

The Role of the Department of Industry and Labor of Surabaya City in Handling Labor Complaints in Industrial Companies



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ABSTRACT: This research examines the role of the Surabaya City Department of Industry and Manpower in handling labor complaints in industrial companies, with a focus on the dispute resolution process. With a qualitative approach, this research explores the mediation process facilitated by the department, particularly in cases of unilateral termination of employment (layoffs). The findings show that mediation is effective in achieving peaceful resolutions, avoiding litigation, and ensuring fair outcomes for both workers and employers. The identified constraints include incomplete documentation, absence in mediation, and differences in legal interpretation, which prolong the resolution process. This research highlights the importance of improving documentation systems, raising stakeholder awareness, and developing mediator competencies. This research provides insights into the effectiveness of government intervention in maintaining harmonious industrial relations and suggests practical steps to improve mediation practices.

KEYWORDS: Industrial Relations, Labor Disputes, Mediation

I. INTRODUCTION

Industry is the process of producing goods from raw materials or basic materials carried out through large-scale processing, aiming to produce the best quality products while keeping production costs as low as possible. With the development of this sector, the number of workers and industrial company activities also increased, directly impacting the social and economic conditions of the community. Additionally, the growth of industry in Surabaya has strengthened the city's infrastructure and opened opportunities for the development of other sectors, such as services and trade, which support the industrial ecosystem. However, in addition to its positive contributions, the industrial sector faces various challenges such as rights disputes, interest disputes, and especially complaints related to unilateral termination of employment (Law Number 6 of 2023 on the Enactment of Government Regulations, 2022). Although this regulation is designed to protect workers, field practices show that non-compliance with termination rules still frequently occurs, especially in the industrial sector, which can trigger conflicts between companies and workers. In industrial relations, the issues that often arise are differences in arguments or interests between employees and employers (Dermawan & Sarnawa, 2021).

In the context of good governance, local governments are very important in addressing community issues in their areas because good governance provides good regulations to maintain and improve the welfare of the community by resolving issues such as company disruptions and worker layoffs. (Dhulhijjahyani et al., 2020). Layoffs often become a major issue in industrial relations found in complaints at the Surabaya City Industry and Manpower Office, as they can disrupt the stability and welfare of workers, and potentially pose legal risks for companies if not handled according to applicable regulations. Termination of the employment relationship occurs when the employment relationship ends for certain reasons that result in the cessation of rights and obligations between the employer and the employee. Provisions regarding the termination of employment relationships according to (Law Number 13 of 2003, 2003) on Manpower apply to work performed in legal entities, partnerships, private or state-owned enterprises, social institutions, and other bodies that employ people with equivalent wages. Employers and employees must optimize as best as possible to avoid situations that lead to the termination of the employment relationship. However, if that is not possible, the reasons for terminating the employment relationship must be discussed first between the employer and the employee (Yuliastuti & Syarif, 2021).

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The Indonesian government creates legislation, government regulations (PP), and ministerial decrees to protect workers and laborers. In addition, the government also helps resolve disputes between workers and employers to obtain rights regulated by law (Subijanto, 2003). In addition, the government has many tools used to improve good labor relations and help create an industrial environment that, although it does not completely eliminate collective disputes, at least minimizes them (Nicosia, 2007). Regulating the labor market is the government's primary task. To strengthen good working relationships and enhance dispute resolution mechanisms, a legislative framework that encourages collective bargaining based on the freedom of the parties and the voluntary nature of negotiations must be maintained and implemented. At the regional level, this role is carried out by the Surabaya City Department of Industry and Manpower, which has the important responsibility of protecting workers' rights. This agency provides mechanisms for labor dispute complaints and resolutions, ensuring that each handling process is carried out fairly and in accordance with legal provisions. One of the main tasks of this agency is to receive and follow up on complaints from workers and employers regarding labor issues to ensure effective and transparent solutions. In carrying out this task, the Office acts as a mediator between the conflicting parties, with the aim of achieving a fair and peaceful resolution. Mediation not only helps resolve complaints effectively but also plays a role in maintaining harmonious industrial relations. Peaceful resolution of disputes is an important part of harmonious industrial relations, where the Surabaya City Department of Industry and Manpower plays a role in facilitating the mediation and conciliation process. In addition, respect for rights and obligations as well as attention to worker welfare are the foundations for creating stable working relationships. By providing health facilities, training, and welfare programs, companies not only increase productivity but also worker loyalty. Sustainability in labor relations is crucial for creating a positive work culture stability that can encourage innovation, sustainable growth, and reduce potential conflicts in the future. Thus, harmonious industrial relations not only benefit workers and employers but also support broader social and economic stability.

