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Harmonious, Dynamic, and Equitable Industrial Relations Dispute Resolution in the Eyelash Industry in Purbalingga

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Abstract

Purbalingga Regency is one of the centers of eyelash production in Indonesia. Thousands of people work in this sector. However, the Covid-19 pandemic has increased industrial relations disputes that arise because of differences in interests between employers and workers/laborers. This article aims to unravel industrial relations disputes in the eyelash industry and formulate a harmonious, dynamic, and equitable settlement model. This research is designed using empirical juridical method. Data analysis for centralized research is carried out by systematizing legal materials obtained and classified while field research is classified and tabulated based on answers to questions in the interview guidelines. The results show that the settlement of industrial relations disputes that are harmonious, dynamic, and fair in the false eyelash industry sector in Purbalingga Regency is resolved through bipartite institutions. If it fails, mediation is conducted. In resolving industrial relations disputes, it is necessary to get rid of the concept of balance of power or opposition.

Keywords: Dispute Resolution, Industrial Relations, Harmony, and Justice.

Abstrak

Kabupaten Purbalingga merupakan salah satu sentra produksi bulu mata di Indonesia. Ribuan orang bekerja pada sektor tersebut. Namun demikian, Pandemi Covid-19 meningkatkan perselisihan hubungan industrial yang muncul sebagai akibat perbedaan kepentingan antara pengusaha dengan pekerja/buruh. Artikel ini bertujuan untuk mengurai perselisihan hubungan industrial di industri bulu mata dan merumuskan model penyelesaian yang harmonis, dinamis dan berkeadilan. Penelitian ini didesain dengan metode yuridis empiris. Analisis data untuk penelitian kepusatkaan dilakukan dengan mensistimatisir bahan-bahan hukum yang diperoleh dan diklasifikasikan sedangkan penelitian lapangan diklasifikasikan dan ditabulasi berdasarkan jawaban atas pertanyaan-pertanyaan dalam pedoman wawancara. Hasil penelitian menunjukkan bahwa Penyelesaian perselisihan hubungan industrial yang harmonis, dinamis dan berkeadilan pada sektor industri bulu mata palsu di Kabupaten Purbalingga diselesaikan melalui Lembaga bipartite. Apabila gagal baru dilakukan mediasi. Dalam menyelesaikan persoalan perselisihan hubungan uindustrial perlu menyingkirkan jauh-jauh konsep perimbangan kekuatan atau pertentangan.

Kata kunci: Penyelesaian Perselisihan, Hubungan Industrial, Harmonis dan Berkeadilan.

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Introduction

Purbalingga Regency is one of the regencies in Central Java carrying out progressive development in the investment sector, especially in the false eyelash industry sector, which absorbs many workers. The competition in the false eyelash industry in the global market and the Covid-19 pandemic have impacted on factory workers in Purbalingga, causing a decrease in production and a reduction in workers. Based on data from the Purbalingga Manpower Office, a total of 1,300 workers were laid off from nine companies, most of which were false eyelash

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companies (Purwanto, 2020). In addition, some were temporarily laid off or resigned.

The cases of industrial relations disputes that arise at this time are due to differences in interests between employers and laborers, which often result from job demands to obtain proper welfare, social security wages, K3, and termination of employment. For large-scale companies, some pay wages that are not following the provisions of the Regency Minimum Wage (UMK), improper overtime pay, national holidays' work, and unilateral termination of employment without being given severance pay, such as at PT Sung Chang, Indonesia located in Purbalingga (Andrianto, 2013).

Government intervention in labor law is intended to create a fair employment relationship (Fariana, 2012: 7). The government must take roles in three functions: protector, guide, and arbitrator. As a form of legal protection for workers, the Manpower Act (UUK) determines the procedure for termination of employment (PHK) as stipulated in Article 151 paragraph (1) (Madjid, 2017: 12-13),

In settlement of layoffs, the procedural law used is the Industrial Relations Dispute Settlement Act (UUPPHI) and HIR/Rbg. Procedural law prioritizes formal truths such as documentary evidence, witnesses, etc. This condition will make workers difficult because many companies do not provide written data, starting from work agreements, pay slips, etc. In addition, many decisions cannot be executed. Even though they win on paper, it does not provide legal certainty for both parties, especially workers.

