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**SETTLEMENT CHARACTERISTICS OF INDUSTRIAL RELATIONSHIP WITH
LOCAL WISDOM IN PADANG CITY**

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ABSTRACT

Padang is the capital of West Sumatra, a city that highly appreciates local wisdom and customary law has a center for trade and creative economy supported by population growth in this very fast growing city of Padang. The purpose of this research is to examine the role of local wisdom in dispute resolution in the IA Padang District Court. The research method used was sociological juridical. The conclusion is that the Class IA Class of Padang City Court has succeeded in utilizing its local wisdom in resolving Industrial Relations disputes to become conflict resolution so as to make peace between communities where during the last 4 years the settlement of

Industrial Relations disputes can be resolved mediation at the beginning through deliberation to reach a consensus so that the principle of Civil Procedural Law Simple, Fast and Low Cost can be achieved.

KEYWORDS : Characteristic, Local Wisdom, Settlement of Industrial Resolutions, Civil Procedure Code Law

I. INTRODUCTION

Since Indonesia was established as a sovereign state, customary law has occupied its own role and in its development, customary law has had a special place in the development of national law. In recent years even in the formation of state law, customs (often called local wisdom) that live in the community have become one of the important considerations in the formation of state law, both in the formation of laws and in the formation of regional regulations. The concept of legal pluralism is no longer developing in the realm of the dichotomy between the state law system on the one hand and the folk law and religious law systems.¹

Over time, the government protects and pays full attention to the phenomenon of community life to regulate orderly and peacefully in society. Thus gradually the government issued regulations that regulate the needs and wishes of the community, such as the issuance of Article 1 paragraph (30) of Law No. 32 of 2009 concerning Environmental Protection and Management (hereinafter referred to as the Law on Environmental Protection and Management) explaining about local wisdom namely the noble values that apply in the order of community life, including protecting and managing the environment in a sustainable manner and Article 1 paragraph (31) describes customary law communities, namely groups of people who have been living in certain geographic areas from generation to

¹H. Munir Salim, Adat Sebagai Budaya Kearifan Lokal Untuk Memperkuat Eksistensi Adat Kedepannya, Al-daulah, Vol. 5 No. 2 Desember, 2016, hlm. 247

generation due to ties to their ancestral origin, a strong relationship with the environment, and a value system that determines economic, political, social and legal institutions.

With more complex of the life style of society, the scope of incidents or disputes includes a wider scope, one of which often getting the spotlight, is the disputes of industrial relations. Industrial relations disputes (hereinafter referred to as PHI) usually occur between workers or laborers and employers or between workers 'organizations or labor organizations and company organizations or employers' organizations. Of the many incidents of conflict or dispute, the most important thing is how to find the solution that is truly objective and fair.

In resolving disputes, judges must pay attention to customary law and local customary values. The provisions regarding the obligation of judges to explore legal values that live in society are further strengthened by Article 5 paragraph (1) of Law Number 48 of 2009 concerning Judicial Power stipulates that, "Judges and Constitutional Justices are obliged to explore, follow, and understand the legal values and a sense of justice that live in society".

In fact, it is also stipulated that a judge is prohibited from rejecting a case which has no law or is unclear in its rules. So they have to find the law by exploring the values that live in society. Local wisdom is as knowledge determined by certain local communities which is adopted through a collection of experiences and integrated with an understanding of the culture of the natural state of a place. There is an adage that says that: Law is always out of date compared to the development of society, for this reason judges as a presentation of the judiciary must always equip themselves with legal science, legal theory, and legal philosophy. Judges are

not allowed to read normatively (visible), but are required to be able to see deeper, wider and further ahead.²

Actually, conflicts or disputes between workers and employers need not be feared because conflicts can have a positive impact on the parties involved as long as the conflict is not based on the spirit of violence. If the conflict is based on violence, it will bring loss and hostility. So far, disputes between workers and employers have often been resolved in anarchist ways, such as strikes with violent demonstrations, arson, strikes and company closures. It is better if disputes can be resolved peacefully and mutually beneficial. PHI can be resolved through court (litigation) and out of court (non-litigation) as regulated in UUPPHI. The parties are free to determine the alternative settlement that will be used in settling industrial relations disputes.