This study examines the role of the Surabaya City Department of Industry and Manpower in handling labor complaints in industrial companies. This case study looks at layoffs complaints in one of the industrial companies in Surabaya. The resolution process facilitated by the Department of Labor reached a mutually beneficial agreement without involving legal proceedings. This method aims to understand the extent to which the Department of Industry and Manpower acts as a mediator in labor conflicts and to reveal the effectiveness of the procedures and mechanisms used for resolution. By conducting an in-depth study of the role of the Department in handling these complaints, this research is expected to provide broader insights into the department's contribution to maintaining harmonious industrial relations in the city of Surabaya. This research is also expected to add to the literature on the resolution of industrial relations disputes at the regional level and to provide recommendations for improving the services provided by the Department of Industry and Manpower and for enhancing their mediation effectiveness.

II. METHOD

This research method uses a qualitative approach with a case study type of research to provide an in-depth overview of the dynamics of industrial relations in the Surabaya industrial sector. With this approach, the research is able to explore the processes, challenges, and mechanisms used by the Department of Industry and Manpower in handling labor complaints. Data collection was carried out through in-depth interviews with department employees directly involved in the resolution process, field observations, and analysis of documentation related to complaint files and resolution reports. The data obtained are explained thematically with stages of data reduction and descriptive narrative presentation. To enhance the validity of the data, this research applies source and method triangulation, ensuring the consistency of information obtained from various techniques. With this approach, it is expected to provide a comprehensive picture of the role and challenges of the service in supporting the achievement of harmonious industrial relations in this sector.

III. RESULT AND DISCUSSION

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Labor complaints are one form of worker rights protection regulated by labor law in Indonesia. After the enactment of the Labor Law, companies employing workers began to adopt these regulations as guidelines to manage their workforce and build harmonious working relationships. The government, through the Surabaya City Department of Industry and Manpower, fulfills its role in public service by responding to incoming reports and handling them according to procedures. Disperinaker has a strategic role in achieving balanced industrial relations stability between workers and employers. As a government agency, this department functions to ensure that the rights and obligations of both parties are fulfilled in accordance with the applicable laws and regulations. The Department of Industry and Labor acts as a mediator, conciliator, and facilitator for non-litigation dispute

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resolution. Through this approach, it not only ensures that the resolution is carried out fairly, but also helps prevent the escalation of conflicts that could negatively impact the productivity of the company and the welfare of the workers. In addition, the department is also responsible for providing socialization to workers and employers regarding rights and obligations, including the correct procedures for handling disputes, so as to prevent conflicts in the future (Dermawan & Sarnawa, 2021). Here are the types of industrial relations disputes:

1. Disputes over rights occur when there are discrepancies or conflicts arising from the failure to fulfill workers' rights. This is often caused by differences in the implementation or interpretation of applicable legal provisions, such as regulations, the contents of employment contracts, company rules, or collective labor agreements. These discrepancies can encompass various aspects, such as wage rights, allowances, working hours, and even termination of employment that do not comply with regulations. In industrial relations, such disputes require resolution through formal mechanisms that refer to the law so that the rights of both parties can be achieved fairly and proportionally (Yulastuti & Syarif, 2021).
2. Interest disputes arise when there are differences in arguments or disagreements between workers and employers, particularly related to the creation or modification of working conditions. This usually relates to employment agreements, company regulations, or collective labor agreements that serve as the foundation for regulating industrial relations. These disputes often reflect differences in priorities and needs between both parties, such as regarding wage increases, working hours, benefits, or other working conditions. Resolving the gap in interests requires constructive negotiations to reach a new agreement that can accommodate the interests of both parties, thereby creating a more harmonious and productive working relationship (Yulastuti & Syarif, 2021).
3. Employment termination disputes occur when there are differences of opinion or disagreements between workers and employers regarding the reinforcement of the employment relationship carried out by one of the parties. This conflict can arise due to termination of employment that is considered not in accordance with legal provisions, such as procedural violations, inadequate justification, or reasons for termination that are unacceptable to the aggrieved party. These disputes often involve sensitive issues such as disciplinary violations, company restructuring, or economic conditions that necessitate workforce reductions. Resolving such cases requires an effective role of mediation or arbitration to ensure that the decisions made uphold the principles of justice, respect workers' rights, and comply with applicable legal regulations (Yulastuti & Syarif, 2021).
4. Disputes between trade unions or workers occur when there is a disagreement between both parties within a company. Differences of opinion or disputes about membership, the exercise of rights, and the obligations of each union in the employment relationship usually cause these disputes. These conflicts can manifest in various forms, such as competition for worker membership, claims over representation rights, or disputes regarding the role of trade unions in collective bargaining negotiations. These tensions can disrupt relationships between trade unions and industrial relations as a whole, threatening the stability of company operations. The resolution of this meeting requires a transparent and fair approach, through mediation, conciliation, or legal mechanisms regulated by labor regulations, to ensure that all parties can work together harmoniously for the mutual benefit of workers and the company (Yulastuti & Syarif, 2021).

