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## SYSTEMATIC LITERATURE REVIEW: IMPLEMENTATION OF DISPUTE SETTLEMENT METHODS BETWEEN TRADE UNIONS AND COMPANIES IN INDONESIA

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### ABSTRACT

#### KEYWORDS

industrial relations  
disputes; labor union;  
mediation; conciliation;  
arbitration

Sometimes the working relationship established between employers and workers or trade unions can run well. Sometimes differences in goals or interests owned by the two parties can cause conflicts or disputes that, if the organization or company cannot handle them properly, will harm the sustainability of the business undertaken by the organization. Therefore, it is necessary to have an industrial relations dispute resolution mechanism that can be done in two ways: through litigation (court) and non-litigation (outside the court). This study aims to provide a pattern of research overview with the theme of industrial relations dispute resolution with data obtained from several reputable international/national journals published between 2017 to 2023. The research method used, namely in the Systematic Literature Review (SLR) Method, is useful in identifying, reviewing, evaluating, and interpreting many studies obtained with research topics or themes that attract attention, as well as with certain relevant research questions. The results showed that the dominant platform used in research on the theme of industrial relations dispute resolution is the settlement mechanism and the role of trade unions in resolving labour relations disputes.

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### INTRODUCTION

Until now, the topic of resolving industrial relations disputes is still an interesting discussion to be researched or raised in a research or research. This shows that creating a harmonious working relationship between interested parties in the production process of goods and services in a company is still a separate problem that needs to be solved. As for some of the parties in question, which often cause disputes in employment relations, including employers and workers, or employers or combinations of employers and trade unions or union combinations. The dispute it causes can certainly be detrimental to both parties to the dispute if a solution is not found. Often disputes that occur are caused by several things, including the non-fulfillment of rights as a result of differences in implementation or interpretation of the provisions of applicable laws and regulations, differences in interests caused by the absence of conformity of opinions regarding the making and or changes in work conditions stipulated in work agreements, or company regulations or collective labor agreements, there is no conformity of opinion regarding the termination of employment relations carried out by one party, as well as disputes that occur between trade unions in one company caused by no adjustment regarding the understanding of membership, implementation of rights and obligations to trade unions (Zamani, 2011).

The data needed in this research is a collection of various kinds of journals that raise the theme or topic of resolving labour relations disputes taken from 2017-2023. The data that has been collected is then grouped into a matrix so that the conclusions obtained from the results of this study can provide a historical description of the aspects that are often used in research with the theme of industrial relations dispute resolution. In addition, this research is also expected to provide a clear picture of research patterns, especially those related to the theme of labour relations disputes which are intended for future researchers to be developed in other studies. Moreover, this study aims to provide a pattern of research overview with the theme of industrial relations dispute resolution with data obtained from several reputable international/national journals published between 2017 to 2023.

## RESEARCH METHOD

### Object of research

The study used qualitative research method with systematic literature review approach. The object of this research is the settlement of industrial relations disputes. One reason that makes the settlement of industrial relations disputes the object of research in this study is that creating harmonious working relations among parties interested in a company is still challenging to find a solution to its settlement.

### Research methods

#### Research Questions

This research question is formulated based on the needs of the specified research topic or theme. Some of the research questions in question include the following:

RQ1 : What is the mechanism for resolving industrial relations disputes most often applied to create harmonious working relations between employers and workers or trade unions?

RQ2 : What role do trade unions have in resolving industrial relations disputes?

RQ3 : What are the weaknesses of the industrial relations dispute resolution mechanism used to create good working relations?

#### Search Process

This is a stage that aims to obtain relevant data sources in answering the research questions that have been formulated previously. The search process is carried out by accessing several journal sites, as well as using a search engine in the form of Google Chrome with journal site addresses such as [www.emerald.com](http://www.emerald.com), [www.ebsco.com](http://www.ebsco.com), [www.proquest.com](http://www.proquest.com), as well as <https://scholar.google.com>.

### Inclusion and Exclusion Criteria

This stage aims to determine whether the data obtained can be used in SLR research. Some of the criteria used in determining whether or not the data obtained in SLR research are appropriate include the following:

- 1) The data used is in the time between 2017 and 2023
- 2) The data needed is obtained through journal sites such as [www.emerald.com](http://www.emerald.com), [www.ebsco.com](http://www.ebsco.com), [www.proquest.com](http://www.proquest.com), as well as <https://scholar.google.com>
- 3) The data used relates to the object studied in this study

### Quality Assessment

This is a stage that aims to evaluate the data that has been collected based on the following quality assessment criteria questions:

QA1. Was the journal paper published between 2017 and 2023?