Pancasila industrial relations, which is a system of relationships formed between actors in the process of producing goods and services, namely workers, employers, and the government, which is based on values which are a manifestation of the overall principles of Pancasila and the 1945 Constitution, develop on top of Indonesia's national personality and culture.³ Industrial relations developed in Indonesia were the thought and encouraged by former Indonesian Manpower Minister Sudomo. He intended to create work peace, a harmonious relationship between employers and employees, which is no longer represented by the relationship between "employer workers" which represents a conflict of interest.

² Estiono, Eksistensi kearifan lokal dalam sistim peradilan di Indonesia, http://www.pn-lhokseumawe.go.id/website_pn/media/files/201811131003213381711325bea3ef91cd35_20181113114635_KEARIFAN+LOKAL.pdf

³Siswanto Sastrohadiwiryono, Manajemen Tenaga Kerja Indonesia, Pendekatan Administrasi dan Operasional, Bumi Aksara. Jakarta, 2003, hlm.40.

In the era of industrialization, the settlement of labor disputes or PHI has become complex, so that resolution requires institutions that support dispute resolution mechanisms that are fast, precise, fair and inexpensive. Based on the provisions of Article 1 number 1 UUPPHI, formulating PHI, namely "Differences of opinion that result in conflicts between entrepreneurs or a combination of employers and workers / laborers or trade / labor unions, are due to disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions / labor unions in one company."

The criticism that has emerged against the Industrial Relations Settlement is related to the long process of resolving the PHI case and filing legal remedies to the Supreme Court. In fact, the existence of the PHI is highly expected to realize a fast judicial administration while still guided by substantial justice or material law contained in the UUPPHI which regulates the time limit that must be obeyed by judicial institutions, namely a maximum of 50 working days at the first level and a maximum of 30 days at the Supreme Court level. In addition, the existence of PHI settlement institutions does not necessarily guarantee that workers or laborers can fight for justice easily. Judges' decisions based on normative articles make workers' rights often neglected. Workers / laborers need extra energy, time and costs to fight for their rights. Therefore, it is not surprising that business actors then develop PHI outside the court.

However, it seems that the problem of resolving industrial disputes which lasts a long time and is expensive is not found in the Padang District Court. One of the judges at the Padang District Court, Ms. Rustam Sinaga,

said that the successful settlement of PHI at the Padang Court was because the Padang people were very obedient to local laws⁴.

In Padang and its surroundings, investors are mostly controlled by local entrepreneurs, thus that labor disputes can be resolved peacefully because of a sense of kinship and local wisdom. Padang is the capital city of West Sumatra, it is a city that highly appreciates local wisdom and customary law. It has a center for trade and creative economy supported by population growth in this very fast growing city of Padang.

Industrial relations that exist between laborers or workers and employers in the city of Padang are sometimes prone to various conflicts, one of which is caused by the inequality of relations between the two. Disputes that arise are something that is difficult to avoid, but what needs to be considered is how these disputes can be resolved, and peaceful solutions can be found so as not to disturb economic stability and the interests of the people. In this article, the author will try to examine the extent to which the role of local wisdom in dispute resolution at the IA Padang District Court, the practice of PHI Settlement in the Class IA Court of Padang City related to the Principles of Civil Procedural Law.

II. METHODS

The approach method used in this research is sociological juridical with analytical descriptive specifications, with the library research data collection technique by collecting data in the form of legislation, literature studies and other documents related to collective assets in order to obtain theory and information in formal legal form. The analytical method used in this research is qualitative juridical, namely by reviewing the data based on legal aspects without using diagrams or statistics and then given descriptively in regular and logical sentences. Then the primary data is used

⁴Wawancara Rustam Sinaga (Hakim Penyelesaian Hubungan industrial Pengadilan Negeri Kelas IA Padang),30 Oktober 2019 pukul 10.30 Wib.

to support secondary data to draw a conclusion based on the prevailing laws and regulations.⁵

