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Redesigning the Principle of Justice in Labor Disputes

Arpangi [1,*], Tajudeen Sanni [2]

[1] Faculty of Law, Universitas Sultan Agung, Semarang, Indonesia.
[2] Villa College, Male, Maldives.

** Correspondence: arpangi@unissula.ac.id*

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Abstract: Disputes between workers and employers are inevitable in industrial relations, requiring an effective and fair dispute resolution mechanism. Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes currently serves as the primary legal basis for resolving such disputes in Indonesia. However, this law, particularly Article 83 paragraphs (1) and (2), has drawn significant criticism for failing to reflect the values of justice, procedural efficiency, and legal certainty. This study aims to examine and analyze the weaknesses of the existing regulation on filing labor dispute lawsuits at the Industrial Relations Court and to reconstruct these provisions based on the principles of justice. This research employs the theory of Pancasila justice, legal system theory, and progressive legal theory, with a constructivist paradigm and a legal research approach. The study uses descriptive-analytical specifications, collecting primary data from field studies and secondary data from literature and legal materials. The data analysis uses qualitative methods. The research findings identify three main issues: First, the regulation lacks justice values and places an administrative burden on judges, causing procedural inefficiencies. Second, weaknesses exist in the legal structure, substance, and culture, particularly regarding ineffective bipartite and tripartite dispute resolution and limited worker access to justice. Third, the study proposes reconstructing Article 83 by delegating administrative verification duties to the clerk's office, ensuring procedural efficiency and strengthening the realization of justice in industrial relations dispute resolution.

Keywords: Employment Dispute; Industrial Relations Court; Justice; Worker;

INTRODUCTION

The constitution explicitly delineates and guarantees the rights of every citizen to gainful employment and a dignified standard of living as essential elements of human rights. Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia affirms this by stating, "Every citizen has the right to dignified employment and a humane standard of living." Article 28D, paragraph (2) further reinforces this guarantee by declaring, "Everyone has the right to work and to receive fair and decent compensation and treatment in employment relations." These provisions place a constitutional obligation on the state to protect labor rights through policies and laws.[1] To fulfill this duty, the state, through its governmental institutions, formulates policies that expand employment opportunities and promote harmonious, equitable, and sustainable industrial relations. By fostering ideal industrial relations, the state

[1] Paul J Gertler and others, 'Road Maintenance and Local Economic Development: Evidence from Indonesia's Highways', *Journal of Urban Economics*, 143 (2024), 103687 https://doi.org/https://doi.org/10.1016/j.jue.2024.103687

aims to drive national economic growth and realize the goal of a just and prosperous society, as mandated by the Preamble to the 1945 Constitution. However, in practice, industrial relations in Indonesia often experience frequent disputes between workers and employers, both at the individual and institutional levels.[2]

Industrial relations disputes raise complex legal issues that concern not only the substantive rights and obligations of the parties but also the procedural and institutional dimensions of the dispute resolution process. To address these challenges, the state has developed a dual-track framework that enables conflict resolution through both non-litigious mechanisms such as bipartite negotiations and tripartite mediation and judicial channels within established legal institutions.[3] One of the most significant components of this framework is the Industrial Relations Court (PHI), a specialized court operating within the general judiciary. The government established the PHI through Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes, which replaced the now-obsolete Law Number 22 of 1957 and Law Number 12 of 1964. These older regulations no longer align with the dynamics of modern employment relations in the era of industrialization.[4]

The primary objective of the PHI is to deliver a dispute resolution process that is swift, precise, fair, and affordable, thereby fostering harmonious, dynamic, and just industrial relations in accordance with Pancasila values. However, the implementation of the PHI reveals persistent challenges that hinder its effectiveness. Prolonged case settlement times, limited judicial capacity, and enforcement difficulties continue to undermine the PHI's role in delivering timely and equitable outcomes.[5] These ongoing issues highlight serious concerns regarding the court's ability to meet the evolving legal needs of both workers and employers. Consequently, a comprehensive legal analysis remains essential to assess the PHI's institutional capacity to resolve industrial relations disputes in a fair, efficient, and rights-respecting manner.[6]