QA2. Does the journal paper explain the mechanism for resolving industrial relations disputes?

QA3. Does the journal paper explain the mechanism used in industrial relations dispute resolution?

QA4. Is the journal paper explained regarding the conclusions and suggestions aimed at providing solutions in resolving industrial relations disputes?

Furthermore, each journal paper that is evaluated is given an answer value for each of these questions with the following answer choices:

- 1) Y (Yes) is intended for the mechanism described in the journal paper during the period between 2017 to 2023
- 2) T (No) is intended for mechanisms that are not explained in journal papers during the period from 2017 to 2023

### Data Collections

This is the stage of data collection needed in this study. The data collected is grouped into two sources, namely primary and secondary data sources. Primary data sources are data obtained directly from the original source or data collected directly in the field by researchers from the person concerned. In this study, the data collected was obtained by searching papers in reputable international/national journals. Meanwhile, secondary data sources used to complete primary data are obtained through the following steps: 1) Observation or observation, where the data needed in this study are collected through direct observation by searching online or through the journal website; 2) Literature Study, where the stage of data collection is carried out by reviewing data related to the SLR method in journals obtained through the website or site, and 3) Documentation, which is the stage where the data obtained can be stored on soft devices, such as Mendeley.

### Data Analysis

In the next stage, the data that has been collected is analyzed to get answers to the research questions that have been formulated previously, which consist of:

- 1) The industrial relations dispute resolution mechanism that is most often applied to create harmonious working relations between employers and workers or trade unions
- 2) The role played by trade unions in the settlement of industrial relations disputes
- 3) Weaknesses of industrial relations dispute settlement mechanisms in Indonesia are used to create good working relations.

## RESULTS AND DISCUSSION

### Search Process Results

The following is a table containing an explanation of the type of data or journal type obtained through the search process:

**Table 1. Grouping Types or Types of Journals**

No	Type Jurnal	Total
1	Rechtsidee. Vol. 2 (2), December 2015, Pages 79-178	1
2	Publisher: Springer Nature	1
3	Comparative Labor Law & Policy Journal; Champaign Vol. 40, Iss. 2 (2018)	1
4	Strategic Direction; Bradford Vol. 38, Iss. 5 (2022)	1
5	Walisongo Law Review (Walrev), Vol. 2, No.2 (2020)	1
6	Group Decision and Negotiation, 29, 11-60. (2020)	1
7	Journal of Industrial Relations, 65 (1), 3-21. (2023)	1
8	Employee Responsibilities and Rights Journal, 34 (3), 319-333. (2022)	1
9	The Indian Journal of Labour Economics, 1-15. (2023)	1
10	Employee Responsibilities and Rights Journal, 33, 253-263 (2021)	1
11	Heliyon, 7(4), e06690 (2021)	2
12	Research Policy, 51(5), 104492. (2022)	1
13	Environmental Innovation and societal transitions, 40, 421-434. (2021)	1
14	Journal of Industrial Relations, 62(1), 81-103. (2020)	1
15	IIMB Management Review, 34(2), 130-142. (2022)	1
16	RJOAS: Russian Journal of Agricultural and Socio-Economic Sciences. Issue 4(112), April 2021.	1
17	International Journal of Conflict Management, Vol. 26 Iss 3 pp. 288 – 315 (2015)	1
18	Journal of Korea Trade, Vol. 21 Issue: 4, pp. 366-386 (2017)	1
19	Pakistan Vision Vol. 18 No. 2 (2017)	1
20	Hasanuddin Law Review Volume 8 Issue 1, April 2022	1
21	Jurnal Ilmu Hukum Februari 2013, Vol. 9, No. 17, hal 1-18	1
22	Jurnal Hukum dan Pranata Sosial Islam, Vol. 5 Number 1, January-June 2023	1
23	Jurnal Bina Mulia Hukum Volume 6, Nomor 1, September 2021	1
24	Journal of Legal, Ethical and Regulatory Issues, Vol. 22, Issue 6, 2019	1
25	International Journal of Innovation, Creativity and Change Vol. 16, Issue 1, 2022	1
26	MITRA: Jurnal Pemberdayaan Masyarakat, Vol. 6. No. 2 (2022)	1
27	Employee Relations: The International Journal, 2022	1
28	Advances in Industrial and Labor Relations, Volume 25, 7-37, 2020	1
29	Employee Relations, Vol. 29 Iss 5 pp. 520-539 (2007)	1
30	Employee Relations: The International Journal Vol. 41, No. 6, 2019	1
31	Jurnal Ekonomi dan Bisnis, Vol. 16 No.1 2021	1
32	Industrial Relations Journal 51:3, 242–260 (2020)	1

