



Study of Settlement of Industrial Relation Disputes through Mediation

Widya Novrianna, Bonaventura Ngarawula, Budhy Prianto

University of Merdeka Malang

Indonesia

ABSTRACT

This study aims to analyze the implementation of industrial relations dispute resolution policies through mediation in East Kutai Regency, as well as to describe and analyze the supports and obstacles in the performance of these policies. This study uses a descriptive qualitative method based on the implementation model of George Edward III with indicators of communication, resources, disposition, and bureaucratic structure. Data collection techniques using interviews, observation, and documentation. Then the data analysis technique used is the interactive analysis model from Miles and Huberman. The study results indicate that the implementation of industrial relations dispute resolution policies through mediation, commonly called industrial relations mediation, in the East Kutai Regency, has been run by applicable regulations. The expertise of industrial relations mediators in resolving disputes is the main thing in supporting the successful implementation of this policy. Current technological developments also provide convenience for implementers so that the industrial relations mediation mechanism becomes more efficient. However, of course, there are obstacles to the implementation of industrial relations mediation policies, including the lack of industrial relations mediators, the unavailability of a particular mediation room, mediators who double as structural officials,

Keywords: Policy Implementation, Mediation, Settlement of Industrial Relations Disputes.

1. INTRODUCTION

The purpose of national development is to improve the welfare of the people evenly to achieve a just and prosperous society. Indonesia's development is part of a long-term effort to accelerate the achievement of an economic structure with an emphasis on advanced small and large industries supported by a strong plan. The industrial sector is one sector that plays an essential role in national development. The industrial sector's contribution to national development from year to year is increasingly showing a significant contribution.

The role of the industrial sector in economic development in various countries is crucial because the industrial sector has several advantages in accelerating growth. The benefits of the industrial sector include contributing significantly to employment and creating higher added value in various commodities produced.

Developing countries carry out economic development to create economic development that the community feels, increasing job opportunities, reducing differences between regions, and creating a balanced economic structure. The industrial sector can overcome financial problems, whereas the industrial sector can lead other economic sectors towards economic development. Economic development is a transformation process which, over time, is marked by structural changes.

In the economic field, if a country has a strong foundation, many national and international investors will invest by establishing companies. The company has a relatively significant role, namely providing job opportunities for workers to meet their daily needs. So it is clear that the economy supported by the employment sector is very influential in realizing the goals of the State.

The existence of entrepreneurs and workers is a very crucial factor in the industrial world. Without workers, entrepreneurs cannot run their business correctly, and vice versa, workers, need entrepreneurs/companies to earn income. Although both have the same interest in the success of the company, it cannot be denied that disputes often occur between employers and workers, so the government's participation is needed in handling these disputes.

The objectives of this study are to describe and analyze how industrial relations dispute resolution policies are implemented through mediation in East Kutai Regency. To define and explore the supporters and obstacles in implementing industrial relations dispute resolution policies through mediation in the East Kutai Regency.

As for some of the benefits that can be taken and provided in this research, it is hoped that it can contribute ideas to the development of public administration disciplines in general and in particular regarding the implementation of policies for resolving industrial relations disputes through mediation.

2. LITERATURE REVIEW

Carl J Federick, as quoted by Leo Agustino (2008: 7), defines policy as "a series of actions/activities proposed by a person, group or government in a certain environment where there are obstacles (difficulties) and opportunities for the implementation of the proposed policy. To achieve certain goals". This opinion also shows that the idea of policy involving behaviour with a purpose is an essential part of the policy definition. After all, the policy must show what is done rather than proposed in some activities on a problem.

Irfan Islamy, as quoted by Suandi (2010: 12), "policy must be distinguished from wisdom". The policy is translated with a different policy meaning wisdom, which means knowledge. Understanding wisdom requires further consideration, while policy includes the rules that are in it. As quoted by Islamy (2009: 17), James E Anderson reveals that policy is "a purposive course of action followed by an actor or set of actors in dealing with a problem or matter of concern". By an actor or group of actors to solve a particular problem).

