INDUSTRIAL RELATIONSHIP DISPUTE RESOLUTION THAT MEETS THE PRINCIPLE OF FAST, LOW COST AND EFFICIENT

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Abstract

The purpose of this study is to determine whether the settlement of industrial relations has met the principles of fast, low cost and efficient. The type of research used is normative legal research. By using a statutory approach and a conceptual approach. the data used is secondary data consisting of primary, secondary and tertiary legal materials. data analysis using deductive method. The Industrial Relations Court trial process which must be carried out by workers and companies at least 8 (eight) sessions is added to the waiting period in the Cassation and Review case process at the Supreme Court for which there is no time limit, then the waiting period for the Cassation and Review administration process Again, which also has no time limit, then the series of many trials and the length of the cassation process, judicial review to execution, of course, all of them simultaneously require a large amount of money, so it can be said that in theory there are no costs in handling cases, but in practice workers will spend a lot of money, thus the principle of low cost is not implemented.

Keywords: dispute resolution, industrial relationship, the principle of fast, low cost and efficient.

INTRODUCTION.

In its development, the Industrial Relations Court, did not run well. This happens due to several factors. For example, the location of the Industrial Relations Court is too far, that is, there is only one in each province (it is true, there are exceptions for areas that are densely industrialized, but what about those that are not). In addition, the Industrial Relations Court is also too rigid, meaning that it relies heavily on civil procedural law. Therefore, it is not uncommon for claims filed by workers to be rejected for reasons of formatting or systematic error, not infrequently even a power of attorney.[1]

It should be remembered that workers and employers, do not have the same economic condition, therefore oftentimes, they become lawyers for themselves, and they do not

[1] Haikal Arsalan dan Dinda Silviana Putri, Reformasi Hukum Dan Hak Asasi Manusia Dalam Penyelesaian Perselisihan Hubungan Industrial (Law and Human Right Reformation on Industrial Dispute Settlement), Jurnal HAM, Vol. 11,No. 1, April 2020, p. 40

necessarily know how to format a lawsuit or the correct power of attorney. Has strong executive power. This means that even if one party wins the first stage, there is still an opportunity for the other party to file an appeal or cassation.

This issue is certainly burdensome for workers who often do not have adequate economic conditions to take such a long litigation path. This is the reason why the executive power of the Industrial Relations Court is not strong enough to settle industrial relations disputes, because the stages that still have to be passed can delay the executive power.

The existence of such Industrial Relations Disputes seems to violate the principles of the judiciary. In the judicial system in Indonesia, there is a principle that justice is carried out in a simple, fast and low-cost manner. "The principle of simple, fast and low cost can be seen in the provisions of Article 2 Paragraph 4 of Law no. 48 of 2009 concerning Judicial Power, which stipulates that justice is carried out in a simple, fast, and low-cost manner".

The quick principle is intended so that the handling of cases can be resolved in a short time, indeed how long the short time is not specified in any regulations, but can be felt in accordance with the sense of propriety in the community, so that it does not take a long time and drag on as if the case was faced endlessly. While the simple principle relates to evidence and related agencies in dispute resolution itself which has the aim that the trial process is not complicated and easy to resolve so that by itself the application of the principle can quickly be implemented.[2]

Meanwhile, regarding the principle of low costs, it depends on the two previous principles, namely if the handling of cases can be resolved quickly and without complications with simple proof and case processes without involving many other agencies, then the costs will automatically be light, moreover it is clarified in the provisions that In handling cases, no payment is imposed. So for light costs apart from whether the handling of the case is fast and uncomplicated, both in terms of the process and the proof, the handling of the case is not subject to any fees or at a low cost.[3]

Through the explanation above, the writer would like to convey that currently, the concept of industrial relations dispute settlement is far from being effective and efficient. This is because even though the legal ratio of the existence of the Industrial Relations Court is to perfect the old concept, in fact the Industrial

[2] Maswandi, Implementasi Prinsip Cepat, Sederhana Dan Biaya Ringan Dalam Penyelesaian Sengketa Hubungan Industrial Di Indonesia, Jurnal Penegakan Hukum, Vol. 3, No. 1, Juni 2016, p. 61.

[3] Ibid, p. 62.

Relations Court is far from that. Some of the things described above related to the location of the IRC, the rigidity of the procedural law used, to the gradual litigation process that can delay the execution of its powers are the main reasons why the IRC is far from being effective and efficient.