No	Type Jurnal	Total
33	Scientific Journal of Social Dynamics e-ISSN: 2581-2424 Vol 3, No. 1, February 2019	1
34	Journal of Law Science, 4(1), 77-86 (2019)	1
35	Mendapo: Journal of Administrative Law, 1(3), 191-206 (2020)	1
36	Journal of Juridical Insights, 1(1), 1-23 (2017)	1
37	International Conference on Sustainable Innovation Track Humanities Education and Social Science (ICSIHES 2021) (pp. 194-199). Atlantis Press (2021, December)	1
38	Pioneer Journal, 2(4) (2018)	1
39	ADHAPER: Journal of Civil Procedure Law, 6(1), 87-108 (2020)	1
<b>Total</b>	<b>40</b>	

Source: Results of Data Processing

### Selection Results from Inclusion and Exclusion Criteria

In the next stage, a journal paper selection process is carried out, which is obtained through the results of a search process based on inclusion and exclusion criteria.

### Quality Assessment

The following table contains an explanation of the quality assessment results, which shows whether the data can be used or not in this study.

**Table 2. Results of Quality Assessment**

No	Writer	Title	Year	QA1	QA2	QA3	QA4	Results
1	Susanto, E. A	Labor Rights Protection in Industrial Relations Issues	2015	Q	Q	Q	Y	X
2	Schmid, G	Inclusive Growth: The Case of Germany	2018	Y	Q	Q	Q	X
3	Estlund Cynthia	A Purposive Approach to Labor Law	2018	Y	Q	Q	Y	X
4		Employment Standards in Facility Management Companies	2022	Y	Q	Q	Q	X
5	Pramono, A	Settlement of Industrial Relations Disputes and Termination of Work Relations According to the Applicable legislation	2020	Y	Q	Q	Y	X
6	Hipel, KW, Fang, L., & Kilgour, DM	The graph model for conflict resolution: Reflections on three decades of development	2020	Y	Y	Y	Y	✓
7	Liu, HY	The Role of the State in influencing work conditions in China's internet industry: Policy, evidence, and Implications for industrial relations.	2023	Y	Q	Q	Q	X
8	Devinatz, VG	US Labor Institutionalism's Rise and Decline and the Death of US Industrial Relations.	2022	Y	Q	Q	Q	X
9	Maliuha, LJ, Zhuravel, VO, Shabanova,	Legal Conflicts and Gaps in the Context of Labor Legislation of Ukraine.	2023	Y	Y	Q	Y	✓

No	Writer	Title	Year	QA1	QA2	QA3	QA4	Results
10	SO, Hnidenko, VI, & Pikul, VP Grant, B.C	The Dual-Agency Problem of Labor Union Pension Fund Shareholder Activism	2021	Y	Q	Y	Y	✓
11	Gaffar, S., Karsona, AM, Pujiwati, Y., & Perwira, I.	The concept of procedural Law regarding implementing collective agreements with legal certainty in terminating employment in Indonesia.	2021	Y	Y	Y	Y	✓
12	Rolf, S., O'Reilly, J., & Meryon, M.	Towards privatized social and employment protections in the platform economy? evidence from the UK courier sector.	2022	Y	Q	Q	Q	X
13	Normann, HE, & Tellmann, SM	Trade unions' interpretation of a just transition in a fossil fuel economy.	2021	Y	Q	Y	Y	✓
14	Feng, J., & Xie, P.	Is mediation the preferred procedure in labour dispute resolution systems? Evidence from employer-employee-matched data in China	2020	Y	Y	Q	Y	✓
15	Misra, SS, & Ghosh, P.	Managerial competencies for trade union officials in India: The key to union effectiveness.	2022	Y	Q	Y	Y	✓
16	Adiwidya YIM, Moh, F., Iwan, P., & Budi, S.	Ratio Legis of Setting Time Limits for Judges in Returning Disputes in Industrial Relations	2004	Q	Y	Q	Y	✓
17	Chin, T., & Liu, R.H	Understanding labour conflicts in Chinese Manufacturing: A Yin-Yang harmony perspective	2015	Q	Q	Q	Q	X
18	Ha, HY, Kim, JG, & Chung, Y.	The alternative explanation of relationship maintenance intention in mediation: A comparison study of Korean and Indonesian firms	2017	Y	Y	Q	Y	✓
19	Tarar, IA	Settlement of Industrial Disputes through Conciliation: a study of Current Practices in Pakistan	2017	Y	Y	Q	Y	✓
20	Love, DPD, Salain, MSPD, Sudiarawan, KA, Dwijayanthi, PT, Sawitri, D. AD, & Primary, A. CP N	Classification of Industrial Relations Disputes Settlement in Indonesia: Is it Necessary?	2022	Y	Y	Q	Y	✓
21	Pradima, A	Alternative Settlement of Industrial Relations Disputes Outside the Court	2013	Q	Y	Q	Y	X
22	Maudina, F & Nurdin, M	Implementation of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes in the Matter of Settlement of the Fulfillment of the Rights of Women Workers	2023	Y	Y	Q	Y	✓
23	Mantili, R	The Concept of Settlement of Industrial Relations Disputes between Labor	2021	Y	Y	Q	Y	✓

