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RENEWAL OF MANPOWER DISPUTE RESOLUTION IN INDUSTRIAL RELATIONS COURT BASED ON PERMA NO. 2 YEAR 2015 ABOUT SIMPLE LAWSUIT AS AN EFFORT TO MANIFEST LEGAL CERTAINTY

Sherly Ayuna Putri[1]
Efa Laela Fakhriah[2]
Agus Mulya Karsona[3]
Anita Afriana[4]
Faculty of Law Padjadjaran University Indonesia
Email: sherly.ayunaputri@yahoo.com

Settlement of industrial relations disputes in employment law after the birth of Law No. 2 of 2004 on the settlement of Industrial relations disputes is known by a model of voluntary settlement through Bipartit, Conciliation, mediation, and arbitration; and the model of settlement is mandatory, through the Industrial relations Court. The existence of PHI poses a problem, both the knowledge ability of workers/laborers about the Formyl law as well as material labor law, old process, and legal substance has not been adequate. This review must be done for identification of the efforts that can be made in order to update the existence of PHI. The problem of settlement of industrial relations disputes can consist of many factors of dispute over rights, dispute of interest, disconnection of employment and disputes between trade unions/union In one company, and also about the competence of the Court of Industrial relations so as not to effectively resolve employment disputes. This study uses the normative juridical research approach. Given that this research is a normative law study, the approach used is normative juridical approach based on the study of positive law, which is UU No. 2 year 2004. The approach used is legislation to examine the principles of the judiciary. The results identified several weaknesses, both in terms of the legal structure and substance in the renewal of the Industrial relations dispute resolution in the Industrial relations judiciary. Efforts to address it, namely by forming PHI in each district Court/city. Revision of LAW No. 2 of 2004 and deemed not to accommodate and yet to reflect a simple, fast and inexpensive cost in the process of event at the Industrial relations Court.

[1] Student of Doctoral Law Study Program, Padjadjaran University Indonesia.
[2] Professors of Law Faculty Padjadjaran University.
[3] Lecture of Law Faculty Padjadjaran University and Expert of labor law in Indonesia
[4] Lecture of Law Faculty Padjadjaran University and Expert of civil law in Indonesia

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A. INTRODUCTION

In the Constitution 1945 and in accordance with article 28 D paragraph 2 affirmed, that everyone has the right to work and be rewarded and fair and appropriate treatment in the working relationship. The working relationship referred to, better known as the working relationship which is dogmatig and normative is governed further in the Act (UU) No. 13 of 2003 on employment.

The legal relationship between Labour and entrepreneurs begins with the creation of a work agreement either made in writing or orally. The agreement that contains the rights and obligations then in the implementation often arise problems that if there is no mutual understanding or no understanding and if not resolved can eventually lead to Disputes between the parties. In English the term used to interpret disputes or disputes is conflict or dispute. Dispute a conflict or controversy; A conflict of claims or right, claim, or demand on one side, met by contrary claims or allegations on the other. The subject of litigation; The matter for which a suit brought and upon which issue is joined, and in relation to which jurors are called and witnesses axamined. See cause of action; Claim, controversy; Justiciable controversy; Labour Dispute.(Henry Cambell Black,1979)

Surely between the company and workers have different interests so that sometimes there are disputes of rights and interests and termination of employment relationship as a result has been a violation of the legal norm of employment material, Hence the formal juridical parties are not allowed to conduct vigilante action (eigenrichting) with arbitrariness nuance, but must be followed up through the implementation or enforcement (law enforcement) against the norm The normal formyl law is also called the law of the event as stipulated in Law No. 2 of 2004 on the settlement of employment disputes between companies and workers.

Similarly, what is stated in Act No. 2 of year 2004 has been explicitly arranged the ordinances and procedures of the resolution of the working relations dispute, either through the active role of the Bipatrit institution in order to deliberation of the employment To achieve consensus, conciliation and arbitration as well as to sue by empowering the general judicial body as a indipendent institution that organizes judicial powers as referred to in Law number 8 year 2004 which Has changed and perfected the Law No. 2 of 1986 on the general judiciary.

Conflicts or disputes can also occur in the employment world where involving the parties called workers and entrepreneurs. Actually conflicts or disputes between workers and entrepreneurs do not need to be feared because conflicts can have a positive impact on the parties as long as the conflict is not based on the violent spirit. If the conflict is based on violence, it will bring losses and resentment. During this time disputes between workers and entrepreneurs are often resolved in anarchist ways such as demonstrations with violence, combustion, strikes until the closure of the company. We recommend that disputes be resolved peacefully and mutually beneficial.

