

Legal Counseling on the Settlement of Industrial Relations Disputes Between Trade Unions and Companies Through Combinat Process in Medan Krio Village

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Abstract

The goal to be achieved of this service is to increase public understanding and knowledge, especially in Medan Krio Village, Deli Serdang Regency, through counseling on the Settlement of Industrial Relations Disputes Between Labor Unions and Companies through the Combined Process (Med-Arbitration) in Medan Krio Village which is very important because labor unions have a very important role for workers, employers and the trade unions themselves. The process of resolving industrial relations disputes based on Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes is through Bipartite, Tripartit (mediation of industrial relations, conciliation of industrial relations, and arbitration of industrial relations) then to the Industrial Relations Court if the non-litigation legal remedy (except arbitration) is not reached. The concept of the combined process (med-arb) is considered to be able to facilitate dispute resolution in industrial relations disputes because this concept has been carried out in business disputes and is considered more effective. This needs to be conveyed to the community, especially the people in Medan Krio Village, the majority of whom are workers who are also unions, so they argue that the concept of combined process (med-arb) is considered to be able to facilitate dispute resolution in industrial relations disputes because this concept has been carried out in business disputes and is considered more effective.

Keywords: Disputes, Trade Unions, Combinat Process.

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Introduction

Medan Krio Village is one of the villages located in Deli Serdang Regency. Many people who live in Medan Krio village work as workers who are also members of trade unions in various companies around Deli Serdang (S. Nurhayati and O. Medaline, 2020). The company or employer is part of the ring of the country's economy. In the company there is an industrial relationship that occurs between employers and workers. However, the relationship between employers and workers does not always go well. It is possible that there is a dispute. In the working relationship between employers and workers, it is possible for disputes to occur, which are then called industrial relations disputes (S. Wahyuni, B. Mesra, A. Lubis, and S. Batubara, 2020).

Types of industrial relations disputes based on Article 2 of Law No. 2 of 2004 concerning Industrial Relations Dispute Resolution (PPHI Law) include: (a). rights disputes (b). interest disputes (c). employment termination disputes and (d). disputes between trade unions/labor unions in only one company (S. Nurhayati, 2023).

Disputes must first be resolved through bipartite negotiations in a deliberative manner to reach consensus. Dispute settlement through PHI is the last resort if the settlement through bipartite, mediation, and consolation does not reach an agreement. However, in practice, this obligation is often used by the parties (employers and employees) as a formality. The parties choose to settle industrial disputes through PHI The existence of PHI as a special court under the general judicial environment established at the same time as the PPHI Law in reality still reaps a lot of criticism and problems.

Disputes often occur in every relationship between legal subjects, both individuals and legal entities. With the increasing complexity of the pattern of community life, the scope of events or disputes is also getting wider. Disputes that often arise are issues regarding industrial relations disputes. Industrial relations dispute usually occur between workers/laborers and employers or between workers' organizations/labor organizations and company organizations. The writing of this article specifically discusses dispute resolution between labor unions and companies.

Some opinions state that combined process is better than pure arbitration. This is as stated by Edna Sussman, quoting Derek Roebuck who said "Everywhere in the Ancient Greek world, including Ptolemaic Egypt, arbitration was normal and in arbitration the mediation element was primary". Three other forms of alternative dispute resolution similar to arbitration, especially in business circles, continue to grow and are considered quite positive. These forms are: Mini Trial, Mediation and Med-arb.

Related to the above, an understanding or counseling is given to the community in general and especially the community in Medan Krio Village about the Settlement of Industrial Relations Disputes Between Trade Unions and Companies Through Combinet Process (Med- Arbitration) in Medan Krio Village. Although the dispute seems appropriate and suitable to be resolved through this method, it is difficult to simply determine as he said that one size fits all.

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Research Methods

The method of approach offered by the community service team, namely:

Work Procedure

To realize this system, an approach to the community is first carried out through socialization and counseling both to the Village Head as a stakeholder and to the working community. The socialization and counseling activities will be carried out after first conducting observations and interviews with the local community (V. A. Siti Nurhayati Indra Utama Tanjung, 2023). Furthermore, the following stages of implementation are:

1. Socialization and Legal Counseling

Legal counseling was carried out using the lecture method and a percentage, then opened discussions and open questions and answers to the community. Socialization and legal counseling also involves parties who have competence in the importance of understanding the Settlement of Industrial Relations Disputes between Trade Unions and Employers through the Combined Process.

The materials in the socialization and legal counseling are:

- a. Socialization and legal counseling regarding the settlement of industrial relations disputes from Law number 2 of 2004 concerning PPHI: Dr. Siti Nurhayati, SH, M.H.
- b. Socialization and legal counseling on the process of resolving disputes outside the court Lecturer: Dr. Fitri Rafianti, S.H.I, M.H.
- c. Socialization and counseling on concepts or models that must be carried out in disputes so as to improve the quality of human resources (workers) towards knowledge and understanding of matters relating to disputes. Lecturer: Dr. Emi Wahyuni, SE, Msi

2. Data Collection

By involving at least 3 students of Universitas

Pembangunan Panca Budi University to conduct preliminary interviews on the conditions of workers in Medan Krio village who work in companies both government and private companies and distribute questionnaires about the extent to which workers in terms of responding to this.