If the parties no longer want to be bound by a working relationship, it will be difficult for them to maintain a harmonious relationship. Therefore, it is necessary to find a way out for both parties to determine the form and means of resolving dynamic industrial relations with legal certainty and fairness. Furthermore, the obstacle is resolving relations in the industrial sector of the false eyelashes industry in Purbalingga Regency. With this research, it is hoped that there will be an institution for resolving disputes outside the court that can resolve industrial relations disputes in a harmonious, dynamic, and fair manner. Because the court, as the only institution for settling industrial disputes, cannot respond to increasingly complex labor challenges and problems.

Research Problems

First, how industrial relations disputes occur in the eyelash industry in Purbalingga? and second, how to find a harmonious, dynamic, and equitable settlement model?

Research Methods

The study was normative juridical research with a library research approach that the study referred to and was based on legal norms and principles, applicable laws and regulations, legal theories and doctrines, court decisions, jurisprudence, and other library materials relevant to the research topic. A normative juridical approach was conducted to answer the first point of the problem formulation. Maria Sumardjono emphasized that if researchers wanted to describe whether certain legal principles and provisions can be applied to a new problem with no

regulation, they must first find, select, and compile regulations in the field of law that were the object of their research. In addition, researchers also used empirical juridical research methods to complement the results of normative juridical research and to answer the second point of the problem formulation (Sumarjono, 1997:40). Empirical juridical method was carried out through field research to obtain primary data to answer problems related to research.

Discussion

1. Industrial Relations Dispute that Occurred in the Eyelash Industry in Purbalingga Regency

The rapid development of industrialization in Purbalingga Regency was implicated in the emergence of labor problems. It was common to cause an industrial relations dispute. The hair and false eyelash processing industry sector, widely found in Purbalingga Regency, was the sector that most frequently occurred cases of industrial relations disputes. In analyzing the effectiveness of the role of the local government, this study identified the role of local government in the field of employment, including establishing policies, providing services, carrying out supervision, and acting against violations of labor laws and regulations.

The competition in the false eyelash industry in the global market and the Covid-19 pandemic had impacted factory workers in Purbalingga, causing decreased production and reduced workers. Based on data from the Purbalingga Manpower Office, a total of 1,300 workers were laid off from nine companies, most of whom were false eyelash companies. Besides there were also those who were laid off or resigned (Purwanto, 2020).

As explained above, industrial relations disputes occurred due to differences in interests between employers and laborers due to job demands to obtain proper welfare, social security wages, K3, and termination of employment. An example of the case occurred at PT Sung Chang Indonesia, located in Purbalingga, which terminated its employment relationship unilaterally. Other problems were that companies that pay wages that are not following the provisions of the District Minimum Wage (UMK), improper overtime pay, and work on national holidays. (Andrianto, 2013).

Industrial relations disputes according to Law Number 2 of 2004 concerning Industrial Relations Disputes Settlement include:

Rights disputes arise due to the non-fulfillment of rights due to differences in the implementation or interpretation of statutory provisions, work agreements, company regulations, or collective bargaining agreements (article 1 point 2 Law 2/2004).

Disputes over interests arise in work relations because there is no conformity of opinion regarding the making and/or changes to work conditions stipulated in work agreements, company regulations, or collective bargaining agreements (article 1 point 3 Law 2/2004).

Disputes on termination of employment are disputes that arise because there is no conformity of opinion regarding termination of employment by one of the parties (article 1 point 4 Law 2/2004).

Disputes between trade /labor unions are disputes between trade/labor unions and other trade/labor unions only within one company due to the lack of conformity in understanding regarding membership, the exercise of rights, and obligations of labor unions (article 1 number 5 Law 2/2004).

In the field of labor, the emergence of disputes between employers and workers usually stems from a feeling of dissatisfaction. Entrepreneurs issued policies that were considered good and accepted by workers, but the views of workers were different and resulted in the policies given by employers were not the same. Satisfied workers would continue to work with more enthusiasm, while unsatisfied workers would show morale decreased until a dispute arose (Asikin, 2009).

If one of the parties no longer wanted to be bound by a working relationship, it would be difficult for the parties to maintain a harmonious relationship. Therefore, it was necessary to find a way out for both parties to determine the form and means of dynamic, have legal certainty, and be fair in resolving industrial relations.

Based on the problem regarding disputes between employers and workers in the false eyelash industry sector, the government and the parties involved in industrial relations need to find steps for a harmonious, specific, and fair resolution. Industrial Relations Disputes, according to Article 1 point 1 Law Number 2 of 2004 concerning Industrial Relations Disputes Settlement, are differences of opinion that result in conflicts between employers or a combination of employers and workers/labor or trade /labor unions because of disputes regarding rights, disputes over interests, disputes over the termination of employment and disputes between trade unions/labor unions within one company.