Moving on from these problems, the author offers the concept of resolving industrial relations disputes by conducting research that makes the urgency of the abolition of industrial relations courts and strengthening the tripartite function (mediation) under the authority of the Manpower Office. So with the background of this problem, the problem to be studied is how to resolve industrial relations disputes that meet the principles of fast, low cost and efficient?

RESEARCH METHODOLOGY.

The type of research used by the author in this thesis is normative legal research. According to Soerjono Soekanto and Sri Mamuji, normative legal research includes an inventory of legal principles, legal systematics, research on law enforcement both operationally by institutions and in terms of legal settlement processes in practice, to then conduct research on the level of vertical and horizontal synchronization. horizontal, comparative law and legal history.[4] In connection with the type of research used is normative legal research, the researcher uses two approaches*, namely* the statute approach and conceptual approach.

The data used is secondary data consisting of primary legal materials, namely legal materials that are binding and consist of basic norms or basic rules, namely the preamble to the 1945 Constitution, basic regulations, statutory regulations, legal materials that are not codified, jurisprudence and treaties.[5] So here the primary legal material used by the author in this research is Law Number 13 of 2003 concerning Manpower and Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes. Secondary legal materials are legal materials that provide an explanation of primary law, such as draft laws, research results, works from legal circles, opinions of legal scholars.[6] Secondary legal materials are obtained from textbooks that discuss employment law, industrial relations and judicial principles . And tertiary legal materials, namely materials that provide instructions and explanations for primary and secondary legal materials. For example dictionaries, encyclopedias, websites and others.[7]

[4] Soerjono Soekanto dan Sri Mamudji, 2017,Penelitian Hukum Normatif (Suatu Tinjauan Singkat), Jakarta, Rajawali Pers, p. 14

[5]Ibid, p. 13.

[6] Ibid.

[7] Ibid

Secondary data (both primary legal materials, secondary law and tertiary legal materials) by using library research techniques. The data obtained through the literature study were then analyzed using deductive techniques.

DISCUSSION.

Overview of the Principles of Simple, Fast and Low Cost.

The legal basis for the simple, fast and low cost principle in the judicial process is contained in Law No. 48 of 2009 concerning Judicial Power. In Article paragraph (2) of Law no. 48/2009 states that the Court assists justice seekers and tries to overcome all obstacles and obstacles in order to achieve a simple, fast and low cost trial.

1. Simple principle.

   Linguistically, principle means legal basis, basic (something that becomes the foundation of thinking or opinion, basic ideals (association or organization). [8]While simple in language means medium (in the sense of middle, not high, not low).[9]

   Simple refers to "*complicated"* whether or not the case is resolved.[10] So the simple principle means the way is clear, easy to understand and not complicated. What is important here is that the parties can express their will clearly and definitely (not change) and the settlement is carried out clearly, coherently and definitely, with the application of flexible procedural law for the benefit of the parties who want a simple event.[11]

   What is already simple, should not be deliberately complicated by the judge, leading to a convoluted and stalled examination process. until the examination "continues backwards" for several times for various reasons that are not legally valid. The judge had a cold, the trial was postponed, the judge entered the office at eleven o'clock, the examination was delayed. Lazy judge, back examination. The family of the clerk or the judge who circumcised the child was used as an excuse to postpone the trial, even though the parties from far away had worked hard to pay for the witnesses they were about to face.

   Legal counsel went on a cruise, justified as a reason to postpone the trial. Many things are funny and ridiculous but at the same time pathetic in practice around the

[8] Sudarsono, 1992, Kamus Hukum, Jakarta: PT Rineka Cipta, p. 36

[9] Tim Penyusun Kamus Besar Bahasa Indonesia, 2000, Kamus Besar Bahasa Indonesia, Jakarta: Balai Pustaka, p.. 163

[10] Setiawan, 1992, Aneka Masalah Hukum dan Hukum Acara Perdata, Bandung: PT Alumni, p. 426

[11] A. Mukti Arto, 2001, Mencari Keadilan (Kritik Dan Solusi Terhadap Praktik Paradilan Perdata di Indonesia), Yogyakarta: Pustaka Pelajar Offset, p. 64

shrewdness and immorality of crafting convoluted ways of examination. The checks keep going backwards and never reach the final destination. Such methods are not only immoral, but also unprofessional.[12]