III. THE CHARACTERISTIC OF LOCAL WISDOM IN *INDUSTRIAL RELATIONSHIP SETTLEMENT*

Indonesia has a distinctive feature, namely customary law as the original law that grows and develops from the customs of the people which greatly influence the process of law enforcement in Indonesia, and this customary law is very diverse in Indonesia. Implementation in general will face obstacles but it is quite efficient for local communities who enforce it, in fact, if it is calculated, more people obey customary law than state law. Cornelis van Vollenhoven as the first expert who initiated the division of customary law, classified 19 customary environments in the archipelago, namely: Aceh, Gayo and Batak, Nias and its surroundings, Minangkabau, Mentawai, South Sumatra, Enggano, Melayu, Bangka and Belitung, Kalimantan (Dayak), Sangihe-Talaud, Gorontalo, Toraja, South Sulawesi (Bugis / Makassar), North Maluku, Maluku Ambon, Southeast Maluku, Papua, Nusa Tenggara and Timor, Bali and Lombok, Java and Madura (Coastal Java), Mataraman Java, and West Java (Sunda). Gerztorang Americans stated that Indonesian society has 350 cultures, 250 languages and all beliefs and religions in the world are in Indonesia.⁶

Customary law, according to Soepomo's view, is defined as a living law, because it is the real law of the people, and customary law is dynamic and will grow and develop in line with the development of the community. Soepomo's findings start from the conception of thoughts of Friedrich Carl von Savigny with his school of history and culture from van Vollenhoven.

⁵Soerjono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 2002, hlm. 112

⁶H. Mustaghfirin, "Sistem Hukum Barat, Sistem Hukum Adat, Dan Sistem Hukum Islam Menuju Sebagai Sistem Hukum Nasional Sebuah Ide Yang Harmoni", *Jurnal Dinamika Hukum*, Volume 11, Edisi Khusus Februari, 2011, hlm. 92.

Therefore, customary law is dynamic and will grow and develop in line with the development of the community. In the language of Friedrich Carl von Savigny, it is called a *Volksgeist* (soul of the nation). *Volksgeist* varies according to place and era which is expressed in the language of customs and social organization of the people.⁷ Almost identical to this opinion, the initiator of the sociology of law, Eugene Ehrlich said that, "*The centre of gravity of legal development lies not in legislation nor in juristic science, nor in judicial decision, but in society itself*". Eugene Ehrlich replaced *voksggeist* Savigny term with a specific and more rational term, namely legal facts (*Rechtstaatsachen / fact of law*) and living law of the people.⁸ Basically, customary law is not only custom which has legal consequences, or authoritative decisions from the heads of the people, because between customs which have legal consequences and those that do not have legal consequences there is no strict separation. In other words, every habit which later becomes daily behavior is customary law.⁹

Negara Kesatuan Republik Indonesia (NKRI) or The Unitary State of the Republic of Indonesia is famous for its diversity of ethnic, cultures and religions. The population of Indonesia consists of various ethnic groups with their own unique cultural identities. From a geographical point of view, Indonesia is an archipelago with a population spread across mountainous, coastal areas with different environmental characteristics and at the same time depicting the diversity of local wisdom according to their respective cultures. Kartawinata¹⁰ argues that in terms of local wisdom, it means local wisdom which can be understood as local ideas that

⁷ Doyle P. Johson, *Teori Sosiologi Klasik dan Modern*, PT Gramedia, Jakarta, 1985, hlm. 128-144

⁸ H.R. Otje Salman, *Kesadaran Hukum Masyarakat Terhadap Hukum Waris*, PT Alumni, Bandung, 2007, hlm. 45

⁹ Lilik Mulyadi, *Eksistensi Hukum Pidana Adat Di Indonesia*, *Jurnal Hukum dan Peradilan*, Volume 2 Nomor 2 Juli 2013, 232

¹⁰ Desyandri, *Nilai-nilai Kearifan Lokal untuk Menumbuhkembangkan Literasi Budaya di Sekolah Dasar*, *Sekolah Dasar: Kajian Teori dan Praktik Pendidikan*, Tahun 27 Nomor 1, Mei 2018, hlm. 2

are wise, full of wisdom, valuable which are embedded and followed by the community. In the concept of anthropology, local wisdom is also known as indigenous or local knowledge, or local genius, which is the basis of cultural identity.¹¹

