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Problems Of Resolving Industrial Relations Disputes In Indonesia In Welcoming Asean Economic Community

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Abstract

As a developing country, Indonesia continues to make efforts to improve the welfare of its people.Being a member state of and integral part to the Association of Southeast Asian Nations (ASEAN), its growth is also exposed to great opportunities and challengesposed by the ASEAN Economic Community (AEC). The Authors of this article will evaluatethe problematic obstacles faced by industrial relations disputes in Indonesia in the wake of AEC. This article employs a normative legal research method in its study, which reveals several problems in industrial relations dispute settlements, namely the nomenclature of the title of the Industrial Relations Dispute Settlement Law, the narrow scope of authority of the Industrial Relations Court over manpower related issues, the dominance of the general civil procedural law, the lack of role played by trade unions and labor unions in court proceedings, and the affirmation of the implementation of the decisions of the Constitutional Court related to labor law.

Keyword : ASEAN, Problems, Industrial relations

INTRODUCTION

The relationship between workers and their employer is known as employment relationship or industrial relationship, which becomes the scope of the study of industrial relations. The term industrial relations is developed from the term labor relations or labor management relations (Wijayanti, 2009).The term labor relations gives a narrow impression as if it only covers the relationship between employers and workers. Basically, industrial relations is a broad, multidisciplinary academic field that studies employment relationships, covering several aspects such as socio-cultural, psychological, economic, political, legal, and national defense aspects. Industrial relations does not only involve entrepreneurs and workers, but in a broader sense, it also involves the government and the community. Thus, the use of the term industrial relations is felt to be more appropriate than labor relations(Kertonegoro, 1999). A smooth and harmonious industrial relations will positively help economic growth. This ideal is still a far reach from reality due to the lack of workers' participation in efforts to increase productivity. Often, workers are seen merely as means of production. Workers' participation in share ownership as the status quo in Japan is still a fairytale for Indonesian workers though it is mandated by Law No. 21 of 2000 Concerning Labor Unions, which stipulates that trade unions can seek share ownership for workers to own.

Indonesia is one of the developing countries that continues to strive for economic developments to improve the welfare of its people. According to Todaro, there are four dimensions to economic development, namely: (1) growth; (2) poverty alleviation; (3) economic change or transformation; and (4) sustainable development from an agrarian society to an industrial society (Todaro, 2000). The Government continues to carry out all stages of development to spur economic growth. In order for economic growth to continue, a change or transformation of the economic structure is expected. Changes in the economic structure are a prerequisite for increasing, as well as achieving a more sustainable economic growth, in which these changes help sustain and support the sustainability itself (Hukom, 2014).

As a member state of the Association of Southeast Asian Nations (ASEAN) and an integral part to the ASEAN Economic Community(AEC), which is a free trade system within ASEAN's framework, Indonesia is faced with the consequences of an integrated, single, free market that limit its ability to impose restrictions on certain matters such as the entry of foreign workers. The Indonesian economy is open to all investors and workers, especially from ASEAN member states, andthese foreign companies and foreign will have to resolve any industrial relations disputes that might arise in the future.

ASEAN member states are required to liberalize investment and capital flows. This also requires a harmonious and well-maintained industrial relations. Any disputes that might arise must be resolved quickly. The idea of this research departs from the imminency of the AEC as the ultimate goal of ASEAN. The AEC is a free trade agreement that applies to and between ASEAN member states. It came into force in early 2016, but the mechanisms for implementing the free market are still unclear, especially regarding to the government's anticipation and preparedness on industrial relations issues, such as the readiness of agencies or institutions that have authority and jurisdiction over industrial relations disputes. Employment disputes are complex matters that will continue to occur as long as workers and laborers still exist due to differences in needs between them, thus, labor law instruments that can resolve the disputes fairly are needed.

The development goal of Indonesia is to achieve national stability, including economic stability.The achievement of national economic stability is determined by the stability in the sector of production of goods and services. A stable goods and services production sector is the most dominant supporting factor to the national development programs,specifically the economic development program. One of the requirements to achieve stability in the goods and services production sector is a harmonious industrial relations based on Pancasila, the Indonesian state ideology, in the form of peaceful working condition and industrial peace (Zulkarnaen, 2016). Various obstacles and hindrances are still faced by industrial relations courts in Indonesia to this day, even though the Government has consistently tried to improve its judicial system. In this article, the Authors want to examine the problems in the settlement of industrial relations disputes in the wake of the ASEAN Economic Community.

