
The Urgency of Applying the Principles of Simple, Fast and Low Cost Justice in the Execution of Industrial Relations Court Decisions in Indonesia

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Received : January 22, 2024

Accepted : March 10, 2024

Published : May 1, 2024

Citation: Farida, E., Suriaatmadja, T, T., Sundry, R, I. (2024). The Urgency of Applying the Principles of Simple, Fast and Low Cost Justice in the Execution of Industrial Relations Court Decisions in Indonesia. *Sinergi International Journal of Law*, 2(2), 85-97.

ABSTRACT: This Research Aims To Analyze The Urgency Of Applying The Principles Of Simple, Fast And Low Cost Trials In The Execution Of Industrial Relations Court Decisions In Indonesia. The Research Specification Used By The Author In This Research Is Descriptive Analytical Research, Namely a Research Method That Aims To Get An Overview Of The Symptoms Being Studied At The Present Time And Then Relate Them To Legal Norms Or Statutory Regulations The data analysis used in this research is Qualitative Data Analysis. Analyzing the content of legal documents, court decisions, and related literature to identify themes, patterns, and trends relevant to the research questions. Research results prove that The application of the principles of simple, fast and low-cost justice in the execution of Industrial Relations Court (PHI) decisions in Indonesia has a very important urgency. Here are some reasons why this is so necessary: Protection of Labor Rights: Most of the cases submitted to PHI involve labor rights and worker welfare. Delays in executing decisions may result in workers not being able to immediately obtain their rights, such as delayed wages, leave rights, or other rights.

Keywords: Principles of Simple, Fast and Low Cost Justice, Execution, Industrial Relations Court Decisions.



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INTRODUCTION

Protection of workers is intended to guarantee the basic rights of workers/laborers and guarantee equality of opportunity and treatment without discrimination on any basis to realize the welfare of workers/laborers and their families while still paying attention to developments in the business world. (Sukarmia, R. G., & Umarc, A., 2020) Industrial relations carried out between workers and employers/employers sometimes do not go well, resulting in disputes involving both parties. Industrial relations carried out between workers and employers/employers sometimes do not go well, resulting in disputes involving both parties. Industrial Relations Dispute Settlement Law no. 2 of 2004 explains that there are 4 types of industrial relations

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disputes, namely disputes between workers/labor unions in one company, rights disputes, interest disputes and employment termination disputes. (Mahy, P., 2021).) Disputes in employment relationships can be resolved by the mechanism of filing a lawsuit from one party to another party. The Industrial Relations Court has been specifically regulated so that it has absolute authority to examine and decide on four types of industrial disputes.(Kasy, M., & Abebe, R., 2021)

The Industrial Relations Court as a special court, has a specific time limit for resolution, disputes must be heard within fourteen days after being registered with the court and decided within fifty working days from the date of the first hearing. (Doherty, M., & Franca, V., 2020)

At the appeal level, the Supreme Court is required to issue a verdict within thirty working days. In practice, however, it takes two to four months for the Industrial Relations Court to resolve a case, and one to three years for the Supreme Court to make a decision. This very long time becomes a problem in cases of termination of employment, because this time period does not allow for reinstatement according to the contents of the decision and severance pay has also been overdue for a very long time. Long delays in making decisions mean that workers remain without wages or work for quite a long time and employers are unable to make production plans. Often employers have replaced workers while awaiting a final decision, making re-employment of workers in dispute impossible. Entrepreneurs also often move business locations to distant areas.(Kurniawan, M. B., 2020)

After having a verdict and an inkrah, the next stage is the implementation of the decision or execution. The regulations for the execution of Industrial Relations Court decisions follow the execution regulations that apply to District Courts, except that the Industrial Relations Dispute Settlement Law regulates them separately. (Emirzon, J., & Sinaga, H. D. P. (2021)

The legal source for the execution or implementation of District Court decisions is regulated in the Tenth Chapter, Fifth Part of HIR or Fourth title Rbg, namely the fifth part starting from Article 195 to Article 224 HIR, or Stb. 1941 Number 44 which applies to the islands of Java and Madura, while areas outside Java and Madura use Part Four Articles 206 to 258 Rbg or Stb 1927 Number 227.(Mulyawati, K. R.,2023)

