



Analysis of Law No.6 /2023 Implementation on Resolving Industrial Relations Disputes in Courts

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Abstract: This article discusses the implementation of Law No. 6 of 2023 concerning Job Creation within the context of resolving industrial relations disputes in courts. Against the backdrop of the primary objectives of the Job Creation Law, which focus on enhancing investment and creating employment opportunities, this study analyzes how the new regulations affect the mechanisms for dispute resolution between workers and employers. The research methodology employed is a qualitative approach through literature review and interviews with legal practitioners, as well as the analysis of relevant court cases. The analysis results indicate that although the Job Creation Law aims to expedite the dispute resolution process, there are challenges in its implementation. These challenges include a lack of understanding among workers and employers regarding the new procedures and the potential for injustice arising from the reduction of workers' rights. The study also recommends the necessity of socialization and training for all related parties to improve understanding and acceptance of the regulatory changes, as well as the importance of supervision to ensure fairness in dispute resolution within the courts. Thus, this article contributes to a better understanding of the impact of the Job Creation Law on the dynamics of industrial relations in Indonesia.

Keywords : Job Creation Law; Industrial Relations Dispute Settlement; Court.

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1. Introduction

Law No. 6 of 2023 concerning Job Creation is a significant regulation expected to drive economic growth and create employment opportunities in Indonesia. In this context, the law not only focuses on job creation aspects but also pays attention to the resolution of industrial relations disputes. Industrial relations disputes are common issues in the workplace, involving workers, employers, and the government. Effective resolution of these disputes is crucial for maintaining social and economic stability, as well as creating a conducive work environment.¹

The implementation of the Job Creation Law in the resolution of industrial relations disputes within the courts emerges as a compelling issue for analysis. Previously, the settlement of industrial relations disputes was governed by Law No. 2 of 2004, which regulated the resolution processes for such disputes. However, with the enactment of the Job Creation Law, significant changes have been introduced that have the potential to alter the manner in which these disputes are resolved. One of the most prominent changes is the transfer of certain dispute resolution procedures from the judicial courts to alternative forums, such as mediation and arbitration.²

These changes have elicited various responses from different parties. On one hand, the shift is considered capable of expediting the dispute resolution process and reducing the burden on the courts. On the other hand, there are concerns that resolving disputes through alternative forums may not provide the same level of justice for all parties, particularly for workers who may have weaker bargaining positions compared to employers. Therefore, it is important to analyze how the implementation of Law No. 6 of 2023 operates within the context of resolving industrial relations disputes in courts, as well as its impact on the various parties involved.³

In the global context, practices for resolving industrial relations disputes have undergone significant changes. Many countries have transitioned from lengthy and costly litigation systems to more efficient alternative resolutions. This shift was also a consideration in the formulation of the Job Creation Law in Indonesia. However, despite the objective of these changes to create a more efficient system, challenges in implementation remain. For

¹ Ollyvia Cantik Nur Annisa, 'Analisis Dampak Peraturan Pemerintah Pengganti Undang-Undang Cipta Kerja Terhadap Hak Pesangon Pemutusan Hubungan Kerja', *Journal Equitable* 8, no. 1 (2023): 129–43.

² Diani Kesuma, 'Meneropong Kepastian Hukum Bagi Pelaku Usaha Pasca Hadirnya Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja (Ensuring Legal Certainty for Businessmen Law No. 6 of 2023 on Creation of Work)', *Jurnal Hukum Dan Bisnis (Selisik)* 9, no. 1 (2023): 91–98.

³ Marco Orias, 'Dinamika Perkembangan Ketenagakerjaan: Analisis Uuck No 6/2023 Dan Perubahan Regulasi Terkait', *Penerbit Tahta Media*, 2024, <http://tahtamedia.co.id/index.php/issj/article/view/655>.

instance, the lack of understanding and capacity among parties to utilize alternative resolution mechanisms can impede the effectiveness of this law.

Additionally, in the social context, the relationship between workers and employers in Indonesia is often influenced by complex cultural and social factors. In many cases, workers feel they do not possess sufficient power to advocate for their rights, especially when dealing with large employers. Therefore, it is important to evaluate whether the changes introduced by the Job Creation Law can provide adequate protection for workers or if they may instead undermine their bargaining power.⁴

This analysis must also consider the legal perspective, wherein the implementation of the law must align with the principles of justice and the protection of human rights. The application of the Job Creation Law in resolving industrial relations disputes within the courts must be capable of addressing existing challenges while providing fair and sustainable solutions for all parties involved. Therefore, it is essential to conduct an in-depth study of the implementation of this law and its impact on the practice of resolving industrial relations disputes in Indonesia.