2. Quick principle.

Fast in language means a short time, in a short time; right away, not a lot of subtleties (not a lot of knick-knacks). [13]Fast or appropriate refers to the "tempo" of how fast or slow the settlement of a case is. [14]The principle of speed in the judicial process here means that the settlement of cases does not take too long. The Supreme Court in Circular No. 1 of 1992 provides a maximum time limit of 6 (six) months, meaning that every case must be resolved within 6 (six) months of the case being registered at the Registrar's Office, unless according to legal provisions it is impossible to settle within six months. However, this speedy settlement must always run on the rule of law that is true, fair and thorough.[15]

This fast principle does not aim to order judges to examine and decide on divorce cases, for example, within an hour or half an hour. What is aspired is an examination process that does not take a long period of time up to many years in accordance with the simplicity of the procedural law itself.[16]

So what is required of the judge in the application of this principle is the attitude of not tending to be extreme in carrying out a hasty examination like a machine, so that the course of the examination strips the dignity of humanity. But deliberately delayed. Carry out a thorough and fair, rational and objective examination by giving equal and proper opportunities to each litigant.

The second thing is the application of this principle must not reduce the accuracy of the examination and assessment according to the law of justice. What is the purpose of the examination process in a fast way if the law enforced in it contains falsehoods and rapes against truth and justice. On the other hand, for what truth and justice were obtained with great misery and bitterness and in a waiting that never arrived.

Such a long wait for decades in trepidation and restlessness. Sometimes,

[12] M. Yahya Harahap, 2003, Kedudukan Kewenangan dan Acara Peradilan Agama (Undang-Undang No 7 Tahun 1989), Jakarta: Sinar Grafika Offset, p. 71

[13] Tim Penyusun Kamus Besar Bahasa Indonesia, Op. cit, p. 792

[14] Setiawan, Op.Cit , p. 427.

[15] A. Mukti Arto, Op., cit , p. 65

[16] M. Yahya Harahap, Op. Cit , p. 71.

due to the length of the process for resolving a case, the final decision only arrives after the litigant has died for decades. In pain like this, if the decision handed down is true and fair, (it is likely that the truth and justice contained in it, have been swallowed up by the process of change and development of values). For example, husband and wife have joint assets of IDR 5,000,000. The wife's lawsuit was filed in 1970 so that the money is divided into each part.

In the trial the lawsuit was proven and granted so that the verdict was "correct" and in accordance with truth and justice. However, the final decision was only received in 1985. This means that the settlement process has a period of 15 (fifteen) years. Truth and justice, let alone what the wife gets and enjoys from the decision, is completely non-existent. The truth and justice contained in the decision were fake and were destroyed by the inflation from 1970, the value is still strong and is very meaningful to be used as capital even enough to build a rather luxurious house. But since the verdicts and executions were only carried out in 1985, that amount of money meant only to buy kitchen utensils and a little furniture. Truly the right and correct decision was not correct and no longer true, because the value of the price and the purchasing power of the money had fallen hundreds of times.[17]

Based on this very simple example, it can be seen how important the principle of a fast and accurate trial is. In a decision that is fast and precise, there is justice which has more value. The stipulation of a decision in accordance with the law, truth and justice alone already contains its own value of justice, and the speed of its completion in a fast and precise decision there is a sense of justice that complements each other in law enforcement.

Seen from the point of view of the joy and relief of receiving a fast and appropriate decision, it contains its own satisfaction value, and supports the truth value of justice contained in the decision. Moreover, the simplicity, speed, and accuracy of decisions coupled with courteous and independent examination services, the higher the degree of truth and justice.

In terms of psychology and humanity, the values of truth and justice will turn into hatred and revenge if during the trial examination the litigating party is treated

[17] Ibid, p. 72

indecently and inhumanely. Service treatment that is rude and demeans one's dignity (*human dignity*) automatically poisons the sense of truth and justice. Punish someone with a severe punishment, then he will sincerely and sincerely accept the punishment, if during the examination he is served and treated humanely. Instead, impose a light sentence but in a harsh, cruel and inhuman trial process, it is not a sense of justice that grows in the heart, but a bitter grudge that will take root in the heart.[18]