RESEARCH METHODS

Legal research is a scientific activity based on certain methods, systematics, and thoughts that aims at studying one or several certain legal phenomena, by analyzing them. For this reason, legal research requires methods as research directions and guidelines. The method used in this research is a normative legal research method, meaning this legal research is carried out by examining library materials or secondary data, which consists of primary, secondary, and tertiary legal materials (Mamudji & Soekanto,

2011).The data obtained from the research is then analyzed qualitatively, meaning the analysis is carried out by describing, explaining, and analyzing the data obtained during the research based on legal materials, systemically and accurately (Soekanto, 2012).Results from the analyzed data are then presented descriptively.

LITERATURE REVIEW

1. Industrial Relations Dispute Settlement Mechanisms in Indonesia

Industrial relations dispute is defined in Law No. 2 of 2004 Concerning Industrial Relations Dispute Settlement (hereinafter referred to as the Industrial Relations Dispute Settlement Law) as a difference of opinion that results in a conflict between the employer or a group of employers and workers or laborers or trade unions or labor unions due to dispute over rights, conflict of interest, termination of employment, as well as dispute between trade unions or labor unions within one company. The types of disputes in question are:

1. Dispute of rights is a dispute that arises due to non-fulfillment of rights, differences in the implementation or interpretation of the provisions of laws and regulations, work agreements or employment contract, company regulations or collective work agreements.
2. Dispute of interest is a dispute that arises in an employment relationship because there is no conformity of opinion regarding actions and/or changes in working conditions stipulated in the work agreement, employment contract, or company regulations or collective work agreement (Asyhadie, 2007).
3. Dispute on termination of employment is a dispute that arises because there is no conformity of opinion regarding the termination of employment by one of the parties.
4. Dispute between trade unions or labor unions within one company is a dispute between trade unions or labor unions and other trade unions or labor unions within onecompany, because there is no mutual understanding regarding membership or implementation of rights and obligations to trade unions (TURC, 2004).

According to HM Laica Marzuki, there are two types of dispute characteristics that characterize labor cases, which are (H.M., 1996):

a. Cases of dispute over rights (rechtsgeschil) which are related to the absence of such a conformity, emphasizes the legal aspect (rechtsmatigheid) of the problem, especially regarding nonfulfillment of or default to the work agreement or employment contract, orregarding violation of labor laws and regulations.
b. Cases of conflict of interest (belangeschillen) which are related to the absence of a mutual understanding regarding the terms of work and/or labor conditions, especially concerning the improvement of the economics,welfare, and accommodation of the lives of the workers.
c.

Such disputes emphasize the doelmatigheid aspect of the problem. In connection with the two types of industrial relations dispute, termination of employment is considered to be included in the dispute over rights type of dispute.

According to Aloysius Uwiyono, the law must be violated to constitute a dispute over rights. It cannot only be implemented nor interpreted differently (Uwiyono, 2001).The Industrial Relations Dispute

Settlement Law is considered to have disproportionately formulated the types of industrial relations disputes. For example, disputes over layoffs are defined as disputes that arise as a result of an employment relationship, either due to default on the work agreement, or violations of labor laws and regulations. These disputes are considered by the law to be part of disputes over rights (Fakhriah & Karsona, 2017).

1. Industrial Relations Dispute Settlement

According to the Industrial Relations Dispute Settlement Law, industrial relations disputes can be settled by using the two available mechanisms, namely out-of-court settlement (non-litigation), and settlement through court (litigation) (Mulyadi & Subroto, 2011).

a. Out of Court Settlement (Bipartite Negotiations)

Article 1 point 10 of Law No. 22 of 1957 Concerning Labor Dispute Settlement (hereinafter referred to as the Labor Dispute Settlement Law)defines bipartite negotiations as negotiations between workers/laborers or trade unions/ labor unions with employers to settle industrial relations disputes. Furthermore, Article 3 paragraph (1) stipulates that every industrial relations dispute must be resolved first through bipartite negotiations by deliberation to reach consensus. It can be seen from the provisions above that the law has clearly determined that any disputes that may occur (disputes on rights, disputes on conflict of interests, disputes on employment terminations, and disputes between workers' unions) between workers and employers are legally obligated to be resolved by the disputing parties in a bipartite manner before taking another route to resolution (Pujiyo & Ugo, 2011).