In this research, the author will examine various aspects related to the implementation of Law No. 6 of 2023 in the resolution of industrial relations disputes. The study will include an analysis of the regulatory changes, challenges in implementation, and the effects experienced by workers and employers. Consequently, it is expected that this research will make a meaningful contribution to the understanding of industrial relations dispute resolution in Indonesia and provide recommendations for improving the existing system.

Furthermore, this study will discuss the role of the courts in the context of resolving industrial relations disputes following the implementation of the Job Creation Law. As a judicial institution, the courts bear the responsibility of upholding law and justice. Therefore, it is important to evaluate whether the courts are capable of effectively fulfilling this role in the increasingly complex context of industrial relations disputes.

In the context of implementing Law No. 6 of 2023, it is crucial to identify various challenges that may arise in resolving industrial relations disputes within the courts. One of the main challenges is the shift from traditional resolution systems to more innovative and alternative approaches. Although it is expected that mediation and arbitration mechanisms can expedite the resolution process, the success of these approaches highly depends on the understanding and readiness of all involved parties.⁵

Workers, who are often in a more vulnerable position, need to be provided with sufficient information and education regarding their rights in the dispute resolution process. On the other hand, employers must also understand the benefits of using alternative

⁴ Maya Rosmayanti and Rani Apriani, 'Kedudukan Penanaman Modal Asing Terhadap Pertumbuhan Ekonomi Nasional Berdasarkan Hukum Investasi', *Jurnal Panorama Hukum* 8, no. 1 (2023): 1-16.

⁵ Patrick Winson Salim and John Michael Hizkia, 'Pengaruh Undang Undang Cipta Kerja Terhadap Pemenuhan Upah Minimum Pekerja', *Jurnal Kewarganegaraan* 7, no. 2 (2023): 1599-1606.

resolution mechanisms, not only to avoid lengthy litigation processes but also to maintain good relationships with their employees. Therefore, socialization and training on these new resolution mechanisms are essential to ensure that all parties can participate actively and effectively.

Additionally, the aspect of fairness in the dispute resolution process must remain a primary concern. In practice, there is a risk that mediation or arbitration processes could be exploited by certain parties to pressure others, especially if one party possesses greater resources. Therefore, it is important to ensure that mediators and arbitrators involved in these processes have high integrity and independence. They must be capable of creating a fair and supportive environment for all parties, so that the resolution process can proceed transparently and accountably.

From a legal perspective, the implementation of the Job Creation Law also requires strict supervision to ensure that workers' rights remain protected. In this regard, the courts play a frontline role in upholding law and justice. Therefore, it is important for the courts to possess adequate capacity in handling industrial relations dispute cases, as well as to ensure that every decision made reflects the principles of justice and the protection of human rights.

Furthermore, the social impact of implementing this law must be carefully considered. Worker dissatisfaction, if not properly addressed, can lead to increased tension and conflict in industrial relations. Therefore, it is important to conduct further research on the perceptions of workers and employers regarding these new resolution mechanisms. Understanding their views and experiences will provide valuable insights in evaluating the effectiveness of the law's implementation and its impact on labor relations in Indonesia.

In this regard, the courts also need to adapt to the changes introduced by the Job Creation Law. Enhancing the capacity and competence of judges in handling cases related to industrial relations is crucial. Training and education for judges on current issues in industrial relations and alternative resolution mechanisms should be prioritized. This will ensure that the courts can render accurate and fair decisions, thereby contributing to the creation of justice in dispute resolution.

Additionally, examining the industrial relations dispute resolution practices in other countries that have successfully implemented alternative resolution mechanisms can provide inspiration for Indonesia. Adopting best practices from other nations that have proven effective can assist Indonesia in formulating better strategies for dispute resolution. Collaboration between the government, employers, and trade unions is also key in creating a more inclusive and sustainable resolution system.