Industrial relation is a system of relations formed between actors in producing goods and services consisting of employers, workers/laborers, and the government based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia). From the definition of industrial relations, there are three parties: workers/laborers, employers, and the government. It indicates that the government intervenes in the relations between workers and employers. In this case, the government represents the state as a tool of society that has the power to regulate relations between humans in society.

Industrial relations resulted in positive and negative ways. The result of good industrial relations is the comfort establishment in the economic process and the availability of new jobs due to the growth of healthy industrial relations. If industrial relations are not going well, labor disputes will arise, resulting in direct

action and demonstrations leading to unrest in the community due to unsafe community (Wijayanti, 2014).

From a psychological point of view, the case of employment termination will initially surprise and disappoint the laid-off workers with the company's decision to terminate employment. However, the worker can rise and accept the way things are, even though they feel changes in their daily life. Feelings of anxiety and other pressures require subjects to find work, and economic conditions are demands for married people (Apriawal, 2012). Garaga's research results show that termination of employment (PHK) for employees who have experienced layoffs causes changes in the nature and perspective of a problem (Garaga, 2017). However, they remain committed to rising from problems to meet family needs, which becomes a challenge in their lives. Family support also makes them strong or resilient, and they can turn negative stressors into positive ones.

The state has the authority to maintain harmony and balance between human rights and obligations. Article 1338 of the Civil Code confirms that all agreements made legally apply as laws for those who make them. Furthermore, the roles of the parties in the implementation of industrial relations are as follows:

The government establishes policies, provides services, carries out supervision, and takes action against labor laws and regulations violations.

Workers and trade unions are carrying out work according to their obligations, maintaining order for the continuity of production, transferring aspirations democratically, developing their skills and expertise, advancing the company, and fighting for the welfare of its members and their families.

Entrepreneurs and employers' organizations are creating partnerships, developing businesses, expanding employment opportunities, and providing workers' welfare in an open, democratic and fair manner.

Legal subjects in industrial relations based on Article 1 point 5 Law Number 13 of 2003 are:

Individuals, partnerships, or legal entities that run an owned company;

Individuals, partnerships, or legal entities that independently run a company that does not belong to them;

Individuals, partnerships, or legal entities located in Indonesia representing companies as referred to in letters a and b domiciled outside the territory of Indonesia.

Based on Article 102 paragraph (1) Law No. 13 of 2003 concerning Manpower, the government's function in implementing industrial relations is to establish policies, provide services, carry out supervision, and take action against labor laws and regulations violations. The four functions of government associated with carrying out state functions consist of three forms: *bestuur*, *politiek*, and *rechtspraak*.

The government, as the state administrator in the field of Manpower, must be able to carry out this function properly. The function of the government is cumulative. The concept of juridical sociale rechtstaat P. Schnabel in Lanny Ramly states that the state's duty is not only to protect civil liberties but also to protect the people's lifestyle, which is an extension of the function of the state. (De Haan, et al., 1996)

Workers and employers bond the relationship through the making of a work agreement. Disputes in industrial relations are dispute settlements in industrial relations, namely disputes between employers or employers' associations and trade unions or a combination of trade unions, due to the absence of an understanding of the working relationship, working conditions, and or conditions of workers.

In the era of industrialization, industrial relations disputes have become increasingly rising and complex, so institutions and fast, appropriate, fair and inexpensive mechanisms for resolving disputes are needed, which cannot be realized by existing laws and regulations.

The simple, quick, and low-cost settlement of industrial relations disputes was born from implementing social justice in dealing with industrial relations disputes involving two disputing parties; employers and workers. Both are in an unequal position; the entrepreneur is in a strong socioeconomic status while the worker is in a weak position and depends on his source of income by working for the entrepreneur or employer. Both are human beings who have human dignity. Since the establishment of the Industrial Relations Court, it discovered several obstacles:

For workers, the settlement through industrial relations courts is considered to be more complicated than through P4D and P2P. In addition, technical skills in litigation trials and knowledge of labor law are weak.

Second, regarding case costs, the PPHI Law has regulated case costs up to execution. There are no court fees but it is the accommodation for workers whose locations are far from the provincial capital.

Third, the decisions of the industrial relations court at the first level are often not time due to the slow process of summons to the jurisdiction of the district court in the District and even in different Provinces. (Nurhayati, Medaline, 2019)

Government interference in labor law is intended to create a fair employment relationship (Andi Fariana, 2012). The government must play three functions: protector, guide, and arbitrator. As a form of legal protection for workers, the Manpower Act (UUK) determines the procedure for termination of employment (PHK) as stipulated in Article 151 paragraph (1) (Vesna, 2017).