No	Writer	Title	Year	QA1	QA2	QA3	QA4	Results
		Unions and Companies through the Combined Process (Med-arbitration)						
24	Amiq, B., & Albab, U	Model of Determinant Factors of Industrial Relations (Analytical Study of Indonesian Laws on Trade Union)	2019	Y	Y	Y	Y	✓
25	Prayitno, S., Hasan, D., & Subarsyah, Q	Industrial Relations Dispute Settlement at the Industrial Relations Court (PHI) in Indonesia and the Application of Procedural Law	2022	Y	Y	Q	Y	✓
26	Prasetyo, A., & Sofyan, SB	Workshop on Leadership and Negotiation Techniques as an Effort to Improve the Human Resources of PT Shimano Batam's Labor Union	2022	Y	Q	Y	Q	X
27	Jansson, J., & Uba, K	Cycles of labour protests: Public and private sector unions' contentious actions	2022	Y	Q	Y	Y	✓
28	Marziona, P	Complaining to the ombudsman: alternative dispute resolution in Brazilian	2019	Y	Y	Q	Y	✓
29	Shen, J.	The labour dispute arbitration system in China	2017	Y	Y	Q	Y	✓
30	Yan, D.	Juridification in Chinese Labor Law: A Cautionary Tale of Remuneration Disputes	2019	Y	Y	Q	Y	✓
31	Sunarto, S	Causal Factors and Means Conflict Resolution Between Management and Unions	2021	Y	Q	Q	Q	X
32	Haipeter, T.	Digitalisation, unions and participation: the German case of 'industry 4.0.'	2020	Y	Q	Q	Q	X
33	Haes, PE, & Yunita, PI	The Contribution of Indonesian Trade Unions to Tourism Organizations in Badung Regency in a Conflict Perspective	2019	Y	Y	Q	Y	✓
34	Riza, F., & Abduh, R.	Alternative Dispute Resolution by Arbitration through Utilization of Information Technology	2019	Y	Y	Q	Y	✓
35	Handayani, P	Weaknesses of Mediation Rules in Dispute Resolution Industrial relations	2021	Y	Y	Q	Y	✓
36	Charda, U	The Model for Settlement of Industrial Relations Disputes in Labor Law After the Birth of Law Number 2 of 2004	2017	Y	Y	Q	Y	✓
37	Permatasari, A., Iqbal, M., & Habibullah, A	Industrialization Relations Dispute Settlement Model in Indonesia	2021	Y	Y	Q	Y	✓
38	Manurung, M.	Resolving Industrial Relations Disputes Through Bipartite Negotiations	2018	Y	Y	Q	Y	✓
39	Ridwan, Muhammad & Nurhakim,	Optimizing Bipartite Negotiations as a Master Mind Dispute Resolution of	2020	Y	Y	Q	Y	✓

No	Writer	Title	Year	QA1	QA2	QA3	QA4	Results
	LI	Termination of Employment (PHK) as a result of Corona Pandemic						
40	Gaffar, S., Karsona, A.M, Pujiwati, Y., & Officer, I.	The concept of procedural Law regarding the implementation of collective agreements with legal certainty in the termination of employment in Indonesia	2021	Y	Y	Q	Y	✓

Source: Results of Data Processing

Information:

T : The data does not meet the criteria

Y : The data meets the criteria

X:Data is not used

## Discussion

It is known that after the quality assessment of journal papers with the theme of resolving industrial relations disputes, as many as 28 journal papers are considered relevant to be used in answering research questions that have been previously determined. Meanwhile, several other journal papers are not used because the data needs problems, approaches, or information sufficient for data selection. This section explains the answers to some research questions that have been formulated previously.

