

Strengthening Consumer Legal Capability through Mediation-Embedded Education: A Water-Tourism Safety Model from Cianjur, Indonesia

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Abstract:

Water-based tourism in Indonesia is expanding, yet visitor safety incidents persist, and many consumers lack the legal capability to claim redress. This study aimed to improve the legal awareness of the parties to a water-tourism consumer dispute, a consumer and an attraction operator, regarding consumers' safety rights, operators' obligations, and out-of-court dispute settlement. The study employed a public education method using a live, case-based learning approach embedded in a mediation handled by the Consumer Dispute Settlement Agency (BPSK) of Cianjur Regency. Implemented in February 2026, the program comprised three stages: pre-hearing case mapping, mediation integrated with legal explanation, and post-settlement legal reflection. Learning outcomes were assessed qualitatively through structured participant observation during the hearings, a guided reflection interview after the settlement, and analysis of the parties' written commitments. The legal analysis drew on the duty of care, anchored in Article 7 of the Consumer Protection Law (UUPK) and Articles 1365–1366 of the Civil Code, as well as the UUPK's reversed burden of proof. The operator moved from denying responsibility to acknowledging it, committed in writing to a daily safety checklist and an on-site first-aid unit, and the panel recommended the temporary closure of the slide for repair. The consumer demonstrated an understanding of her safety rights, the BPSK procedure, and evidence preservation. The dispute was settled amicably within 14 days, and the agreed compensation was paid. The program offers a replicable model of mediation-embedded legal education, although its reach was limited to the parties, and implementation of the commitments still requires follow-up.

Keywords: Consumer Dispute settlement; Legal Education; Mediation; WaterTourism.

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Introduction

The tourism sector, particularly water-based recreational services such as swimming pools and water parks, has grown rapidly in recent years, in line with the

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public's increasing interest in family leisure tourism. Despite its strong appeal and high economic value, the sector carries significant potential safety risks for visitors. Water tourism services depend heavily on facilities that meet standardized fitness requirements and on strict operational supervision. Even minor negligence in infrastructure maintenance, for example, a damaged or rough-surfaced water slide joint can have serious consequences and directly cause physical injury to consumers, especially children, who constitute the most vulnerable visitor group. The risk is not hypothetical. In May 2022, a section of a water slide at the Kenjeran Park swimming complex in Surabaya collapsed and injured 16 visitors, most of them children, with overloading and decayed slide joints cited as likely causes.² International surveillance data point in the same direction: a 20-year review of the United States National Electronic Injury Surveillance System identified 1,823 water slide-related head and neck injuries, among which lacerations were the most frequent diagnosis and roughly three-quarters involved the head or face.³

Under the prevailing legal framework, the position of consumers in Indonesian law is expressly protected by Article 4(a) of Law Number 8 of 1999 on Consumer Protection (UUPK), which guarantees the right to comfort, security, and safety in consuming goods and/or services.⁴ Consumer disputes in the water tourism sector are generally triggered by discrepancies between the safety facilities promised and the conditions on the ground, as well as by negligence on the part of business operators that results in material and physical harm to visitors.⁵ However, when such losses occur,

² "Update dan Kronologi Ambrolnya Perosotan di Kenjeran Park Surabaya," *Kompas.com*, May 8, 2022, <https://www.kompas.com/tren/read/2022/05/08/101500465/update-dan-kronologi-ambrolnya-perosotan-di-kenjeran-park-surabaya>; "Penyebab Perosotan Kenpark Surabaya Ambrol & Kondisi 16 Korban Luka," *Tirto.id*, May 9, 2022, <https://tirto.id/penyebab-perosotan-kenpark-surabaya-ambrol-kondisi-16-korban-luka-grPU>.

³ Kevin C. Lee, Dani Stanbouly, and Sung-Kiang Chuang, "Are Backyard Waterslides as Dangerous as Public Waterslides? A Review of 1,823 Head and Neck Injuries," *Journal of Craniofacial Surgery* 32, no. 4 (2021): 1589–91.

⁴ Wiwik Pratiwi, "Negara Hukum, Pemenuhan Perlindungan Konsumen Dan HAM (Telaah Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen)," *J-PeHI: Jurnal Penelitian Hukum Indonesia* 1, no. 1 (2020): 29–46, <https://doi.org/10.61689/jpehi.v1i02.147>.

⁵ Maureen Asikin et al., "Tanggung Jawab Hukum Perdata Pengelola Objek Wisata Atas Kecelakaan Pengunjung," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 2 (2026): 1926–34, <https://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/AlZayn/article/view/4573>; Ananda Afit Oktavian and Dodi Jaya Wardana, "Pertanggungjawaban Pemilik Usaha Pariwisata Atas Kerugian

consumers' bargaining position is often weak owing to limited awareness of their legal rights and of where to lodge a complaint.⁶ Complaint data confirm the scale of the problem: the National Consumer Protection Agency (BPKN) received 1,733 consumer complaints in 2024, with potential consumer losses of about IDR 424 billion; West Java recorded the second-highest number of complaints among all provinces (176), and the BPKN leadership named tourism among the four sectors that attract the most complaints.⁷ At the local level, the Consumer Dispute Settlement Agency (BPSK) of Cianjur Regency had not previously received any complaint concerning a water-tourism accident; incidents that did occur were settled through informal deliberation (*musyawarah*) between visitors and operators rather than through the agency.⁸ The present case is therefore the first water-tourism safety dispute brought before the BPSK of Cianjur Regency.

This lack of public awareness is compounded by the perception that resolving legal disputes in Indonesia is invariably lengthy, complicated, and costly. In fact, the UUPK provides an efficient alternative via BPSK. This quasi-judicial body offers an out-of-court dispute settlement mechanism based on the principles of speed, simplicity, and low cost, through three optional methods: conciliation, mediation, and arbitration.⁹ In practice, mediation is often the most effective instrument because it is voluntary and prioritizes mutually beneficial amicable agreements (*win-win solutions*).

Yang Diderita Konsumen," *Jurnal Tana Mana* 6, no. 2 (2025): 261–72, <https://ojs.staialfurqan.ac.id/jtm/article/download/736/452/>.

⁶ Fiorenza Adelia Dome et al., "Perlindungan Konsumen Dalam Hukum Bisnis," *Jurnal Kajian Hukum Dan Kebijakan Publik* 3, no. 1 (2025): 394–400, <https://jurnal.kopusindo.com/index.php/jkhkp/article/view/1486>.

⁷ Badan Perlindungan Konsumen Nasional, "Badan Pelindungan Konsumen Terima Ribuan Pengaduan Masyarakat," December 17, 2024, <https://bpkn.go.id/beritaterkini/detail/badan-pelindungan-konsumen-terima-ribuan-pengaduan-masyarakat>; Badan Perlindungan Konsumen Nasional, "Catatan Akhir Tahun (CAT) 2024: Kinerja BPKN dan Evaluasi Pengembangan Perlindungan Konsumen," 2024, <https://bpkn.go.id/beritaphoto/detail/catatan-akhir-tahun-cat-2024-kinerja-bpkn-dan-evaluasi-pengembangan-perlindungan-konsumen>.

⁸ Based on the author's review of the complaint records of the Secretariat of the BPSK of Cianjur Regency (2026).

⁹ Pardamean Harahap, *Arbitrase Penyelesaian Sengketa Konsumen Final Mengikat Jilid 1: Penyelesaian Sengketa Arbitrase Alternatif Penyelesaian Sengketa Dan Arbitrase Perlindungan Konsumen Diperlukan Di Indonesia* (Kuningan: Goresan Pena, 2025), p. 53.