Furthermore, based on the provisions of Article 102 paragraph (3) of Law No. 13 of 2003, the functions of entrepreneurs in carrying out industrial relations are:

Create partnerships

develop business

expand employment

provide the welfare of workers in an open, democratic, and fair manner

Industrial relations are formed between actors in producing goods and services consisting of elements from employers, workers, and the government. These three elements, of course, greatly influence the implementation of industrial relations from both a system perspective and an interesting perspective.

In developed countries, industrial relations reflect some workers, workers' organizations, factories, strikes, lockouts, and collective bargaining (Collective Labor Agreements). It is difficult to formulate industrial relations universally and be accepted by all parties. In his book *Industrial Relation: Theory and Practice*, Michael Salamon also acknowledges this. Regardless of its existence, it is very difficult to define the term appropriate industrial relation and accept it from the public. The industrial relation is perceived to be full-time, unorganized, manual work, manufacturing units, strikes, and collective bargaining (Solomon, 2000).

Industrial relations will be successful if there is a balance between the alignment of the employer's and workers' interests. In other words, industrial relations will be successful if the employer gets an increase in profits, and as a result of the profits, workers get an increase in welfare. In the context of industrial relations, the parties to the company have several interests that are integrated. Entrepreneurs have many interests in companies, including:

Maintain or secure its assets,

Develop capital or assets to provide high-added value,

Increase income,

Improve the welfare of workers and their families and,

Prove self-actualization as a successful entrepreneur.

Similarly, workers also have many interests in companies, including:

As a source of employment opportunities

As a source of income

As a means of self-training, enriching work experience, and increasing expertise and skills,

As a place for career development, and

As a place to actualize success.

Meanwhile, the interests of the community and government in the company include:

Companies are a source of employment opportunities that will reduce the number of increased unemployed people in Indonesia

The company is a source of economic growth, prosperity, and national resilience

The company is a source of foreign exchange,

Companies are the primary source of state revenue through the tax system.

One form of industrial relations management in every company is to formulate company regulations or collective labor agreements that contain the rights and obligations of workers as well as the authorities and obligations of employers. It becomes the responsibility of the company and workers to carry out work according to the assignment of the company leaders according to determined work discipline and working time. Meanwhile, the company's obligation is the right of workers to receive wages, benefits, and other social security, rest, break, and struggle for their rights directly or indirectly through the Labor Union. In order to guarantee the implementation of these rights and obligations, various forms of legislation in the field of Manpower have been stipulated, such as laws, government regulations, Presidential Decrees, and ministerial decrees.

Considering that there are so many interests of various parties towards the company, it is essential to ensure business continuity supported by good industrial relations, especially between employers and workers. Above all, awareness must be built that industrial relations must be based on shared interests, the interests of all elements for the success and sustainability of the company. From a system perspective, each party has a very close relationship. Therefore, one must synergize well with each other. Otherwise, it will disrupt other harmonization systems of the implementation of industrial relations. If only the government's role had been carried out properly, the role of employers and workers must also support it. If one of the parties does not provide a good role, it will significantly affect the system of implementing industrial relations.

From an exciting perspective, each party has different interests, but this does not rule out the possibility of common interests. The common interest must always be built and maintained together. The government's interest in harmonizing the implementation of industrial relations is limited to increasing foreign exchange, growing investment, and creating jobs and national stability. The interests of employers are ensuring a conducive business climate to create a business calmly and increase company profits. Meanwhile, the interests of workers are continuity of work and increased welfare. Thus, it is necessary to change the paradigm that industrial relations; are not in a downstream position as a wastebasket but placing industrial relations in a legal position which must contribute to the creation of a

conducive investment climate and increase in worker welfare that supports the implementation of national development.

According to Abdul Khakim, industrial relations in Indonesia differ from those in other countries (Khakim, 2003). The characteristics are as follows:

Recognizing and believing that work is not only for earning a living but also as a human service to God, fellow human beings, society, nation, and state.

Considering workers not as a factor of production but as human beings with dignity.

Seeing between employers and workers is not in terms of differences in interests but the same interest for the company's progress.

To create good industrial relations, article 103 of Law 13/2003 states that industrial relations can be carried out through the following means:

Trade unions/labor unions

Employers' organization

Bipartite cooperation institute

Tripartite cooperation institute

Company regulations

Collective labor agreement

Labor laws and regulations, and

Industrial relations dispute resolution institution.