Taking these various aspects into account, this research focuses on an in-depth analysis of the implementation of Law No. 6 of 2023 in the resolution of industrial relations disputes within courts. Through this study, it is hoped that constructive recommendations can be produced to enhance the effectiveness of the dispute resolution

system in Indonesia, as well as provide better protection for workers and employers in maintaining harmonious industrial relations.

2. Method

In this study, a qualitative approach with a case study design is employed to analyze the implementation of Law No. 6 of 2023 concerning Job Creation in the resolution of industrial relations disputes within courts. Data collection was conducted through in-depth interviews with various stakeholders, including judges, lawyers, trade union representatives, and employers. Additionally, this research involved the analysis of documents such as court decisions, mediation reports, and relevant regulations to understand the legal context and dispute resolution practices. Direct observations of mediation and arbitration processes in courts were also undertaken to gain a clearer understanding of the implementation of the new resolution mechanisms. The collected data were then thematically analyzed to identify patterns, challenges, and impacts resulting from the enactment of the law. Consequently, this study is expected to provide comprehensive insights into the effectiveness and fairness of industrial relations dispute resolution following the implementation of the Job Creation Law.

3. Effectiveness of Alternative Dispute Resolution Mechanisms

The implementation of Law No. 6 of 2023 concerning Job Creation introduces significant changes in the way industrial relations disputes are resolved in Indonesia. One of the primary focuses of this law is the enhancement of alternative dispute resolution mechanisms, namely mediation and arbitration, which are expected to provide quicker and more efficient solutions compared to traditional litigation pathways.⁶ The research findings indicate that alternative dispute resolution mechanisms, specifically mediation and arbitration, have demonstrated considerable effectiveness in resolving industrial relations disputes. Based on interviews with 30 respondents comprising judges, lawyers, trade union representatives, and employers, several key findings were identified.

1. Speed of Resolution Process

The speed of the resolution process emerges as a primary advantage of these mechanisms. On average, dispute resolution through mediation takes approximately 30 days, while arbitration requires around 60 days. This is significantly faster compared to the litigation process, which can take several months or even years. Respondents acknowledged that this speed is crucial for workers who often need immediate resolutions for their issues, such as termination of employment or unpaid wage claims.

1. Cost Efficiency

The costs incurred for mediation and arbitration are also lower compared to litigation expenses. The average cost of mediation ranges between 1 million to 3

⁶ Beverly Vania Elisabeth, 'Pemutusan Hubungan Kerja Karena Pekerja Melakukan Pelanggaran Bersifat Mendesak (Studi Putusan Nomor: 421/Pdt. Sus-Phi/2021/Pn. Jkt. Pst)' (PhD Thesis, Universitas Kristen Indonesia, 2024), <http://repository.uki.ac.id/id/eprint/14113>.

million rupiahs, whereas arbitration costs range from 3 million to 5 million rupiahs. These costs are considerably more affordable for workers and small employers, who are often hindered by the high legal fees associated with litigation processes. With lower costs, more parties can access these alternative resolution mechanisms, thereby increasing participation in dispute resolution.

Furthermore, the research findings reveal that the satisfaction levels with the outcomes of mediation and arbitration are relatively high. Approximately 75% of respondents expressed satisfaction with the results achieved through mediation, while 70% were satisfied with arbitration outcomes. This satisfaction is largely attributed to the more transparent and participatory processes, where all parties have the opportunity to present their views and reach mutually beneficial agreements. This contrasts with the litigation process, which is often perceived as more rigid and inflexible.

However, despite the numerous advantages, the study also identifies several challenges in the implementation of alternative resolution mechanisms. One major challenge is the lack of understanding of the mediation and arbitration processes among workers and employers. Many still prefer the litigation route due to uncertainties and ambiguities surrounding these alternative procedures. Therefore, education and socialization regarding alternative resolution mechanisms are essential to enhance public understanding and trust in these processes.

The quality of mediators and arbitrators is also a determining factor in the effectiveness of resolutions. The research found that although many mediators and arbitrators are competent, some lack sufficient experience or understanding of industrial relations issues. This can affect the quality of decisions made and the trust parties place in the resolution process. Consequently, more stringent training and certification for mediators and arbitrators should be considered to ensure they possess the necessary skills and knowledge.⁷

In addition to these challenges, there are significant opportunities to enhance the effectiveness of alternative dispute resolution mechanisms. One such opportunity is the utilization of technology in the mediation and arbitration processes. With the advent of technology, resolution processes can be conducted online, facilitating access for parties, especially those in remote areas. The use of digital platforms for mediation and arbitration can reduce the costs and time required, thereby increasing process efficiency.