### ***RQ1. What is the mechanism for resolving industrial relations disputes most often applied to create harmonious working relations between employers and workers or trade unions?***

Several studies in this study explain the mechanism of resolving industrial relations disputes. One of them is a study conducted by Mantilla (2021), which triggered the Combined Process (Med-Arb) concept in resolving industrial relations disputes between unions and employers. What is meant by Combined Process (med- arbitration) is the settlement of disputes outside the court using more than one settlement mechanism or, in other words, a combination of two or more settlement mechanisms in one arbitration proceeding. This concept can be used as one of the new dispute resolution methods that combines two dispute resolution methods into one resolution process called the Hybrid method. The Hybrid method, used as a dispute resolution method in Indonesia by the Indonesian National Arbitration Board (BANI), began to be developed in 2003 and used its rules and procedures in 2006. The hybrid method used by BANI is Arb-Med-Arb with various forms in the form of a combination of mediation-arbitration, arbitration-mediation, and Arbitration-Mediation-Arbitration. Meanwhile, its implementation can be carried out at Tripartite Negotiations (mediation, conciliation and arbitration). If usually the settlement of this dispute is carried out by one method by one, in the combined process, this settlement can be done simultaneously between mediation and arbitration. The form of this dispute resolution method can be divided into two, including "the mediator functions as an arbitrator in the arbitration process", and the basic form of med-arb is "a full mediation process with a full arbitration process if the mediation process fails to resolve the entire dispute". And for paying Law, which is used as a basis for the application of combined process (med-arb) in settlement of industrial relations disputes, namely Law No.48



of 2009 concerning Judicial Power, namely Article 38 paragraphs (1), (2), which reads: 1) "In addition to the Supreme Court and its subordinate judicial bodies and the Constitutional Court, there are other bodies whose functions are related to judicial power"; 2) "Functions related to judicial power as referred to in paragraph (1) include out-of-court settlements"

Other studies related to the topic of working relationship dispute resolution are shown by Permatasari, Iqbal, and Habibullah (2021) which states that in Law no. 2 of 2004 concerning PPHI states that there are several options or alternatives for industrial relations dispute resolution consisting of: the ability to negotiate bipartite, tripartite, and through the Industrial Relations Court (PHI). In its conclusion, several statutory provisions related to employment were indicated, including Law No. 23 of 1948 concerning labour inspection, Law No. 21 of 1945 concerning Labor Agreements, Law No. 22 of 1957 concerning the Settlement of Labor Disputes, Law No. 1 of 2004 concerning Settlement of Industrial Relations Disputes, and Law no. 3 of 2003 concerning employment.

Research disclosed by Manurung (2018) describes the bipartite negotiation process as a mechanism for resolving industrial relations disputes. With reference to the provisions of Article 3 paragraph (1) of Law no. 2 of 2004, stated that the settlement of industrial relations disputes (labour disputes) must be sought first through Bipartite negotiations (deliberations that are directly carried out by two parties, namely workers/labourers and employers/employers). Workers/labourers must immediately submit and record their problems to the Office of the Manpower Agency where workers/labourers work by attaching evidence of efforts to make comparisons and other evidence regarding disputes that have occurred. Likewise the study revealed by Ridwan, Muhammad and Nurhakim, (2020) which examines bipartite negotiations which are used as the Master Mind for resolving employment termination disputes caused by the Corona Pandemic which states that one of the advantages of Bipartite Negotiations is the starting point and Finally, in resolving layoff disputes caused by the Corona Pandemic, apart from being simple and fast, also minimizes the burden on employers in fulfilling their obligations to continue paying process wages. In addition, the study also explained that the principle that needs to be considered in the implementation of bipartite negotiations is good faith as stated in Article 3 paragraph (1) letter a of the Minister of Manpower Bipartite Negotiations stipulates: "In conducting bipartite negotiations, the parties must have good faith".

### ***RQ2. What role do trade unions have in resolving industrial relations disputes?***

Research developed by Misra and Ghosh (2022) states that several reasons for the decline in trade union membership in developing countries include offshoring routine manufacturing work, subcontracting on smaller units, union suppression actions by employers, and adoption of various human resource practices that replace the role of trade unions. Therefore, to prevent a decrease in the coverage and effectiveness of trade unions which results in reduced union membership, it is necessary to change strategies and increase trade union competence. One form is the development of competency models for trade union members that impact the performance of their members and contribute to the effectiveness of trade unions. Some important competencies identified in this study for trade union members include result orientation, aligning critical constituencies, networking skills, and effective feedback sharing.