In the dictionary, local wisdom consists of two words, namely wisdom and local. In the Indonesian English Dictionary John M Echlos and Hassan Syadily, local means regional, while wisdom is understanding, the same as sagacity. In general, local wisdom can be understood as local ideas that are wise, full of wisdom, of good value that are embedded and followed by members of the community.¹² Local wisdom as a result of the production of habits that live and grow together with the traditional village / regional customary community and are implemented in social life and kinship in the community. In particular, the Indonesian people are still very strong and their existence has been embedded since long ago until now as a guideline for activities in community life which are closely related to the applicable law in the territory of the Republic of Indonesia, namely Positive Law.¹³

Local wisdom or "local genius" is a term introduced by Wales in Ayatrohaedi, namely *"the sum of the cultural characteristics which the vast majority of a people have in common as a result of their experiences in early life"*.¹⁴ The Indonesian thesaurus puts the word wisdom on a par with virtue, policy, wisdom and intelligence. While the word wise has the same meaning as: puberty, virtuous, knowledgeable, wise, scholarly, intelligent, clever, smart, aristocratic, and educated.¹⁵ Local wisdom in foreign languages is often conceptualized as local virtue, local knowledge or local

¹¹ Ib.

¹²Sartini, Menggali Kearifan Lokal Nusantara Sebuah Kajian Filsafati, Jurnal Filsafat Universitas Gadjah Mada, volume 4, No. 2, 2004, hlm 2

¹³H. Munir Salim, Adat Sebagai Budaya Kearifan Lokal Untuk Memperkuat Eksistensi Adat Kedepannya, Al-daulah, Vol. 5 No., 2 Desember 2016 hlm 224

¹⁴Daniah, Kearifan Lokal (*Local Wisdom*) sebagai Basis Pendidikan Karakter, PIONIR, Jurnal Pendidikan Vol.5, No.2, 2016 hlm.4

¹⁵Ayatrohaedi, Kepribadian Budaya Bangsa (*Local Genius*), Pustaka Pelajar, Jakarta, 1986, hlm. 30

genious. According to Rahyono, local wisdom is human intelligence possessed by certain ethnic groups obtained through community experience. This means that local wisdom is the result of certain communities through their experiences and is not necessarily experienced by other communities. These values will be very strongly attached to certain societies and these values have been through a long time, as long as the existence of that society.¹⁶

Ms. Rustam Sinaga as the industrial relations judge in her interview said that the number of cases that go to the Class IA District Court in Padang City decreases every year, this is because the people of Padang city are very obedient to their customary law, they deliberate every problem before being brought to court.¹⁷

Case Status at the Industrial Relations Court,

Padang District Court, 2017 – 2018

No.	Case Status	Year		Total	Ket
		2017	2018		
1	Settlement	11	24	35	
2	Revoked	9	3	12	
3	Verstek	0	0	0	
4	Fall	0	0	0	
5	Rejected	1	2	3	
6	Unacceptable / NO	3	12	15	

¹⁶Dendy Sugono, Sugiyono dan Meity Takdir Qudaratillah, Tesaurus Bahasa Indonesia, Pusat Bahasa Departemen Pendidikan Nasional, Jakarta, 2008, hlm. 23

¹⁷Hasil Wawancara Rustam Sinaga (Hakim Penyelesaian Hubungan industrial Pengadilan Negeri Kelas IA Padang),30 Oktober 2019 pukul 10.30 Wib.

7	Partial Granted	31	8	39	
8	Granted All of it	0	2	2	

From the table above, we can see that most cases of PHI at the Padangan Industrial Relations Court can be resolved through settlement between the disputing parties. This shows the awareness of the workers to maintain a harmonious relationship within the company.