Procedures and legal remedies in settlement of industrial relations can be carried out in two ways: by examination at the industrial relations court and by means of legal remedies. (Nyoman Wahyu Triana, I Made Udiana, 2016). Disputes in industrial relations must be resolved through bipartite negotiations and deliberation to reach a consensus. (2) Settlement of disputes through bipartite, as referred to in paragraph (1), must be completed no later than 30 (thirty) working days from the date the negotiations began. (Article 3 Law number 2 of 2004 concerning Industrial Relations Dispute Settlement).

In settlement of Termination of Employment, the procedural law used is UUPPHI and HIR/RBG. Procedural law prioritizes formal truths such as documentary evidence, witnesses, etc. This condition will make workers difficult because many companies do not provide written data, starting from work agreements, pay slips, etc. In addition to the verdict that cannot be executed even though they win papery, so they do not provide legal certainty for both parties, especially workers.

The Labor Regulations emphasize that industrial relations disputes must be settled by employers and workers or trade unions/labor unions through bipartite negotiations by deliberation to reach a consensus. However, suppose the settlement by deliberation to reach a consensus cannot be reached. In that case, the entrepreneur and workers or trade unions/labor unions resolve industrial relations disputes through industrial relations dispute settlement procedures regulated by law, namely Law Number 2 of 2004 concerning Settlement of Industrial Relations Industrial (UU 2/2004).

2. Harmonious, Dynamic, and Equitable Industrial Relations Dispute Resolution in The Eyelash Industry in Purbalingga

In carrying out national development, the role of workers is increasing. Additionally, workers' protection must be increased regarding wages, welfare, and dignity as human beings. It is known that industrial relations in Indonesia are based on industrial relations based on Pancasila. The relationship between actors in the process of producing goods and services (workers, employers, and the government). It is based on values manifested in the overall values or precepts of Pancasila and The 1945 Constitution, which grows and develops based on national personality and culture. Following the principles adopted in industrial relations, which are based on Pancasila that industrial relations aim to:

create calm or peace of work and peace of mind;

increase production;

improve workers' welfare and its degree of human dignity. Therefore, industrial relations based on Pancasila must be carried out by the three partnerships: Partnerships in responsibility, Partnerships in Production, and Partnerships in profit.

The procedures provided include industrial relations mediation, conciliation, or industrial relations arbitration. If it still fails, then industrial relations disputes can be requested to be resolved at the Industrial Relations Court in each Regency/City District Court located in each Provincial Capital, whose jurisdiction covers the worker's workplace. Based on article 3, paragraph 1 of Law no. 2 of 2004, bipartite negotiations are negotiations between employers or a combination of employers and workers or trade unions/labor unions or between trade unions/labor unions and other trade unions/labor unions within the same company that is in dispute. Bipartite negotiations are negotiations by deliberation to reach a consensus.

Settlement through bipartite negotiations must be completed no later than 30 working days after the first negotiation. If the bipartite negotiations reach an agreement, the parties must make a Collective Agreement and register it at the Registrar's Office at the Industrial Relations Court. If the bipartite fails, industrial relations disputes must be requested to be resolved through industrial relations mediation, industrial relations conciliation, or industrial relations arbitration before they can be brought to the Industrial Relations Court.

In this case, one or both parties register their dispute with the local Manpower office by attaching evidence of bipartite settlement efforts made. After receiving records from one or both parties, the local Manpower service must offer both parties to agree to choose a settlement through conciliation or arbitration. If both parties do not choose a settlement through consolidation or arbitration within seven working days, the Manpower Office will delegate the dispute settlement through mediation.

Apart from the bipartite settlement of industrial relations can also be carried out through mediation or conciliation. Industrial relations mediation is the settlement of rights disputes, interest disputes, employment termination disputes, and disputes between trade unions within one company only through deliberations mediated by one or more neutral mediators.

Industrial Relations Mediators are government agencies responsible in the field of Manpower who meet the requirements of a mediator. It is determined by the Minister to carry out mediation. It must provide written recommendations to the disputing parties to resolve disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between trade unions/labor unions in one company (article 1 points 11 and 12 of Law 2/2004).

Based on interviews with mediators at the Department of Manpower and Transmigration in Purbalingga, it was recognized that companies that have resolved industrial relations disputes in terms of termination of employment during this pandemic were:

- PT. Boyang Industrial
- PT. Jhon Toys Indonesia
- Indonesia Interwork
- PT. Nina Venus Indonesia
- PT. Yup Sung Indonesia
- PT. Eternal Sandana Ray
- PT. Sungshim International
- PT. Makuyasa Bites
- PT. Indonesian Midas.