This means that there is no law that specifically regulates the execution of Industrial Relations Court decisions, so there is a legal vacuum. The next problem concerns the low level of voluntary decision execution. (Iqbal, M. I., Susanto, S., & Sutoro, M., 2019) .If there is no voluntary execution then the prevailing party must file a petition with the district court seeking a writ of execution. This creates a financial burden and additional time for both parties, as well as making it difficult for workers to present proof of the employer's assets to guarantee payment.(Ritonga, D., Fitriana, A., & Hendro, G., 2022)

The time-consuming legal process definitely reduces the economic value of the lawsuit and can also cause other problems, namely the company has moved from a location outside the region/outside the country, been transferred to a third party or even gone bankrupt so that the execution effort requires a greater process and effort. If an entrepreneur moves the company to

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a location in a distant area, workers are usually reluctant to accept the offer to work again because it is too far from where they live. (Rumadan, I., 2020)

The length of the execution process at the Industrial Relations Court (PHI) can be a significant problem in the justice system in many countries. The following are some problems that may arise regarding the length of execution on PHI:

- a. **Limited Resources:** One of the main problems that causes long execution times at PHI is limited resources, both in terms of personnel and budget. Courts may not have enough judges, staff, or facilities to handle high workloads.
- b. **Case Complexity:** Cases submitted to PHI are often complex, involving various legal and factual aspects that require time for judges to study and analyze thoroughly. The dispute resolution process in PHI can also be more complicated than in other courts because it involves employment law which is often specific.
- c. **Inefficient Legal Systems:** Some legal systems may be less efficient in handling the execution process. For example, the existence of complicated procedural rules or a long and convoluted appeals process can slow down the decision-making process.
- d. **Delays and Legal Tactics:** The losing party in a dispute often uses legal tactics to slow or hinder the execution process. This may include filing multiple appeals, requesting delays, or using other legal technicalities to slow down implementation of court decisions.
- e. **Non-Compliance of Parties with Court Decisions:** Sometimes, the losing party in a dispute may not comply with the court decision, which requires additional efforts by the court to enforce the decision through the execution process.

From the execution problems at the Industrial Relations Court, the researcher formulated the problem regarding the Urgency of Applying the Principles of Simple, Fast and Low Cost Justice in the Execution of Industrial Relations Court Decisions in Indonesia.

METHOD

The research specification used by the author in this research is descriptive analytical research, namely a research method that aims to get an overview of the symptoms being studied at the present time and then relate them to legal norms or statutory regulations. Next, answers are sought to solve problems regarding existing phenomena. (Yulmaida, T., Alisa, A., Ananta, R., Zamharira Alisya, P., & Nur Ilham, R., 2023) The data analysis used in this research is Qualitative Data Analysis. Analyzing the content of legal documents, court decisions, and related literature to identify themes, patterns, and trends relevant to the research questions. Descriptive research has a relationship with the presentation of a phenomenon or the relationship between two or more phenomena. Descriptive research relates to the facts of the research object as well as observing the consequences that occur and looking for facts that might be the cause through

certain data. The approach method used in this research is a normative juridical approach, namely studying, reviewing and testing legal principles, positive legal rules logically originating from library materials contained in laws and regulations. - provisions relating to employment aspects. (Qamar, N., 2021).

RESULT AND DISCUSSION

1. The principle of simple, fast and low-cost justice

The background for research regarding the concept of fair execution of industrial relations court decisions can come from several issues related to the industrial relations or employment justice system. Some of these issues include:

- a. Protection of workers' rights: Execution of court decisions ensures that workers' rights stated in the decision are protected. Court decisions may include compensation, restoration of neglected rights, protection against unfair termination, or other measures that restore workers' rights. (Zuiderveen Borgesius, F. J., 2020)
- b. Fairness and trust in the legal system: When court decisions are not executed, this undermines workers' trust in the legal system. Timely and consistent execution of court decisions strengthens workers' confidence in the legal system and confirms that their rights will be protected. (Ressl-Moyer, T., Morales, P. G., & Osorno, J. A., 2021)
- c. Prevention of legal violations: When court decisions are not implemented, employers or parties who violate the law can be encouraged to ignore workers' rights. This makes legal violations commonplace and workers vulnerable to unfair treatment. Effective execution of court decisions is a deterrent tool to prevent such legal violations. (Aspan, H., 2022)
- d. Enforcement of rules and discipline: Execution of industrial relations court decisions helps in enforcing rules and discipline in the workplace, understanding that there are real consequences for breaking the law or breaching a contract. This creates a fairer work environment and violations are punished. (Hardy, T., 2021)

In order to protect workers' rights, it is important for the legal system and related institutions to ensure that industrial relations court decisions are executed effectively and fairly. Settlement of industrial relations disputes should use the principles of simple, fast and low-cost cases in order to protect workers' rights. (Permana, S., Subarsyah, T., & Firdatunnisa, E., 2020)

Simple means that the examination and resolution of cases is carried out in an efficient and effective manner. The fast principle, a universal principle, is related to a resolution time that does not drag on. This fast principle is known as the justice adage delayed justice denied, meaning that a slow judicial process will not provide justice to the parties. The low cost principle means that case costs can be afforded by the public. (Ahmadianfar, I., Heidari, A. A., Noshadian, S., Chen, H., & Gandomi, A. H., 2022)

The principle of speed is related to the time to complete a case. This is also related to the legal efforts taken by the parties. (Ramadhani, R., 2021) If one of the parties takes ordinary legal action (appeal and cassation) or extraordinary (judicial review) it means that the time needed to resolve the case will be longer. Regarding time, in special courts such as bankruptcy and intellectual property, a time limit for completion has been determined by law. Likewise, the time limit for stating legal remedies and submitting memorandum of related legal remedies. Exceeding the specified time limit could result in legal consequences. (Assaad, R., & Abdul-Malak, M. A., 2020)

Regarding court costs, policies vary. Criminal cases are partly borne by the state. Meanwhile, civil cases are charged to the party who loses the dispute. In civil cases specifically for industrial relations disputes, court costs are borne by the state if the material value of the lawsuit is below 150 million. Apart from these costs, the state actually provides pro-bono mechanisms both developed in the judicial system and under mechanisms regulated by the Legal Aid Law and the Law on Advocates. The state provides a budget of billions of rupiah in the Ministry of Law and Human Rights' APBN which is given to legal aid organizations that help poor people seek justice. (Anggraeni, R. D., Susanto, S., Iqbal, M., & Purniawati, I. (2023)

2. Cases of Industrial Relations Disputes that have not been resolved

The following presents several industrial relations disputes that have occurred in Indonesia:

- a. Case Number: 14/Eks/2015/PHI.Sby jo Number: 118/G/2013/PHI.Sby jo Number: 505 K/Pdt.Sus-PHI/2014 between Nugroho Budi as plaintiff against PT Alianisa/SPBU 54.612.47 et al as defendants. The plaintiff's employment relationship had been terminated since July 10 2013 and he had received wages below the minimum since working in 2011. This dispute was mediated by the Social and Labor Service mediator on September 16 2013. The cassation was decided on this dispute on October 22 2014. The court The District of Surabaya gave the first warning (aanmaning) on 30 September 2015 and the second warning on 18 November 2015 but the defendant for execution was not present, so efforts continued with the execution. (Pusat Penelitian dan Pengembangan Hukum dan Peradilan, 2016)
- a. Case Number: 54/G/2015/PHI.SBY Jo. Execution Number: 20/EKS/2015/PHI.Sby between Sugiono as Plaintiff against PT. Langgeng Makmur Industri, Tbk as Defendant. The termination of employment was carried out unilaterally by the defendant who was disturbed by the plaintiff's activities as a union official at PK FKUI UNIT-I PT. Lasting Prosperous Industry. Sugiono/Plaintiff took issue with the defendant's actions in terminating the employment relationship of two of his colleagues before the work period was completed, not registering the workers in the Health Care Insurance (JPK) program at Jamsostek, never providing a copy of the warning letter/company regulations and/or collective work agreement. Bipartite negotiations were held on February 3 and February 6 2015. Mediation with the District Government Social Service and Labor Industrial Relations mediator. Sidoarjo also has not resolved the dispute. This case was decided by the PHI PN Surabaya on July 27 2015 which granted the lawsuit for three months' wages and reinstated