According to Budi Winarno (2007: 18), the policy concept offered by Anderson is considered more appropriate because it focuses on what is actually being done and not on what is proposed or intended. In addition, this concept also clearly distinguishes between policies (policy) and decisions (decision) which means choosing between various alternatives.

Richard Rose, as quoted by Budi Winarno (2007: 17), also suggests that policy should be understood as a series of more or less related activities and their consequences for those concerned rather than as a stand-alone decision. The opinions of the two experts can at least explain that exchanging policy terms with decisions is wrong because, basically, the policy is understood as a direction or pattern of activity and not just a decision to do something.

Based on the opinions of various experts mentioned above, it can be concluded that policies are actions or activities that are intentionally carried out or not carried out by a person, group or government in which there is an element of the decision in the form of an effort to choose between various alternatives to achieve the goals and objectives. Certain.

Thomas R. Dye, in Irfan Islami (2004:18), defines public policy as what the government chooses to do or not to do. Furthermore, Dye stated that if the government decides to do something, there must be a goal (objective), and the policy of the State itself must cover all government actions. So it's not just a statement of the will of the government or government officials. In addition, things that the government does not do are also included in state policies because "things that are not done" by the government have the same impact as "things that are done" by the government.

Pressman and Widavsky, as quoted by Budi Winarno (2002: 17), define public policy as "a hypothesis containing initial conditions and predictable consequences". Public policy must be distinguished from other forms, such as privacy policy. The involvement of non-government factors influences this.

According to Riant Nugroho, public policy is a decision made by the State, especially the government, to realize the country's goals. Public policy is a strategy to lead society in the early days, when the club enters a transitional period, to lead to the community they aspire to. (2009: 83).

According to Woll, as quoted by Tangkilisan (2003:2), "public policy is several government activities to solve problems in society, both directly and through various institutions that affect people's lives".

3. METHODOLOGY

The location taken in this study was determined purposively, which was carried out at the Office of Manpower and Transmigration (Disnakertrans) East Kutai Regency, Bukit Pelangi Office Area, North Sangatta District, East Kutai Regency, where the Manpower and Transmigration Office is a Regional Apparatus authorized by the government to handle the Manpower sector.

4. RESULTS

In this study, researchers conducted observations directly to implement industrial relations dispute resolution through mediation to obtain accurate information and data. The research results are described as follows: Mechanisms for resolving

industrial relations disputes through mediation; in this implementation, researchers conducted direct observations in the Industrial Relations and Social Security Sector and followed the process of industrial relations mediation to obtain accurate information and data. The mediation process begins with the registration of conciliation by the applicant to the East Kutai Manpower and Transmigration Office through Sub. General Affair. Sub-division staff, Kriesies Handayani, S.Kom who is in charge of receiving incoming letters including requests for mediation or in Permenakertrans No.17 of 2014 called applications for recording industrial relations disputes conveys:

"So far, entering the mediation request letter has gone smoothly without any problems. I just accept and registration These letters are then submitted to the Head of Service for disposition. After receiving the disposition of the letter, I submitted it to the HIJ Division."

After the mediation request letter is registered in Sub, General Section, the application will be submitted to the Head of Service to be investigated first, then disposed of by the Head of Service. The following is an explanation from the Head of the District Manpower and Transmigration Office. East Kutai, Dr. Drs. H. Sudirman Latif, SH., M.Sc., regarding the industrial relations mediation mechanism:

"What I have seen so far is by the procedure. All complaint letters go through the general section and then go to the Head of the Service so that the Head can monitor all incoming industrial relations issues and will be mediated at the Manpower and Transmigration Office. Just need to be polished a little more so that all cases will be solved at the right time with the right solution."

After being examined by the Head of Service, the Head of Service shall dispose of the request for mediation to the Industrial Relations and Social Security Sector (HIJ). The following is the explanation of Ramli, SH as Head of HIJ Division who also doubles as Industrial Relations Mediator, regarding the industrial relations mediation process:

"A disposition will make the follow-up for the application letter to the IR Institutional and Dispute Section, which is tasked with resolving industrial relations disputes. Furthermore, the mediation process itself in East Kutai is currently unable to run optimally by the Standard Operating Procedures (SOP) regulated in Permenakertrans 17/2014 due to the shortage of our mediators. Unbalanced incoming cases with Mediator available, so even though there are not many, there are some cases that end up too late to be mediated."