It is known that industrial relations in Indonesia are based on industrial relations based on Pancasila. The relationship is between actors in the process of producing goods and services (workers, employers and the government) which are based on values which are manifestations of the overall values or precepts of Pancasila and The 1945 Constitution which grows and develops on the basis of national personality and national culture. In accordance with the principles adopted in industrial relations which are based on Pancasila that industrial relations aims to:

- create calm or peace of work and peace of mind;
- increase production;

improve workers' welfare and its degree in accordance with human dignity. Therefore, industrial relations based on Pancasila must be carried out in accordance with the three-partnerships, Partnerships in responsibility, Partnerships in Production and Partnerships in profit.

In Law Number 2 of 2004 concerning the settlement of industrial relations disputes, the method of industrial relations settlement is known as bipartite mediation, and bipartite settlement point conciliation is a negotiation between workers or trade unions/labor unions and employers to resolve industrial relations disputes. Based on interviews with the Purbalingga Manpower ministry, it is known that the bipartite settlement failed, and no agreement was found, so the dispute problem was resolved through mediation. However, industrial relations disputes must first be sought for settlement through a bipartite forum by deliberation to reach a consensus. The bipartite settlement must be completed within 30 working days from the start of point negotiations. If one of the parties states that they refuse to negotiate or the negotiations do not agree based on the time, the bipartite negotiations are considered failed.

In this case, one or both parties register their dispute with the local Manpower Service by attaching evidence of bipartite settlement efforts made after receiving records from one or both parties. The local Manpower office must offer to both parties to agree to choose a settlement through conciliation or arbitration. If both parties do not choose a settlement option through consolidation or arbitration within seven working days, the Manpower Office will delegate the dispute settlement through mediation.

Mediation in industrial relations disputes is the resolution of disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between trade unions within one company only through deliberations mediated by one or more neutral mediators. Besides being neutral, mediators must also be able to assist the parties in formulating the problem and explaining the law so that both parties can deliberate to reach a consensus. Furthermore, the mediators should create an atmosphere and environment that supports the implementation of negotiations to reach a consensus and creates an atmosphere and environment that supports holding negotiations to reach an agreement and helps the parties resolve disputes.

Industrial relations mediators are civil servants whose authorized officials give complete duties, responsibilities, authorities, and rights to carry out industrial relations supervision and development activities to the workers and employers. The industrial relations mediator, as referred to in Article 8 of law Number 2 of 2004 concerning the settlement of industrial relations disputes, must meet the following requirements:

Faith and piety to God Almighty;

Indonesian citizens;

A healthy body proved by a doctor's certificate;

Mastering laws and regulations in the field of Manpower;

Education at least Strata 1 (S1); and other conditions determined by the Minister.

The role of the mediator is only to assist the parties without deciding or carrying out their views or assessments of problems during the mediation process with the parties. Meanwhile, the duties of the mediator are:

Prepare a proposed mediation meeting schedule for the parties to discuss and make an agreement.

Encourage the parties to participate directly in the mediation process.

Conduct a separate caucus or meeting during the mediation process if necessary.

encourage the parties to explore and explore their interests and seek the best settlement options for the parties

The decree of Manpower Ministry No. 92 of 2004 stated that the mediator has an obligation to:

summon the disputing parties so that the necessary information can be heard;

assist in making collective agreements when an agreement is reached;

make written recommendations if no settlement agreement is reached;

make minutes of industrial relations dispute resolution;

make a report on the results of the settlement of industrial relations disputes;

Meanwhile, the authority of the mediator is:

to propose to the disputing parties to negotiate before carrying out mediation;

to ask for information and documents relating to disputes;

to bring in witnesses or expert witnesses in mediation if necessary;

to open the book and request the necessary documents from the parties and related agencies/institutions;

to accept or reject the representatives without the power of attorney of the disputing parties;

To become a mediator, a person must obtain legitimacy from the Minister responsible for Manpower to gain legitimacy, requirements are also required, including:

Has attended and passed education and technical training on industrial relations and working conditions, as evidenced by a certificate from the Ministry of Manpower and Transmigration.

Carried out tasks in establishing industrial relations for at least one year after passing the Industrial Relations Technical Education and Training and working conditions.