1. Implementation.

The entire series of PKM work procedures in terms of socialization and counseling on the settlement of industrial relations disputes between trade unions and companies through the Combined Process (Med-Arbitration), can be seen in the figure below:

Activity Plan

The overall activity plan that shows the solution steps to the above problems is as follows:

1. Field observations, interviews and finding various problems.

2. Assessing the problems and finding solutions that will be offered to the community of Medan Krio Village.
3. Preparation of stages of implementing problem solutions and distributing questionnaires to the Medan Krio Village community.
4. Implementation of counseling on the settlement of industrial relations disputes between trade unions and companies through combined process, and the delivery of solutions as a way out in addressing labor problems.
5. Evaluation.

Description of Partner Participation

In this case, the description of partner participation in the implementation of the service is as follows:

1. Nurturing and guiding the community (workforce) in activities
2. The object of implementing community service.

Description of Evaluation of the Implementation of the Service Program

Evaluation of the implementation of the service program and its sustainability after completion of field service activities, where an evaluation of the results will be carried out by re-observation of the steps taken in solving the problems faced by workers in companies domiciled in Medan Krio village, so that the understanding that has been received from the counseling can improve the quality of workers in making decisions to obtain their rights as workers.

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Result and Discussion

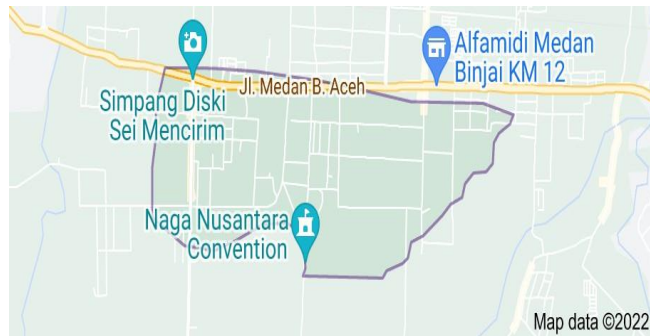


Figure 1. Research Location

Participants of Service Activities

Training participants are village government officials and the community in Medan Krio village, especially village government officials. The village apparatus as the implementation of all village activities is more intensive in managing human resources in terms of increasing community income which must be in accordance with applicable programs and regulations (O. M. Siti Nurhayati Emi Wahyuni, 2021). In order to improve the quality of the village community through counseling and job training conducted by the village apparatus in all fields needed by the community, especially the community in medan krio village, in this case related to the workforce working in the settlement of industrial relations disputes between workers and companies. This counseling seeks to make the community, in this case the workforce, know the settlement process based on laws and regulations related to employment.



Figure 2. Preparation of Materials

In terms of material, materials have been prepared related to the Counseling on Industrial Relations Dispute Resolution between Trade Unions and Companies through Combined Process (Med-

Arbitration), including:

- a) Material in the form of power points.
- b) Cases that always occur and their resolution.
- c) Governor's Decree on UMP.
- d) Assistance with the problems faced.

Provision of Material

The speakers who delivered the legal counseling consisted of 3 people who had good competence in the field of Law and the field of Human Resources, namely: Dr. Siti Nurhayati, SH. MH, Delivering material on the Settlement of Industrial Relations Disputes related to Law No. 2 of 2004, Dr. Fitri Rafianti, SH.I., MH, delivering material on the relationship between workers and companies related to the settlement process through the Combined Process, Dr. Emi Wahyuni, SE, Msi, Delivering material on how to improve the quality of workers' human resources towards knowledge and understanding of their rights as workers due to disputes.