After the disposition of the Head of the HIJ Division, the application letter will be followed up by the IR Institutional and Dispute Section. Herman Allo Rerung, SE., as well as the Head of the Institutional Section of IR and Disputes as well as Mediator of Industrial Relations, explained:

"The mediation mechanism is guided by Permenakertrans No. 17 of 2014, so we verify and analyze the application letter regarding the case, then if all the requirements are complete, we will make a written mediation call, but if the requirements are not complete, then we will send a clarification call. But if the application letter does not fall into the realm of industrial relations disputes, we will return the application letter. After the mediation process is complete, we will report the dispute resolution results to the Head of the Service. Although it is by applicable regulations, the settlement time is often late because the parties sometimes do not attend mediation because they are far away or because the applicant or respondent is late in submitting supporting documents such as book the chronology of the dispute."

After the mediation request is verified and analyzed by the Industrial Relations Mediator, the Mediator will send a mediation summons or a clarification call through the staff of the IR and Dispute Institutional Section, Desy Rela Hastuti. He conveyed:

"The mechanism so far has followed the existing rules. From the beginning, the Mediation Application Letter went to the General Section, then waited for the disposition of the Head of the Service. Then the letter entered the HIJ Division. After receiving a disposition from the Head of Division, it will be submitted to the IR Institutional and Dispute Section. Then the Mediator verifies the files to sort out which need clarification and which can be sent directly to the Mediation Call Letter. Later we will wait for confirmation from both parties; if one of the parties is unable to attend, then that party must send a letter requesting a postponement of the mediation trial as a basis for us to send a second and subsequent mediation summons. If you get to the third call, there is no response from the respondent; usually, the Mediator will immediately issue a recommendation using the data from the applicant. But if the applicant is absent three times in a row, the application for recording the dispute will be revoked or deleted from the book registration."

Implementation of Industrial Relations Dispute Settlement Policy through mediation.

After the mechanism and coordination, the next focus is how to implement or implement the industrial relations mediation policy carried out by the District Manpower and Transmigration Office. East Kutai. The following are the results of interviews with parties who were directly present in implementing industrial relations mediation.

Ramli, SH., as the Head of Industrial Relations Division and Industrial Relations Mediator, explained how the mediation session was conducted. He conveyed:

"So far, we have implemented mediation based on Permenakertrans No.17/2014 regarding mediation work procedures. We try to resolve all disputes within 30 days by the provisions. But as mediators, we always try to resolve cases at the first mediation meeting by mutual agreement room mediation so that it doesn't drag on and we can focus on solving the next case."

Then Herman Allo Rerung, SE., the Head of the IR and Dispute Institutional Section who also doubles as Industrial Relations Mediator, explained:

"So far, we have carried out mediation according to the provisions because we can get sanctions if we deviate from the rules. The Mediator must be neutral and not take sides or be a provocateur. We must also be able to read the situation and understand the opinions of both parties so that we can mediate disputes that occur in the courtroom. So far, almost all of the cases submitted to the Manpower Office have been resolved, except if the files submitted are not in the realm of industrial relations disputes."

Hironimus Bai, in dealing with disputes that occur, argues:

"The settlement of industrial relations disputes through mediation has been outstanding. The Mediator can position himself and direct the disputing parties to be on the line of provisions that have been set."

Meanwhile, the company that represented by Vonny Roselattini as Industrial Relations Specialist of PT. Darma Henwa said:

"So far, the implementation of mediation is like a mediator. To provide suggestions and solutions to both parties. But still, both sides have arguments taught, so there is no agreement. When there is no agreement, this is where the presence of a Mediator gives suggestions to resolve the dispute. This means that the Mediator has run according to his realm."