Industrial relations disputes can also occur with an preceded or unreconciled violation of laws between entrepreneurs and workers. Industrial relations disputes that begin with a violation of the law, such industrial relations disputes in the general is caused by several factors:

1. As a result of an understanding of the implementation of labor law. This is reflected in the actions of entrepreneurs or workers who violate a legal provision. For example the entrepreneur pays a worker under the provisions of the law governing the minimum wage, or the entrepreneur does not provide an annual leave as stipulated in the Law No. 13 of 2003 on employment or workers who have committed Overtime work is not paid for the wages by employers. The violation of worker rights by employers here is a factor in the cause of industrial relations disputes.
2. Industrial disputes beginning with violations of the law, can also be caused by the occurrence of treatment distinction reflected in the actions of entrepreneurs who are discriminatory, because of different gender, ethnic, racial or religious.(Charles D. Drake, 1981)

Industrial relations disputes are caused by an understanding of the difference in the implementation of labor law, the differentiation of treatment, and the inconsistency in interpreting labor laws as outlined above, called Conflicts of rights. (T. Hanami dan R. Blanpain, 1987)

Industrial relations disputes caused by an understanding of the change in employment conditions are categorized as conflict of interest.(Dennis R. Nolan,1990) Disputes of legal rights are violated, not executed, or interpreted differently, while in a dispute of interest, the law does not exist because in this dispute of interest, the parties disputing the law to be established.

The community has a variety of ways to resolve the disputes they face, from the completion of the parties cooperatively, with the help of others or neutral third parties and so on. (Lalu Husni,2005). Industrial relations disputes can be settled through the courts (litigation) and outside the courts (non litigation) as stipulated in LAW No. 2 of 2004 on the settlement of Industrial relations disputes (PPHI). The parties are free to determine the alternative remedies to be used in resolving Industrial relations disputes.

Convenious dispute resolution is usually done through a litigation or dispute settlement in advance of the tribunal. The fact of the matter in the court is not simple, the process in the court often raises new problems for the Seekers of justice because it will take quite a long time and spend less costs. In addition there are other weaknesses in the formal judiciary. Litigants will be very troublesome and ineffective proceedings. So each party is actually equally suffering a loss.

The settlement of disputes through the Tribunal is known to contain weaknesses so many people try to avoid settlement in court and further optimize settlement outside the courts.

Actually, this way is not new because it has long been practiced through deliberations for consensus. In the first, when there is a dispute between people, it will be resolved by deliberation. Deliberations for consensus are slightly forgotten when many people are vying to complete the issue in the courts. Just now the community began to retake again to such old ways after completion through the courts felt less fulfilling the sense of justice. If in the completion of the dispute through the court is perceived to confiscate considerable time, costly and can create a profound dispute because the court ruling there are only two alternatives namely win or lose, then in the settlement This alternative will be felt cheaper and faster as well as decisions produced in accordance with the will of the parties who dispute or can be said to be a win-win solution.

As a judicial institution, PHI also has competencies that distinguish it from other judicial institutions. The presence of PHI is expected to provide solutions to the disputes/disputes of industrial relations that have been felt less to provide the best solution for industrial relations actors. The presence of PHI as stipulated in the LAW No. 2 of 2004 (which is effective as of January 15, 2006 through the government regulation of the substitute law No. 1 year 2005), was initially welcomed enthusiastically by the community Proved by many proposed claims.

PHI is tasked and authorized to inspect and discontinue: a. On the first level of rights disputes; B. In the first and last level of the dispute of interest; C. On the first level of a dispute termination of employment; D. At the first and last level of disputes between trade unions/unions in a company. PHI's absolute competence covering four kinds of disputes according to Wijayanto Setiawan made. Conflict with the intent of the law. The characteristics of labor disputes are only 2 (two) kinds, namely the rights dispute (Rechtsgeschil, Conflick of right) and the dispute of interest (Belangengeschillen, conflick of Interest). (Wijayanto Setiawan,2007)

Disharmonization between LAW No. 2 of 2004 with Manpower Act. This disharmonization is an issue that arises beyond the four absolute competencies of the Industrial relations Court. This condition also agrees with the opinion that the revision of law No. 2 year 2004 on settlement of Industrial relations dispute is deemed necessary to be a priority of the national legislation Program which begins in drafting Academic design (manuscripts of academics). Through the revision is meant to be more comprehensive, so as to reflect the ratio of the legis of legal certainty and justice in the effort to realize a fast, precise, fair and inexpensive judicial principle based on the values of Pancasila.

In Law No. 2 of 2004 on the settlement of Industrial relations disputes, the mentioned resolution of disputes between workers and entrepreneurs may be made in court. The conflict of contention through the course of employment has been governed in the judicial system that the judges ' power has been supplemented by the Ad-Hoc judge, whose Litigasinya process runs in general justice. The judicial system of the general judiciary consists of only 2 (two) levels namely, settlement of industrial relations disputes in the first level and the level of the change in the Labor in handling P4D or P4P stipulated in the law No. 22 of 1957 on the settlement of

labour disputes. This system is expected to be more effective in that way the judge in the Industrial Court of Relations has implemented the aspect of legal justice against the workers and employees and can also be traveled through a pathway outside the court. The completion of a course outside the court can be pursued by means of bipartite, mediation, conciliation and arbitration.