3. Low cost principle.

In the language of the cost means money spent to hold (establish, do, etc.) something, costs (administration; costs incurred for processing letters and so on), case costs such as summoning witnesses and stamp duty. [19]While light here refers to the many or at least the costs that must be incurred by justice seekers in resolving their disputes before the court.[20]

Low costs in this case mean that no other costs are needed unless they are really needed in real terms for the settlement of the case. Fees must have clear and light tariffs. All payments in court must be clearly used and given a receipt of money. The court must account for the money concerned by recording it in the case's financial journal so that the person concerned can view it at any time.[21]

According to Article 121 paragraph (1) *Herziene Inlandsch Reglement* states the determination of court fees is carried out after the lawsuit has been registered by the clerk in the list provided for that purpose, the chairman determines the day and time when the case will be examined before the court. Article 121 paragraph (4) *Herziene Inlandsch Reglement* stipulates "registering in the register as referred to in the first paragraph, may not be done before the plaintiff in the first paragraph, may not be done before the plaintiff has paid the clerk in advance an amount of money the amount of which is temporarily estimated by the Head of the District Court. According to the circumstances of the case, for the cost of the clerk's office, the cost of summons and notification required to both parties and the stamp duty price to be taken into account. The amount paid in advance will be calculated later.[22]

[18] Ibid .

[19] Tim Penyusun Kamus Besar Bahasa Indonesia, Op. Cit, p. 113

[20] Setiawan, Op. Cit , p. 749

[21] A. Mukti Arto. Op. Cit , p. 67

[22] Moh. Taufik Makarao, 2004, Pokok-Pokok Hukum Acara Perdata, Jakarta: PT Rineka Cipta, 2004, p. 43

In relation to court fees for people who cannot afford services, services are provided to obtain legal protection and justice for free (prodeo). [23]Regarding free trial or free trial, it is regulated in article 237 *Herziene Inlandsch Reglement*. The Administrative Court also stipulates that the plaintiff can submit an application to the head of the court for a dispute free of charge. The application is submitted when the plaintiff files his lawsuit accompanied by a certificate of incapacity from the village head or lurah at the applicant's residence. In the statement it must be stated that the applicant is truly unable to pay the case of Article 60 paragraphs 1, 2, 3 of Law No. 5 of 1986.[24]

The applicant as referred to in article 60 must be examined and determined by the court before the subject matter of the dispute is examined. This determination is taken first and last level. The court's decision which has granted the plaintiff's request for a free dispute at the first instance also applies at the appeal and cassation levels.

The principle of simplicity, speed and low cost in the judiciary must meet the expectations of justice seekers who always want a fast, fair and low cost trial. There is no need for complicated examinations and procedures that can cause the process to take years, sometimes even have to be continued by the heirs of justice seekers. Low cost means the lowest possible cost so that it can be borne by all of these people without sacrificing thoroughness in seeking truth and justice.[25]

The stipulation that the trial is conducted on the principle of simple, fast and low cost must still be adhered to by reflecting the law on civil procedural law which contains regulations on examination and proof that are much simpler. [26]However, the meaning and purpose of the principle of simple, fast and low-cost basic justice does not only emphasize the elements of speed and low cost, it does not mean that the case examination is carried out like a circulating tire (*lopende ban*), just like a screw-making machine. Not so the meaning and purpose.

[23] Ibid, p. 67

[24] Ibid. p.. 70

[25]Mahkamah Agung RI, 2003, Himpunan Peraturan Perundang-undangan tentang Kekuasaan Kehakiman, Mahkamah Agung, Peradian Umum, Peradilan Militer, Peradilan Agama, Peradilan Tata Usaha Negara serta Organisasi dan Tata Kerja, Kepaniteraan/sekretariat Jendral Mahkamah Agung-RI, p. 18

[26] Ibid.

In the application of the principle of a simple, fast and low-cost judiciary that has an intrinsic value of justice, it is inseparable from the service function, the judge must really be aware of himself as an official who serves the interests of law enforcement. Especially for judges who serve in the Religious Courts, they should be more noble and more in line with the religious predicate they carry.[27]

Overview of Industrial Relations Disputes.