Industrial relations issues emerge from the interaction between workers and employers within the framework of employment agreements. Discrepancies in fulfilling rights and obligations often trigger conflicts, especially when one party perceives injustice. In employment contexts, both employees and employers hold a shared interest in ensuring the company's sustainability. However, in practice, workers frequently find themselves in a disadvantaged position both economically and in

[2] Bambang Eko Afiatno and Karno Dwi Joyoutomo, 'The Economic Impact of Dry Port Investment in Indonesia: A Case Study of Bangil, Pasuruan District, East Java Province', *Cleaner Logistics and Supply Chain*, 13 (2024), 100179 https://doi.org/https://doi.org/10.1016/j.clscn.2024.100179

[3] Wayne Palmer, 'Public-Private Partnerships in the Administration and Control of Indonesian Temporary Migrant Labour in Hong Kong', *Political Geography*, 34 (2013), 1–9 https://doi.org/10.1016/j.polgeo.2013.02.001

[4] Nancy Lee Peluso, 'Entangled Territories in Small-Scale Gold Mining Frontiers: Labor Practices, Property, and Secrets in Indonesian Gold Country', *World Development*, 101 (2018), 400–416 https://doi.org/https://doi.org/10.1016/j.worlddev.2016.11.003

[5] Achsanah Hidayatina and Arlene Garces-Ozanne, 'Can Cash Transfers Mitigate Child Labour? Evidence from Indonesia's Cash Transfer Programme for Poor Students in Java', *World Development Perspectives*, 15 (2019), 100129 https://doi.org/https://doi.org/10.1016/j.wdp.2019.100129

[6] Indar and others, 'Legal Protection of Labor Fatigue in the Production Part of PT. Maruki International Indonesia Makassar', *Gaceta Sanitaria*, 35 (2021), S76–78 https://doi.org/https://doi.org/10.1016/j.gaceta.2020.12.021

terms of access to justice. Job termination (PHK) represents the most common source of conflict, with employers often implementing layoffs unilaterally without honoring workers' normative rights, including severance entitlements.[7] This situation highlights the imbalance in industrial relations and underscores the need for legal intervention to restore equilibrium. To address this, the government enacted Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes, which provides a legislative framework to facilitate fair, swift, and effective dispute resolution. This law regulates several stages of dispute resolution, beginning with bipartite and tripartite negotiations and concluding with litigation through the Industrial Relations Court (PHI), which operates within the general court system and includes ad hoc judges.[8]

The principle of equality before the law remains essential in a modern legal system. The state should regard both parties in industrial relations as equal, ensuring that each side has the right to submit evidence and present legal arguments. Therefore, the law must serve not only a repressive function but also a corrective and preventive role to sustain balance and harmony in just and civilized industrial relations. Recognizing the urgency of these issues, Indonesia's labor law framework has given significant attention to industrial relations dispute resolution through the establishment of the PHI as part of the civil court system with jurisdiction over labor cases.[9]

Law Number 2 of 2004 outlines the procedural mechanism for the PHI, aiming to deliver dispute resolution that is fast, fair, and affordable. However, the implementation of this law reveals several formal legal challenges, one of which stems from Article 83 of the law. This provision requires PHI judges to conduct a preliminary examination of the lawsuit before the trial begins, specifically to verify the presence and content of a mediation or conciliation report. In the absence of such a report, the judge must return the lawsuit to the plaintiff. [10] Although this requirement appears to promote procedural order, it raises serious concerns regarding judicial impartiality and equality before the law. Ideally, judges should only assess the merits of a lawsuit after formally constituting a trial panel and commencing proceedings. Conducting a preliminary review at the pre-trial stage risks creating a perception of judicial bias against the plaintiff.[11]

[7] Rosemarijn Hoefte, 'The Pearl Frontier: Indonesian Labor and Indigenous Encounters in Australia's Northern Trading Network, Written by Julia Martínez and Adrian Vickers', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 172.4 (2016), 578–79 https://doi.org/https://doi.org/10.1163/22134379-17204019

[8] Shan Hu and Nan Jia, 'The Impact of the "Full Liberalization of Household Registration" Policy on the Free Migration of Rural Labor', *China Economic Review*, 89 (2025), 102330 https://doi.org/https://doi.org/10.1016/j.chieco.2024.102330