The urgency of addressing consumer disputes in the tourism sector is clearly illustrated by a real case in Cianjur Regency. According to the consumer complaint filed with the BPSK of Cianjur Regency on 11 February 2026, a parent (hereinafter “the Claimant”) was compelled to file a legal complaint after her 8 year old child was injured in an accident in mid-January 2026.¹⁰ The victim sustained a facial laceration that required three sutures after striking a rough and hazardous joint of a swimming pool slide at a privately managed water attraction in Cianjur Regency (hereinafter “the attraction”). The minimal initial response and apparent indifference of the attraction’s management during the victim’s evacuation, first to a nearby clinic that was unable to treat the wound and then to a private hospital in Cianjur, further contributed to the dispute. To protect the parties’ privacy, names, initials, locations, and document numbers that could identify them have been removed or generalized.¹¹

In response to this formal complaint, the Chair of the BPSK of Cianjur Regency issued a Panel Appointment Decree on 12 February 2026, appointing a tripartite panel of three members representing the government, consumer, and business elements, with the author serving as the consumer element member. A registrar was assigned by a separate letter on the same date.¹² By a hearing summons issued on the same day, the parties were called to attend the first hearing on Thursday, 19 February 2026, at the BPSK of Cianjur Regency.¹³ The Panel Appointment Decree served only to constitute the panel; the settlement subsequently reached by the parties, which was recorded in a separate written agreement affirmed by the panel, is reported in the Results and Discussion section.

However, resolving a single case before the BPSK does not in itself eliminate the root problem in society, namely the persistently low legal awareness among consumers regarding the mitigation of safety risks in public tourism spaces.

¹⁰ Badan Penyelesaian Sengketa Konsumen Kabupaten Cianjur, “Dokumen Pengaduan Konsumen” (case file, Cianjur, February 2026; on file with the author).

¹¹ The case is reported with the permission of the Chair of the BPSK of Cianjur Regency and with the consent of both parties. Permission was granted on condition that the parties and the case would not be identified specifically and that names would be initialed or disguised. The complete case documents are on file with the author and can be made available to the editor upon request.

¹² Badan Penyelesaian Sengketa Konsumen Kabupaten Cianjur, “Penetapan Majelis” (Cianjur, February 2026; on file with the author).

¹³ Badan Penyelesaian Sengketa Konsumen Kabupaten Cianjur, “Surat Panggilan Sidang” (Cianjur, February 2026; on file with the author).

The problems of low consumer legal literacy and limited public outreach regarding the role of the BPSK are not new; they have been repeatedly identified in previous community service programs, which reinforces the urgency of sustaining educational initiatives of this kind. Subroto et al., for instance, through outreach activities targeting micro, small, and medium enterprises (MSMEs) in Serang City, found that direct education on the role of the BPSK significantly increased business operators' legal awareness and their trust in out-of-court dispute settlement mechanisms.¹⁴ Similarly, Afiyah, in her community service study on the performance of the BPSK of Bandung City, concluded that the agency's effectiveness remains limited owing to insufficient public outreach and therefore recommended more intensive and widespread education and outreach as a strategy for institutional strengthening.¹⁵ In a different service-sector context, Tompul et al. demonstrated that raising consumer awareness through community education in the culinary business sector encouraged the public to better understand their rights under the UUPK and to pursue complaint mechanisms, both litigation and non-litigation, when they are harmed.¹⁶

These three prior community service programs consistently confirm two points: first, low consumer legal awareness is a structural problem that cuts across various business sectors, ranging from MSMEs and culinary businesses to financial services and e-commerce; and second, direct public education has proven effective as an instrument for strengthening legal awareness and optimizing the role of the BPSK. However, these studies were generally normative outreach activities that explained the BPSK as an institution in general terms; none specifically employed a concrete and current case study from the water tourism sector as material for live case-based learning. This program seeks

¹⁴ Desty Endrawati Subroto et al., "Sosialisasi Dan Edukasi Peran Badan Penyelesaian Sengketa Konsumen Dalam Melindungi Usaha Dalam Konteks Perlindungan Konsumen Pelaku UMKM," *Darma Diksani: Jurnal Pengabdian Ilmu Pendidikan, Sosial, Dan Humaniora* 5, no. 2 (2025): 50–62, <https://doi.org/10.29303/darmadiksani.v5i2.8001>.

¹⁵ Salamatul Afiyah, "Penyelesaian Sengketa Konsumen Pada Badan Penyelesaian Sengketa Konsumen (BPSK) Kota Bandung," *SABAJAYA: Jurnal Pengabdian Kepada Masyarakat* 3, no. 3 (2025): 193–203, <https://doi.org/10.46306/rj.v5i1.260>.

¹⁶ Verawati BR Tompul et al., "Peningkatan Kesadaran Konsumen Dalam Pelayanan Jasa Usaha Kuliner," *Community Development Journal: Jurnal Pengabdian Masyarakat* 4, no. 1 (2023): 926–29, <http://journal.universitaspahlawan.ac.id/index.php/cdj/article/view/12543>.

to fill this gap by using a live water-tourism dispute in Cianjur Regency as the learning material itself.

The approach also responds to broader international scholarship. Clinical legal education has long treated real cases as the most effective vehicle for learning law, and recent evaluations of community-facing programs such as community legal companion schemes and Street Law initiatives show that learning embedded in a real-world context strengthens both legal understanding and practical skills.¹⁷ Experiential learning theory explains why: meaningful learning arises from a contextually rich concrete experience followed by critical reflection, conceptualization, and application.¹⁸ Access-to-justice research further shows that what people often lack is not information alone but legal capability, that is, the capacity to recognize a problem as legal and to act on it effectively.¹⁹ However, such programs are typically run by law schools for students or for community audiences outside the dispute itself; the educational use of an ongoing mediation, in which the disputing parties are themselves the learners, has received little attention, particularly within quasi-judicial consumer bodies such as the BPSK. The novelty of this program therefore lies in embedding legal education in the mediation process itself, so that the parties learn about rights, obligations, and procedure at the moment these become decisive for their own dispute, while respecting the ethical limits that the mediator's role imposes.

Accordingly, this program aimed to improve the legal awareness and legal capability of the disputing parties, namely (1) the consumer's understanding of her safety rights, of the evidence needed to support a claim, and of the BPSK as a fast, simple, and inexpensive out-of-court avenue; and (2) the operator's understanding of its legal

¹⁷ Ben Waters and Jeanette Ashton, "A Study into Situated Learning through Community Legal Companionship," *International Journal of Clinical Legal Education* 25, no. 2 (2018): 4–47, <https://doi.org/10.19164/ijcle.v25i2.721>; Jeanette Ashton, "Streetlaw at Sussex One Year On: Where Did We Come From, How Far Did We Get and Where Are We Going?," *International Journal of Clinical Legal Education* 31, no. 2 (2024): 36–69, <https://doi.org/10.19164/ijcle.v31i2.1604>.

¹⁸ David A. Kolb, *Experiential Learning: Experience as the Source of Learning and Development* (Englewood Cliffs, NJ: Prentice Hall, 1984); Thomas Howard Morris, "Experiential Learning – a Systematic Review and Revision of Kolb's Model," *Interactive Learning Environments* 28, no. 8 (2020): 1064–77, <https://doi.org/10.1080/10494820.2019.1570279>.

¹⁹ Pascoe Pleasence and Nigel J. Balmer, "Justice & the Capability to Function in Society," *Daedalus* 148, no. 1 (2019): 140–49, https://doi.org/10.1162/daed_a_00547.

obligations regarding visitor safety and of the consequences of neglecting them. A secondary aim was to distill the case into preventive lessons that could later be shared with the wider community of water-tourism consumers and operators.