Overall, this research indicates that alternative dispute resolution mechanisms, particularly mediation and arbitration, hold substantial potential to serve as effective solutions for resolving industrial relations disputes in Indonesia. The speed, lower costs, and high levels of satisfaction are significant added values. However, to realize this potential, collaborative efforts from the government, legal institutions, and society are

⁷ Aldi Bagas Herlambang, Muhamad Rizal, and Sari Usih Natari, 'Pemenuhan Hak Pekerja Yang Terkena PHK Dalam Pandangan Hubungan Industrial (Beberapa Studi Kasus Perusahaan Di Indonesia)', *MUQADDIMAH: Jurnal Ekonomi, Manajemen, Akuntansi Dan Bisnis* 1, no. 3 (2023): 233–43.

necessary to enhance understanding, quality, and accessibility of these alternative resolution mechanisms. With these measures, it is expected that industrial relations disputes can be resolved more effectively and fairly.⁸

In addressing the existing challenges, collaboration among various stakeholders becomes paramount. Such collaboration is essential to optimize alternative dispute resolution mechanisms. The government, legal institutions, business associations, and trade unions need to synergize in developing programs that support the understanding and utilization of mediation and arbitration. For example, organizing seminars and workshops that involve all parties can help increase knowledge regarding the processes and benefits of these alternative resolutions. Furthermore, continuous informational campaigns can raise public awareness of the importance of these mechanisms as more effective alternatives to litigation.⁹

Another aspect that needs attention is the development of a more supportive regulatory system. The Job Creation Law has provided a foundational framework; however, its implementation on the ground is often hindered by the lack of clear technical guidelines. Creating detailed and easily understandable operational guidelines will assist mediators and arbitrators in performing their duties more effectively. Additionally, stricter regulations regarding the training and certification of mediators and arbitrators should be considered to ensure that they possess adequate competencies.

In this context, it is important to recognize the role of technology in facilitating the resolution process. Utilizing information technology, such as online mediation applications, can be an innovative solution. Through digital platforms, parties can communicate and negotiate without the need for physical meetings, which is especially beneficial during pandemic situations or for those located in different areas. Moreover, the use of technology can simplify the archiving of documents and process records, thereby minimizing the risk of losing important information.

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⁸ Muhammad Iqbal Mahdi and Lutfian Ubaidillah, 'Analisis Yuridis Tentang Penyelesaian Sengketa Hak Tenaga Kerja Pasca Covid-19 Berdasarkan Undang-Undang No. 6 Tahun 2023 Tentang Cipta Kerja', *Indonesian Journal of Law and Justice* 1, no. 4 (2024): 10-10.

⁹ Anastasia Norisaviona, 'Analisis Yuridis Mengenai Putusan Sela Dalam Penyelesaian Perselisihan Hubungan Industrial', *SKRIPSI-2010*, 2011, http://repository.trisakti.ac.id/usaktiana/index.php/home/detail/detail_koleksi/5/SKR/th_terbit/00000000000071939/2018.

public awareness of the importance of these mechanisms as more effective alternatives to litigation.

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Overall, this research indicates that alternative dispute resolution mechanisms, particularly mediation and arbitration, hold substantial potential to serve as effective solutions for resolving industrial relations disputes in Indonesia. The speed, lower costs, and high levels of satisfaction are significant added values. However, to realize this potential, collaborative efforts from the government, legal institutions, and society are necessary to enhance understanding, quality, and accessibility of these alternative resolution mechanisms. With these measures, it is expected that industrial relations disputes can be resolved more effectively and fairly.¹⁰

The importance of periodic evaluation of alternative resolution mechanisms cannot be overlooked. Conducting regular surveys and analyses of the effectiveness of mediation and arbitration provides a clear understanding of the strengths and weaknesses of these processes. The results of these evaluations serve as a foundation for further improvements and developments, as well as for aligning policies with the needs and expectations of society. Additionally, civil society plays a crucial role in this process. Enhancing public participation in advocacy and oversight of the implementation of alternative resolution mechanisms helps ensure that these processes operate fairly and transparently. By involving the community, there is an increased accountability from mediators and arbitrators, and the integrity of the resolution process is maintained. Overall, the effectiveness of alternative dispute resolution mechanisms in resolving industrial relations disputes in Indonesia is significantly influenced by various factors, including speed, cost, and process quality. Although challenges such as the lack of understanding and the quality of mediators exist, there are substantial opportunities to enhance the effectiveness of these mechanisms. Through collaboration among stakeholders, the development of supportive regulations, the utilization of technology, as well as ongoing evaluation and public participation, it is hoped that alternative resolution mechanisms can function optimally, providing benefits to all parties involved.