Article 3 paragraph (2) of the Labor Dispute Settlement Law requires bipartite settlement of disputes to be settled no later than thirty working days from the date of commencement of negotiations. In the event of an agreement is reached by both parties through the bipartite negotiation, a mutual agreement between the parties shall be made and filed with the industrial relations court of the district court where the mutual agreement is made.Then, based on the principle of pacta sunt servanda, legally, what has been agreed upon by both parties in a mutual agreement becomes law for both parties. It is binding and must be implemented. Meanwhile, if one party refuses to negotiate within the period of thirty working days, or negotiations have been carried out but do not reach an agreement, then the bipartite negotiations are considered to be failed and one or both parties shall register their dispute with the local agency responsible for the manpower sector by attaching evidence that efforts have been made to resolve their dispute through bipartite negotiations. This evidence can be in the form of minutes of negotiations if bipartite negotiations have taken place (Pujiyo & Ugo, 2011).

b. Settlement Through Mediation

Should the bipartite negotiations fail, then the parties or one of the parties can take an alternative tripartite settlement through voluntary arbitration (Ujang Charda S, 2014) and an out-of-court dispute settlement provided by the government, one of which is through the mechanism of industrial relations mediation. Industrial relations mediation, hereinafter referred to as mediation, is the settlement of disputes over rights, disputes over conflicts of interest, disputes over employment termination and disputes between trade/labor unions within one company, through deliberation mediated by one or

more neutral mediators. If all parties (employers, workers, or trade unions) reach an agreement, this agreement shall be formulated in a mutual agreement signed by all the disputing parties and witnessed by the mediator. This mutual agreement is then registered with the industrial relations court at the district courtwhose jurisdiction covers where the agreement is made to obtain a certificate of registration (Pujiyo & Ugo, 2011).

c. Settlement Through Conciliation

Industrial relations conciliation, hereinafter referred to as conciliation, is the settlement of disputes over conflicts of interest, disputes over employment termination, and disputes between trade/labor unions within one company only through deliberation mediated by one or more neutral conciliators. Conciliator(s) is(are) one or more persons who meet the requirements as a conciliator determined by the Minister of Manpower of the Republic of Indonesia, who is tasked with conducting conciliation and is obliged to provide written advice to the disputing parties to resolve the dispute (Pujiyo & Ugo, 2011).As is the case with mediators, conciliators must collect the required information within seven days after receiving the request for conciliation, and no later than the eighth working day the first conciliation session must have been held (Article 20 of the Industrial Relations Dispute Settlement Law).If in conciliation the parties reach an agreement, a mutual agreement will be drawn up which will be signed by the parties and witnessed by the conciliator and registered at the industrial relations court at the district court whose jurisdiction covers where the parties made and signed the mutual agreement to obtain a certificate of registration (Article 23 paragraph (1) of the Industrial Relations Dispute Settlement Law).However, if the parties do not reach an agreement, the conciliator will issue a written recommendation that will be submitted to the parties no later than ten working days from the first conciliation session, and the parties must provide a written answer to accept or reject no later than ten working days to the conciliator. If both parties accept the recommendation, then within three working days after the written recommendation is approved, the conciliator must have finished assisting the parties in making a mutual agreement to be registered at the industrial relations court at the district court whose jurisdiction covers where the parties held the mutual agreement (Article 23 paragraph (2) of the Industrial Relations Dispute Settlement Law).If one or both of the parties refuse the recommendation, the party who refuses may sue the other party at the industrial relations court (Ujang Charda S., 2014).

d. Settlement Through Arbitration

Arbitrators have the authority to arbitrate the settlement of industrial relations disputes, specifically disputes of conflict of interest as well as disputes between trade unions. These arbitrators can be chosen by the disputing parties from a list of arbitrators determined by the Minister (Wijayanti, 2009). According to Article 1 point 15 of the Industrial Relations Dispute Settlement Law, arbitration is defined as the settlement of a dispute of conflict of interest and a dispute between trade unions/labor unions within one company, outside the industrial relations court through a written agreement from the disputing parties to submit the settlement process to the arbitrator whose decision is final and binding on the parties. Article 1 point 16 defines arbitrator as person(s) chosen by the disputing parties from the list of arbitrators determined by the Minister to give a decision regarding disputes of conflict of interest, and disputes between trade unions/labor unions within one company whose settlement is submitted

through arbitration whose decision is final and binding on the parties. The decision of the arbitrator is known as an arbitration award. Arbitration award has legal force that binds the disputing parties and is a final and permanent decision. Arbitration award is registered at the industrial relations court at the district court whose jurisdiction covers where the arbitrator determines the award. Industrial relations disputes that are being or have been resolved through arbitration cannot be submitted to the industrial relations court.