Meanwhile, in the era of industrialization issues of industrial relations disputes are increasingly increasing and complex, so it is necessary institutional and dispute resolution mechanisms of industrial relations are fast, precise, fair, and inexpensive, harmonious, dynamic, And fairness, so it is necessary to establish a dispute resolution mechanism that regulated industrial relations with legislation that can accommodate all forms of industrial relations disputes in the realm of judicial Industrial relations as is the case of disputes resulting in conflicts between workers and entrepreneurs and resulting in actions requiring through settlement in industrial relations courts. The specification of this study is descriptive analytical that makes the information systematic about the facts including describing the rules that apply.

The resolution of simple, fast and lightweight industrial relations disputes was born from the idea of implementing social justice in addressing the industrial relations disputes involving two disputing parties, entrepreneurs and Workers/laborers. Both are in an unbalanced position, entrepreneurs are in a strong position in socio-economic status while workers/laborers are at a weak position, who rely on their income source by working for employers or employers. Both are equally human beings who have a dignity and a human dinity. The position of weak workers/laborers should not be a barrier for him to obtain justice in the Industrial relations Court. The existence of the Industrial relations Court is a focus for justice seekers, especially workers/workers, despite the bad substance of the labor event before. Public expectations of the Industrial relations Court are expected to enforce legal authority, legal certainty and justice.(Christina NM Tobing,2018)

Over time since the establishment of the Industrial Relations Court, it turns out in practice identified some problems or issues. Firstly, for most workers/laborers, the settlement through the Industrial relations Court is felt more difficult and complicated than through P4D and P4P. Factors influencing among other weak technical capabilities of the litigation (FORMIL) and the knowledge of labor law, such as drafting a lawsuit, preparing evidence, witnesses, determination of the type of dispute, and others making problems Its own. Secondly, regarding the cost of the case, the PPHI LAW has set the cost of matter to execution. The cost of the case is not imposed for claims that are worth under Rp. 150.000.000, 00. But the fact that the accommodation is a problem for workers/laborers in the Regency/city, where the location is far from the provincial capital. The cost of spending is due to the long distance to the Industrial Relations Court (only in the provincial capital), becoming a barrier to the trigger for workers/workers in search of justice. Thirdly, the other issue of Industrial Relations Court decision in the first level is often not timely, this is due to the slow process of calling to the jurisdiction of the District Court in the Regency/city and even different provinces. Further, the

slow verdict of the Supreme Court ruling (in Kracht) and the difficult execution of the decision is another issue. (Christina NM Tobing,2018)

Based on the problems and constraints outlined, a review of several provisions of the PPHI LAW is required. This has become a complexity in the effort to resolve disputes that are fast, precise, fair and inexpensive. Authors restrict PHI in resolving industrial relations disputes connected with the principle of fast completion, simple and inexpensive cost. Based on the explanation, the following issues are formulated. Furthermore, in this study obtained a formulation of the problem of whether the constraints or weakness of the provisions of PPHI LAW in the settlement of industrial relations disputes are fast, precise, fair and inexpensive, through the Industrial relations Court to realize Legal certainty.

B. LITERATURE REVIEW OR PREVIOUS STUDIES

The specific objectives of this research are as follows:

1. Describes the role of the Court of Industrial relations in the settlement of employment disputes in practice.
2. Describe the mechanism of dispute resolution through industrial relations courts in its role in the justice system in Indonesia.

The results of this research are expected to be one of the contributions and knowledge in the field of legal sciences in general, and in the field of civil law, especially related to the field of employment Dispute resolution field. In addition, the results of this research are expected to provide one of the donation of thought and knowledge in the field of civil law, especially in the field of civil proceedings.

The results of this research are expected to provide practical uses and benefits, among others:

1. Provide input and reference for practitioners related to the settlement of disputes and for general employment practitioners, as well as for practitioners of employment law in particular with regard to aspects related to the mechanisms Settlement of disputes in industrial relations courts.
2. Provide input and reference for the government in determining the plan or direction of legal and civil development, especially in relation to the development of employment law in Indonesia in the future.
3. Also expected the results of this research can be used as reference or literature material for similar research in the future.

C. RESEARCH MATERIALS AND METHODS

This research is a normative juridical study of legal research on legal principles, legal regulations as well as comparative legal inventory of positive law. Normative legal research researched is a library material or secondary data in the form of primary, secondary and tertiary legal materials needed to discuss legal issues in the study. The main research is the literature research backed by field research.

As is the opinion of Terry Hutchinson: *Doctrinal Research: Research which provides a systematic exposition of the rules governing a particular legal category, analyses the ralationship between rules, explaints areas of difficulty and, perhaps, predicts Future developments; Theoritical Research: Research which fosters a more complete understanding of the conceptual bases of legal principles and of the combined effects of a range of rules and procedures that touch on a particular area of actifity.* (Terry Hutchinson,2002)

The relevance between doctrinal research with the legal research paradigm was further advanced by Terry as follows: *"Paradigm forms a model or pattern based on a set of rules that defines bounderies and specifies how to be successful within those bounderies*".(Terry Hutchinson,2002)

According to Sunaryati Harotono, legal research is a daily activity of law scholars. Normative legal research can only be done by law scholars as a person who is deliberately educated to understand and master the legal discipline.(Sunaryati Hartono,2006) Furthermore, it is mentioned that the normative research methods can be used also together with social research methods.(Sunaryati Hartono,2006)

D. RESULT AND DISCUSSION

The preparation of PPHI LAW is expected to provide welfare to the community as Dicita-citakan Indonesian law country. Mahfud M.D. suggests that "Indonesia's law based on Pancasila and the CONSTITUTION 1945 take the prismatic or integrative concept of the two legal state concepts (Rechtsstaat and the Rule of Law)".(Moh. Mahfud MD,2006) "The choice of prismatic and integrative principles is very reasonable, namely want to integrate the principle of legal certainty (Rechtsstaat) with the principle of justice in the concept of" The Rule F Law ".(Juhana S. Praja,2011).