The government, through the Department of Industry and Manpower of Surabaya City, performs its role in public service by responding to incoming reports and handling them according to procedures. The Department of Industry and Manpower has a strategic role in achieving stability in harmonious industrial relations between workers and employers. As a government agency, this department functions to ensure that the rights and obligations of both parties are fulfilled in accordance with the applicable laws and regulations. The Department of Industry and Labor acts as a mediator, conciliator, and facilitator for resolving disputes through non-litigation means. Through this approach, it not only ensures that resolutions are carried out fairly, but also helps prevent the escalation of conflicts that could negatively impact the company's productivity and the workers' well-being. In addition, the department is also tasked with educating workers and employers about their rights and obligations, including the correct procedures for handling disputes, thereby preventing conflicts from occurring in the future (Dermawan & Sarnawa, 2021).

Labor complaints are one of the significant issues that frequently occur in the city of Surabaya, an industrial city with rapid economic growth. Industrial relations disputes, whether concerning workers' rights or company obligations, highlight the need for effective and efficient resolution mechanisms. In this context, the Surabaya City Department of Industry and Manpower plays an important role as a liaison between workers and employers, ensuring the creation of harmonious working relationships in accordance with applicable legal regulations. The case of layoffs in an industrial company serves as a concrete example of various labor issues that require serious attention. As regulated in (Government Regulation No. 35 of 2021, 2021), which details the rights of workers affected by termination of employment and the obligations of employers to provide compensation. If the termination

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of employment is carried out because the worker has committed a violation as regulated in the employment agreement, company regulations, or collective labor agreement, and has received a warning letter, then the worker is entitled to a certain amount of compensation. The compensation includes severance pay amounting to half of the general provisions, service pay amounting to one time the provision, and compensation for rights according to the applicable regulations. On the other hand, if the termination is due to urgent violations as stipulated in the employment agreement or regulations, the employee is still entitled to severance pay and separation money, the amounts of which are adjusted according to the company's regulations.

Although it may seem simple, conflicts like this can create significant psychological, social, and financial impacts for workers, while also posing a reputational threat to the company. Resolving disputes through mediation not only serves as a short-term conflict solution but also acts as a strategy to prevent escalation towards more complex and time-consuming legal paths. In this context, the role of the Surabaya City Department of Industry and Manpower is very important, encompassing three main stages.

1. Initial Administration

The initial handling by the Surabaya City Department of Industry and Manpower is to receive complaints. This complaint letter is the first formal step taken by workers or disputing parties to inform the department about their industrial relations issues. After being received, the complaint is sent to the Industrial Relations and Employment Social Security section, also known as (Hubinsyaker), for further processing. At this stage, the management of the Hubinsyaker field verifies the submitted documents. The verification process includes:

- Document Completeness

Document examination such as bipartite minutes (results of negotiations between workers and employers), power of attorney if using a representative, evidence related to the issue, and other supporting documents. If the documents are incomplete, the admin provides instructions to the complainant to complete them.

- Substance Alignment with the Authority of the Department

Clarification is carried out to ensure that the case falls within the jurisdiction of the Surabaya City Manpower Office. This includes verifying the company's location (the company's domicile is within the Surabaya City area) and the type of issue.

This process also includes recording complaints into the administrative system of the service, which functions as an official archive as well as a tool for monitoring case developments. The admin is responsible for ensuring that all necessary information is recorded properly for the smooth continuation of the next process. This initial administrative stage is very important to ensure that the complaint meets formal requirements before proceeding to further handling stages, such as the issuance of a Task Order (SPT) and the appointment of a mediator. With an organized flow, the department can manage complaints more effectively, reduce the risk of delays due to incomplete documents, and ensure that each case is handled according to procedure.