e. Settlement Through the Industrial Relations Court and the Supreme Court

If disputing parties fail to reach a settlement agreement on all previous measures(bipartite or tripartite negotiations), then the settlement of industrial relations disputes can be reached through the industrial relations court as the agency or forum that provides justice, as the judiciary also demonstrates its process of providing justice in the context of upholding the law (Basah, 1989).Industrial relations court is a forum that provides a mechanism of settlement of industrial relations disputes that is taken as a last resort, and legally, it is not the obligation of the disputing parties to take such legal avenue, but rather it is their rights to do so (Khakim, 2014).According to Article 1 point 17 of the Industrial Relations Dispute Settlement Law, industrial relations court is a special court established within the district court with the authority to examine, hear, and make decisions on industrial relations disputes. An industrial relations court is established in every district court in all provincial capitals whose jurisdiction covers the entirety of the province concerned.

DISCUSSION

High population growth is the root cause of various problems and obstacles faced by development efforts carried out in developing countries. It will cause a rapid increase in the number of available workers, while the ability of developing countries to create new job opportunities is very limited (Arsyad, 2004).One of the several problems that will also arise is in the settlement of labor and industrial relations disputes.

Industrial relations, which is the interrelation of interests between workers and employers, have the potential to cause differences of opinion or even disputes between the two parties. Therefore, the Labor Dispute Settlement Law is indispensable. Industrial relations dispute is a difference of opinion which results in a conflict between an employer or a group of employers and workers/labors or a trade/labor unions due to dispute over rights, dispute over conflict of interest, dispute over termination of employment, and dispute between trade unions/labor unions within one company. Industrial relations courts replace the position that was once held by the Labor Dispute Settlement Committee, and this replacement is marked by a change in the mechanism for resolving labor disputes so that the dispute resolution process can be carried out quickly, precisely, fairly, and inexpensively in line with the current developments of industrialization and science.Industrial relations court is a special court established within district courts with the authority to examine, hear, and give decisions on industrial relations disputes. Settlement of industrial relations disputes needs to be carried out swiftly, because it heavily affects the production process and the creation of harmonious industrial relations in an employment relationship (Karsona, Kartikasari, Mulyati, & Putri, 2020).

Article 1 paragraph (16) of Law No. 13 of 2003 Concerning Manpower (hereinafter referred to as the Labor Law) mentions that the balance of the relationship between employers and workers is one of

the main keys to facing economic challenges in the future. This relationship is the main key in the production process, both in the form of goods and services, which must involve several parties, both employers and workers, as well as the role of the government while still prioritizing the values of balance and justice. The context of the principle of balance in industrial relations is contained in the Article 28D paragraph (2) of the Second Amendment to the 1945 Constitution of the Republic of Indonesia which reads: " Every person shall have the right to work and to receive fair and proper remuneration and treatment in employment." (Cahyaningtyas, Herawati, & Setiawati, 2021) In practice, however, industrial relations disputes are not rare occurrence, and they may pose a greater problem, especially in the era of the AEC (Samuel, 2020).

In the following, the Authors will present some of the problems faced by industrial relations dispute settlement process:

First, concerning the nomenclature of the title of the Industrial Relations Dispute Settlement Law. This nomenclature has implications on at least two fundamental matters. As a regulation, it requires arrangements for the settlement of industrial relations disputes not only at the court level but starting at the level of bipartite and tripartite negotiations. This long chain of process caused the settlement arrangements at the court level to not be elaborated much in the law.

Such conditions created a legal vacuum where there is lack of regulation regarding the procedural law for the settlement of industrial relations disputes at industrial relations court, and the existing regulations are deemed insufficient as they limit the authority of industrial relations court in accepting cases. As the Industrial Relations Dispute Settlement Law stipulates, industrial relations court does not have its own procedural law, and it still uses provisions sourced from the Het Herziene Indonesische Reglement (hereinafter referred to as HIR) and Reglement Buitengewesten (hereinafter referred to as R.Bg.) as the main source of civil procedural law in Indonesia (Ardiansyah, 2020), unless regulated separately in the Industrial Relations Dispute Settlement Law (Lazuardi, 2015).