In the Manpower Act, the term dispute is not used, but the term dispute. The dispute in question is a difference of opinion which results in a conflict between the entrepreneur or a combination of employers and the Workers or the Workers' union due to a dispute over rights, a conflict of interest, a dispute over termination of employment, a dispute between a worker union and a worker union within the same company.[28]

Based on the formulation of Article 1 paragraph (2) of Law Number 2 of 2004 concerning Settlement of Industrial Relations (hereinafter referred to as Law No. 2/2004), industrial relations disputes are divided into four, namely disputes over rights (*rechtsgeschillen*); conflict of interest (*belangen geschillen*); disputes over termination of employment; and disputes between trade unions and unions within one company.

Disputes over rights are disputes that arise because one of the parties to a work agreement does not fulfill the contents of the agreement or violates legal provisions.[29] Meanwhile, according to Article 1 paragraph (3) of Law no. 2/2004, what is meant by disputes over rights are disputes that arise due to non-fulfillment of rights, due to differences in the implementation or interpretation of the provisions of laws and regulations, work agreements, company regulations or Collective Labor Agreements. Thus, the definition of rights disputes in Law no. 2/2004 is broader in scope when compared to the definition of rights disputes as stated by Iman Soepomo, because in Law No. 2/2004 disputes over rights arise not only because the contents of the work agreement are not fulfilled, but also because of the provisions in laws and regulations, collective labor agreements and company regulations.

According to Iman Soepomo, what is meant by conflict of interest is related to efforts to make changes in labor requirements which the trade union demands for the employer or company. [30]Dispute of interest is a dispute that

[27]M. Yahya Harahap, Op. Cit , p. 72

[28]Article 1 Number 2 of Law Number 2 of 2004 concerning Settlement of Industrial Relations.

[29]Imam Supomo, 1999, Pengatar Hukum Ketenagakerjaan, Jakarta: Djambatan, p. 175

[30] Ibid.

arises in an employment relationship due to a lack of conformity of opinion and or changes to the working conditions stipulated in the work agreement, company regulations or collective work agreement, the provisions of Article 1 paragraph (4) of Law no. 2/2004.

Disputes over termination of employment are disputes that arise because of the inconsistency of opinion regarding the termination of employment by one of the parties, the provisions of Article 1 paragraph (5) of Law no. 2/2004. Disputes between labor unions in one company are differences of opinion regarding membership in the implementation of union rights obligations.

According to Zaeni Asyhadie, there are several problems that can lead to industrial relations disputes between employers or employers and workers or workers, namely:

1. The employer or entrepreneur does not give the worker or laborer rights as agreed in the work agreement, collective labor agreement or in company regulations;
2. Employers or employers sometimes discriminate between male and female workers or workers, between religions and skin color.
3. The worker or laborer himself is not disciplined with work norms, working time in other matters as stated in the company regulations;
4. Differences in understanding between employers and workers or laborers on the provisions contained in the collective labor agreement and in company regulations;
5. Sometimes an understanding is not reached between the entrepreneur and the worker or worker on the terms of work;
6. Employers or employers do not heed the rights of workers or workers and trade unions or labor unions.[31]

Settlement of Industrial Relations Disputes That Meets the Principles of Fast, Low Cost And Efficient.

Everyone will yearn for certainty in dispute resolution and no one will wish to resolve any dispute, whether in the criminal or civil scope, the settlement of which is protracted. Specifically in the settlement of Industrial Relations disputes, Article 57 of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes (hereinafter referred to as Law No. 2 of 2004) states:

"The procedural law that applies to the Industrial Relations Court is the Civil Procedure Code that applies to courts within the general judiciary, except those specifically regulated in this law".

[31]Zaeni Asyhadie, Op Cit, p. 67-68.

Law No. 2 of 2004 is a special regulation, said to be special can be seen from Article 55 of Law no. 2 of 2004 states "The Industrial Relations Court is a special court within the general court environment". So Articles 55 and 57 of Law no. 2 of 2004 can be interpreted that the applicable procedural law in the settlement of industrial relations disputes is the civil procedure law (*lex generalis*) and the procedural law for the settlement of industrial relations disputes (*lex specialis*).

Thus, in the handling of Industrial Relations disputes, the provisions of the generally accepted civil procedural law automatically apply, apart from Law No. 2 of 2004. So all the laws and regulations are complementary to each other, starting from lawsuits, case examinations, decisions, legal remedies in the form of ordinary legal remedies such as Appeal, Cassation and Resistance (*verzet*), and extraordinary legal remedies such as Review (*recivil*) and execution.