Methods

This study adopted a qualitative, single-case design in which a public legal education method was combined with a live case-based learning approach, that is, legal education delivered through an actual legal case rather than through abstract explanations of statutory provisions. Public legal education is understood here as a transformative effort to strengthen the legal literacy, capacity, and awareness of a group so that its members can independently uphold their legal rights within their community. The approach was therefore oriented toward empowering consumers as legal subjects: the disputing parties were enabled to understand and act on their rights and obligations while their own dispute was unfolding, instead of being treated as a passive audience of one-way outreach.

The design was grounded in evidence-based professional practice, in which the author integrated her academic role with her professional authority as a Commissioner of the BPSK of Cianjur Regency. The approach relied on active participation, as the disputing parties were directly involved in the formal mediation hearing room. Its empirical basis consisted of the case administration documents, namely the complaint form and its attachments, the Panel Appointment Decree, the registrar assignment letter, the hearing-date determination, the hearing summons, the hearing minutes, and the written settlement agreement affirmed by the panel's decision.

Result and Discussion

a. Chronology of the Dispute as a Live Case-Based Learning Tool

This community service program based on live case-based learning was built on a concrete case registered with the BPSK Secretariat of Cianjur Regency in February 2026. The consumer dispute was triggered by an incident involving the Claimant's 8-year-old child in mid-January 2026. While using the water slide at the attraction, the child was injured in an accident caused by a rough, sharp, and poorly maintained slide joint. The incident resulted in a deep facial laceration that required suturing. According to the

complaint, the child was first taken to a nearby clinic, which was unable to treat the wound, and then to a private hospital, where she received three sutures in the emergency unit and follow-up care from a surgeon on 20 and 27 January 2026.²⁰ The complaint, filed on 11 February 2026 with the assistance of the Claimant's legal counsel, classified the matter as a dispute over service quality standards and sought reimbursement of medical costs, compensation, immaterial damages, a reprimand to the operator, and a review of the operator's permits for the slide.

According to the complaint file, this emergency was not met with an adequate response from the attraction's management. The management tended to be indifferent, failed to facilitate primary medical care, and left the Claimant to evacuate the victim independently to a private hospital in Cianjur for clinical wound cleaning and suturing. The management's uncooperative attitude refusing to take responsibility amicably after the incident weakened the consumer's bargaining position and prompted the Claimant, as the victim's parent, to seek redress by filing a petition for dispute settlement with the BPSK of Cianjur Regency on 11 February 2026.

In the context of community service, this live case functioned as the "concrete experience" from which learning started. Experiential learning theory holds that such experience becomes meaningful learning only when it is followed by critical reflection, conceptualization, and application,²¹ and clinical legal education research similarly finds that engagement with real cases, rather than the presentation of abstract statutory texts, is what makes legal knowledge usable.²² The program was therefore designed so that each legal concept was introduced at the moment it became relevant to the parties' own dispute and was revisited in the reflection stage.

b. Juridical Analysis of the Case through the Lens of Consumer Protection Law Theories

²⁰ Hospital bills dated 17, 20, and 27 January 2026 attached to the consumer complaint (on file with the author), totaling IDR 1,601,083.

²¹ Morris, "Experiential Learning – a Systematic Review and Revision of Kolb's Model," 1064–77; Kolb, *Experiential Learning*.

²² Waters and Ashton, "A Study into Situated Learning through Community Legal Companionship"; Ashton, "Streetlaw at Sussex One Year On."

To elucidate the legal standing of the parties, two analytical frameworks were used: the duty of care and the liability regime of the UUPK. Both are used here as analytical lenses anchored in Indonesian positive law rather than as doctrines transplanted from another legal tradition. The analysis reflects the facts presented and the positions taken by the parties during the mediation, not an adjudicated finding, because mediation does not determine fault.

1. The Duty of Care and the Consumer's Right to Safety

The concept of a duty of care originates in the common law of negligence, where it was crystallized in *Donoghue v Stevenson*.²³ Indonesian law does not adopt the doctrine as such, but it recognizes functionally equivalent obligations. Article 7 of the UUPK requires business operators, among other things, to act in good faith (letter a), to provide correct, clear, and honest information on the condition of their services and on their proper use (letter b), and to guarantee the quality of the services they provide in accordance with applicable standards (letter d). In the tourism sector, Article 26 of the Tourism Law obliges tourism entrepreneurs to protect the security and safety of tourists, and the 2025 amendment to that Law added security and safety to the principles of tourism administration.²⁴ In civil law, Article 1365 of the Civil Code establishes liability for unlawful acts, and Article 1366 extends it expressly to losses caused by negligence or carelessness.²⁵ In this article, “duty of care” is therefore used as shorthand for this cluster of statutory obligations, which correspond to the consumer's right to comfort, security, and safety under Article 4(a) of the UUPK.

Measured against these obligations, the facts presented in the complaint file, the physical evidence examined in the hearing room, and the parties' statements pointed to five shortcomings in the Respondent's safety management. The Respondent initially disputed its responsibility but, in the second session, acknowledged responsibility for the incident as part of the settlement agreement. The following points should therefore be

²³ *Donoghue v Stevenson* [1932] AC 562 (HL).

²⁴ Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata [Law No. 10 of 2009 on Tourism], art. 26, as last amended by Undang-Undang Nomor 18 Tahun 2025 tentang Perubahan Ketiga atas Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata [Law No. 18 of 2025 on the Third Amendment to Law No. 10 of 2009 on Tourism].

²⁵ Kitab Undang-Undang Hukum Perdata [Indonesian Civil Code], arts. 1365–1366; see also Asikin et al., “Tanggung Jawab Hukum Perdata Pengelola Objek Wisata Atas Kecelakaan Pengunjung.”

read as the issues raised, and ultimately not contested, in the mediation rather than as a finding of fault:

1. The absence of periodic maintenance and technical audits of the fiberglass joints of the water slide.
2. Neglect of physical damage to the attraction (rough and sharp surface conditions).
3. The absence of certified safety supervisors (lifeguards) at critical points of the attraction.
4. The unavailability of on-site medical emergency standard operating procedures (SOPs).
5. The absence of safety warning signage regarding age restrictions and the physical risks of the attraction.

2. Liability for Loss: Strict Liability or Reversed Burden of Proof?

Article 19(1) of the UUPK obliges business operators to compensate consumers for damage, contamination, and/or losses resulting from the consumption of the goods or services they provide. Whether this amounts to strict liability is debated. Under a pure strict liability regime, fault is irrelevant once defect, damage, and causation are proven. The UUPK, however, still allows the operator to escape liability by proving that the loss was caused by the consumer's own fault (Article 19(5)), and Article 28 places the burden of proving the presence or absence of fault in a compensation claim on the business operator. Indonesian consumer law scholars therefore generally characterize the regime as fault-based liability with a reversed burden of proof (a presumption of fault) rather than strict liability in the proper sense, and recent studies have highlighted the resulting disharmony among the Law's provisions.²⁶

This article adopts the latter position. The term "strict liability" was used in the educational sessions only as an accessible heuristic to convey that, once the consumer has shown the injury and its connection with the slide, it is the operator not the consumer who must prove the absence of fault. Applied to this case, the Claimant needed only to show the injury and its causal link with the damaged slide joint; the Respondent's initial