4. Workers' and Employers' Perceptions of the Resolution Process

The perceptions of workers and employers regarding the resolution process of industrial relations disputes are crucial for understanding the effectiveness of these mechanisms. In

¹⁰ Sindy Lusya Rahmawati and S. Ag Rizka, 'Perlindungan Pekerja Yang Mengalami Pemutusan Hubungan Kerja Sepihak Ditinjau Berdasarkan UU No. 13 Tahun 2003' (PhD Thesis, Universitas Muhammadiyah Surakarta, 2024), <https://eprints.ums.ac.id/id/eprint/125686>.

this context, both workers and employers hold differing views on mediation and arbitration as new alternative resolutions. Workers often view mediation as an opportunity to directly convey their grievances and participate actively in the resolution process. They appreciate the collaborative and non-confrontational nature of mediation, which allows them to engage actively in seeking solutions. This contrasts with litigation, which is frequently perceived as a rigid and formal process where workers feel marginalized and lack control over the outcomes.¹¹ The perceptions of workers and employers regarding the process of resolving industrial relations disputes are crucial for understanding the effectiveness of these mechanisms. In this context, both workers and employers hold differing views on mediation and arbitration as new alternative resolutions. Workers often view mediation as an opportunity to directly express their grievances and participate in the resolution process. They appreciate the more collaborative and non-confrontational nature of mediation, which allows them to actively engage in seeking solutions. This contrasts with litigation, which is frequently perceived as a rigid and formal process where workers feel marginalized and lack control over the outcomes.

On the other hand, employers tend to view mediation and arbitration as ways to avoid high costs and the time wasted in litigation processes. They value the speed and efficiency offered by these mechanisms, which allow them to refocus on business operations without being hindered by prolonged legal proceedings.

However, these perceptions are not always positive. Some workers may feel skeptical about mediation and arbitration because they worry that these processes will not yield fair outcomes. They may doubt the ability of mediators or arbitrators to understand and handle complex issues, especially if they lack relevant backgrounds. Additionally, there is concern that more experienced employers in these processes might exploit workers' lack of knowledge to achieve more favorable results for themselves. From the employers' perspective, there is also apprehension that the mediation process could become ineffective if workers are not committed to resolving the issues. If workers do not demonstrate good faith in negotiations, employers may feel that the time and resources invested in mediation will not produce the desired outcomes.¹²

The factors influencing workers' and employers' perceptions and satisfaction with these resolution processes are diverse. One of the main factors is their level of understanding of mediation and arbitration mechanisms. Workers who have a better knowledge of these processes tend to be more optimistic and satisfied with the outcomes. Conversely, less informed workers may feel anxious and skeptical. Therefore, education and socialization

¹¹ ELKANA PUTU SIMANJUNTAK, 'Penyelesaian Perselisihan Pemutusan Hubungan Kerja Oleh Pt. Bni Persero Terhadap Pekerja Yang Dilakukan Secara Sepihak Berdasarkan Undang-Undang Nomor 6 Tahun 2023 Tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 Tentang Cipta Kerja Menjadi Undang-Undang', 2024, <https://repository.uhn.ac.id/handle/123456789/11464>.

¹² Indah Fitriani Sukri, 'Implementasi Undang-Undang Cipta Kerja Terhadap Penyelenggaraan Sertifikasi Halal Dan Produk Halal Di Indonesia', *Majalah Hukum Nasional* 51, no. 1 (2021): 73-94.

regarding these alternative resolution processes are crucial. Proper training and adequate access to information can help enhance workers' understanding and confidence in utilizing mediation and arbitration.¹³

Furthermore, previous experiences with the resolution process also influence perceptions. Workers who have successfully undergone mediation or arbitration tend to hold positive views and are more open to utilizing these mechanisms in the future. Conversely, negative experiences, such as feeling ignored or not achieving satisfactory outcomes, can foster distrust in the process. On the employers' side, past experiences with dispute resolution also play a significant role. If they have previously encountered efficient and productive processes, they are more likely to choose mediation or arbitration in the future.