Following an interview with Syamsul Bahri as Sub. Dispute Resolution Kaltim Prima Coal is representing the company in the dispute over its workers on behalf of Martinus Kasang for violating company regulations. The following is his opinion regarding the implementation of mediation at the East Kutai Manpower and Transmigration Office:

"The implementation of mediation itself has been perfect so far. The mediators who handle cases are very reliable in their fields. The Mediator has also been very good at mediating the debates in the mediation room so that mediation always runs in a conducive manner."

Hamka Talib Langgong as the Chairperson of the East Kalimantan SPKEP DPD as well as the Daily Chairperson of the East Kutai SP KEK DPD who is the proxy of the worker (Martinus Kasang) said:

"The implementation of mediation so far has been quite good. There are never any problems during mediation; the Mediator also mediates well between the disputing parties and tries as quickly as possible to issue recommendations if there is no agreement during mediation."

The interview with Regi Haryadi as Human Resources Development PT. Telangana Karya Etam represented the company in resolving disputes with its employees, Br. Safaruddin demanded to be given annual leave. He thinks:

"The implementation of the mediation has been perfect because the mediator gave an excellent explanation so that we understand the applicable provisions and find an agreement."

PT. Oelangan Karya Etam, Safaruddin himself said:

"I think the mediation process I have been doing is magnificent. The Mediator explains everything based on existing regulations so that we understand and find an agreement with the management. Mediation also proceeds quickly, uncomplicated."

Implementation of Industrial Relations Mediation, on the day of mediation, the Mediator prepares a mediation room by bringing complete files and legislation related to the dispute to be handled. Both parties are welcome to enter the mediation room with the workers sitting on the side right of the Mediator and management on the left side. And as a follow-up to the report

of the union to the DPRD Kab. East Kutai, Mr. Basti Sanga Langgi representatives from the DPRD, were also present at the mediation session to guard and ensure the dispute could be resolved.

The management as the applicant is represented by Mrs. Vonny Roselattini as the Industrial Relations Specialist of PT. Darma Henwa was allowed first to give his opinion regarding the dispute that occurred and then continued to listen to the explanation from the workers as the respondent.

On the given opportunity, the party management explained that the actions of Mr. Hironimus were considered a verbal attack because he spoke in a high tone and direction and felt threatened by this action. Moreover, management felt humiliated in public by Ybs' actions, so it was categorized as a severe violation and should be subject to termination of employment.

Supporting and hindering the implementation of the Industrial Relations Dispute Resolution Policy through mediation. Following are the results of interviews with several informants regarding the supporters and obstacles to industrial relations dispute resolution performance through conciliation at the Manpower and Transmigration Office of East Kutai Regency.

Kriesies Handayani, S. Kom, staff of Sub. The General Section as the recipient of the mediation application file, submits:

"The supporting thing, in my opinion, is the existing provisions. Because we have worked according to their respective duties, everything can run smoothly. As for the barrier, I don't think there is one."

Then the Head of the District Manpower and Transmigration Office. East Kutai, Dr. Drs. H. Sudirman Latif, SH., M.Si explained the supporters and obstacles to the implementation of industrial relations mediation:

"The thing that supports the implementation of this policy is the mediators who are very reliable in their fields. We have a respected mediator who is very influential in minimizing industrial relations disputes in East Kutai. In addition, almost all of the disputes that have occurred so far have been resolved at the Disnaker level, with very few ending in the Industrial Relations Court. ForhinderWe does have a shortage of mediators. In the end, the existing mediators were less than optimal in carrying out their duties because they were overwhelmed by the number of cases submitted to the Manpower Office. Indeed, the number of mediators is only two people, with the number of companies in East Kutai at approximately 700. In addition, we still don't have a mediation room, so sometimes mediation sessions have to use the room of the Head of Division or Head of Service; for that, we are still working on a budget for creating a special mediation room".