²⁶ Ahmadi Miru and Sutarman Yodo, *Hukum Perlindungan Konsumen* [Consumer Protection Law] (Jakarta: RajaGrafindo Persada, 2004); Shidarta, *Hukum Perlindungan Konsumen Indonesia* [Indonesian Consumer Protection Law], rev. ed. (Jakarta: Grasindo, 2006); Herliana et al., "Disharmonisasi Norma Tanggung Jawab Pelaku Usaha Berbasis Strict Liability Dalam Sengketa Konsumen."

argument that the incident resulted from insufficient parental supervision was, in substance, an attempt to invoke Article 19(5), which would have required it to prove the consumer's fault. This explanation, given equally to both parties, clarified the distribution of the burden of proof and informed the parties' assessment of their positions. Compensation for medical treatment falls within the forms of compensation listed in Article 19(2) of the UUPK. Administrative sanctions, by contrast, are governed by Article 60 of the UUPK, which empowers the BPSK to impose an administrative sanction of up to IDR 200,000,000 on operators that violate, among others, Articles 19(2) and (3); because this dispute was settled through mediation, no administrative sanction was imposed.

a. **Implementation of Mediation Integrated with Legal Lecturing: Dynamics and Dispute Resolution**

The formal mediation process, optimized as a space for participatory education, was conducted on the basis of the Panel Appointment Decree dated 12 February 2026. The hearings were presided over by a tripartite panel chaired by the government-element member, with the author as the consumer-element member and a third member representing the business element, assisted by a registrar. The author integrated her professional role within this joint forum to reduce psychological tension and to bridge the parties' entrenched positions through alternative dispute resolution (ADR) intervention.

The dynamics of the mediation hearings are summarized in Table 2, which also records the educational content delivered at each stage.

Table 2 Dynamics of the Mediation Hearings and Educational Content Delivered

Aspect	Session I (19 Feb 2026)	Caucus (20 Feb 2026)	Session II (24 Feb 2026)
Claimant's position	Sought medical costs, compensation, immaterial damages, a reprimand to the operator, and a review of the slide's permits	Clarified her priorities; informed of the time, cost, and evidentiary demands of litigation	Accepted IDR 10,000,000, payable on 2 May 2026
Respondent's position	Denied negligence; attributed the incident to	Reassessed its position in light of its legal obligations and	Acknowledged responsibility; agreed to pay IDR 10,000,000

Aspect	Session I (19 Feb 2026)	Caucus (20 Feb 2026)	Session II (24 Feb 2026)
	insufficient parental supervision; refused compensation	litigation and reputational risks	in treatment costs; received the panel's recommendation to close the slide temporarily for repair
Mediator intervention	Joint session; clarification of issues; deadlock recorded	Separate private meetings with each party; reality testing	Facilitation of the written settlement agreement
Educational content	Consumer's right to safety (Art. 4(a) UUPK); operators' obligations (Art. 7 UUPK); BPSK procedure	Reversed burden of proof (Arts. 19(5) and 28 UUPK); consequences of litigation; evidence preservation	Legal effect of the settlement agreement; follow-up obligations; preventive measures
Outcome	Deadlock	Shift from a confrontational to an accommodative stance	Settlement agreement affirmed by the panel's decision

Source: Authors' analysis of the hearing minutes and field notes

First Hearing Session (Legal Resistance of the Business Operator): At the first hearing on Thursday, 19 February 2026, the mediation process reached a deadlock. The Respondent's management was defensive, denied the allegation of negligence, and attributed the fault to the Claimant's insufficient parental supervision. The management refused to provide financial compensation, arguing that the incident was purely accidental.

Legal Caucus Intervention: To overcome this deadlock, the panel held caucuses on 20 February 2026, that is, separate private meetings with each party. In the caucus with the business operator, the author explained the legal framework and the realistic consequences of the alternatives to settlement, including the reversed burden of proof, the reputational risk to the business, and the possibility that negligently causing injury may also attract criminal liability under the Criminal Code if the matter were pursued outside the BPSK. In the caucus with the Claimant and her legal counsel, the author

likewise explained the time, cost, and evidentiary demands of litigation, as well as the value of a negotiated settlement.

Referring to possible criminal liability raises a legitimate question about mediator neutrality, because it may be perceived as pressure on one party. In mediation practice, discussing the consequences of failing to agree, often called reality testing, is accepted as part of the mediator's role provided that it is informative rather than coercive, is offered to all parties, and leaves the decision entirely to them.²⁷ The literature also increasingly locates neutrality in the fairness of the process rather than in the passivity of the mediator.²⁸ The author sought to meet these conditions by presenting the information as legal consequences rather than as threats, by giving each party a comparable explanation of its own risks, and by leaving the terms of settlement to the parties. Nevertheless, coming from a panel member, such information may carry more weight than intended; this tension between the educational objective and mediator neutrality is acknowledged as a limitation. Following the caucuses, the operator's stance shifted from a confrontational to an accommodative one.

Second Hearing Session (Amicable Resolution): On Tuesday, 24 February 2026, the parties were brought together again in a joint plenary session. The business operator voluntarily acknowledged responsibility for the incident and, together with the Claimant, signed a written settlement agreement, which the panel then affirmed in its decision in accordance with the BPSK implementing regulation.²⁹ The panel's decision of the same day, which affirms that agreement, records the Respondent's undertaking as follows:³⁰

- 1) The Respondent is obliged to pay a total medical compensation of IDR 10,000,000 (ten million rupiah) to the Claimant for treatment costs, payable on 2 May 2026. This lump sum exceeds the hospital bills documented in the complaint file (IDR 1,601,083); the amount was proposed by the Claimant and accepted by the

²⁷ Christopher W. Moore, *The Mediation Process: Practical Strategies for Resolving Conflict*, 4th ed. (San Francisco: Jossey-Bass, 2014).

²⁸ Pilar Munuera Gómez et al., "Neutrality in Spain and Chile from the Perspective of Mediators: A Literature Review," *Conflict Resolution Quarterly* 41, no. 2 (2023): 163–77, <https://doi.org/10.1002/crq.21398>.

²⁹ Keputusan Menteri Perindustrian dan Perdagangan Nomor 350/MPP/Kep/12/2001, art. 37.

³⁰ Badan Penyelesaian Sengketa Konsumen Kabupaten Cianjur, "Penetapan Badan Penyelesaian Sengketa Konsumen" (Cianjur, 24 February 2026; on file with the author), which refers to the parties' written agreement (Kesepakatan Para Pihak) of the same date.

Respondent, and the parties chose to record it in full as compensation for treatment costs. The compensation was paid after the BPSK decision was issued; the principal term of the settlement has therefore been fulfilled.

In addition, the panel recommended that the Respondent temporarily close the slide for repair to ensure it meets safety standards and that a similar incident would not recur. This recommendation, given in the panel's capacity as an active mediator, is not a term of the settlement recorded in the BPSK decision.

b. Reflection on Program Outcomes (Lessons Learned)

Implementing this community service program directly within the BPSK hearing process made it possible to distill an individual dispute into preventive commitments (lessons learned) for both parties:

1. Commitments of the Attraction Management (Business Operator): In the reflection session, the management of the attraction committed in writing to adopt new mitigation procedures, namely a mandatory daily technical fitness inspection before operations begin (a daily safety checklist), and to establish an integrated first-aid unit within the tourist area. Whether these commitments have been implemented in daily operations has not yet been independently verified. Monitoring the implementation of such commitments, including the recommended temporary closure of the slide, lies outside the BPSK's mandate, which is limited to settling consumer disputes; follow-up inspection by the relevant technical offices of the Cianjur Regency Government is therefore recommended.
2. Enhancement of Independent Legal Capacity (Consumers): The Claimant and the accompanying family members received practical education on how to preserve legal evidence (such as retaining entry tickets, photographing physical injuries, and keeping hospital medical receipts) as formal prerequisites for independently filing a complaint with the BPSK.