The definition of industrial relations court must also go beyond the scope of its authorityas regulated in the Industrial Relations Dispute Settlement Law which only limits the four types of disputes that can be brought to industrial relations court (rights, conflicts of interest, employment terminations, and between trade unions within one company). Any amendments or revision to the current Industrial Relations Dispute Settlement Law should be based on the implication of the existence of an employment relationship as a whole and not limited to the employment relationship of industrial workers, although from a historical point of view, the term ‘employment relations’ is the successor for the term ‘labor relations’ (Widiastiani, 2021).Domestic workers, homeworkers, or other informal workers must be given a channel to access justice by industrial relations court as a legal remedy in fighting for violations they experience in their employment relations with their employers.

In the future, it should also be sorted out which kinds of disputes industrial relations court has jurisdiction over, what can be disputed at it, and what cannot. For example, the implementation of labor rights should not be disputed at industrial relations court, but it should rather become a judicial institution that can ensure the fulfillment of the rights of workers/laborers by exercising its executorial authority. Furthermore, it can also open the possibility of criminal charges against violations of laws and regulations in employment/labor relations, which so far have been regulated but are not effective in their implementation, which can also be the authority of industrial relations court so that all cases

relating to labor issues can be handled by one judicial institution. Several types of criminal acts in the context of employment/labor relations that commonly occur include crimes regarding violations of the right to association of the workers and the crime of payments of wages below the minimum wage.

Second,the principles of fast, precise, fair, and inexpensive settlement of industrial relations disputes have not been carried out as expected by industrial relations court (Khakim, 2016).Fast; is yet to be achieved, even though appeals are filed directly to the Supreme Court instead of a high court, thus a much simpler process, but in reality, an appeal to the Supreme Court takes lengthy amount of time; six months, or even in some cases, three to five years (Hamzah, 2016).Precise; considering the legal knowledge and legal understanding of workers vary in Indonesia, legal processes using civil procedural law is considered to be burdensome for them as plaintiffs. Workers/laborers do not master the technique of procedures in the court. Fair; this has not been achieved as well because although the decision of industrial relations court has the power of coercion through execution, the execution process is difficult to carry out, for various reasons. Inexpensive; the Industrial Relations Dispute Settlement Law mandates that each city and regency to have its own industrial relations court established at its district court. However, to the extent of the Authors' knowledge, the Industrial Relations Court of Gresik Regency in East Java Province is the only industrial relations court that is established outside the provincial capital. Many cities and regencies with notable size of industrial areas such as Bekasi Regency, Karawang Regency, Bogor Regency, Pasuruan Regency, Mojokerto Regency, and Batam City, do not have their own industrial relations court. Should an industrial relations dispute occur in these regions, disputing parties will have to travel to their respective provincial capitals to access an industrial relations court, which can be quite far away in terms of distance.

Even though no court fees are imposed to cases with case value of lower than IDR 150,000,000, as stipulated in Article 58 of the Industrial Relations Dispute Settlement Law (Supono, 2014), travel costs and time as an opportunity cost certainly do not come cheap. According to the Regulation of the Supreme Court of the Republic of Indonesia No. 02 of 2009 Concerning Cost of Case Settlement Process and Management at the Supreme Court and Judiciary Institutions Below, industrial relations dispute cases with case value higher than IDR 150,000,000 are imposed a court fee of IDR 500,000 (Hairi, 2011).According to the Authors, it can be seen from this instance that the principle of low-cost or inexpensive judiciary as mandated by Article 2 paragraph (4) and Article 4 paragraph (2) of Law No. 48 of 2009 Concerning Judicial Powers has not been fulfilled. As the law mandated, every city and regency should have its own industrial relations court established ad its district court, especially cities and regencies that rely heavily on the industrial sector. This establishment must be accompanied by a proper operational resource and is something that must be done immediately.

Third,the narrow scope of authority and jurisdiction of the industrial relations court if compared to the broadness of manpower related issues. Industrial relations court is a form of dispute resolution system based on specific jurisdiction. It is a form of specific jurisdiction, but its existence is still within the district court. Although there is a connection between industrial relations court and its corresponding district court, this does not result in the loss of absolute separation of powers (Harahap, 2015).Article 1 paragraph (1) of the Industrial Relations Dispute Settlement Law defines industrial relations dispute as a difference of opinion resulting in a conflict between employer or a group of

employers and workers/laborers or a trade union/labor union due to disputes over rights, disputes over conflict of interest, disputes over termination of employment, and disputes between trade unions/labor unions within one company. Referring to this definition, industrial relations disputes are limited to certain parties, namely disputes between employers or their combination and workers or their unions (Widiastiani, 2019).