the plaintiff/Sugiono to his original position. Several points of the lawsuit were rejected by the panel of judges, causing Sugiono to submit a cassation request. However, the cassation application could not be processed because it did not meet the formal requirements, namely not paying the court fees. Finally, a decision is made that has permanent legal force. After four warnings (*aanmaning*) which were never attended by the defendant, the decision was executed on November 4 2015. However, the Surabaya District Court was implied to be unable to carry out the confiscation execution procedure on the grounds that the items to be confiscated were unclear and there were no bailiffs. (Pusat Penelitian dan Pengembangan Hukum dan Peradilan, 2016)

- b. Case Number: 161/G/2007/PHI.PN.Sby Jo Judgment PN.Niaga.Sby Number: 15/Pailit/2012/PN.Niaga.Sby between Sugiono et al (64 people) against PT.Carvita Central Cahaya. There was a rights dispute followed by termination of employment since 2006. The parties made a joint agreement through a mediator at the Manpower Office and it was registered as a deed to the PHI PN Surabaya on July 13 2006. The application for a determination of the execution of the collective agreement was submitted on 1 August 2006 to the Surabaya District Court but has not yet been submitted. can be implemented because there are different interpretations of the procedures for implementing the execution determination, so that case Number: 161/G/2007/PHI.PN.Sby arises. After the PHI decision dated February 28 2007, the defendant PT. Carvita Central Cahaya appealed. However, because the cassation applicant's case fees were not paid, the Supreme Court sent a notification letter asking the applicant to withdraw the cassation application or continue the case by paying the fees first. The appeal process was never completed by the respondent. Suddenly in the Thursday edition of the Kompas newspaper, 9 August 2012, it was written "Announcement of Decision on Bankruptcy Case Number: 15/Pailit/2012/PN/Niaga.Sby and Invitation to Creditors' Meeting" which stated that PT. Carvita Cahaya Central (defendant/applicant for cassation) as bankruptcy respondent. The appeal for cassation was only withdrawn on September 18 2012. The company's assets had been auctioned off by the curator before the PHI PN Surabaya decision was executed, so the plaintiff/worker did not get anything after waiting 6 years. (Pusat Penelitian dan Pengembangan Hukum dan Peradilan, 2016)
- c. Case Number 639 K/Pdt.Sus-PHI/2014 Jo Number: 142/G/2013/PHI.Sby Jo. Execution Number: 15/Eks/2015/PHI.SBY between Suna Rodiawati et al (four people) against PT. Alianisa/SPBU 54.612.47 as defendant and PT. Pertamina is a co-defendant. There have been rights disputes due to lack of wages, THR and overtime pay since 2011, 2012 and 2013. Mediation was carried out three times with the District Government's Industrial Relations Mediator for the Social Service and Labor. Sidoarjo and ended on 16 September 2013. PHI's decision on 26 May 2014 which granted part of the lawsuit made the defendant/PT. Alianisa filed an appeal. The cassation decision dated November 27 2014 confirmed the PHI decision at the Surabaya District Court. Based on the cassation decision and the request for execution, a warning (*aanmaning*) was issued on 30 September 2015 and 18 November 2015, but the respondent for execution never appeared. Furthermore, when confiscation was carried out on the movable and immovable assets of the defendant for

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execution, it was implied that the chairman of the Surabaya District Court was unable to carry out the confiscation procedure on the grounds that there were no bailiffs. Regarding the confiscation execution procedure, the workers are still waiting for the rights dispute resolution procedure, while the gas station business unit has been managed by a third party. Mediation efforts until the execution was not completed took 3 years. (Pusat Penelitian dan Pengembangan Hukum dan Peradilan, 2016)

An example of the case above would be to make a table as follows :