This experience suggests that, with appropriate safeguards, a BPSK hearing can function not only as a forum for settling disputes but also as a "living legal laboratory" in which the parties learn about their rights and obligations while their own dispute is being resolved.

c. **Learning Outcomes of the Program**

Table 3 summarizes the learning outcomes observed among the direct participants against the indicators defined in the evaluation design.

Table 3 Learning Outcomes of the Direct Participants

Domain and participant	Indicator	Instrument	Observed outcome
Knowledge – Claimant	Can explain her right to safety and the operator's obligations and liability	Observation; reflection interview	Referred to the operator's duty to maintain the slide and to cover medical costs; did not initially understand that the operator bore the burden of proving the absence of fault, but grasped it after the explanation
Skills – Claimant	Can identify and preserve the evidence needed for a BPSK claim	Reflection interview; complaint file	Identified the entry ticket, photographs of the injury, medical records, and receipts as key evidence (the evidence had been assembled with the assistance of legal counsel)
Knowledge – Respondent	Can explain its safety obligations and the reversed burden of proof	Observation; reflection interview	Moved from attributing the incident to parental supervision to acknowledging responsibility
Attitude and behavioral intention – Respondent	Commits to concrete preventive measures	Written commitments	Committed in writing to a daily safety checklist and an on-site first-aid unit; received the panel's recommendation to close the slide temporarily for repair
Procedural outcome (secondary) – both parties	Dispute settled amicably within the statutory period	Settlement agreement	Settled within 14 days over two sessions, within the 21-working-day limit of the UUPK; compensation subsequently paid

Source: Authors' analysis of hearing minutes, field notes, reflection notes, and settlement documents

These outcomes are qualitative and derive from a single case with a small number of participants; they indicate changes in understanding and stated intention rather than verified long-term behavior. The procedural outcome was also consistent with the statutory requirement that the BPSK resolve a dispute within 21 working days.³¹

d. Comparison with Previous Studies and Contribution

The results can be read against the prior studies cited in the Introduction. Normative studies of water-tourism liability, such as Rahmayani and Suryono's analysis of the Umbul Ponggok water attraction and Tesalonika and Hutabarat's study of accidents at tourist sites, establish that operators are responsible for visitor safety under the UUPK but remain confined to doctrinal analysis.³² This program is consistent with their conclusions and shows how those norms operate in a concrete dispute: the operator's liability was not determined through adjudication but was acknowledged through a mediated process in which the relevant norms were explained to both parties.

Compared with previous community service programs on consumer protection and the BPSK outreach to MSMEs in Serang City, the program concerning the BPSK of Bandung City, and consumer education in the culinary sector which relied mainly on one-way outreach to general audiences,³³ this program reached far fewer people but engaged them at a moment of genuine need, when the information had immediate consequences for their own interests. This mirrors the findings of international clinical and Street Law programs that learning embedded in a real-world context is more meaningful for participants,³⁴ and it addresses what access-to-justice research identifies

³¹ Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen [Law No. 8 of 1999 on Consumer Protection], art. 55.

³² Rahmayani and Suryono, "Tanggung Jawab Hukum Pengelola Wisata Air Umbul Ponggok Terhadap Pengunjung Apabila Kecelakaan"; Tesalonika and Hutabarat, "Penerapan Hukum Perlindungan Konsumen Terhadap Kecelakaan Pada Tempat Wisata."

³³ Subroto et al., "Sosialisasi Dan Edukasi Peran Badan Penyelesaian Sengketa Konsumen Dalam Melindungi Usaha Dalam Konteks Perlindungan Konsumen Pelaku UMKM"; Afiyah, "Penyelesaian Sengketa Konsumen Pada Badan Penyelesaian Sengketa Konsumen (BPSK) Kota Bandung"; Tompul et al., "Peningkatan Kesadaran Konsumen Dalam Pelayanan Jasa Usaha Kuliner."

³⁴ Waters and Ashton, "A Study into Situated Learning through Community Legal Companionship," 4–47; Ashton, "Streetlaw at Sussex One Year On," 36–69.

as the core deficit: not a lack of information alone, but a lack of capability to act on legal problems.³⁵ The trade-off is scale: the depth of learning achieved in a live case cannot, by itself, reach the wider public.

The distinctive contribution of this program is therefore a model of mediation-embedded legal education, in which a quasi-judicial consumer body serves simultaneously as a forum for dispute settlement and as a site of legal learning for the disputing parties, provided that the educational role is bounded by the safeguards required for mediator neutrality. To reach the wider public, the model needs to be complemented by the dissemination of anonymized case lessons, as recommended in the Conclusion.

Within modern labor jurisprudence, the protection of female workers' reproductive rights rests firmly upon the principles of non-discrimination, substantive equality, and the preservation of human dignity. The Indonesian constitutional order establishes this baseline under Article 28D paragraph (2) of the 1945 Constitution, which guarantees every citizen the fundamental right to work and to obtain fair and proper treatment in employment relations.³⁶ In the context of labor relations, constitutional equality cannot be interpreted merely as formal equality, which erroneously treats structurally unequal

³⁵ Pleasence and Balmer, "Justice & the Capability to Function in Society," 140–49.

³⁶ Aisyah Mutiara Ramadhan and Ec Sentot Imam Wahjono, *Analisis Peran Serikat Pekerja Dalam Menegakkan Hak Perempuan Pekerja Di Industri Manufaktur Garmen Pada PT Ungaran Sari Garments*, 2025, https://www.researchgate.net/profile/Aisyah-Mutiara-Ramadhan/publication/396912685_Analisis_Peran_Serikat_Pekerja_dalam_Menegakkan_Hak_Perempuan_Pekerja_di_Industri_Manufaktur_Garmen_Pada_PT_Ungaran_Sari_Garments/links/68fe026b02d6215259bee550/Analisis-Peran-Serikat-Pekerja-dalam-Menegakkan-Hak-Perempuan-Pekerja-di-Industri-Manufaktur-Garmen-Pada-PT-Ungaran-Sari-Garments.pdf.

parties in an identical manner; rather, it demands substantive equality achieved through targeted, affirmative statutory protections that accommodate women's biological and physiological functions. The state possesses an affirmative obligation to intervene directly in employment relationships, ensuring that female laborers do not suffer structural detriments or career forfeiture as a direct result of biological functions essential to societal continuity.³⁷

This constitutional imperative is codified in Law Number 13 of 2003 on Manpower, which establishes a protective regime governing the reproductive welfare of female employees. First, Article 81 paragraph (1) guarantees statutory menstrual leave for female workers who experience acute physical pain during the first and second days of menstruation, obligating employers to release them from duties while providing full remuneration.³⁸ This legislative mandate acknowledges dysmenorrhea as an incapacitating medical condition that diminishes physical stamina, thereby establishing that rest during debilitating menstrual pain is a health necessity rather than discretionary absence. By making wage reductions unlawful during this statutory leave, the legislature deliberately insulated female laborers from financial penalties tied to recurring biological cycles.

Second, Article 82 paragraph (1) grants female employees the right to maternity leave for one and a half months prior to delivery and one and a half months subsequent to giving birth, calculated on the basis of obstetric or midwife certification. This statutory leave is dual-faceted: it preserves maternal physical recovery from the profound stresses of late pregnancy and delivery while securing neonatal care during critical developmental windows. Far from constituting a private employee privilege, this mandatory rest period reflects state-level public health commitments to curb maternal

³⁷ Vaganti Safa Sukma Rubianti, "Tinjauan Undang-Undang Ketenagakerjaan Dan Hak Asasi Manusia Terhadap Pelanggaran Hak Istimewa Buruh Perempuan PT Aice," *Media Hukum Indonesia (MHI)* 2, no. 2 (2024): 310–20.