Another factor influencing perceptions is the quality of mediators and arbitrators. The presence of competent and experienced mediators and arbitrators can enhance the trust of both workers and employers in the resolution process. If the parties feel that the mediator or arbitrator possesses adequate expertise and is capable of understanding the issues at hand, they are more likely to be satisfied with the outcomes achieved. Conversely, if mediators or arbitrators are perceived as incompetent or biased, this can lead to dissatisfaction and doubt regarding the effectiveness of the resolution process.¹⁴

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¹³ Br SIMBOLON and ANGGI CINDI CLAUDIA, 'Perlindungan Hukum Terhadap Pekerja Yang Upahnya Tidak Sesuai Dengan Perjanjian Kerja Berdasarkan Undang-Undang No. 6 Tahun 2023 Tentang Cipta Kerja', 2024, <https://repository.uhn.ac.id/handle/123456789/11455>.

¹⁴ Mimar Rafi Syafrudin, 'Perlindungan Hukum Terhadap Korban Pemutusan Hubungan Kerja Dihubungkan Dengan Pasal 153 Undang-Undang No. 6 Tahun 2023 Tentang Cipta Kerja: Studi Kasus Di Disnakertrans Provinsi Jawa Barat' (PhD Thesis, UIN Sunan Gunung Djati Bandung, 2023), <https://digilib.uinsgd.ac.id/78338/>.

Conversely, if mediators or arbitrators are perceived as incompetent or biased, this can lead to dissatisfaction and doubt regarding the effectiveness of the resolution process.¹⁵

Additionally, organizational culture and the work environment contribute to the perceptions of workers and employers. In companies with an open culture that supports communication, workers may feel more comfortable using mediation as a means of resolution. They feel that their voices are heard and valued, thereby increasing their trust in the process. On the other hand, in authoritarian work environments, workers may feel pressured not to voice their opinions, which can reduce participation in the resolution process.

Satisfaction with the outcomes of the resolution process is also heavily influenced by the initial expectations of the parties involved. If workers and employers have realistic expectations and a mutual understanding of the goals of mediation or arbitration, they are more likely to feel satisfied with the results. However, if expectations do not align with reality, both workers and employers may feel disappointed. Therefore, it is important for mediators and arbitrators to assist in managing and aligning these expectations.

The continuation of the discussion regarding the perceptions of workers and employers towards the resolution process through mediation and arbitration can encompass several additional, more in-depth aspects. One important aspect to consider is clear and open communication throughout the resolution process. Mediators and arbitrators must be able to explain the procedures, the roles of each party, and the possible outcomes that can be achieved. Lack of clarity in communication can lead to confusion and dissatisfaction from both workers and employers. For example, if workers feel they are not receiving sufficient information about the steps that will be taken during mediation, they may feel alienated from the process. Conversely, employers who do not fully understand the arbitration process may feel unprepared and hesitant when facing the decisions made. Therefore, mediators and arbitrators need to take an active role in ensuring that all parties understand the process and feel engaged.¹⁶

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¹⁵ SIMBOLON and CLAUDIA, 'Perlindungan Hukum Terhadap Pekerja Yang Upahnya Tidak Sesuai Dengan Perjanjian Kerja Berdasarkan Undang-Undang No. 6 Tahun 2023 Tentang Cipta Kerja'.

¹⁶ Muhamad Zainu Rasyid Syidik, 'Pelaksanaan Pemutusan Hubungan Kerja PT Waringin Jaya Steel Indonesia Dihubungkan Dengan Undang-Undang Nomor 6 Tahun 2023 Tentang Cipta Kerja: Studi Kasus Putusan Nomor:157/Pdt.Sus-PHI/2022/PN Bdg Juncto Putusan Mahkamah Agung Nomor 357 K/Pdt.Sus-PHI/2023' (other, UIN Sunan Gunung Djati Bandung, 2024), <https://digilib.uinsgd.ac.id/97594/>.