2. Appointment of Mediator

Mediator is an employee of a government agency that handles labor issues, appointed by the minister to conduct mediation and provide written instructions to the disputing parties. As a neutral party, the mediator must remain impartial and be able to resolve issues based on the goals of both parties. The role of the mediator is very important to provide services in accordance with the Standard Operating Procedures (SOP) and to help the disputing parties resolve industrial relations disturbances in accordance with the applicable legal provisions (Sari & Agustina, 2021). Mediators are appointed through a Letter of Assignment (SPT) to facilitate communication between workers and the company. To become a Mediator, one must meet the requirements outlined in (Permenaker No 17 Tahun 2014, 2014) regarding the appointment and dismissal of Industrial Relations Mediators and mediation procedures. Mediators are appointed through a Letter of Task Assignment (SPT) and must fulfill several requirements, including religious belief, Indonesian citizenship, status as a civil servant in the labor agency, physical health, understanding of labor regulations, and possessing dignified, honest, fair, and good character. In addition, mediators must have at least a Bachelor's degree (S1), a competency certificate, and a decree of appointment from the Minister. By meeting these criteria, mediators can strive professionally to facilitate communication and find the best solutions for the disputing parties.

3. Mediation Process

Mediation is an important method for resolving conflicts between disputing parties. According to ALRC (1998), mediation has evolved into one of the increasingly popular resolution mechanisms. This method is considered a more efficient, constructive, and cost-effective alternative compared to litigation (Fells, 2000). Mediation not only encourages dialogue between the disputing parties but also provides them with the opportunity to reach a mutually beneficial agreement. In many cases, mediation becomes the primary choice in industrial relations because it is capable of resolving conflicts peacefully and strengthening work relationships in the future. Legislation clearly regulates the mediation process in industrial relations to ensure fairness and transparency. Several important steps are involved in the implementation of mediation:

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1. The mediator must immediately conduct a thorough investigation of the case within a maximum of 7 working days after receiving the transfer of the settlement of the irregularity. This research is to gain a better understanding of the core issue, the background brightness, and the positions of each party. After the research is completed, the mediator must immediately begin mediation, which will serve as the official venue for resolving the dispute (Sari & Agustina, 2021).
2. During the mediation process, the mediator is authorized to summon expert witnesses. The purpose of the presence of expert witnesses is to provide technical explanations and independent perspectives that can clarify the issues (Sari & Agustina, 2021).
3. Each party requested by the mediator to provide a statement must comply. This includes the responsibility to provide information honestly and openly, to disclose relevant book records, and to present the necessary supporting documents to resolve the irregularity. So that the results of the mediation can be legally accountable, this provision aims to create a transparent and evidence-based process (Sari & Agustina, 2021).

By maintaining the principle of neutrality, mediators help the disputing parties reach an agreement and prevent conflicts from escalating to the litigation stage. This aligns with the main goal of industrial relations to create a fair, dynamic, and balanced work environment. According to Article 15 (Law Number 2 of 2004, 2004), mediators are expected to resolve it within 30 working days upon receiving the delegation of phased resolution, so that mediation can produce a beneficial outcome in a short, effective, and efficient time, both parties must be committed to jointly achieving a mutually beneficial solution (Kesuma & Vijayantera, 2018).

Successful mediation that reaches an agreement must be followed by the creation of a joint agreement signed by all parties and supervised by the mediator. This joint agreement must then be registered with the Industrial Relations Court at the District Court according to the jurisdiction of the parties to obtain a certificate of registration. This registration process has an important legal function, namely providing legality and binding legal force permanently to the agreement. This also provides a legal guarantee that if there is a breach of the agreement, the aggrieved party can file an execution request through the applicable mechanism in the Industrial Relations Court.

When mediation does not reach an agreement, the steps outlined in Article 13 paragraph (2) (Law Number 2 of 2004, 2004) serve as a guide. The mediator will issue a written letter that must be delivered to the parties within a maximum of 10 working days from the first mediation meeting. Subsequently, the parties are given 10 working days to provide a written response to the recommendation. If one party does not respond within the specified timeframe, it is considered a rejection of the written letter. However, if both parties agree to the written agreement, the mediator will assist them in drafting a Joint Agreement within 3 working days. The agreement must then be promptly submitted to the Industrial Relations Court to obtain a registration certificate, which serves as the basis for the legal force of the agreement. In another case brought to the Industrial Relations Court, the acknowledgment and statements of the parties cannot be used as evidence in the relevant case conference. This is because the purpose of the mediation process is not to prove legal facts. On the contrary, the goal that the parties want to achieve is to allow them to create replicas of documents, minutes, that exist during the mediation process, which cannot be used as evidence because there is no binding nature (Kesuma & Vijayantera, 2018).