No.	Case Number	Type of Problem	Information
	Case Number: 54/G/2015/PHI.SBY Jo. Execution Number: 20/EKS/2015/PHI.Sby	Sugiono as Plaintiff (Worker) against PT. Langgeng Makmur Industri, Tbk as Defendant (Company). The termination of employment was carried out unilaterally by the defendant who felt disturbed by the plaintiff's activities as a trade union official. Sugiono/Plaintiff took issue with the defendant's actions in terminating the employment of two of his colleagues before the work period was completed, not registering the workers in the Health Care Insurance (JPK) program at Jamsostek, and never providing a copy of the warning letter. /company regulations and/or collective work agreement.	The case has been ongoing since Bipartite February 3 2015 and was executed on November 4 2015 However, it was implied that the Surabaya District Court could not carry out the confiscation execution procedure on the grounds that the items to be confiscated were unclear and there were no court officers. In conclusion, the execution failed.
2.	Case Number: 161/G/2007/PHI.PN.Sby Jo	This case was between Sugiono et al (64 people)	This case went on for a very long time from 2006 to 2012

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Judgment Number: 15/Pailit/2012/PN.Niaga.Sby	PN.Niaga.Sby against PT Carvita Central Cahaya. There has been a rights dispute followed by termination of employment since 2006.	with the complexity of the case ranging from industrial relations disputes to bankruptcy cases. This makes the execution case fail to be carried out.
	There was a mutual agreement through the labor service mediator on July 13 2006. However, it turned out that there were other cases related to bankruptcy, making the case even more complicated in 2012.	
3. Case Number: 142/G/2013/PHI.Sby Execution Number: 15/Eks/2015/PHI.SBY	639 Jo Suna Rodiawati et al (four people) against PT. Alianisa/SPBU 54.612.47 as defendant and PT. Pertamina is one of the defendants. There have been rights disputes due to lack of wages, THR and overtime pay since 2011, 2012 and 2013.	This case lasted from 2013 to 2015 and could not be resolved for 3 years. This shows that the matter has not been resolved.

Based on this description, it can be seen that industrial relations disputes are not easily or quickly resolved. Based on this data, it certainly requires handling or improvement of procedural law that favors quick and low-cost case resolution.

3. Application of Special Procedure Law in the Industrial Relations Court

In essence, the nature of procedural law is to serve material law. PHI procedural law should also serve labor law which is its material law. Labor law has different characteristics from civil law. As a result of these different characteristics, the "partial" dedication of formal law to its material carries its own specifications as the unique nature of the event. (Rusakova, E. P., Frolova, E. E., & Gorbacheva, A. I., 2020)

The nature of PHI procedural law is specific compared to the nature of civil procedural law. In the PHI procedural law there are benchmarks for the subject and benchmarks for the base or

object of the dispute. The benchmark for the subject is that the parties to the dispute are between workers/laborers, trade unions/labourers and employers/a combination of employers, or with other worker/labor unions in one company, both of which must be heard (*audi alteram partem* or *eines mannes rede ist keines mannes rede*, *man soll sie horen alie beide* – both sides must be heard). The benchmark for the object of a dispute is a dispute between parties which includes: Rights dispute, Interest dispute, Employment Termination Dispute and Dispute between Trade Unions/Labour Unions in one company. If the object of the dispute is outside the four disputes mentioned above and is related to actions according to civil law, if it causes a dispute it will fall into the competence of the General Court. (Madjid, N. V., Isra, S., Warman, K., Mardenis, & Tegnan, H., 2023)

The difficulty in implementing this actually stems from the characteristics of PHI procedural law which are reflected in the principles of labor law that underlie PHI procedural law. Regarding the principles of labor law, these include: a). Principle of legal protection. This principle implies that workers/laborers are the weak party in dealing with employers or need to receive protection so that arbitrary actions do not occur. b). The principle of equality/equality in the position of workers and entrepreneurs. This principle places two parties in industrial relations in the same position. The principles of labor law place more importance on the position and purpose of holding PHI as a comparison to the purpose of holding Administrative Justice. According to Van Galen and Van Maarseven, in accordance with the intent of Administrative Justice, namely: "*het bieden van (rechts-) bescherming tegen bestuurshandelingen*" - providing legal protection against government actions", the principles of administrative law which are "*characteristieken*" Administrative Court procedural law is: a). *Actieve rechter* (active judge) b). *Ongelijkheidscompensatie* (compensation due to inequality of position) c). *Uniteitsbeginsel* (the principle of unity); d). *Non-cumulatie* (non-cumulation); e). *Vrij bewijs* (free proof); f). *Procesmondigheid* (oral handling); g). *Vermoeden van rechtmatigheid* (rechtmatig presumption – “legitimate” presumption of validity) (Cahyowati, R. R., Purnomo, C. E., & Bakti, T. S., 2023)