According to the provisions of the Civil Procedure Code that are generally applicable, the dispute resolution process related to Industrial Relations can be seen from the start of a lawsuit, appeal, cassation, resistance (*verzet*) and review, ironically in this process there is no set deadline for case settlement, so that if it is guided by the provisions of this general Civil Procedure Code, case handling takes a long time to many years. This is the basis for the birth of Law no. 2 of 2004 concerning Settlement of Industrial Relations Disputes which applies specifically, namely to specialize in matters that are not specified in the general provisions, for example, there is no appeal in handling cases related to Disputes over Rights and Disputes on Termination of Employment, then the determination of the deadline for settlement at all levels, for example in the Industrial Relations Court it is determined that the Judge must decide the case for 50 (fifty) working days (Article 103 of Law No. 2 of 2004), while at the Supreme Court for 30 (thirty) working days (Article 115 of Law No. 2 of 2004), so within a grace period of 80 (eighty) working days plus the case process at the Manpower Service (tripartite) for 30 (thirty) working days (Article 15 Jo. Article 25 of Law No. 2 of 2004), then within a grace period of 110 (one hundred and ten) working days the industrial relations dispute must end.

In fact, most industrial relations cases related to rights disputes and disputes over termination of employment take a long time, for example the termination of employment for M. Sholikin as a worker who has been laid off by PT. Power of Perfect Work in Decision Number 135K/Pdt.Sus-PHI/2009. Where workers experience layoffs due to smoking during working hours. The layoffs are based on the

Termination Letter No. 001/PHK-DCKS/V/2017 on 22 May 2017.

Since the company laid off workers, on 30 May 2017 a bipartite settlement was carried out, then on 21 July 2017 Mediation was carried out, then in February 2018 filed a lawsuit with Semarang Industrial Relations Court. And in August 2018 the decision of Cassation from the Supreme Court was issued. The settlement process takes more than 2 years since the issuance of the termination letter.

Even in the case of Termination of Employment against Erwin Sihombing as a worker who has been laid off by PT Rimba Melati in case number: 76/G/2007/PHI.Mdn, where a worker who had a work accident resulted in the worker's left index finger being cut off by can cutting machine, so workers can not work as usual. In the first month to the third month the company still gives salary, but in the fourth month and so on the company no longer gives salary, thus legally the company has terminated unilaterally without giving rights in the form of severance pay and service fees for workers who have worked for 8 (eight years), namely from 1999 to 2007.

Since the company had laid off workers, in May 2007 the workers filed a lawsuit to the Industrial Relations Court and the Judge of the Industrial Relations Court gave their decision in July 2007 by granting the workers' demands, then the company appealed to the Supreme Court and the Supreme Court Judge ruled on In March 2008 by upholding the decision of the Industrial Relations Court, then based on the Cassation decision from the Supreme Court, the company submitted a judicial review to the Supreme Court in 2009 and until now the Supreme Court has not issued a decision in this case review (approximately 8 years).

When viewed from the case which took more than 2 years and some even took up to 8 years, it is clear that the fast principle as desired by the law has not been achieved, the application of the prorogation principle, which is a principle of eliminating appeals to the High Court by skipping and directly to the Supreme Court in order to speed up the settlement of a case is actually one of the principles that support the fast principle. The mechanism for the settlement process by applying the principle of prorogation in practice for the settlement of industrial relations disputes needs to be maintained in order to support the fast principle.

At first this principle of prorogation only applied to European groups in the colonial era, but now the government has the courage to enforce this principle of prorogation through laws as regulated according to Law no. 2 of 2004, the appeal and direct cassation against the decision of the Judge of the Industrial

Relations Court is normatively stipulated in Article 110 of Law no. 2 of 2004 which states that "The decision of the Industrial Relations Court at the District Court regarding disputes over rights and disputes over the principle of termination of employment is what supports the principle of speed as stated in Article 2 paragraph 4 of Law No. 48 of 2009 concerning Judicial Power.

Simple Principles in the Settlement of Industrial Relations Disputes according to Law no. 2 of 2004, Simplicity in resolving any dispute can be seen from 2 (two) dimensions, namely from the requirements and by how many institutions are authorized to handle it. Law No. 2 of 2004 normatively stipulates the requirements for filing a lawsuit, one of the parties who file each lawsuit must attach minutes of dispute resolution which are handled either through the Mediator or Conciliator. Article 83 paragraph (1) of Law no. 2 of 2004 states: “Submission of a lawsuit that is not accompanied by the minutes of settlement through Mediation or Conciliation, the Judge of the Industrial Relations Court is obliged to return the Plaintiff's claim.