Fourth, in resolving cases through mediation, there is lack of competence of the mediator for industrial relations dispute settlement, this is due to the delegation of authority in the manpower sector to the city/regency level, and manpower/employment agency employees at that level are often lacking the required knowledge and competence inmanpower or labor law. This lack of competence is also exacerbated by the fact that there is not enough mediator available. The number of available mediators is often disproportionate compared to the disputes they have to handle. Usually, a manpower agency has one mediator. This is surely problematic, especially in areas with heavy industrial activity with a lot of potential of industrial relations dispute cases arising. For example, Semarang City has three mediators employed at its employment agency, and every year, these three mediators handle hundreds of cases that are submitted to the agency (Solechan, Sugiantari, & Suhartoyo, 2016).Another problem is the failure of the mediation mechanism which was previously considered more representative even though there is a lot of stigmas from the labor unions that they do not trust the mediator because they are not honest and more likely to side with the company. Therefore, it is not surprising that businesses have developed their own industrial relations settlement mechanisms outside the court (Fakhriah, Karsona, & Kusmayanti, 2020).

Fifth,the dominance of general civil procedural law, including in proving evidence in court and carrying out executions of court decisions, collective agreements, or peace deeds that have obtained an execution determination, thus making it difficult for workers/laborers to obtain their rights. This is because HIR and R.Bg. do not specifically regulate the execution of decisions to carry out certain legal actions, and neither does the Industrial Relations Dispute Settlement Law. This has caused a legal vacuum. Therefore, judges must make more decisions, as precedents, that as much as possible do not make it even more difficult for the parties in the future. In this case, it is sought so that the judge can impose a sentence in his/her decision, which mustlater be executed by the losing party of the case, because if the decision is not punitive, then in principle, the decision is not executable (Anjani & et.al., 2014).

Sixth,the lack of role played by trade unions and labor unions in court proceedings. Article 87 of the Industrial Relations Dispute Settlement law reads as follows: “"Trade unions/labor unions and employers' organizations may act as legal representatives to present proceedings at the Industrial Relations Court to represent their members.” One of the strategic roles and functions of trade unions in the implementation of this law is that trade unions, federations, and confederations are given special rights to represent workers in resolving industrial disputes. However, many unions that represent their members in industrial relations disputes do not understand thecourt’s procedural laws, so they end up losing. For example, Decision No. 7/G/2017/PHI.Jmb in conjunction with Decision of the Supreme Court of the Republic of Indonesia No. 959 K/Pdt.Sus-PHI/2017. The attorney of the KSBSI Legal Aid Agency in representing the workers of PT. Petaling Mandra Guna serves as an advocate and legal counsel, as well

as a Chair of the Jambi KSBSI Regional Coordinator,in addition to his role as a member and administrator of the KSBSI trade union organization, and based on that consideration, the judges presiding over that case decided the case to be beyond the authority and competence of industrial relations court (Hosea & Yurikosari, 2019).

Seventh,regarding the affirmation of the implementation of the decisions of the Constitutional Court related to labor law. Several provisions of legal norms governing labor issues have been declared invalid or interpreted as conditionally constitutional by the Constitutional Court of the Republic of Indonesia. In practice, there are various implementations of the decisions of the Constitutional Court which differ between the judges of one industrial relations court to another. Some of the related norms that can be included are the administrative problem of registering claims related to demands for payment of workers/laborers' wages and all payments arising from an employment relationship which is now not limited to 2 years (case No. 100/PUU-X/2012) and the obligation of the judges of industrial relations court to implement the Constitutional Court Decision No. 37/PUU-IX/2011 which states that the payment of wages to workers/laborers must continue to be paid until the case has permanent legal force (process wages). So far, these legal norms have been interpreted differently by different judges in different industrial relations court.

CONCLUSION

There are several issues in industrial relations dispute settlement in Indonesia which are problematic, especially in the wake of the ASEAN Economic Community. First, the nomenclature of the title of the Industrial Relations Dispute Settlement Law. Second, the principles of quick, precise, fair, and inexpensive judiciaries have not been fully implemented as mandated by the law in the settlement of industrial relations disputes. Third, the narrow scope of authority of the Industrial Relations Court over manpower related issues. Fourth, the lack of competence of mediators in manpower and employment related issues. Fifth, the dominance of the general civil procedural law, making it difficult for workers to obtain their rights and seek justice. Sixth, the lack of role played by trade unions and labor unions in court proceedings. Seventh, the affirmation of the implementation of the decisions of the Constitutional Court related to labor law.

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