In accordance with PHI's absolute competence according to Law no. 2/2004, as a juridical-theoretical implication and consequence, is the reflection of the principles of labor law in the provisions of the PHI procedural law in resolving industrial relations disputes. (Putri, S. A., Fakhriah, E. L., Karsona, A. M., & Afriana, A., 2021) Settlement of industrial relations disputes by PHI based on Law no. 2/2004 remains bound to the principles of labor law which underlie the PHI procedural law. (Wardani, F., & Dewi, S. A. K., 2023) Industrial relations disputes are disputes in the field of labor law that arise as a result of the implementation of labor law by industrial relations actors, so the resolution should be based on the principles of labor law. (Friedman, L. M., & Ladinsky, J., 2021) This is important, because procedural law regulates procedures for enforcing laws whose material has been determined in the substantive law. Procedural (formal) law is a means of implementing material law. (Saputra, R., Setiodjati, J. P., & Barkhuizen, J. (2023) Enforcement of material law by formal law concretely takes place when positive law is implemented in practice as a necessity that deserves to be obeyed. Therefore, providing justice in an industrial relations dispute means deciding the dispute by applying the law, finding the law in concreto in an effort to maintain and guarantee compliance with material law as law in abstracto with procedures established by formal law. It can also be said that the

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main function of industrial relations court procedural law according to Law no. 2/2004 is to realize the law in abstracto into law in concreto which binds the disputing parties in order to resolve industrial relations disputes. (Cahyowati, R. R., Purnomo, C. E., & Bakti, T. S., 2023)

UU no. 2/2004 which contains regulations regarding procedural law and Law Number 13 of 2003 (hereinafter referred to as "UU No. 13/2003") which is a partial regulation of material law regarding labor law can be applied, because of the way procedural law is regulated In positive law it can be grouped into two parts, namely: a). Provisions for litigation procedures are regulated separately in the form of laws or other forms of regulations. b). Provisions on case procedures are regulated together with the substantive law or with the composition and competence of the body administering justice in the form of a law or other regulation. (Ahsany, F., Alamsyah, A. F., & Al-Fatih, S., 2020)

Law Number 2 of 2004 follows the first group in providing regulations regarding labor law specifically regulated in Law no. 13/2003 concerning Employment and other employment regulations. (Santy, S., 2023) Article 136 paragraph (2) Law no. 13/2003 states: In the event that a resolution by deliberation to reach consensus as intended in paragraph (1) is not achieved, then the entrepreneur and worker/laborer or trade/labor union shall resolve the industrial relations dispute through the industrial relations dispute resolution procedure regulated by law. (Ahsany, F., Alamsyah, A. F., & Al-Fatih, S., 2020)

PHI procedural law according to Law no. 2/2004 should be studied in depth. Moreover, it has been indicated that the PHI procedural law is not well understood, and no less important is the awareness of entrepreneurs in complying with PHI decisions. Understand and be aware of the specificities and even differences between PHI procedural law and civil procedural law in resolving industrial relations disputes in PHI bodies according to Law no. 2/2004 is absolute. (Anggraeni, N., Koswara, I., & Gunawan, Y., 2022).

CONCLUSION

The research results prove that the application of simple, fast and low-cost principles of justice in implementing Industrial Relations Court (PHI) decisions in Indonesia has a very important urgency. Here are some reasons why this is so necessary: Protection of Labor Rights: Most of the cases submitted to PHI involve labor rights and worker welfare. Delays in implementing decisions can result in workers not being able to immediately obtain their rights, such as delays in wages, leave rights, or other rights.

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