Based on the interviews with informants, the mechanism for resolving industrial relations disputes through mediation at the Disnakertrans Kab. East Kutai is by applicable regulations. Starting from the entry of the Application for the Registration of Industrial Relations Disputes by the applicant, then the sending of a letter of clarification or a summons for mediation and the signing of a Collective Agreement or the issuance of a recommendation by the Mediator, everything goes in its corridor. Although the mediators felt that the mechanism had not run optimally due to the lack of mediators in East Kutai, which caused the settlement of disputes to sometimes experience delays, from the perspective of other sources, the industrial relations mediation mechanism had been running by the provisions, and there were no problems. The applicants also feel that they are given a lot of convenience for the registration process of industrial relations disputes at the District Manpower and Transmigration Office. East Kutai. In addition, the mechanism is also following the provisions of the Minister of Manpower and Transmigration No. 17 of 2014 concerning the Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures. The Mediator makes every effort so that each existing case can be resolved within 30 days, counted from the clarification of the files to the parties until the issuance of a recommendation by the Mediator as a sign that no agreement was found in the mediation session by both parties. After all mediation processes have been carried out, the Mediator will report on settling industrial relations disputes through mediation addressed to the Head of the Disnakertrans Kab. East Kutai.

5. CONCLUSIONS AND IMPLICATION

Based on the results of the research and discussion, it is known that the implementation of industrial relations dispute resolution through mediation in East Kutai based on the Regulation of the Minister of Manpower and Transmigration Number 17 of 2014 concerning the Appointment and Dismissal of Industrial Relations Mediators and the Mediation Work Procedure has been carried out by applicable regulations effectively and efficiently.

Implementing a policy indeed cannot be separated from supporting and hindering things. Based on the implementation model developed by George Edward III (1980), four variables significantly affect the implementation of policies: communication, resources, disposition and bureaucratic structure. From the communication indicators, coordination has also

been carried out following their respective authorities. Then the cooperative attitude of the applicants and the respondent is also one of the supporting things in the success of a mediation relationship, industrial coordination and mechanisms that support implementation. Applicable regulations have carried out the Standard Operating Procedure (SOP) for settling industrial relations disputes.

In the resource indicator, there are several supporting things, including the mediators' expertise in carrying out their duties as a significant factor in successfully implementing policies for resolving industrial relations disputes through mediation. The Mediator masters good communication techniques and can control the course of the mediation session to remain conducive. An adequate budget is also a supporting factor in implementing industrial relations mediation. Furthermore, technological developments also become other supporters and provide convenience for implementers in carrying out their duties and functions so that policy implementation can follow applicable provisions. However, there are obstacles in the resource indicators, namely the lack of mediators, and mediators who double as structural officials are a challenge for implementers in carrying out policies. Then the unavailability of a particular mediation room also sometimes affects the implementation of the mediation session so that it becomes less than optimal. As well as road access from the sub-districts to the mediation location is not good, and the applicants or the respondents experience problems during the trip, which sometimes causes mediation to be delayed.

Next, structure indicator bureaucracy is seen from the structure of the District Manpower and Transmigration Office. East Kutai is clear and organized by the East Kutai Regional Regulation No. 16 of 2001 concerning the Establishment of the Organization and Work Procedures of the East Kutai Manpower and Transmigration Office so that it becomes one of the supporters in the implementation.

Suggestion, the government should recruit industrial relations mediators in East Kutai Regency because the current number is very lacking and unbalanced compared to the number of companies established in East Kutai. The East Kutai Manpower and Transmigration Office should immediately build a particular mediation room, considering that the mediation scheduled for one year can be pretty busy, so that there will be no clash of activities between activities in other fields and the implementation of mediation. Then to minimize the number of delays in the mediation trial due to the long distance travelled by the applicant and the respondent to the location of the mediation hearing and poor road access, the East Kutai Manpower and Transmigration Office should once again take advantage of existing technological developments. Zoom social media can be used for virtual mediation,