There are three functional levels of industrial relations mediators, namely:

The assistant industrial relations mediator

Junior industrial relations mediator

Senior industrial relations mediator

In addition to the settlement with the mediator, the settlement of disputes can be through conciliation carried out by the conciliator. It is carried out after the parties submit a request for settlement in writing to the conciliator appointed and agreed upon by the parties. In negotiations through consolidation, if an agreement is reached, a joint agreement is issued and signed by both parties. Conversely, if no agreement is reached, the conciliator will issue written recommendations, and the parties must answer the conciliator's suggestions. In response to the suggestion, the parties can reject or accept. If both parties can accept the suggestion, the consolidator is obligated to assist both parties in concluding a collective agreement.

On the other hand, if one of the parties disagrees, it can be concluded that the settlement of industrial relations disputes through conciliation does not reach an agreement. Thus, for further settlement, one or both parties may apply to the industrial relations court at the local District Court. At the same time, the settlement of disputes through arbitration is carried out based on the agreement of the disputing parties. This agreement is stated in the arbitration agreement.

Settlement through an arbiter is carried out no later than 30 working days from the signing of the agreement on the appointment of the arbiter. The arbiter must start the settlement process by trying to reconcile the two parties. The arbitration award has binding legal force for the disputing parties and is a final and permanent decision. If the arbitrator's decision is not implemented by one of the parties, the injured party may submit a request for execution to the industrial relations court at the district court. The jurisdiction includes the domicile of the party against whom the decision must be executed so that the decision is ordered to be carried out.

Apart from settling industrial disputes out of court through mediators, conciliation, or arbiters, this dispute also involves the role of the Confederation of Indonesian Trade Unions (KSPSI) in Purbalingga Regency. It intensively assists workers in the false eyelash industry who have been laid off. The workers were laid off after the export market was dragged down due to the number of similar products from China. Chairman of the Purbalingga Indonesian Trade Union Confederation, Mulyono, stated that workers –also KSPSI members – who were laid off were still promised to return to work if the market situation improved. (Framboz, 2019) In addition, KPSI also monitors wages by looking at market conditions. Another thing that KPSI did was advocate so that laid-off workers still obtained their rights from the company. In regulations, workers who are laid off or laid off unilaterally were entitled to a basic salary adjusted to the agreement between the worker and the company; some obtained 50 percent, and some got 30-40 percent.

Based on the description above, both parties, namely employers and workers, in resolving industrial relations disputes in Purbalingga in the false eyelash industry sector were through protection within the company, namely:

Companies and workers (if there are a trade union, the union accompanies workers) resolve industrial hub disputes through protection.

If the agreement is reached, a joint agreement is made. On the contrary, an official record is submitted if the agreement is unreachd, meaning the record is a complaint to the office.

After recording to the office, mediation was held.

The role of the local government in carrying out its duties and functions had been quite effective in dealing with industrial relations disputes that occurred in Purbalingga Regency. The role of the regional government in resolving industrial relations disputes focused on employment services, and prosecution of violations of laws and regulations was quite responsive and effective in resolving disputes at the regional government level. Local governments must move to the field more often to socialize and listen to the aspirations of the workforce directly. There was a need to improve the quality of service, labor inspection, and mutually sustainable work programs.

In a company, both employers and workers are interested in the business's continuity and success. Even though both were interested in the company's success, it was undeniable that conflicts/disputes still often occurred between employers and workers. If disputes arise between workers and employers, bipartite negotiations could be the immediate solution to achieve harmonious industrial relations. Conducive industrial relations between employers and workers were the primary key to avoiding Termination of Employment, increasing workers' welfare, and expanding new job opportunities to tackle unemployment in Indonesia.

Conclusion

Purbalingga Regency is very progressive in developing the investment sector, especially in the false eyelash industrial sector, which absorbs many workers. The competition in the false eyelash industry in the global market is getting tighter, causing a decrease in production. Besides, the problems of the pandemic and the Covid 19 pandemic resulted in a reduction in workers; some have even been laid off (termination of employment). Cases of industrial relations disputes that have emerged at this time include differences in interests between employers and workers, which often result from job demands to obtain proper welfare, social security wages, K3, and termination of employment. In settlement of industrial relations disputes, it can be carried out through litigation or non-litigation. In settlements through the courts, namely the Industrial Relations Court, the procedural law used is UUPPHI and HIR/RBG. It prioritizes formal truths such as documentary evidence, witnesses, and others. This condition bothers workers because many companies do not provide written data, starting from work agreements, pay slips, etc.