Meanwhile, Amiq and Albab (2019) in his study explained that the purpose of establishing a trade union, as stated in Law No. 21 of 2000 concerning Labor Unions, is to provide protection, defend the rights and interests of workers, and improve the welfare of workers. Even so, the reality is that many companies still have yet to realize the importance of being established in a company which results in the emergence of an inharmonious working relationship within the company. Therefore, it is necessary to have a determinant advocacy model for implementing the Labor Union Law, which can bridge the interests of companies and workers to create harmonious industrial relations to improve the performance of trade unions and companies. It was stated that the advocacy activities contained in Law no. 21 of 2000 concerning Worker/Labour Unions, including: 1) Advocacy for the Making of Collective Labor Agreements (PKB), namely advocacy for the drafting of Collective Labor Agreements which includes activities of assisting workers in making drafts until obtaining approval from the Manpower Office which includes name, place of residence and the address of the labor union and the company, the number and date of registration of the labor union by the responsible agency, the rights and obligations of the company and workers, the period and date when the CLA is effective and the signatures of the parties making the PKB; 2) Bipartite advocacy, namely assistance provided by a trade union when a dispute is made by a trade union with a company, both normative and interests at the company level, be it rights disputes, conflicts of interest, and employment termination disputes; 3) Tripartite advocacy, i.e. assistance provided by trade unions if disputes at the bipartite level are not approved by the parties to the dispute, then the dispute is submitted to the Manpower Office for mediation and recommendations are made by the Manpower Office; 4) IRC Advocacy Industrial Relations Court, a special court formed within the district court who has the authority to review, try, and give decisions on industrial relations disputes.

Grant (2021) through his study, argues traditionally, labour unions are seen as organizations that advocate for the interests of their members, which are carried out through collective bargaining, settlement of labour disputes and strikes, and even boycotts when necessary. Nonetheless, in the last few decades, labour unions, in fighting for the welfare of their members, have often been carried out through a more strategic top-down approach, such as acting as company shareholders, especially through workers' pension funds. However, a dual agency problem arises when unions acting as pension fund managers for their members potentially prioritize their representational responsibilities over their fiduciary responsibilities to the same members.

### **RQ3. What are the weaknesses of the industrial relations dispute resolution mechanism used to create good working relations?**

A study conducted by Handayani (2021) states that the weakness of the industrial relations mediation system can be seen in Law No. 13 of 2003, Law No. 2 of 2004, Regulation of the Minister of Manpower and Transmigration Number 17 of 2004, and PERMA Number 1 of 2016 which results in the emergence of injustice for workers, especially for contract workers. Although the existence of a mediation institution, which is one of the alternative dispute resolution institutions, is expressly mentioned in Law No. 30 of 1999 concerning Arbitration and Alternative Dispute Resolution, the Law does not provide a detailed explanation of the various alternative institutions, as well as its regulation on Arbitration. Then, the weakness of

the mediation system can also be seen in the Supreme Court of the Republic of Indonesia Regulation Number 1 of 2016 concerning the mechanism for implementing mediation in the judiciary, especially in Article 7, Article 22, and Article 23, which only focuses on the good ethics of the parties to the dispute. That way, the provisions of the article only regulate how to fulfil ethical requirements in the process of implementing mediation without starting from the results of the mediation. As a result, if in an industrial relations dispute, there is one or both parties do not follow the results of the mediation, then no sanctions can be given related to this. Furthermore, other weaknesses of the mediation system can be seen in the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 17 of 2014 concerning the Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures, which is shown by the absence of real efforts in terms of simulating the settlement of industrial relations disputes by means of mediation through morning sanctions of the party found guilty, so that the implementation of the mediation results in returns to the good ethics of the parties which is possible to violate.

## CONCLUSION

Based on the results of observations from several studies or research reviewed in this study, it is concluded that; (1) by referring to the results of the SLR conducted in several journal papers published in the 2017-2023 period, it is known that the industrial relations dispute resolution mechanism can be pursued in two ways: through litigation (court) and non-litigation (outside court). Non-litigation settlement can be done through bipartite negotiations, mediation, conciliation and arbitration, (2) by referring to the results of the SLR conducted in several journal papers published in the 2017-2023 time period, it is known that trade unions can play a role in advocating for the interests of their members, and (3) by referring to the results of the SLR conducted in several journal papers published in the 2017-2023 time period, it is known that there is one journal paper which explains the weaknesses of the mediation system as an alternative to resolving industrial relations disputes.