In relation to the principles of legal and justice certainty, Gustav Radburg stated that there were 3 (three) legal bases of legal certainty, legal benefit and legal justice. Society does not only need regulations that ensure the legal certainty in their relationship with each other, but also need justice, in addition law is required to serve the Interests (provide benefits).(Teguh Prasetyo dan Abdul Halim Barkatullah,2014) Similarly, the law of dispute resolution of the industrial relations listed in the PPHI law must have all three basic values to answer the legal issues of the previous event.

The Industrial Relations Court (PHI) which was formed under the Invitation of Law No. 2 of year 2004 (PPHI LAW) on the settlement of Industrial relations disputes. The provision began to operate since January 14, 2006 based on PERPU Number 1 year 2005 on the validity of

the start of LAW No. 2 of 2004, is one of the special courts in the public judicial (civil) environment. With the foundation of fast, precise, fair and inexpensive dispute resolution of industrial relations. As a special court in the general judicial system, the Industrial relations Court used a system of events in HIR and RBg, like a general court. There are only a few exceptions, such as the cost of the matter outlined for things worth under Rp. 150.000.000,-(one hundred and fifty million), or the existence of an Ad hoc judge from the proposed trade unions and employer organizations. However, it is generally from the registration of the lawsuit until the ruling execution follows the system at HIR or RBg. (Bahal Simangunsong dkk,2009)

Prior to the PPHI LAW, settlement of labor disputes was based on LAW No. 22 of 1957 on the settlement of Labour disputes and LAW No. 12 year 1964 on termination of employment in private companies. The process is quite lengthy, starting from P4D (District Labour Dispute Resolution Committee), then it can be compared to P4P (central Labour Dispute Resolution Committee). Further to the verdict P4P, the Minister of Labor has a veto that can suspend and cancel it. Consequently, the Government intervened to dominate the resolution of industrial relations disputes. Another very basic thing is the opening of the P4P opportunity to be submitted to the judicial administration after the enactment of LAW No. 5 year 1986 on the State Administrative court. Thus the decision of the P4P is an object of state administrative disputes, can even be filed the legal efforts of casting and reconsideration by the parties in dispute.

The length of the settlement process of industrial relations disputes is caused by an unassuming process, long time and cost not least, and involve the authority of several institutions, precisely describing the bad The legal substance of the Labour event in Indonesia. Based on the fact the court is deemed to have not accommodated legal certainty and justice as an absolute requirement in a law-based country. Responding to these conditions, M. Muhammad Saleh and Lilik Mulyadi revealed that for more than five decades, since the old order, the new order period and the time of the reform order, the legal political dispute resolution of industrial relations has not been able to produce A statutory product that can provide a legal certainty for a worker/Labour. The previous legislation governing the settlement of labor disputes is LAW No. 22 of 1957 and UU No. 12 year 1964 In fact can not do the settlement of industrial relations disputes quickly, precisely, fairly and inexpensive As the industrialization and knowledge advancement and information technology era.(H. Muhammad Saleh dan Lilik Mulyadi,2012)

The laginement of PHI and legal efforts to the MA linked to the fast judicial principle has not been achieved. The positive thing of LAW No. 2 of 2004 is the increasingly shortened time of dispute resolution. According to the previous regulation of LAW No. 22 of 1957, the settlement of labor disputes can take 3 to 4 years, it can be imagined the time period required by the parties to obtain a ruling that is legal force if wrong One party felt that it had not gained justice, as well as the verdict of the central Labour Dispute Resolution Committee (P4P) could still be appealed to the State Administrative High Court (PTTUN) due to P4P perceived as a decision The State administration and finally extended the current labor settlement process. Based on the condition, the existence of PHI is very expected to actually materialize the Speed Administration of justice by still guiding the substantial justice (material law) contained in the

LAW No. 2 of 2004 which has been manifestly Set the deadline that must be obeyed by the judicial institution of at least 50 working days at the first level and at least 30 days at the Supreme Court level.