The people of Padang as Minangkabau community believe that the norms and values contained in customary teachings are a way of life which is based on deep contemplation of natural phenomena. The philosophical values contained in these traditional teachings are interpreted as a philosophy of life, as the Minang proverb says *Panakiak pisau sirauik, Ambiak galah batang lintabuang, Salodang ambiak ka niru, Nan satitiek jadikan lauik, Nan sakapa jadikan gunuang, Alam takambang jadikan guru.*¹⁸Artinya: "Allah commands that humans learn from nature and be grateful for the blessings of life that they get" (Falsafah Alam Takambang Jadi Guru / Takambang's Natural Philosophy to Become a Teacher).

One of the reasons why PHI can be resolved by deliberation and consensus between the parties before it is submitted to court is that business actors in Padang City are dominated by local residents, the West Sumatra Provincial Government in Padang and its surroundings have not granted permission for foreign workers to work in West Sumatra. . This is so that West Sumatra is not controlled by foreign workers. Apart from this, according to the Deputy Governor, until now West Sumatra does not need foreign workers' assistance. Jobs in West Sumatra can be done by Indonesian workers. Our workforce is not inferior to foreign citizens, be it from China, Thailand or the Philippines.

¹⁸Moenir, Darman.. *Tambo Minangkabau*. (terj) Padang: PT Balai Pustaka, Padang, 1985, hlm.47.

Meanwhile, Head of the West Sumatra Manpower and Transmigration Office, Nazrizal, said that all work permits for foreign workers in Indonesia are coordinated by the Ministry of Manpower at Central government. Thus, foreign workers who are stationed in West Sumatra are in accordance with the potential in Indonesia, one of which is the investment made by foreign companies in Indonesia and domestic companies that want the skills of foreign workers, as long as the requirements and procedures for using foreign workers are without problems. However, the West Sumatra government has prepared workers to work according to their expertise, so that what local workers can do is not taken by foreigners.¹⁹

The PHI case in the city of Padang, if connected with the UUPPHI, has met the requirements for compulsory out-of-court settlement as stated in Article 136 paragraph (1) and (2) Law No. 13 of 2003 on Manpower, states that, 1. Settlement of PHI shall be implemented by entrepreneurs and workers / laborers or trade / labor unions by deliberation to reach a consensus. In the event that a deliberative consensus settlement as referred to in paragraph (1) is not reached, the entrepreneur and the worker / laborer or the workers / labor union shall settle the PHI through the procedure for settling the PHI which is regulated by law. In its implementation, the settlement outside the court is broadly divided into two major parts, namely the settlement by the parties themselves in a bipartite manner and the second part is the settlement with the assistance of a third party or intermediary.

Dispute settlement can be resolved through in court or out court. Out of court dispute settlement begins with dissatisfaction with the dispute resolution process through court which takes a relatively long time and requires a lot of money. Other than that. The decisions produced by the

¹⁹<https://www.republika.co.id/berita/nasional/umum/16/11/15/ognm1a301-tenaga-asing-belum-diperbolehkan-bekerja-di-sumbar>, diakses 17/11/2019 Pukul 23.24 WIB

courts often create dissatisfaction among the parties or some parties feel they are the "losers"²⁰. According to Dewi Rezki Sri Astarini in her book entitled *Court Mediation, One Form of Dispute Resolution Based on the Principle of Fast Trial, Simple Low Cost*, states that the mediation process results in 2 (two) possibilities, namely the parties reach an agreement or fail to reach a peaceful agreement. strengthened in the form of a peace deed²¹.

Settlement of PHI through bipartite negotiation through a negotiation process conducted between two parties, namely the Padang City entrepreneur and the workers / laborers in the event of a dispute between the two parties in the company through deliberation to reach a consensus between the entrepreneur and the worker / laborer, it often runs smoothly. The scope of settlement of PHI through bipartite includes four types of disputes, namely disputes over rights, disputes over interests, disputes over layoffs and disputes between trade unions / labor unions in one company. Efforts to settle PHI are through deliberative negotiations to reach consensus between employers and workers based on a sense of kinship.

