigation can be through Bipartite, Mediation, Conciliation and Arbitration.

The role of the Government, Academics and the Community in assisting Dispute Resolution in Industrial Relations is the organizing, supervision, counseling, and digitization of complaint platforms in the field of labor to achieve substantive justice.

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