³⁸ Yumi Simbala and Vonny Anneke Wongkar, "Perlindungan Hukum Terhadap Pemenuhan Hak Maternitas Bagi Pekerja Perempuan Dalam Hubungan Kerja Di Perusahaan Swasta," *Jurnal Hukum To-Ra: Hukum Untuk Mengatur Dan Melindungi Masyarakat* 11, no. 3 (2025): 572–88.

and infant mortality rates, compelling corporate enterprises to organize staffing structures around this predictable biological event.³⁹

Third, Article 82 paragraph (2) provides an explicit rest entitlement of one and a half months for female workers who endure a miscarriage, or as authorized by an attending obstetrician or certified midwife. The legislative purpose underlying this protection acknowledges both the profound physical trauma and the severe psychological shock that accompany involuntary pregnancy loss. Compelling a worker to resume manual factory duties immediately after gynecological trauma creates severe medical risks; thus, the statute recognizes post-miscarriage recovery as a distinct legal status insulated from ordinary sickness absence or disciplinary workplace evaluation.

Fourth, Article 83 mandates that employers provide proper opportunities and facilities for female employees to breastfeed or express breast milk during scheduled working hours.⁴⁰ This statutory duty coordinates with national health legislation requiring workplaces to maintain dedicated, sanitary lactation spaces, recognizing that denying opportunities to express milk exposes workers to painful medical complications such as mastitis while depriving infants of optimal nutrition. Through these interlocking provisions, the Manpower Law affirms that reproductive labor and industrial labor cannot be decoupled into entirely isolated spheres.

Fifth, the most critical protective barrier within this normative structure is articulated in Article 153 paragraph (1) letter e, which explicitly prohibits employers from terminating employment relationships on grounds of pregnancy, childbirth, miscarriage, or breastfeeding. To deter unlawful dismissals, Article 153 paragraph (2) provides an uncompromising statutory remedy: any termination executed in violation of these reproductive conditions is null and void by operation of law (*batal demi hukum*). As a direct legal consequence, the employer remains under a binding obligation to reinstate

³⁹ Srinorindra Rahayu Budiiswanti, Fence M. Wantu, and Avelia Rahma Y. Mantali, "Perlindungan Pemutusan Hubungan Kerja (PHK) Terhadap Pekerja Perempuan," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 1, no. 4 (2024): 117–32.

⁴⁰ Mulyani Djakaria, "Perlindungan Hukum Bagi Pekerja Wanita Untuk Memperoleh Hak-Hak Pekerja Dikaitkan Dengan Kesehatan Reproduksi," *Jurnal Bina Mulia Hukum* 3, no. 1 (2018): 15–28.

the worker to her original position and remit all accrued, unpaid wages for the entire duration of the unilateral separation.⁴¹

These domestic statutory safeguards are reinforced by binding international human rights conventions ratified by Indonesia. Under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified via Law Number 7 of 1984, Article 11 paragraph (2) mandates state parties to institute effective measures prohibiting dismissals grounded in pregnancy or maternity leave, and to preserve seniority and social benefits throughout maternity-related absences. Concurrently, the standards of the International Labour Organization (ILO), notably the Maternity Protection Convention, 2000 (No. 183), emphasize that reproductive health absences represent non-derogable social rights that private contracts of employment cannot compromise, diminish, or negotiate away. On a normative level (*das sollen*), therefore, the Indonesian legal system contains an explicit and comprehensive set of rules intended to protect female workers from reproductive marginalization.

2. Empirical Realities and Corporate Paradigm Clashes

Despite the robust statutory guarantees established on paper, the empirical reality across industrial shop floors (*das sein*) reveals widespread evasion and non-compliance. In routine workplace operations, female laborers regularly encounter structural resistance, managerial hostility, and persistent job insecurity whenever they seek to exercise their lawful reproductive protections. The existence of progressive statutory provisions in official gazettes does not automatically translate into realized workplace protections, as the daily exercise of these rights is mediated through corporate authority structures that frequently treat reproductive biology as an operational defect.⁴²

This institutional failure stems from an irreconcilable clash of paradigms: the humanistic-protective objective of labor legislation versus the profit-maximizing logic of commercial manufacturing. Modern manufacturing facilities, particularly those integrated into global supply chains operating under tight production schedules, evaluate organizational success strictly through metrics of labor productivity and cost

⁴¹ Dede Iskandar et al., "Jaminan Hukum Hak Cuti Melahirkan Dan Menyusui Bagi Pekerja Perempuan Dalam Perspektif Hukum Ketenagakerjaan Indonesia," *ADIL* 7, no. 2 (2025): 13–26.

⁴² Putu Della Paramitha Narpaduhita, "Perlindungan Hukum Bagi Pekerja Wanita Terkait Dengan Kesehatan Reproduksi," *Jurnal Yusthima* 5, no. 02 (2025): 439–54.

minimization. In this economic calculus, statutory menstrual leave, three months of paid maternity absence, and scheduled lactation intervals are categorized by management as non-productive expenses (idle capacity). The requirement to disburse full wages without extracting continuous assembly-line output is viewed by cost-driven management as an operational inefficiency to be circumvented.⁴³

Field monitoring conducted by independent labor unions and the National Commission on Violence against Women (Komnas Perempuan) documents consistent violations across labor-intensive sectors. Menstrual leave, although an unambiguous statutory right, is routinely suppressed through invasive administrative hurdles designed to deter applications. Workers are frequently forced to submit expensive medical certificates issued exclusively by corporate-designated clinics, or endure intrusive physical examinations by company health personnel to "prove" active menstruation. Because navigating these demeaning administrative procedures is both humiliating and costly, substantial majorities of female factory employees forfeit their statutory menstrual leave entirely.⁴⁴

Similarly, pregnant workers face covert pressures to work well past safe medical thresholds, often laboring until their expected delivery dates under threats of non-renewal of fixed-term contracts (PKWT), involuntary reassignment to arduous manual roles, or retaliatory performance downgrades. Expectant mothers with medically verified complications frequently find their requests for modified duties or early leave rejected, forcing them to select between their health and their livelihood.⁴⁵

The systemic nature of this non-compliance is reflected in empirical surveys across core industrial sectors, as compiled in Table 1 below:

⁴³ Debbyi Oktavian, Risqi Citra Febrianti, and Sugeng Santoso PN, "Efektivitas Perlindungan Hukum Ketenagakerjaan Terhadap Hak Reproduksi Pekerja Perempuan: Studi Kasus PT Alpen Food Industry Periode 2017-2020," *Jurnal Media Informatika* 7, no. 3 (2026): 875–81.

⁴⁴ Cinta Cantika Darminto Putri and Wulan Windiarti, "Perlindungan Hukum Terhadap Hak Pekerja Perempuan Di Bidang Ketenagakerjaan Dikaitkan Dengan Kesehatan Reproduksi," *JURNAL ILMIAH PENELITIAN MAHASISWA* 4, no. 5 (2026): 1256–68.

⁴⁵ Kamelia Karim Dwi Putri, "Perlindungan Terhadap Hak Reproduksi Pekerja Perempuan" (PhD Thesis, UNIVERSITAS HASANUDDIN, 2021), https://repository.unhas.ac.id/id/eprint/7906/3/B012181038_tesis%20dp.pdf.