Cost of litigants are expensive especially when associated with the length of dispute resolution is also a problem, because the longer the dispute resolution resulted in the higher costs to be incurred, such as the official costs and wages Lawyers to bear. Seeing the cost of an expensive thing, making people litigated in court is to drain all resources, time, and mind (Litigation Paralyze People).(Peter Lovenheim, 1989) Likewise, the settlement of industrial relations disputes is formal and technical often results in a protracted resolution of disputes (disputes), requiring a long time when settlement of business disputes is demanded A fast and inexpensive solution and an informal procedure. Slow solutions within the business world lead to high costs can even deplete the potential and resources of the company in question. Facing the slow reality of the dispute resolution process and the severity of costs that must be incurred through the litigation process, emerging activities are directed to the thought of the efforts to improve the judicial system.(Susanti Adi Nugroho, 2009)

Number of PHI judges since 2006 New Year has no less than 155 judge Ad Hoc in all over Indonesia and 6 judges of Ad Hoc at MA level. Different arrangement of the judges Assembly at a commercial court consisting of two career judges and one Ad Hoc judge.(Tata Wijayanta,2007) Based on the results shows that the existence of an Ad HOC judge in this particular court was ineffective. For example, at the time of the establishment of a commercial court was appointed 13 judges of Ad Hoc, but thus from the thirteen appointed Ad Hoc judges who play an active role in the examination of only one judge.(Tata Wijayanta, 2008) The ininvolvement of the Ad Hoc judge was in the examination of the case because of the confines of the appointed Ad Hoc judges on the court's law.(Tata Wijayanta, 2008)

The enforcement of civil program law becomes problematic. In fact, with the system of events in PHI that use the law of civil proceedings to be problematic, it will not be possible quickly even without an effort to appeal to certain disputes. The enforcement of Civil Program law is also an issue because the civil litigation with labor disputes is very different. Civil litigation is generally concerned with property, while the industrial relations disputes concern the work and livelihoods of workers and their families. Government should be responsible and guarantee that every worker/laborer is not easy to lose his job and his livelihood. Therefore, the handling of employment problems requires special handling with the law of special events not by law of civil proceedings.(Gindo Napdapdap,2019) Another law of civil proceedings is used rigidly, judges often position themselves like civil judges in public courts that consider themselves to be passive in court. Whereas if referring to the provisions of article 83 paragraph (2) of PPHI LAW, "the judge is obliged to examine the contents of the lawsuit and if there is a shortage of judges ask the plaintiff to perfect the Lawsuit ". This provision is similar to the dismissal of the process (preliminary analysis) in the State Administration Court (PTUN) and in the Constitutional Court, which is essentially a judge PHI must also be active to find justice. It can be said that the industrial Relations Court adheres to active Judge principles.

Criticism arises against the judiciary is not only the symptoms that grow in Indonesia but rather happening around the world. Criticisms of the Seekers of the seeker of justice, especially of the economic group are much more severe. The American economy, alleging that the destruction of the national economy was caused by costly judicial costs. Thony Mc. Adams in his writings suggests that *Law Has Become a Very Big American Bussines and That Litigation Cost May be Doing Demage To Nations Company*. (Thony Mc. Adams, 1992) The fact of the criticism that considers the costly cause of the event to affect the economic life not only occurs in America but rather occurs in all countries including Indonesia in the settlement of industrial relations disputes, although There is a setting limit of below 150 million at no cost (pro bono).

Furthermore, that dealing with industrial relations dispute resolution agency is through PHI, for employees/workers do not necessarily mean to fight for justice easily. The ruling judge based on normative articles makes the rights of labour often neglected. Workers/laborers need extra energy, time and cost to fight for their rights, including when the worker/Labour was able to win the his in PHI. The decision of the judge to hire back workers is difficult because workers/workers have been noticed by the entrepreneurs during the dispute.

The resolution of simple, fast and lightweight industrial relations disputes was born from the idea of implementing social justice in addressing the industrial relations disputes involving two disputing parties, entrepreneurs and Workers/laborers. Both are in an unbalanced position, entrepreneurs are in a strong position in socio-economic status while workers/laborers are at a weak position, who rely on their income source by working for employers or employers. Both are equally human beings who have a dignity and a human dinity.(Agusmidah,2007) The position of weak workers/laborers should not be a barrier for him to obtain justice in the Industrial relations Court. The existence of the Industrial relations Court is a focus for justice seekers, especially workers/workers, despite the bad substance of the labor event before. Public expectations of the Industrial relations Court are expected to enforce legal authority based on simple, fast and light-weight judicial principles.

Ineffectiveness of existing systems can be a basis for a study to realize a more effective system. In this case, the government can improve the arrangement regarding the efforts to resolve industrial relations disputes through mediation. One of them is to learn from the mediation system that has been successfully implemented in other countries.