REFERENCES

- Abdul Wahab, Solichin, 2008, Policy Analysis from Formulation to Implementation of State Policy. Jakarta: Earth Literacy.
- Augustino, Leo. 2008. Fundamentals of Public Policy. Bandung: Alfabeta
- Arikunto. 2002. Research Methodology A Proposal Approach. Jakarta: PT. Rineka Cipta.
- Arikunto. 2010. Research Procedures: A Practical Approach. Jakarta: Rineka Cipta.
- Bungie, Burhan. 2008. Qualitative Research, Communication, Economics, Public Policy, and Other Social Sciences. Jakarta: KencanaPrenadaGroup Media.
- Directorate General of PHI and JSK Ministry of Manpower and Transmigration with the Japan International Agency. 2007. Arbitration Conciliation Mediation.
- Decree of the Minister of Manpower and Transmigration of the Republic of Indonesia Number: Kep.92/Men/VI/2004 concerning Appointment and Dismissal of Mediators and Mediation Work Procedures.
- Harsono, Hanafiah. 2002. Policy and Political Implementation. Bandung: PT. Mutiara Sumber Widya.
- Husni, Then. 2006. Introduction to Indonesian Labor Law. Jakarta: PT. King Grafindo Persada.
- Islam, M. Irfan. 2004. Principles of Formulation of State Policy. Jakarta: Literacy Development.
- Khaki, Abdul. 2009. Basics of Labor Law in Indonesia. Bandung: PT. Image of Aditya Bandung.

Law Number 22 of 1957 concerning Settlement of Labor Disputes

Law Number 12 of 1964 concerning Termination of Employment in Private Companies

Law Number 13 of 2003 concerning Manpower.

Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes

Miles, MB, Huberman, AM, and Saldana, J. 2014. *Qualitative Data Analysis, A Methods Sourcebook*, Edition 3. USA: Sage Publications. Translation of Tjetjep Rohindi Rohidi, UI-Press

Moong, Lexy J. 2007. *Qualitative Research Methodology*. Bandung: Rosdakarya Youth.

Moong, Lexy J. 2010. *Qualitative Research Methodology*. Bandung: Rosdakarya Youth.

Mulyadi, Deddy. 2015. *Public Policy Studies, and Public Services*. Bandung : Alfabeta.

Mustopadidjaja AR. 2003. *Public Policy Process Management Formulation, Implementation, and Performance Evaluation*, LAN RI. Jakarta: Duta Pertiwi Foundation.

Nugroho, Riant. 2009. *Public Policy: Policy Theory-Policy Analysis-Policy Process, Formulation, Implementation, Evaluation, Risk Management in Public Policy, Policy As The Fifth Estate-Policy Research Method*. Jakarta: PT. Elex Media Komputindo.

Nugroho, Riant. 2011. *Public Policy: Policy Dynamics, Policy Analysis, Policy Management*. Jakarta: PT. Elex Media Komputindo.

Nugroho, Riant. 2014. *Public Policy in Developing Countries*. Yogyakarta: Student Library.

Pasolong, Harbin. 2013. *Public Administration Theory*. Bandung: Alfabeta.

Print, Darwan. 2000. *Indonesian Manpower Law (Handbook For Workers To Defend Their Rights)*. Bandung: PT. Image of Aditya Bakti.

Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 31 of 2008 concerning Guidelines for Settlement of Industrial Relations Disputes through Bipartite Negotiations.

Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 17 of 2014 concerning Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures.

Sadhana, Kridawati. 2011. *Reality of Public Policy*. Malang: State University of Malang (UM Press)

Simanjuntak, Payaman J. 2009. *Management of Industrial Relations*. Jakarta: Jala Permata Aksara.

Soetopo, HB 2002. *Introduction to Qualitative Research (Theoretical and Practical)*. Surakarta Research Center.

Sugiyono. 2019. *Quantitative Research Methods, Qualitative R&D*. Bandung: Alfabeta.

Suharno. 2010. *Fundamentals of Public Policy*. Yogyakarta: UNY Press.

Ugo, Pujiyo. 2012. *Procedural Law for Settlement of Industrial Relations Disputes*. Jakarta: Sinar Graphic.

Usman & Nurdin. 2002. *Context of Curriculum-Based Implementation*. Jakarta: PT. King Grafindo Persada

Waluyo. 2007. Public Management (Concept, Application, and Implementation) in Implementing Regional Autonomy. Bandung: Mandar Maju.

Widodo. 2011. Public Policy Analysis: Concepts and Applications of Public Policy Process Analysis. Malang: Bayu Media.

Winarno, Budi. 2007. Public Policy: Theory and Process. Yogyakarta: Media Pressindo.