Suggestion

Many decisions cannot be executed even if they win on paper, so they do not provide legal certainty for both parties, especially workers. If one of the parties no longer wants to be bound by an employment relationship, then it will be difficult for the parties to maintain a harmonious relationship. Therefore, it is necessary on this issue for both parties to determine the form and means of resolving dynamic and legal and fair industrial relations in resolving relations in the industrial sector of the false eyelashes industry in Purbalingga Regency.

References

- Fariana, Andi. (2012). *Legal Aspects of Human Resources According to Labor Law*. Jakarta: Media Discourse Partners.
- Fikriyah, Khikmatul. (2021). The Role of Mediator in Settlement of Industrial Relations Disputes during the Covid 19 Pandemic (Case Study: Gresik Regency Manpower Office). *Journal of Research Innovation*. Vol 1 No. 8. Sunan Ampel State Islamic University Surabaya.
- Husni, Lulu. (2014). *Introduction to labor law*. Revised Edition. Jakarta: PT Raja Grafindo Persada.
- Irsan, Koesparmono. (2016). *An Introduction to Labor Law*. Jakarta: Erlangga.
- Kamaruddin, Kamaruddin. (2018). Mediasi Dalam Pandangan Hukum Progresif : Suatu Alternatif Penyelesaian Konflik Keluarga. *Jurnal Al-'Adl*. Vol. 11 No. 2. 1-18.
- Khakim, Abdul. (2014). *Fundamentals of Indonesian Labor Law*. Bandung: PT Citra Aditya Bakti.

- Madjid, Vesna Neni. (2017). *The Concept of Legal Protection with Justice and Legal Certainty for Workers in Disputes on Termination of Employment*. Proceedings of the 2nd P3HKI Conference on "Opportunities and Challenges of Labor Law in Encouraging Industrialization Based on the Pancasila Philosophy" at the Faculty of Law, University of North Sumatra, Medan 12-13 October 2017.
- Meuraksa, M. Amin Elwalad. (2017). Analisis Mediasi Dalam Penyelesaian Sengketa Wanprestasi Perjanjian Sewa Menyewa Di Pengadilan Negeri Tangerang Dihubungkan Dengan Undang-Undang Nomor 30 Tahun 1999 Tentang Arbitrase Dan Alternatif Penyelesaian Sengketa (Analisis Putusan No.129/PDT.G/2016). *Jurnal Surya Kencana Dua : Dinamika Masalah Hukum dan Keadilan*. Vol. 4, No. 1. 54–86.
- Mufida, Ana Sokhifatul, Meike Rizki Damayanti, and Rida Prastyo. (2018). Efektivitas Mediasi Sebagai Upaya Penyelesaian Perselisihan Pemutusan Hubungan Kerja (Studi Pada CV. Anugrah Jaya Kab. Bangkalan). *Jurnal Kompetensi*. Vol. 2, No. 2. 144–66.
- Mulyana, Dedy. (2019). Kekuatan Hukum Hasil Mediasi Di Dalam Pengadilan Dan Di Luar Pengadilan Menurut Hukum Positif. *Jurnal Wawasan Yuridika*. Vol. 3, No. 2. 177. <https://doi.org/10.25072/jwy.v3i2.224>.
- Sindonews. (2020). 1,300 workers from 9 factories in Purbalingga affected by layoffs". Accessed on, 11 Nov 2021 [area.sindonews.com/read/4480/707/terdampak-corona-9-company-di-purbalingga-phk-1300-pekerja-1587359091](https://www.sindonews.com/read/4480/707/terdampak-corona-9-company-di-purbalingga-phk-1300-pekerja-1587359091).
- Soekanto, Soerjono. (1986). *Research Methods, Legal Research Methods*. Jakarta: UI Press.
- Tempo. (2013). "Purbalingga False Eyelashes Workers Strike" Source: <https://nasional.tempo.co/read/461591/buruh-bulu-mata-palsu-purbalingga-mogok-kerja/full&view=ok>. Accessed on, 15 February 2013 18:16 WIB.
- W Mario Sumarjono. (1997). *Guidelines for Making Research Proposals a Basic Guide*. Jakarta: PT Gramedia Pustaka Utama.
- Wulandari, Sri Surya. (2008). *The Role of the Mediator in Resolving Disputes on Termination of Employment in Sukoharjo Regency*. Surakarta: Faculty of Law, Sebelas Maret University.
- Yetniwati, Yetniwati, Hartati Hartati, and Meriyarni Meriyarni. (2014). Reformasi Hukum Penyelesaian Perselisihan Hubungan Industrial Secara Mediasi. *Jurnal Dinamika Hukum*. Vol. 14 No. 2. 250–261.