Many countries in the world have successfully implemented the resolution efforts of industrial relations disputes through mediation. One of the highlights of the attention is Japan. The settlement of industrial relations disputes in Japan is one of the most successful in the world.(Kazuo Sugeno,2015)

The efforts to resolve industrial relations disputes in Japan have evolved since the post-World War II. At that time, frequent disputes were collective disputes. Subsequently, the Labour Relations Commission (LRC) or the Employment Relations Commission was formed to settle the collective disputes which were marbling through the Rōdō Kankei Chōsei-Hō or the Labor Relations Adjustment Act (LRAA), or in Indonesia can be interpreted as a labor relationship adjustment law.(Labor Relations Adjustment Act,1946)

Until the beginning of the 21st century, the LRC had an important role in the efforts to resolve industrial relations disputes in Japan. But then the number of collective disputes tends to decline. In contrast, individual disputes increase over time.(Arthuro Bronstein, 2009) The Japanese government then issued an administrative service in the form of counseling and conciliation/mediation offering a comprehensive and fast informal service, conducted primarily by the National Employment Administration, through *Kobetsu Rōdō Kankei Funsō No Kaiketsu No Sokushin Ni Kansuru Hōritsu or Act on Promoting the Resolution of Individual Labor-Related Disputes* (APRILRD).(Act on Promoting the Resolution of Individual Labor-Related Dispute,2001) Later, the Japanese government issued a new system specifically intended for the settlement of individual disputes through the *Rōdō Shinpan-Hō or Labor Tribunal Act* (LTA), which formed a settlement system called the *Labor Tribunal System* (LTS) by involving an *Labor Tribunal* (LT) in an *Labor Tribunal Proceedings* (LTP).(Labor Tribunal Act,2014) These three systems have become a popular system and are effective and efficient in resolving the efforts to resolve industrial relations disputes in Japan.(Kazuo Sugeno,2006)

The legal developments of the event regarding mediation in Indonesia are not separated from the influence of the event on mediation in Japan. In Indonesia, the Supreme Court Regulation (PERMA) No. 1 of 2008 on the procedures of mediation in the courts is the adoption of a mediation system in Japan into the mediation of courts in Indonesia with the aim to sample the success of Japan utilizing Mediation to solve the case with a win-win solution and overcome the issue of stacking matters in court.(Herliana Omara,2012) The MA team had previously conducted a comparative study by studying the mediation system in courts of countries such as the United States, the Netherlands, Australia, and Japan with a variety of analysis and practicality considerations, deciding That the court mediation system in Japan known as Wakai is the system that best matches the Indonesian legal system.(Herliana Omara,2012) Although the current Supreme Court (PERMA) Regulation No. 1 of 2008 on the mediation procedure in court has been superseded with the regulation of the Supreme Court (PERMA) No. 1 of 2016, this history continues to indicate that there is a relationship between the event law of mediation in Indonesia with Japan.

Before the author goes further, it is important for the writer to emphasize that in general Japan and Indonesia have different industrial relations dispute resolution efforts. However, the industrial relations dispute resolution system in both countries offers a settlement effort through mediation. The success of this mediation will determine the settlement with a win-win solution which is then expected to be able to reduce the amount of dispute settlement in court.

Further to answer from the problem that has been described above related to the effectiveness of Industrial relations Court in Indonesia in resolving employment disputes reviewed by law number 2 year 2004 about Settlement of Dispute Industrial relations and how the dispute resolution mechanisms in the Industrial relations Court to achieve simple, fast and inexpensive fees, according to the expert opinion of Sudikno Mertokusumo, the simple principle is The show is clear, easy to understand and not convoluted. The fewer and more modest formalities that are required or required in the court event, the better. Too many elusive

formalities or rules that have a sense of meaning (dubies), thus allowing the occurrence of various interpretations, lack of guarantee of legal certainty and cause unwillingness or fear to show up in advance Court.(Sudikno Mertokusumo,1988) The cost of light means the lowest possible cost so that it can be sened by the people.

The word quickly points to the judicial course. Too much formality is an obstacle to the judicial course. In this case it is not only the course of the judiciary in the examination in the face of the trial, but also the settlement of the event in the trial until the signing of the ruling by the judge and its implementation The rapid judicial path will increase the court's authority and increase the Community's confidence in the courts. .(Sudikno Mertokusumo,1988)

The resolution of simple, fast and lightweight industrial relations disputes was born from the idea of implementing social justice in addressing industrial relations disputes involving two disputing parties residing in the An unbalanced position where the businessman is in a strong position in socio-economic status while the worker/Labour is in a weak position that hung his income source by working on an entrepreneur or employer. While both are equally human beings who have a rebu' and dignity of humanity (human dinity). (Agusmidah,2007) The goals of social justice can only be carried out by means of protecting workers/laborers against the unlimited power of the employers/employers through law.(Imam Soepomo,2010)

This study shows that legal facilities in the form of PPHI law still have many weaknesses, so it needs to be revised. As long as there has been no revised, the Industrial relations Court and its judges must dare to exceed themselves from mere funnel, but also the funnel of justice and the hope of workers and entrepreneurs, where they are located. If this is done, that is where perhaps we can expect the emergence of a more harmonious and fair labour relationship in the country.(Surya Tjandra,2007)

Based on the above study, the effectiveness efforts of the Industrial Relations Court in Indonesia in resolving disputes based on the principle of fast, precise, fair and inexpensive justice is revised LAW No. 2 of 2004, namely the following:

1. Conciliation institutions and industrial relations arbitrations need to be considered in existence in LAW No. 2 of 2004.
2. The elimination of the legal remedies for the disputes of rights and termination of employment whose value is under Rp. 150 million. A simple lawsuit Model or Small Claim Court (SCC) set forth in the regulation of the Supreme Court (Perma) No. 2 of 2015 on simple lawsuit settlement procedures, for the lawsuit value under Rp. 200.000.000,-and without the appeal of appeals, cassation, Or reconsideration is very appropriate in the settlement of industrial relations disputes, especially for the value of the lawsuit under Rp. 150.000.000,-so it does not require any legal remedies.
3. To effectively check the content of the lawsuit by the judge, it means that the law and the legal Apparatus (judge) are progressive, so there is no claim that NO in the case of PHI.
   Progressive comes from the word "progress" which means progress. The law should be able to keep up with the times, able to answer the problems that develop in society, and be able to serve the community by adhering to the morality aspects of the law enforcement officials

themselves.(Satjipto Rahardjo,2008) According to Satjipto Rahardjo, legal thinking needs to return to its basic philosophy, which is the law of Man. With the philosophy, people become determinants and the orientation point of law. The law serves to serve mankind, not vice versa. Therefore, the law is not a loose institution of human interest. The quality of law is determined by its ability to serve human welfare. This causes progressive law to embrace ' ideology ': the Projustice Law and the pro-folk law.(Satjipto Rahardjo in Bernard L. Tanya dkk,2010)

4. The establishment of special provisions on the execution of the ruling PHI that has Inkracht van Gewijsde and established provisions in order not to make an extraordinary legal effort re-review in the case of PHI.
5. The existence of legal certainty about the deadline between the decision and/or notification of the ruling by the signing of the verdict, until the copy of the decision shall be issued and shall be given to the parties, and the execution of the And there must be legal sanctions provisions in the event of a breach of administration.
6. synchronising provisions on bankruptcy as an urgent condition that must be examined with a quick event check in the LAW No. 2 of 2004 with the provisions on the rights of workers/workers as the right preference in the process of payment obligations Company's debts before being declared bankrupt in LAW No. 37 year 2004 on bankruptcy and postponement of debt repayment obligations. The goal is that the demands of workers ' rights in the family's survival are not lost but take precedence over the rights of other creditors.
7. Optimization of the utilization and development of information Technology (IT) in the process of the administration of matters, especially the call of "delegation" must be intense, with the application of electronic judicial process based on Perma No. 3 year 2018 on the electronic judiciary in the Industrial relations Court which is a reform in the field of legal events utilizing information technology. The perma ' eliminated ' physical contact between the applicant's lawsuit with the court clerk. As law enforcement, advocates, in this case have benefited greatly in terms of time and effectiveness in terms of the administration of matters which generally in the case of defending the importance of client due to the issuance of the Perma with the foundation of the principle Litigants in the courts in the form of litigated settlement, quickly, cheap, and light costs can be achieved.

E. CONCLUSION

These review results identify some of the weaknesses of industrial relationship dispute resolution, both in terms of legal structure, substance and legal culture. Public expectations of the Industrial relations Court are expected to enforce legal authority, legal certainty and justice. Therefore, the efforts that can be made to the Industrial relations Court can make it happen through a fast, precise, fair and inexpensive principle by forming PHI at each district/city court. Then the revision of the LAW No. 2-year 2004 is the arrangement of conciliation institutions and industrial relations arbitrations need to be considered. Arrangements of legal subjects include

informal workers/laborers, government agencies that employ freelance daily workers/laborers, and foreign country representative offices in Indonesia that employ Indonesian workers/laborers.

It should be a setting on the legal remedy for rights disputes and LAYOFFS whose value is under Rp. 150 million removed. Necessity to effectively check the contents of the lawsuit by Judge PHI in order not to be found again verdict NO. There is a legal certainty that the deadline for the administration of matters until the execution of the decision. The urgency of regulation on the establishment of Industrial Relations Court at the district/city level throughout Indonesia, requires a thorough assessment so that the expectation can be realized in the regulation of legislation. The revision of the law No. 2 of 2004 on the settlement of Industrial relations disputes was deemed necessary to be a priority of the national legislation Program which began in drafting the academic draft (academic manuscript). Through the revision, the law became more comprehensive, so as to reflect the ratio of the legal certainty and justice to the effort to realize a fast, precise, fair and inexpensive judicial principle based on the values Pancasila.

Bibliography

Act on Promoting the Resolution of Individual Labor-Related Dispute (Act No. 112 of July 11, 2001).

Agusmidah, *Politik Hukum Dalam Hukum Ketenagakerjaan Berdasarkan Peraturan Perundangundangan ketenagakerjaan*, Disertasi Untuk Memperoleh Gelar Doktor Dalam Ilmu Hukum Pada Sekolah Pasca Sarjana USU, Medan, 2007.

Arthuro Bronstein, 2009, *International and Comparative Labour Law: Current Challenges*, Palgrave Macmillan, Genewa

Bahal Simangunsong dkk, *Hakim Ad hoc Menggugat (Catatan Kritis Pengadilan Hubungan Industrial),* Editor Surya Tjandra, TURC, Jakarta, 2009.