However, what attracts the attention of the author here is that the increase in the peace decision of the Padang City District Court which has been very successful. As said by Mr. Abdullah Lubis, a PHI judge at the Padang Class IA District Court, many of these PHI cases ended in peace as stated in the peace deed or *acta van dading*²². To continue the narrative according to Mr. Abdullah, the number of peace decisions was due to the character of the indigenous peoples in Minangkabau highly appreciating the local wisdom of their area, namely promoting harmony, brotherhood and

²⁰Sri Mamudji, *Mediasi Sebagai Alternatif Penyelesaian Sengketa Di Luar Pengadilan*, Jurnal Hukum Dan Pembangunan Vol.34 No. 3 Juli-September 2004, hlm. 194

²¹Tajuddin Noor, *Analisis Hukum Terhadap Penyelesaian Sengketa Hutang Piutang Melalui Akta Perdamaian*, Jurnal Kaidah Hukum Vol.18 No.1, 2016, hlm 109.

²²Wawancara dengan Bapak Abdullah Lubis Hakim Hubungan industrial PN Kota Padang Kls IA, 30 Oktober 2019, pukul 10.00 Wib

peace between their life practices. So it is not uncommon for the disputing parties which had submitted the dispute to the IA Padang District Court to only reach resolutions in the mediation process without going through court process.

Peace in the Industrial Relations Court is in line with the mindset of the Minang indigenous people who uphold the concepts in Islamic teachings, namely "Baldatun Taiyibatun wa Robbun Gafuur", which is a society that is safe, peaceful and always in God's forgiveness. with the existence of harmony and peace in the kinship environment, then perhaps a more prosperous life is sought, so as to achieve political stability and law in carrying out economic development. The Minang community will always try to maintain communication and dialogue in that way all problems will always be resolved through deliberation and according to them solving problems outside the deliberations is considered bad.²³ This statement is in accordance with the Minang proverb which states as follows, "*Nan bana kato saiyo, Nan rajo kato mufakat, Elok kato dalam mufakat, Buruak kato diluar mufakat, dicari rundiang nan saiyo, Dicari kato nan sabuah*" means: the correct ones are in accordance, the the king is consensus, both the words in the consensus, the bad words outside the consensus, look for the same thought, look for agreed words.²⁴

Peace or balance is the ultimate goal of local wisdom, this view basically comes from customary law, which is to restore order to the cosmos and restore the prevailing balance. The Padang city government, especially the legal apparatus of the Class IA Class of Padang City, in the opinion of the author, has succeeded in utilizing local wisdom in resolving disputes. Industrial relations can be a conflict resolution so as to make

²³Amir, H.S., Adat Minangkabau Pola dan Tujuan Orang Minang, Citra Harta, Jakarta, Prima, 2011, hlm 115

²⁴Ib.

peace between the community. With the Class IA Padang District Court, in order to achieve the principles of Fast, Simple and Low Cost Civil Procedure Law, has succeeded in making a peace decision at PHI in the last 4 (four) years.

Judges in making decision formulations have several stages aimed at making legal findings more systematic. Sudikno Mertokusumo argued that in adjudicating a case, a judge must take steps in stages, starting from constricting, qualifying and constituting. Furthermore, Sudikno Mertokusumo stated that the ideal decision is reflected in the flow of Legal Reasoning which is carried out by a judge in finding the law. The discovery of law is not solely by the application of law to concrete events, but also by the creation of laws and the formation of laws.²⁵ Meanwhile, Paulus Efendi Lotulung formulated the stages of making a decision as follows:²⁶

1. Comparing facts and legal norms.
2. Selecting various alternatives.
3. Conduct an assessment through: interpretation method, jurisprudence, dogma / theory.
4. Looking for written / unwritten legal grounds.
5. compile arguments based on legal reasoning.
6. make a verdict.

Local wisdom in the application of law by the judiciary is based on the logic of justice as a law enforcement and justice institution that is required to provide justice to the community. The judiciary in its task of receiving, examining, adjudicating and deciding cases, through a judge's decision is expected to satisfy the sense of justice of the justice-seeking community. Therefore, the judge's decision must be produced from a procedural step

²⁵Estiono, Eksistensi kearifan lokal dalam sistim peradilan di Indonesia, http://www.pn-lhokseumawe.go.id/website_pn/media/files/201811131003213381711325bea3ef91cd35_20181113114635_KEARIFAN+LOKAL.pdf, diakses 13/09/2020