Figure 3. Speaker I Dr. Siti Nurhayati SH M.H

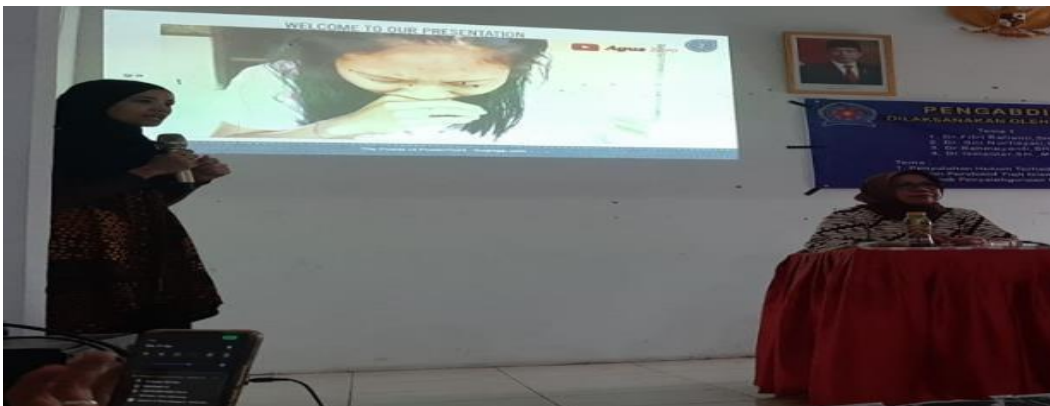


Figure 4. Speaker II Dr. Fitri Rafianti., S.H.I, M.H

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Figure 5. Picture of Presenters II Dr. Emi Wahyuni SE., Msi

Student Involvement

In the implementation of socialization and counseling, the participation of students is needed to support the success of these activities and to help everything related to technical matters of socialization and legal counseling. The names of students and their roles in this PPM activity are:

- a) Willyam Lorencius Hutabarat (Student)
- b) Indra Teddy Heriyanto Panjaitan (Student)
- c) Juandito Tamahasaya Marbun (Student)
- d) Yanda Ardianta (Student)

With the task of helping spread invitations for socialization and legal counseling activities on the part of the community, especially workers in the hospitality sector, helping prepare the room where the implementation of socialization and legal counseling, and assistance for participants.



Figure 6. Image: Students involved in service activities

Discussion of PKM Implementation Results

Overall, the results of the counseling activity on the settlement of industrial relations disputes between trade unions and companies through the Combined Process (Med-Arbitration) in Medan Krio Village went well, because it was largely in accordance with the plan in the proposal submitted. The number of people who attended was approximately 80 people. The presence of the community in the counseling that lasted a day showed positive results, where the participants who attended mostly from the workforce received well and there was still a lot of knowledge that needed to be conveyed, especially about disputes regulated in Law No. 2 of 2004 concerning PPHI, so that the community in this case the workforce could understand and find solutions in the event of a dispute caused by company policies that could harm workers, especially the rights violated by the company (S. Nurhayati, 2018) In the legal counseling, each participant (worker) asked many questions about the settlement if the rights and obligations of workers were violated due to company policies. The delivery of the counseling material was carried out with a humanist approach and by using grammar that was easily understood by the participants (workers), so that the delivery could be easily understood and well understood.

After providing assistance to participants in legal counseling, it can be seen the progress of participants' knowledge regarding the special material of dispute resolution due to policies that are violated because they are not in accordance with applicable laws and regulations. This shows that what they know is that if their rights and obligations have not been fulfilled due to pandemic conditions, they must be understood and without a solution submitted by the company. After the implementation of this legal counseling, it is hoped that participants (workers) will be able to overcome their problems in the field of labor which are directly related to disputes due to unfulfilled rights and obligations (S. Nurhayati and O. Medaline, 2020). It can be seen that on average, participants have gained sufficient additional knowledge about what has been presented. Therefore, it is expected that participants (workers) can utilize this knowledge to further optimize what should be done by people who work in companies.

Program Suitability with Learning Outcomes

This PKM program is closely related to the researcher's knowledge related to the field of employment so that it is deemed necessary to socialize matters related to the needs of every worker who works on the orders of others who are one part of the elements in the existing labor laws and regulations. Employment Law which is the development of Labor Law and is a compulsory institutional course. The substance of this Employment Law course covers legal aspects or rules regarding employment broadly, meaning that it does not only concern work relations between workers and employers, but also regulates outside of work relations such as pre-employment and after work / post-employment. As part of the study of law, the discussion will refer to the provisions of national law and the opinions of scholars who are competent in this matter.

In addition to the above, work together and have social sensitivity and concern for society and the environment, master the procedures or instructions in choosing various alternative solutions both independently and / or in groups, have thoughts, attitudes, and behavior that reflect a person who knows about the roles and responsibilities of humanist lawyers and has the ability to communicate ideas, problems and problem solving in the field of labor law.

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Conclusion

With the process of socialization activities and legal counseling delivered to each participant who is a worker, the delivery is carried out with a simple method, namely direct communication with participants with questions related to the work they are doing, so that the communication process can take place well.

The settlement of industrial relations disputes between trade unions and companies through the Combined Process (Med-Arbitration) that occurs between workers and companies should be studied through laws and regulations, especially those concerning this matter which are more specifically regulated in Law No. 2 of 2004 concerning PPHI. Workers should not be disadvantaged because of policies. Every worker is obliged to become a member of a trade union, so that their rights can be fought for through the trade union to the company which is regulated in Law No. 21 of 2000 concerning Trade Unions / Labor Unions.

The implementation of this legal counseling can produce smart participants in fighting for their rights as well as being able to increase their knowledge of the Settlement of Industrial Relations Disputes between Trade Unions and Companies in Medan Krio Village.

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