## REFERENCES

- Amiq, B., & Albab, U. (2019). Model of Determinant Factors of Industrial Relations (Analytical Study of Indonesian Laws on Trade Union). *J. Legal Ethical & Regul. Isses*, 22, 1.
- C. P. N. (2022). Classification of Industrial Relations Disputes Settlement in Indonesia: Is it Necessary? *Hasanuddin Law Review*, 8(1), 79-94.
- Charda, U. (2017). Model Penyelesaian Perselisihan Hubungan Industrial Dalam Hukum Ketenagakerjaan Setelah Lahirnya Undang-Undang Nomor 2 Tahun 2004. *Jurnal Wawasan Yuridika*, 1(1), 1-23.
- Chin, T., & Liu, R. H. (2015). Understanding labour conflicts in Chinese manufacturing: a Yin-Yang harmony perspective. *International Journal of Conflict Management*, 26(3), 288-315.
- Devinatz, V. G. (2022). US Labor Institutionalism's Rise and Decline and the Death of US Industrial Relations. *Employee Responsibilities and Rights Journal*, 34(3), 319-333.

- Employment standards in facility management companies: How industrial relations can shape strategic direction. (2022). *Strategic Direction*, 38(5), 1-3. doi:<https://doi.org/10.1108/SD-03-2022-0028>
- Estlund, C. (2018). A purposive approach to labour law. *Comparative Labor Law & Policy Journal*, 40(2), 349-354. Retrieved from <https://www.proquest.com/scholarly-journals/purposive-approach-labour-law/docview/2617204165/se-2>
- Feng, J., & Xie, P. (2020). Is mediation the preferred procedure in labour dispute resolution systems? Evidence from employer–employee matched data in China. *Journal of Industrial Relations*, 62(1), 81- 103
- Gaffar, S., Karsona, A. M., Pujiwati, Y., & Perwira, I. (2021). The concept of procedural Law regarding the implementation of collective agreements with legal certainty in termination of employment in Indonesia. *Heliyon*, 7(4), e06690.
- Grant, B. C. (2021). The Dual-Agency Problem of Labor Union Pension Fund Shareholder Activism. *Employee Responsibilities and Rights Journal*, 33, 253–263.
- Ha, H. Y., Kim, J. G., & Chung, Y. (2017). Alternative explanations of relationship maintenance intention in mediation: A comparison study of Korean and Indonesian firms. *Journal of Korea Trade*, 21(4), 366- 386.
- Haes, P. E., & Yunita, P. I. (2019). Kontribusi Serikat Pekerja Indonesia pada Organisasi Pariwisata di Kabupaten Badung dalam Perspektif Konflik. *Jurnal Ilmiah Dinamika Sosial*, 3(1), 114-125.
- Haipeter, T. (2020). Digitalisation, unions and participation: the German case of ‘industry 4.0’. *Industrial Relations Journal*, 51(3), 242-260.
- Handayani, P. (2021). Kelemahan Peraturan Mediasi Dalam Penyelesaian Perselisihan Hubungan Industrial. *PETITA*, 3(2), 259–271.
- Hipel, K. W., Fang, L., & Kilgour, D. M. (2020). The graph model for conflict resolution: Reflections on three decades of development. *Group Decision and Negotiation*, 29, 11-60.
- Humanities Education and Social Sciences (ICSIHES 2021) (pp. 194-199). Atlantis Press.
- Jansson, J., & Uba, K. (2022). Cycles of labour protests: public and private sector unions' contentious actions. *Employee Relations: The International Journal*, (ahead-of-print).
- Kasih, D. P. D., Salain, M. S. P. D., Sudiarawan, K. A., Dwijayanthi, P. T., Sawitri, D. A. D., & Pratama, A.
- Liu, H. Y. (2023). The Role of the State in influencing work Conditions in China's internet industry: Policy, evidence, and Implications for industrial relations. *Journal of Industrial Relations*, 65(1), 3-21.
- Maliuha, L. J., Zhuravel, V. O., Shabanova, S. O., Hnidenko, V. I., & Pikul, V. P. (2023). Legal Conflicts and Gaps in the Context of Labor Legislation of Ukraine. *The Indian Journal of Labour Economics*, 1- 15.
- Mantili, R. (2021). Konsep penyelesaian perselisihan hubungan industrial antara serikat pekerja dengan perusahaan melalui Combined Process (Med-Arbitrase). *Jurnal Bina Mulia Hukum*, 6(1), 47-65.
- Manurung, M. (2018). Menyelesaikan Perselisihan Hubungan Industrial Melalui Perundingan Bipartit. *Jurnal Pionir*, 2(4).