Charles D. Drake, 1981, Labor Law, 3th. ed., Sweet & Maxwell Ltd., London.

Christina NM Tobing, "Menggagas Pengadilan Hubungan Industrial Dalam Bingkai Ius Constituendum Sebagai Upaya Perwujudan Kepastian Hukum Dan Keadilan", Jurnal Hukum dan Peradilan, Vol.7, Juli 2018.

Dennis R. Nolan,1990, *Regulation of Industrial Disputes in Australia*, New Zeland, and The United States", Whittier Law Review II ,Winter.

Gindo Napdapdap,"*Bubarkan Pengadilan Hubungan Industrial*," http,//kpsmedan.org./indekx. php?optin + com conyent &view=article&id…diakes tanggal 23 Mei 2019.

Herliana Omara, "*Integrasi Mediasi dalam Sistem Peradilan: Studi Komparatif Mediasi Pengadilan Indonesia dan Jepang*", Mimbar Hukum, Volume 24, Nomor 1, Februari 2012

H. Muhammad Saleh dan Lilik Mulyadi, *Seraut Wajah Pengadilan Hubungan Industrial Indonesia (Perspektif Teoretis, Praktik dan Permasalahannya)*, Citra Aditya Bakti, Bandung, 2012.

Henry Cambell Black, *Black's Law Dictionary*, West Publishing Co., St. Paul Minnesota,1979.

Juhana S. Praja, Teori Hukum dan Aplikasinya, Bandung : CV. Pustaka Setia, 2011.

Kazuo Sugeno, "*The Significance of Labour Relations Commissions in Japan's Labor Dispute Resolution System"*, Japan Labor Review, Volume 12, Nomor 4 Autumn Tahun 2015.

Lalu Husni, *Penyelesaian Perselisihan Hubungan Industrial Melalui Pengadilan dan di luar Pengadilan*, RajaGrafindo Persada, 2005.

Labor Relations Adjustment Act (Act No. 25 of September 27, 1946)

Labor Tribunal Act (Act No. 45 of May 12, 2004).

Moh. Mahfud MD, Membangun Politik Hukum Menegakkan Konstitusi, Jakarta : Pustaka LP3ES Indonesia, 2006,

Peter Lovenheim, 1989, *Mediate Don't Litigate*, Mc. Graw Hill Publishing Comp , New York.

Satjipto Rahardjo, *Membedah Hukum Progresif*, Penerbit Buku Kompas, Jakarta.

Satjipto Rahardjo dalam Bernard L. Tanya dkk., *Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi,* Genta Publishing, Yogyakarta, 2010.

Sudikno Mertokusumo*, Hukum Acara Perdata Indonesia*, (Liberty, Yogyakarta, 1988)

Sunaryati Hartono, *Penelitian Hukum di Indonesia Pada Akhir Abad Ke-20,* PT Alumni, Bandung, 2006.

Surya Tjandra, Kompilasi Putusan Pengadilan Hubungan Industrial Terseleksi 2006-2007, TURC, Jakarta, 2007.

Susanti Adi Nugroho, 2009, *Mediasi Sebagai Alternatif Penyelesaian Sengketa*, Jakarta, PT Telaga Ilmu Indonesia.

Tata Wijayanta, ”Pelaksanaan Pasal 302 ayat (3) UU RI Nomor 37 Tahun 2004 Berkaitan Dengan Pelantikan Hakim Ad Hoc Dalam Perkara Kepailitan,” ”*Legality*” Fakultas Hukum Universitas Muhammadiyah Malang (UMM). Vol. 15 No. 1, Maret - Agustus, 2007.

Tata Wijayanta, 2008, *Penyelesaian Kes Kebankrapan di Pengadilan Niaga Indonesia dan Mahkamah Tinggi Malaysia: Suatu Kajian Perbandingan*, Tesis Doktor Falsafah Universiti Kebangsaan Malaysia, Bangi: Tidak Diterbitkan.

Teguh Prasetyo dan Abdul Halim Barkatullah, Filsafat, Teori dan Ilmu Hukum, Pemikiran Menuju Masyarakat yang Berkeadilan dan Bermartabat, Jakarta : PT. RajaGrafindo Persada, 2014

Terry Hutchinson,Reseaching and Writing in Law, Lawbook. Co, Queensland University,2002.

T. Hanami dan R. Blanpain, 1987, Introduction, Remarks and A Comparative Overview, T. Hanami, ed., dalam Industrial Conflict Resolution in Market Economies: A Study of Canada, Great Briiain and Sweden Kluwer Law and Taxation Publishers, Deventer / Netherlands, hlm. 6. Lihat juga Xavier Blanc-Jouvan, 1971, The Settlement of Labor Disputes in France, Benjamin Aaron, ed., Labor Courts and Grievance Sculementin Western Europe, University Of California Press, Berkeley Los Angeles.

Thony Mc. Adams, 1992, *Law Bussines and Society,* third edition, Irwin, Boston.

Wijayanto Setiawan, *Pengadilan Perburuhan Indonesia*, Laras, Sidoarjo,2007.