²⁶ Paulus Efendi, Majalah Hukum Varia Peradilan tahun XX no 239 Agustus 2005, Ikahi, 2005, hlm. 45

and of course with various considerations, not only from the material and formal legal side of legislation but also legal values that live in a society.²⁷ Minangkabau is an ethnic group that has specificities and local wisdom that is still relevant to the dynamics of civilization today, especially in terms of the judicial system.²⁸ Local wisdom can be used by judges in their decisions, one of the forms is peace in civil cases by maximizing Supreme Court Regulation number 1 of 2016. Peace as a form of local wisdom has a high meaning for parties in civil cases; according to the author, the peace decisions issued by the judges at the Padang Class IA District Court refer to the values of local wisdom in Padang which include mechanisms for resolving disputes (conflicts) by mediating judges.

Apart from the local wisdom that the author found from the Padang Class IA Padang District Court and its judicial officers, the authors also found it in the disputing parties. In his book, Zainudin said that the Minangkabau Customary was designed based on reason (a combination of thoughts and feelings to weigh good and bad referring to *alam takambang jadi guru, raso jo pareso* (feeling / initiative by checking / controlling) which according to *alua jo patuik* (flow and appropriate) will result in a good attitude and behavior by considering feelings of shame and courtesy, in order to bring up wisdom knowledge and behave as humans in civilized social life.²⁹ Based on the writer's observation, the community in Padang still upholds shame, values of courtesy and chooses to make peace by means of deep mediation so that conflicts can be held in such a way and not be prolonged.

²⁷ Suparji, Eksistensi Hukum Islam dan Kearifan Lokal, Jurnal AL-AZHAR INDONESIA SERI HUMANIORA, Vol. 5, No. 1, Maret 2019, hlm. 27.

²⁸ Hasanuddin, Undang Dan Pelembagaan Mahkamah Adat Minangkabau, Disampaikan dalam Lisan X, Seminar Internasional dan Festival Tradisi Lisan ke X, Bertema "Memory and Traditions for the Better Future", Sub tema 'Penguatan Komunitas dan Pelestarian Tradisi". Di Hotel Santika, Mataram, NTB pada 25-28 Oktober 2017

²⁹ Zainuddin, M. Pelestarian dan eksistensi dinamis adat Minangkabau. Yogyakarta: Ombak, 2010, hlm.106

Of course, the mediation procedure should also be carried out with customary norms of courtesy when speaking. These customary norms or manners are the pillars of local wisdom values that have been passed on by our ancestors to us, such as *kato nan ampek* (four words). *Kato nan ampek* is the custom of speaking in Minangkabau. Everyone is required to understand the different ways of talking to different people. *Indak ka pernah samo datanyo sawah jo pamatang*, (it will not be the same as a rice field with a bund). This means that everyone has certain levels in society. So that all parties can sit and talk in understanding customary norms and ethical values or courtesy in speaking, just like the traditional expression: *harimau dalam paruik kambing juo nan musti kalua*, (although the tiger in the stomach, it is the goat that must be sent outside). Usually, this expression is often used by parents on their children and their offsprings, for those who do not know good manners in speaking.³⁰

Because according to Minangkabau custom, the problem is due to uncivilized behavior, such as: lack of respect for others, lack of courtesy, selfishness, and less concern for their own customs or regional culture. This negative behavior, if allowed to continue, results in the uprooting the society from its own culture. Minang people who do not know the Minangkabau customs. As the Minang saying goes, "*Lah lupu kacang jo kuliknyo*", the meaning of this proverb describes someone who has forgotten his own cultural customs..³¹

Based on the explanation above, it is clear that the elements of local wisdom prove that ideally the Minangkabau tradition has provided knowledge of local wisdom values for the Minang people so that they have the skills to navigate their daily lives, both individual life and community

³⁰ Kadril, Runciang Jan Mancucuak, Sandiang Jan Maluko, <https://kebudayaan.kemdikbud.go.id/bpnbsumbar/layanan/>