Table 1. Corporate Compliance Disparities and Reproductive Rights Dispute Obstacles by Industrial Sector

Industrial Sector	Menstrual Leave Denial Rate (%)	Maternity Leave Non-Compliance (%)	Absence of Function al Lactation Rooms (%)	Internal Bureaucratic Dispute Hurdles (%)	Reproductive-Related Dismissal Escalation (%)
Garment and Textile	68	42	78	85	54
Automotive/Electronic Assembly	45	28	52	64	31
Commercial Plantations/Agriculture	82	65	94	91	67
Large-Scale Retail and Services	53	35	61	72	39
Chemical and Pharmaceutical	32	19	43	48	22

Source: Annual Labor Monitoring Reports and Labor Union Empirical Inquiries, 2025

The empirical data set forth in Table 1 confirms that labor-intensive and low-margin sectors, particularly garment, textile, and commercial plantation operations, display the highest rates of reproductive rights non-compliance. In the garment industry, menstrual leave requests are rejected in 68% of monitored instances, while 78% of facilities lack sanitary, functioning lactation rooms. Concurrently, 85% of garment workers attempting to report reproductive infractions face obstruction from internal company dispute mechanisms, leading directly to a 54% escalation rate into unlawful retaliatory dismissals. The commercial plantation sector displays even more pronounced deficits, characterized by an 82% menstrual leave denial rate, a 94% absence of lactation facilities,

and a 67% dismissal rate for workers experiencing prolonged reproductive health complications. These figures demonstrate that enterprise practices systematically override statutory mandates.⁴⁶

This corporate evasion persists largely unimpeded due to chronic shortcomings in state labor inspection mechanisms. Regional labor offices (Dinas Tenaga Kerja) operate with acute shortages of certified labor inspectors relative to the large volume of commercial enterprises within their administrative jurisdictions. Unannounced site inspections focusing on reproductive protections are exceptionally rare; inspections typically occur only after formal public protests or catastrophic workplace accidents. Furthermore, statutory criminal penalties and administrative fines against non-compliant enterprises are virtually never pursued by administrative authorities.⁴⁷ The absence of meaningful regulatory sanctions fosters widespread employer impunity, trapping female workers in an unequal dynamic where asserting statutory bodily rights risks termination of employment.

3. Critical Case Analysis within the Industrial Dispute Settlement Framework

The institutional limitations of the dispute resolution process are demonstrated by the case of a female factory worker, referred to as AN, employed by a large-scale manufacturing enterprise in Central Java. This case illustrates how corporate production targets can erode reproductive protections, leading to extended litigation before the Industrial Relations Court (Pengadilan Hubungan Industrial).⁴⁸

The dispute arose when worker AN experienced high-risk obstetrical complications during her pregnancy. Her attending physician diagnosed a threatened miscarriage (threatened abortion) and ordered total bed rest to prevent the loss of the fetus. AN submitted the required medical reports and hospital documentation to the enterprise

⁴⁶ Rekha Fardilla Dwi Putri and Rosalia Dika Agustanti, "Marginalisasi Hak Reproduksi Perempuan Dalam Hubungan Industrial: Analisis Dogmatik Dan Empiris Cuti Haid Pada Industri Manufaktur," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 4, no. 4 (2026): 174–81.

⁴⁷ Widya Sari Nurcahyanti and Catharina Dewi Wulansari, "Analisis Undang-Undang Cipta Kerja Sebagai Alat Rekayasa Sosial Perlindungan Hak Pekerja Perempuan," *AKADEMIK: Jurnal Mahasiswa Humanis* 6, no. 1 (2026): 343–54.

⁴⁸ Amanda Rifti, "Dilema Perlindungan Pemenuhan Hak Cuti Reproduksi Bagi Buruh Wanita," *Reflektif: Jurnal Pendidikan Dan Kebudayaan* 2, no. 4 (2026): 115–32.

Human Resources Department, formally requesting medical bed rest and an early start to her maternity leave.⁴⁹

Corporate management rejected AN's request, asserting that the manufacturing line was in peak export production and could not accommodate absenteeism. Management classified her medical absence as unexcused, recording it as an act of insubordination and poor performance. Facing intense administrative pressure and the threat of dismissal during a high-risk pregnancy, AN's physical condition worsened, resulting in a miscarriage.⁵⁰

Following hospital treatment, AN took the statutory post-miscarriage leave of one and a half months under Article 82 paragraph (2) of the Manpower Law. However, before this recovery window ended, the company issued a notice of unilateral employment termination. Management defended the dismissal on grounds of operational rationalization and structural efficiency, arguing that her absence record disrupted assembly line continuity.

Supported by her labor union, AN initiated formal dispute resolution under Law Number 2 of 2004:

- 1) **Bipartite Negotiations:** Under Article 3 of the Dispute Settlement Law, union representatives met with management to seek an amicable resolution. These negotiations stalled because the enterprise maintained that the termination was an exercise of its managerial prerogative for workforce efficiency.
- 2) **Tripartite Mediation:** The dispute was subsequently referred to the local labor office. After evaluating the medical evidence, the government mediator issued a written recommendation (*Anjuran*). The mediator concluded that the dismissal violated the strict prohibitions of Article 153 paragraph (1) letter e of the Manpower Law, declared the termination legally invalid, and recommended AN's immediate reinstatement with back pay. However, because administrative

⁴⁹ Sulthon Miladiyanto and Ariyanti Ariyanti, "Perlindungan Hukum Terhadap Hak-Hak Reproduksi Pekerja Wanita (Perspektif Undang-Undang Ketenagakerjaan Di Indonesia Dan Malaysia)," *Jurnal Panorama Hukum* 2, no. 1 (2017): 52–68.

⁵⁰ Rismaenar Triyani and D. D. Tarina, "Perlindungan Hukum Terhadap Hak Cuti Pekerja Perempuan Hamil (Studi Pada Perusahaan Es Krim Di Bekasi)," *Jurnal Hukum Bisnis Bonum Commune* 4, no. 1 (2021): 98–99.

mediation recommendations lack direct executory force, the enterprise formally rejected the finding.

- 3) **Litigation before the Industrial Relations Court:** Due to corporate non-compliance with the mediation recommendation, AN filed a lawsuit challenging the unlawful termination before the Industrial Relations Court.⁵¹

During court proceedings, corporate defense counsel argued that the termination was a standard efficiency measure necessitated by internal reorganization rather than gender discrimination. However, through medical records, hospital admission files, and corroborating witness testimony, the judicial panel determined that the primary reason for dismissal was the worker's reproductive health emergency.

The Industrial Relations Court ruled in favor of the worker in part, declaring the unilateral termination null and void because it was executed during a protected medical recovery period. The court ordered the enterprise to pay outstanding wages accrued during the dispute, provide statutory compensation, and pay coercive fines (dwangsom) for every day of non-compliance.⁵²

Although AN secured a favorable verdict, the case demonstrates significant procedural shortcomings within the labor adjudication system. Litigating the matter through bipartite talks, mediation, and trial took nearly twelve months. Throughout this period, the worker had no steady income, bore legal costs, and suffered substantial psychological distress following pregnancy loss. This outcome shows that the dispute settlement framework under Law Number 2 of 2004 lacks expedited, gender-sensitive procedures (fast-track mechanisms) to address urgent reproductive violations.⁵³

⁵¹ Amanda Reza Andriani, "Perlindungan Hak Cuti Bagi Karyawan Wanita Yang Hamil Dan Melahirkan Berdasarkan Undang-Undang Cipta Kerja," *Jurnal De Jure* 10, no. 1 (2026), <https://repository.um-surabaya.ac.id/id/eprint/11675/>.

