

## **ABSTRAK**

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### **REKONSEPSI PENGATURAN TENTANG KONSILIASI HUBUNGAN INDUSTRIAL DALAM RANGKA PENYELESAIAN PERSELISIHAN HUBUNGAN INDUSTRIAL**

(406 Halaman: 14 Gambar; 7 Tabel)

Lembaga Konsiliasi HI merupakan perwujudan dari kultur budaya masyarakat Indonesia yang mencerminkan musyawarah dan mufakat dalam penyelesaian perselisihan hubungan industrial secara murah, cepat, tepat, dan sederhana. Adapun penyelesaian yang bersifat sukarela/ himbauan sejak tahun 1951 sampai saat ini, termasuk lembaga Konsiliasi HI yang diatur di dalam UU No. 2 Tahun 2004 tidak berfungsi di hampir seluruh daerah di Indonesia, kecuali di Kabupaten Banyuwangi yang berjalan secara konsisten. Disertasi ini bertujuan meneliti pengaturan Konsiliasi HI, implementasi pengaturan Konsiliasi HI, serta menawarkan solusi yang ideal bagi pengaturan lembaga Konsiliasi HI dalam rangka penyelesaian perselisihan hubungan industrial di Indonesia. Adapun teori yang digunakan dalam disertasi ini yakni teori sistem hukum, teori tujuan hukum, dan teori jenjang. Penelitian disertasi ini bersifat yuridis normatif yaitu penelitian terhadap peraturan perundangan-undangan terkait Konsiliasi HI dalam kerangka hukum PPHI di luar Pengadilan di Indonesia dan studi komparasi terhadap negara-negara yang melaksanakan Konsiliasi yang bersifat wajib yaitu Malaysia dan Thailand serta negara Jepang dan Korea Selatan yang efektif dalam pelaksanaan Konsiliasinya, serta penelitian empiris terhadap pelaksanaan Konsiliasi di Disnakertrans Kabupaten Banyuwangi. Berdasarkan penelitian tersebut bahwa pengaturan Konsiliasi HI yang bersifat sukarela/ himbauan perlu diubah menjadi wajib dengan diikuti adanya pembagian kewenangan antara lembaga Konsiliasi dan Mediasi antara lain kewenangan Konsiliasi bersifat wajib dalam menangani perselisihan PHK atau Antar SP/ SB sepanjang perselisihan antar SP/ SB tidak disepakati dalam lembaga Arbitrase, sementara lembaga Mediasi berwenang menangani perselisihan Hak atau Kepentingan, sepanjang perselisihan kepentingan tidak disepakati di dalam lembaga Arbitrase. Melalui rekonsepsi pengaturan Konsiliasi HI diharapkan kedepan, lembaga Konsiliasi HI akan menjadi efektif, efisien, dan optimal dalam rangka penyelesaian perselisihan perburuhan di Indonesia.

**Kata Kunci:** Perselisihan Hubungan Industrial, Konsiliasi Hubungan Industrial, Rekonsepsi.

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## **ABSTRACT**

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### **RECONCEPTION OF REGULATIONS CONCERNING INDUSTRIAL RELATIONS CONCILIATION FOR THE SETTLEMENT OF INDUSTRIAL RELATIONS DISPUTES**

(406 Pages: 14 Images; 7 Tables)

The industrial relations conciliation institution is an embodiment of the cultural culture of the Indonesian people that reflects deliberation and consensus with the aim of resolving industrial relations disputes cheaply, quickly, precisely, and simply. Meanwhile, the voluntary settlement of industrial relations disputes/recommendations since 1951 to the present, including the IR Conciliation institution as regulated in Law no. 2 of 2004 does not work in almost all regions in Indonesia, except in Banyuwangi Regency which runs consistently. This research aims to examine the regulation of IR Conciliation, the implementation of IR Conciliation regulations, and to offer an ideal solution for regulation of IR Conciliation in the framework of industrial relations dispute resolution in Indonesia. The theories used in this research are the theory of legal system, the theory of purpose of law, and the stufenbau theory. This dissertation research is juridical normative by examining the laws and regulations related to IR Conciliation in framework of industrial relations dispute resolution outside the Court in Indonesia and conducting comparative studies of countries that carry out mandatory conciliation in Malaysia and Thailand as well as Japan and South Korea which effective in the implementation of conciliation, and also conducted empirical research on the implementation of IR Conciliation in the Manpower and Transmigration Office in Banyuwangi Regency. Based on the research, regulation of the voluntary/recommendatory settlement of IR Conciliation need to be changed to compulsory settlement, followed by the division of authority between IR Conciliation and IR Mediation institutions in which the IR Conciliation authority (compulsory settlement) can handle layoffs or trade union disputes as long as disputes of trade union is not agreed upon in the IR Arbitration institution, whereas the Mediation institution is authorized to handle disputes over Rights or Interests, as long as the dispute of interest is not agreed upon in the Arbitration institution. Through the reconception of IR Conciliation regulations, it is hoped that in the future, IR Conciliation institutions will become effective, efficient, and optimal in the framework of industrial relations dispute resolution in Indonesia.

**Keywords:** Industrial Relations Disputes, Industrial Relations Conciliation, Reconception.

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