³¹ Wawancara dengan Budi, Wali Nagari di Sarilamak Padang, 14/09/2020

life. These local wisdom values are used as an educational tool for the Minang people to realize the Minangkabau traditional goals, which is to form a virtuous, cultured and civilized Minang people. The culture of Minangkabau traditional values has been carried out from generation to generation in various ways. In Minangkabau society, one of the methods used is through performing arts or Minang art, as it is argued that customs are a variety of habits in a country.³²

However, unfortunately the terminology of local wisdom is not explicitly stated in the UUPHI. In its consideration, this law only puts forward the importance of harmonious, dynamic and just industrial relations by optimizing the values of Pancasila. There should be no contradiction between the concept of local wisdom as stated in several regional regulations with the concept of Pancasila values as stated in the UUPHI. This can be understood because the values of Pancasila are actually the source of local wisdom that lives in communities in various regions. Therefore, in settling industrial relations cases, every mediator or judge, as far as relevant, is obliged to consider these aspects of local wisdom. It is important to underline this relevance because not every case of industrial relations contains local values that require study of local wisdom.³³

The application and actualization of local wisdom values are reflected in the Pancasila, namely the 4th (fourth) precept, "Democracy is Led by Wisdom in Consultation / Representation". Whereas in the 4 (four) Precepts first, as citizens of Indonesia, every person / individual has the same rights and obligations, secondly, respects and upholds every decision that has been reached as a result of deliberations that prioritize common

³² Amir M.S. Adat Minangkabau: Pola hidup dan tujuan hidup orang Minang. Edisi Revisi. Jakarta: Citra Harta Prima. 2011, hlm. 76

³³ Iron Sarira, Kearifan Lokal dalam Putusan Pengadilan Hubungan Industrial, https://business-law.binus.ac.id/2016/02/08/kearifan-lokal-dalam-putusan-pengadilan-hubungan-industrial/#_ftn2, diakses 12/09/2020

interests without prioritizing personal interests or group, third, in conducting deliberations to reach consensus, it gives trust to the representatives who are trusted to carry out the deliberations and in this case the IA Padang District Court as representatives of the justice-seeking community.

In other legal considerations it is stated in the UUPHI that in the era of industrialization, industrial relations disputes are becoming more and more complex, so that fast, precise, fair, and inexpensive industrial relations dispute resolution institutions and mechanisms are needed; facing complex problems in the life of the nation and state. Therefore, the judiciary as an institution that functions to enforce the law must use such a central role to solve it, hence the judicial institution must have adequate capabilities, one of which is to explore the values that live in the local community to realize the objective of the legal principle of being fast, precise, fair, and cheap.

The Settlement Decision at the Class IA Padang District Court also does not contradict Article 4 of PERMA Number 1 of 2016 because the panel of judges refers to Article 130 HIR. This is because there is pressure on the bipartite process, mediation in the labor service is less than optimal, the disputing parties want the settlement to be carried out in the industrial relations court, the panel of judges assesses that disputes are very possible for settlement, and reduce the buildup of cases in court.³⁴

IV. CONCLUSION

The number of cases that go to the Class IA District Court in Padang City decreases every year, this is because the people of Padang city are very obedient to their customary laws, they deliberate every problem before

³⁴ Hazar Kusmayanti; Agus Mulya Karsona; Efa Laela Fakhriah, *Penyelesaian Perselisihan Hubungan industrial Melalui Putusan Perdamaian di Pengadilan Hubungan industrial Pengadilan Negeri Padang Kelas I (A)*, Jurnal ADHAPER, Vol. 6, No. 1, Januari – Juni 2020, hlm. 52

being brought to court. The society of Padang as Minangkabau people believe that the norms and values contained in customary teachings are a way of life which is based on deep contemplation of natural phenomena. Peace or balance is the ultimate goal of local wisdom, this view basically comes from customary law, which is to restore order to the cosmos and restore the prevailing balance. The author's suggestion in this research is that the government should give awards to the Judges of the PHI who have succeeded in settling the disputes and to revise Article 4 of Perma No. 1 of 2018 concerning Mediation since it causes misinterpretation because on the other hand the Industrial Relations Court must try to reduce the buildup of cases and Article 130 HIR recommends settlement but with the provisions of Article 4 of Perma No.1 of 2016 it becomes ambiguous.

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