With reference to the provisions in Article 83 paragraph (1) of Law No. 2 of 2004 above, if in industrial relations disputes, especially those relating to disputes over rights and disputes over termination of employment, one of the parties, whether the employee or the company submitting the lawsuit, is sufficient to attach the minutes issued by the Mediator or Conciliator when in settlement through Conciliation or Mediation is not reached an agreement, and this is a requirement.

The publication of the minutes of the Mediator or Conciliator does not stand alone, it turns out that before the Mediator or Conciliator issues the minutes as an attachment to the lawsuit, the Mediator or Conciliator in resolving this tripartite dispute first receives the minutes of bipartite settlement which is signed by the parties to the dispute, if not then The mediator or conciliator must return the file to the parties to be completed, the minutes of which contain:

1. Full names and addresses of the parties.
2. Date and place of negotiations.
3. The subject matter or reason for the dispute.
4. Opinions of the parties.
5. Conclusions or results of negotiations, and
6. Date and signature of the parties conducting the negotiations.

After the Mediator or Conciliator receives these minutes, then they can follow up and resolve the disputes of the parties in a tripartite manner, so that it can be said that the minutes signed by the parties become the basis for the Mediator or Conciliator to publish their minutes, while the minutes of the Mediator or Conciliator are also used as the basis for the

Judge. In handling disputes over rights and disputes over termination of employment.

The connection between these two disputes is because both rights disputes and disputes over termination of employment are due to the fact that these two disputes do not end at the Industrial Relations Court of the first instance, but there are still other legal remedies, namely cassation and reconsideration, so that these two disputes become a barometer in simple principle. Article 56 of Law no. 2 of 2004 states that the Industrial Relations Court has the duty and authority to examine and decide:

1. At the first level regarding disputes over rights.
2. At the first and last level regarding conflicts of interest.
3. At the first level regarding disputes over termination of employment.
4. At the first and last level regarding disputes between trade unions/labor unions in one company.

Judging from the dimension of the institution that is authorized to handle industrial relations disputes, the simple principle applies to disputes of interests and disputes between trade unions because these disputes only end up in the Industrial Relations Court, so there are not many other institutions involved, while for disputes over rights and disputes over termination of employment. this simple principle does not apply, because the decision of the Judge of the Industrial Relations Court is not the final decision and is still justified by the parties submitting other legal remedies in the form of cassation and review to the Supreme Court, thus the simple principle does not apply in disputes over rights and disputes over termination of employment. because the settlement of industrial relations disputes involves many institutions, namely the Industrial Relations Court, the Supreme Court in the cassation process and the Supreme Court in the review process, coupled with the execution process which also involving the State Auction Office.

Low Cost Principle in Industrial Relations Dispute Settlement, according to Article 58 of Law no. 2 of 2004 states that "In the proceedings at the Industrial Relations Court, the parties to the litigation are not charged any fees, including execution fees whose lawsuit value is below IDR. 150,000,000, - (one hundred and fifty million rupiah). This provision is related to the income or salary of workers, it is impossible if the income of workers refers to the provincial minimum wage (UMP) in Central Java Province in 2021, which is IDR. 1,798,979 ,- (one million seven hundred ninety eight thousand nine hundred seventy-nine rupiahs) file a lawsuit with a value exceeding 150,000,000,-, unless workers file a lawsuit

collectively as many as 5 to 10 people, the value of the lawsuit can reach more than IDR. 150,000,000,-.

So, if the worker who originally filed his case collectively through the Manpower Service (Mediator or Conciliator), then after the minutes of the Mediator or Conciliator are published and the minutes are not received by one of the parties, then the workers will file the case not collectively and break it up sometimes up to 2 or 3 cases with a lawsuit value below IDR. 150,000,000, -, the goal is to avoid costs, ironic indeed.

This provision clearly prevents workers from filing their cases collectively, and to overcome this, workers will usually split their cases so that the value of the lawsuit does not reach IDR. 150,000,000,-, ironically again, if the worker divides the case into 3 parts, the decision will be different for each, there is a decision by the Judge of the Industrial Relations Court which grants the worker's claim and some rejects the worker's claim, so it seems that there is no legal certainty for the judge. Who decides a case. This can happen considering that the principle of case handling in Indonesia does not recognize the principle of stare decision as is the case in countries that adhere to the Anglo Saxon legal system. [32] Where the judge does not have to submit to the decision of another judge, even though the principal of the case (*fundamentum petendi*) is the same.