- Marzionna, P. (2019). Complaining to the Ombudsman: Alternative Dispute Resolution in Brazilian Organizations. In *Advances in Industrial and Labor Relations* (Vol. 25, pp. 7-37). Emerald Publishing Limited.
- Maudina, F., & Nurdin, M. (2023). Implementasi Undang-Undang Nomor 2 Tahun 2004 Tentang Penyelesaian Perselisihan Hubungan Industrial dalam Hal Penyelesaian Pemenuhan Hak Pekerja Wanita. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 393-400.
- Misra, S. S., & Ghosh, P. (2022). Managerial competencies for trade union officials in India: The key to union effectiveness. *IIMB Management Review*, 34(2), 130–142.
- Normann, H. E., & Tellmann, S. M. (2021). Trade unions' interpretation of a just transition in a fossil fuel economy. *Environmental innovation and societal transitions*, 40, 421-434.
- Permatasari, A., Iqbal, M., & Habibullah, A. (2021). Industrialization Relation Dispute Settlement Model in Indonesia. *International Conference on Sustainable Innovation Track Humanities Education and Social Sciences (ICSIHES 2021)*, 194–199.
- Pradima, A. (2013). Alternatif Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan. *DiH: Jurnal Ilmu Hukum*, 9(17), 240017.
- Pramono, A. (2020). Settlement of Industrial Relations Disputes and Termination of Work Relations according to the Applicable Legislation. *Walisongo Law Review (Walrev)*, 2(2), 169-194.
- Prasetyo, A., & Sofyan, S. B. (2022). Workshop on Leadership and Negotiation Techniques as an Effort to Improve the Human Resources of PT Shimano Batam's Labor Union. *MITRA: Jurnal Pemberdayaan Masyarakat*, 6(2), 139-147.
- Prayitno, S., Hasan, D., & Subarsyah, T. (2022). Industrial Relations Dispute Settlement at the Industrial Relations Court (PHI) in Indonesia and the Application of Procedural Law. *Industrial Relations*, 16(1).
- Ridwan, M., & Nurhakim, L. I. (2020). Optimalisasi Perundingan Bipartit Sebagai Master Mind Penyelesaian Sengketa Pemutusan Hubungan Kerja (PHK) Sebagai Akibat Dari Pandemi Corona. *ADHAPER: Jurnal Hukum Acara Perdata*, 6(1), 87-108.
- Riza, F., & Abduh, R. (2019). Alternatif Penyelesaian Sengketa Secara Arbitrase Melalui Pemanfaatan Teknologi Informasi. *De Lega Lata: Jurnal Ilmu Hukum*, 4(1), 77-86.
- Rolf, S., O'Reilly, J., & Meryon, M. (2022). Towards privatized social and employment protections in the platform economy? Evidence from the UK courier sector. *Research Policy*, 51(5), 104492.
- Schmid, G. (2018). Inclusive growth: the case of Germany.
- Seidman, L. and Aalberts, R.J. (1993), "Managing Employer-Employee Conflict: A Case For Arbitration And The Model Employment Termination Act", *International Journal of Conflict Management*, Vol. 4 No. 3, pp. 263-276. <https://doi.org/10.1108/eb022729>
- Shen, J. (2007). The labour dispute arbitration system in China. *Employee Relations*, 29(5), 520-539.
- Sunarto, S. (2021). Faktor Penyebab dan Cara Penyelesaian Konflik Antara Manajemen dan Serikat
- Siti Hapsah Pahira. (2023), "Analysis Of Legal Protection For Consumers In Pt Muda Kaya Mendunia", *Devotion -Journal of Research and Community Service*, Vol. 4 No. 4 (2023):

Devotion: Journal of Research and Community Service, e-ISSN: 2797-6068 and p-ISSN: 2777-0915, <https://doi.org/10.36418/devotion.v4i4.461>

- Susanto, E. A. (2015). Labour Rights Protection in Industrial Relations Issues. *Rechtsidee*, 2(2), 109-120. Tarar, I. A. (2017). Settlement of Industrial Dispute through Conciliation: a study of Current Practices in
- Yan, D. (2019). Juridification in Chinese Labour Law: A cautionary tale of remuneration disputes. *Employee Relations: The International Journal*.
- Yowana, I. M., Fadli, M., Permadi, I., & Santoso, B. (2021). Ratio Legis Of Setting Time Limits For Judges In Returning Disputes In Industrial Relations Under Article 103 Law Number 2 Of 2004. *Russian Journal of Agricultural and Socio-Economic Sciences*.

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Devotion - Journal of Research and Community Service



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