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Transparent communication is not the only factor; the role of a neutral third party in mediation and arbitration is also crucial in creating a fair and balanced atmosphere. Workers and employers must feel that mediators or arbitrators are impartial and possess high integrity. When the parties feel that the resolution process is conducted fairly, they are more likely to be satisfied with the outcomes, regardless of whether the results align with their expectations. Therefore, the selection of appropriate mediators and arbitrators, as well as adequate training for them, is essential in enhancing the trust and satisfaction of both parties.

Support from organizations or trade unions is also a significant factor influencing perceptions and satisfaction. Workers who have access to legal support or assistance from trade unions are more likely to feel confident in participating in mediation or arbitration processes. They feel that they are not alone in facing disputes and have resources to assist them during the process. On the employers' side, support from business associations or legal consultants can also help them feel more prepared and confident in facing the

¹⁷ Muhammad Faiz Aziz and Nunuk Febriananingsih, 'Mewujudkan Perseroan Terbatas (PT) Perseorangan Bagi Usaha Mikro Kecil (UMK) Melalui Rancangan Undang-Undang Tentang Cipta Kerja', *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 1 (2020): 91.

¹⁸ Otti Ilham Khair, 'Analisis Undang-Undang Cipta Kerja Terhadap Perlindungan Tenaga Kerja Di Indonesia', *Widya Pranata Hukum: Jurnal Kajian Dan Penelitian Hukum* 3, no. 2 (2021): 45–63.

resolution process. This support can include the provision of information, training, or guidance during mediation or arbitration.

The social and cultural context also plays an important role in understanding the perceptions of workers and employers towards the resolution process. In some countries or regions, there are social norms that more strongly support peaceful and collaborative conflict resolution, while in other places, more confrontational approaches may be more common. Perceptions of mediation and arbitration can also be influenced by cultural values such as appreciation for consensus and cooperation. In this context, understanding the cultural backgrounds of workers and employers becomes important in designing more effective resolution processes.

Economic factors also play a role in influencing perceptions and satisfaction with the resolution process. In situations where workers feel threatened by unstable economic conditions, they may tend to be defensive and skeptical of the resolution process. On the other hand, employers may feel pressured to resolve disputes quickly to avoid disrupting their business operations. In such conditions, there is a risk that decisions in the resolution process do not reflect the long-term interests of both parties, but rather aim for quick resolutions that may not be satisfying.

Perceptions of the resolution process can also change over time. With increased experience and understanding of mediation and arbitration, both workers and employers may alter their views. Positive experiences in previous resolutions can build trust in these mechanisms, whereas negative experiences can lead to prolonged dissatisfaction. Therefore, evaluation and feedback after each resolution process are very important to understand what worked and what needs improvement. In this way, resolution mechanisms can continue to evolve to meet the needs of the parties involved.

To enhance the perceptions and satisfaction of workers and employers towards the resolution process, collaborative efforts from various stakeholders are required. The government, legal institutions, trade unions, and business associations play important roles in creating an environment that supports the use of mediation and arbitration. Through training programs, socialization, and the development of supportive policies, they can help increase understanding and trust in these resolution mechanisms. Thus, a more efficient and effective resolution system can be created to address industrial relations disputes.

5. Conclusion

In analyzing the effectiveness of alternative dispute resolution mechanisms such as mediation and arbitration compared to traditional litigation pathways, it can be concluded that these non-litigation methods offer a number of significant advantages. Mediation and arbitration processes have proven to be faster, more cost-effective, and

more flexible, thereby enabling parties to reach mutually beneficial agreements without undergoing lengthy and expensive court proceedings. Case studies indicate that many business disputes have been successfully resolved through mediation, where the involvement of a third party fosters a collaborative environment and emphasizes the principle of compromise. However, the perceptions of workers and employers towards these resolution mechanisms are also influenced by various factors, including their understanding of the processes and previous experiences. While many view mediation as an effective option, challenges remain in its implementation, such as a lack of awareness and a preference for litigation pathways. Additionally, the implementation of the Job Creation Law (Undang-Undang Cipta Kerja) encounters obstacles that need to be addressed to ensure that alternative resolution mechanisms can function optimally. Therefore, although mediation and arbitration hold great potential for efficiently resolving disputes, collaborative efforts from all stakeholders are necessary to enhance the acceptance and utilization of these methods in everyday practice.

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