With the limitation on the value of the lawsuit, workers must also limit their collectivity to file a lawsuit with a claim value below IDR. 150,000,000,-. (one hundred and fifty million rupiah). After the lawsuit is submitted to the Industrial Relations Court, within 50 working days from the start of the first trial, the Judge of the Industrial Relations Court has to settle the case, while for the first trial to start, the time is calculated no later than 7 (seven) working days from the stipulation of the Panel of Judges, thus meaning when the lawsuit is filed, then within 57 (fifty seven) working days the Judge at the Courts of Industrial Relations has decided the case.

However, the fact turns out that in such a short time, the court proceedings that must be passed by the parties are at least 8 (eight) times, namely starting from the trial of reading the Plaintiff's lawsuit, the Defendant's answer, the Plaintiff's Raplik, the Defendant's Duplication, the Plaintiff's Proof, the Defendant's Proof, Conclusion and Judge's Decision. So during the eight sessions the parties had to go back and

[32]Stare decisis or precedent is one of the principles that applies in countries that adhere to the Anglo Saxon legal system or Common Law, where the judge's decision in the same case must be decided the same as it has been in the past. Accessed from https://ngobrolin Hukum.wordpress.com on June 18, 2021.

forth to fulfill the trial at the Industrial Relations Court, this of course required a lot of costs for both parties. Moreover, the Industrial Relations Court is only in the provincial capital. This requires even higher costs for parties who are far from the provincial capital.

Indeed, in theory, for industrial relations disputes whose lawsuit value does not reach IDR. 150,000,000,- (one hundred and fifty million rupiah) is free of charge, but considering the trial procedure which takes up to eight sessions and the location of the Industrial Relations Court which is in the Provincial Capital (in this case in Central Java, the Industrial Relations Court is located in Semarang) and knowledge of case handling that not all workers understand, so sometimes the worker not only does not understand litigation, the worker is also busy making a living due to layoffs. It is something that is impossible for workers to continuously face their cases to trial in the Industrial Relations Court, without paying attention to others to provide for their families, so that sometimes workers will use the services of other parties to resolve them, this also certainly requires costs, especially in the case of The settlement using the services of an advocate certainly costs a lot of money, thus in practice the settlement of industrial relations disputes clearly requires a lot of costs.

Apart from that, if the case has been decided by the Judge of the Industrial Relations Court and if one of the parties does not accept it, then the party who does not accept it can file an appeal to the Supreme Court. Likewise, the cassation decision from the Supreme Court was also not accepted by either party, of course the party who did not accept it was still justified to submit a review to the Supreme Court through the Industrial Relations Court. Then the execution was carried out by the Industrial Relations Court involving the State Auction Office.

So if you look at this industrial relations dispute process which involves many agencies and the length of time it takes, this will simultaneously have an effect on workers in the use of costs other than court fees, of course, also cannot be separated from the costs of family needs in the waiting period for the settlement of the case.

CLOSING.

Simplicity in industrial relations disputes can be seen from 2 dimensions, namely the dimensions of evidentiary requirements and the dimensions of the small number of agencies involved, and although the requirements to file industrial relations cases are very simple, namely in the form of minutes issued from the Mediator or Conciliator, the Judge is able to

process the case submitted. However, in the process of settling industrial relations disputes, many other agencies outside the Industrial Relations Court are involved, namely the Manpower Service, the Supreme Court in Cassation cases, the Supreme Court in the Judicial Review process and the State Auction Office in the execution process. This makes this simple principle not so simple anymore. The trial process of the Industrial Relations Court which must be carried out by workers and companies at least 8 (eight) times is added to the waiting period in the Cassation and Review case process at the Supreme Court for which there is no time limit, then the waiting period for the Cassation and Review administration process Again, which also has no time limit, the series of many trials and the length of time for the Cassation process, Judicial Review to execution simultaneously, of course, all of which require a large amount of money, so it can be said that in theory there are no costs in handling cases, but in practice workers will spend a lot of money, thus the principle of low cost is not implemented.

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