Case Study in an Industrial Company

Based on the interview results with the employee handling this case, it started from a report by a worker who was unilaterally terminated by an industrial company in Surabaya before the end of their contract. The termination was carried out on the grounds of serious misconduct by the worker. However, through the mediation process, it was found that the violation actually only falls under the category of indiscipline, as regulated in (Government Regulation No. 35 of 2021, 2021) Article 52 paragraph 1. The company can terminate the employment relationship with employees who violate company regulations, as long as the reasons meet the clearly established requirements and do not contradict the legislation. In this case, the terminated worker has the status of a contract worker. However, the mediator assessed that the worker met the criteria as a permanent employee due to a violation of the provisions related to the probation period, as stipulated in Article 12 (Government Regulation No. 35 of 2021, 2021), which prohibits a probation period in fixed-term employment contracts. (PKWT).

In this case, the mediation process is conducted in accordance with the provisions of Article 15, which stipulates that the mediator can resolve the dispute within a maximum of 30 working days. The mediation process lasted for up to three meetings. In the first mediation, the company offered an initial compensation of one month's salary in accordance with the provisions of Article 40 paragraph (2) (Government Regulation No. 35 of 2021, 2021), which states that workers with less than one year of service are entitled to severance pay amounting to half a month's salary. The offer was rejected by the workers who requested payment of the remaining salary according to their contract. In the second mediation, the company did not attend, but the mediator still provided space for further mediation to create a peaceful solution. In the third mediation, an agreement was finally

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reached, where the company was willing to provide compensation greater than the legal provisions, including an additional amount for unused leave as stipulated in Article 33. (Peraturan Pemerintah No 35 Tahun 2021, 2021). One of the main advantages of the industrial relations mediation process is its flexibility, as demonstrated by this resolution. The mediator ensures that the resolution remains within the legal framework, while also providing space for the parties to find the best solution that reflects a sense of justice, but also allows for a negotiation outcome that can be accepted by the disputing parties. This shows that mediation can meet the interests of the disputing parties, both from the workers' side and the company's side. As a neutral facilitator, the mediator ensures that every step in this resolution process is in accordance with the provisions set forth in the legislation. This concept encourages negotiations to reach an agreement that is not only valid but also has a sense of justice for all parties involved. The mediator in this case not only interprets the legal rules but also helps the parties understand the situation and reach the best agreement. Mediation helps avoid prolonged conflicts that can lead to longer and more complex litigation.

IV. CONCLUSION

The Department of Industry and Manpower of Surabaya City plays a strategic role in handling labor complaints, especially through mediation mechanisms in industrial relations disturbances. As seen in case studies of industrial companies, mediation has proven to be an effective resolution method because it prioritizes dialogue, consensus deliberation, and outcomes that are acceptable to both parties. In line with the approach recommended by the International Labour Organization (ILO), the Surabaya City Department of Industry and Manpower plays a central role in promoting voluntary dispute resolution through bipartite and tripartite approaches that focus on dialogue. The Office acts as a neutral facilitator, ensuring that the resolution process of disturbances operates within the framework of national law, such as (Law No. 2 of 2004) on the Settlement of Industrial Relations Disputes and (Government Regulation No. 35 of 2021) regarding workers' rights and company obligations. In addition to ensuring the achievement of efficient agreements, the Office also acts as a protector of workers' rights and a supervisor of the company's compliance with labor regulations. This role is increasingly important in creating a peaceful industrial relations climate amidst the ever-evolving dynamics of the working world. By providing space for constructive deliberation and negotiation, the Surabaya City Department of Industry and Labor also supports the creation of conducive industrial relations stability in its region. Overall, the mediation conducted by the Department proves that resolution does not have to rely on litigation. In the global context, the role of the Department represents the application of alternative resolution approaches that have been implemented in various countries, such as the mediation system in industrial relations in Denmark and Australia, which emphasizes the importance of dialogue and context in conflict resolution. Thus, mediation in Surabaya serves as a real example of how consensus-based solutions can create fair, efficient, and internationally compliant outcomes.

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