⁵² Ai Siti Azizah, "Implementasi Perlindungan Hukum Mengenai Hak-Hak Reproduksi Pekerja Perempuan: Studi Di Lembaga Perbankan Syariah Kabupaten Ciamis" (PhD Thesis, Universitas Islam Negeri Maulana Malik Ibrahim, 2023), <http://etheses.uin-malang.ac.id/50745/>.

⁵³ Raudhatul Jennah and Irma Nur Hayati, "Perlindungan Hukum Terhadap Hak Reproduksi Pekerja Perempuan Perspektif Undang-Undang Nomor 13, Tahun 2003 Tentang Ketenagakerjaan Dan Perspektif Hukum Islam," *Al-Qadlāya: Jurnal Hukum Keluarga Islam* 2, no. 1 (2022): 58–73.

4. Reconstructing Industrial Relations Adjudication through Gender-Responsive Principles

The structural difficulties faced by female workers stem from the procedural philosophy governing Law Number 2 of 2004. Current industrial dispute resolution relies primarily on standard civil litigation assumptions, presuming that employers and employees meet in court as equals (formal equality of arms). This premise overlooks the inherent socio-economic disparities in employment relationships.⁵⁴ Subordinated female factory workers possess neither the financial resources, the access to internal company records, nor the legal assistance commanded by corporate entities. Reforming the labor dispute system to achieve genuine gender equity requires three coordinated procedural and administrative adjustments:

a. Institutionalizing the Shifting Burden of Proof (*Omkering van het Bewijslast*)

Under general civil procedure principles (*actori incumbit probatio*), the burden of proof rests on the claimant. In termination disputes, a worker alleging reproductive discrimination must usually produce documentary proof showing the employer's discriminatory intent. Meeting this standard is often impossible because internal personnel evaluations, production schedules, and management communications remain under the employer's control.⁵⁵

To address this disparity, procedural labor law should apply a shifting burden of proof in reproductive disputes. If an employer discharges, demotes, or disciplines a female worker while she is pregnant, on maternity leave, using menstrual rest, or recovering from a miscarriage, a rebuttable presumption of discriminatory dismissal should arise automatically.⁵⁶ The employer must then demonstrate through objective performance metrics and audited business records that the action was strictly necessary due to financial insolvency and unrelated to the worker's reproductive condition. If the

⁵⁴ Suci Flambonita, "Perlindungan Hukum Terhadap Hak Pekerja Perempuan Di Bidang Ketenagakerjaan," *Simbur Cahaya*, 2017, 4397–424.

⁵⁵ Rendy Dwi Hermanto and Sheyla Nichlatus Sovia, "Islam Dan Kebijakan Negara Dalam Perlindungan Terhadap Hak Reproduksi Pekerja Perempuan Pada Keluarga Muslim," *Mahakim: Journal of Islamic Family Law* 7, no. 2 (2023): 117–41.

⁵⁶ Korua et al., "Perlindungan Hukum Terhadap Tenaga Kerja Wanita Terkait Hak Reproduksi Di Kota Manado."

employer fails to satisfy this burden, the court should immediately declare the termination null and issue an interim order for back pay.

b. Mandating Gender-Sensitive Judicial Standards

The procedural limitations of labor courts are also reinforced by conservative judicial interpretations. Labor judges frequently operate within narrow legal formalism, viewing their role as strict applicers of statutory text without addressing structural inequalities. Many labor judges lack specialized training on international standards such as CEDAW or domestic guidelines for adjudicating cases involving women in the justice system.⁵⁷

Judicial bodies should introduce mandatory certification programs on gender-responsive jurisprudence for all judges serving on industrial tribunals. Adjudicators should be encouraged to apply progressive statutory interpretation that accounts for the socio-economic realities of female workers. Furthermore, judges must actively use ex-officio powers to issue provisional remedies (provisional measures) ordering immediate wage maintenance during litigation, preventing economic hardship from forcing workers into disadvantageous settlements.⁵⁸

c. Integrating Administrative Penalties with Expedited Civil Procedures

Protecting reproductive rights requires moving beyond protracted civil litigation by establishing clear administrative consequences. Denying statutory menstrual leave, maternity leave, or lactation rights constitutes an offense under labor law, yet administrative penalties and criminal labor provisions are rarely enforced due to weak coordination between labor inspectors and judicial bodies.⁵⁹

Regulatory reform should connect the dispute process under Law Number 2 of 2004 with immediate administrative sanctions. When mediators or labor judges confirm that

⁵⁷ Rachmawati and Wahyoeono, "Perlindungan Hukum Hak Cuti Melahirkan Bagi Pekerja Perempuan Dalam Sistem Ketenagakerjaan Indonesia Ditinjau Dari Standar Perlindungan Maternitas Ilo."

⁵⁸ Sulistya Eviningrum, Mina Marista, and Elfara Yulyastia Rizki Ananda, "Upah, Cuti Melahirkan, Dan Jaminan Sosial: Tantangan Keadilan Gender Di Tempat Kerja," *Jurnal Bedah Hukum* 10, no. 1 (2026), <https://ejournal.uby.ac.id/index.php/jbh/article/view/2334>.

⁵⁹ Difa Mutia Dara and Dedy Sumardi, "Hak Maternitis Tenaga Kerja Perempuan Dalam Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan (Studi Kasus Di Kampus Politeknik Teknologi Kimia Industri Medan)," *As-Siyadah* 1, no. 1 (2022): 1–20.

an enterprise has systematically violated statutory reproductive protections, these findings should link automatically to the national business licensing registry. Sanctions such as temporary suspension of operational permits, withdrawal of state-backed incentives, and blacklisting from public procurement or international trade supply chains should apply directly. Establishing real regulatory and financial consequences will encourage compliance, ensuring that statutory reproductive guarantees are upheld across the national industrial sector.

Conclusion

This community service program set out to improve the legal awareness of the parties to a water-tourism consumer dispute by embedding legal education in a BPSK mediation. The results indicate that this aim was achieved for the direct participants: the consumer gained a clearer understanding of her safety rights, of the evidence needed to support a claim, and of the BPSK procedure, while the operator moved from denying responsibility to acknowledging it and committed in writing to concrete preventive measures. The dispute was settled amicably within 14 days, well within the statutory time limit, and the agreed compensation was paid after the BPSK decision.

These findings must be read in light of the program's limitations. They are based on a single case and a small number of participants and rely on qualitative evidence rather than a standardized pre/post measurement; the implementation of the operator's commitments has not yet been verified through follow-up monitoring, which lies outside the BPSK's authority; the program did not include structured outreach to the wider public; the Claimant was assisted by legal counsel, so her learning gains cannot be attributed to the program alone; and the author's dual role as panel member and educator, although bounded by the safeguards described, may have influenced how the parties received the information.

Several recommendations follow. The BPSK of Cianjur Regency could adopt a brief, standardized explanation of consumers' rights, operators' obligations, and the burden of proof, delivered equally to both parties at the start of mediation, and could publish anonymized case summaries as public learning material. Water-tourism operators should institutionalize documented daily safety inspections, trained on-site supervision, first-aid facilities, and clear warning signage. The Cianjur Regency Government, through

its tourism and trade offices, could conduct a follow-up inspection of the attraction involved in this case, make periodic safety inspections of water attractions a condition of operation, and support public education on water-tourism safety. Future programs should combine mediation-embedded learning with wider community outreach, use simple pre/post instruments where ethically feasible, and coordinate with the relevant regional offices so that behavioral change can be verified through follow-up visits.

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