[9] Willem Thorbecke, 'Sectoral Evidence on Indonesian Economic Performance after the Pandemic', *Asia and the Global Economy*, 3.2 (2023), 100069 https://doi.org/https://doi.org/10.1016/j.aglobe.2023.100069

[10] Thomas Neise, Tatiana López and Abdul Fikri Angga Reksa, 'Rethinking Labour Risk in Global Production Networks: Resilience Strategies of Cruise Ship Workers in the Wake of the COVID-19 Pandemic', *Geoforum*, 145 (2023), 103842 https://doi.org/10.1016/j.geoforum.2023.103842

[11] Mitsuhiko Kataoka, 'Interprovincial Differences in Labour Force Distribution and Utilization Based on Educational Attainment in Indonesia, 2002–2015', *Regional Science Policy & Practice*, 11.1 (2019), 39–55 https://doi.org/https://doi.org/10.1111/rsp3.12159

This issue has become increasingly complex following the advancement of judicial technology, especially after the Supreme Court enacted Regulation Number 7 of 2022, which amended Supreme Court Regulation Number 1 of 2019 on the Electronic Administration of Cases and Trials in Court. Under the e-court system, clerks now handle the entire administrative case registration process online, further emphasizing that judges should not engage in administrative tasks during the early stages of a case. As a result, Article 83 of Law Number 2 of 2004 has become misaligned with current judicial practices and risks creating legal uncertainty. Therefore, conducting a critical assessment of this legal provision is imperative to safeguard judicial impartiality and to ensure fair legal protection for all parties engaged in industrial relations disputes.[12]

The Industrial Relations Court (PHI) should assign the responsibility of assessing the adequacy of formal requirements for filing a lawsuit especially the verification of a mediation or conciliation report to its administrative division, specifically the clerk's office. Officials in the case registration section, particularly those stationed at the One-Stop Integrated Service (PTSP), hold the appropriate administrative authority to ensure document completeness before formally registering a lawsuit. Allowing judges to conduct such assessments creates legal concerns and contradicts established court procedures. Under prevailing legal provisions, judges do not acquire active jurisdiction over a case until the Chief Justice formally appoints the panel of judges assigned to hear the matter. This panel assignment must occur within seven days following the case registration. Therefore, involving judges in the pre-registration stages of a lawsuit violates the principle of judicial impartiality and risks infringing upon the parties' right to due process.[13]

Furthermore, judges should not conduct detailed evaluations of a lawsuit's content outside the formal trial process. Instead, the clerk's office should handle this task as part of its technical and administrative duties. This approach reflects the fundamental principle of separating judicial functions from administrative responsibilities, thereby allowing judges to focus on their core duties conducting hearings and delivering impartial and independent judgments. Requiring judges to check lawsuit completeness before trial commencement would not only blur the boundaries of judicial responsibility but also create workload conflicts, especially since case registration typically coincides with trial schedules. Given these procedural and practical concerns, Article 83, paragraphs (1) and (2) of Law Number 2 of 2004 warrants urgent reevaluation. Its provisions have become outdated in light of the transformation toward modern judicial administration, particularly within the current e-Court system.[14]

[12] Rachel Kidman and others, 'The Impact of Introducing Free & Compulsory Pre-Primary Education Policy on Mothers' Labor Outcomes', *International Journal of Educational Development*, 117 (2025), 103338 https://doi.org/https://doi.org/10.1016/j.ijedudev.2025.103338

[13] Kodrad Winarno and others, 'Unlocking Agricultural Mechanisation Potential in Indonesia: Barriers, Drivers, and Pathways for Sustainable Agri-Food Systems', *Agricultural Systems*, 226 (2025), 104305 https://doi.org/https://doi.org/10.1016/j.agsy.2025.104305

[14] A Soekiman and others, 'Factors Relating to Labor Productivity Affecting the Project Schedule Performance in Indonesia', *Procedia Engineering*, 14 (2011), 865–73 https://doi.org/https://doi.org/10.1016/j.proeng.2011.07.110

Several recent studies conducted between 2020 and 2025 have examined justice-related issues in the settlement of labor disputes, highlighting both structural weaknesses and emerging innovations within the Indonesian legal system. Aminy et al. (2024) analyzed the implementation of restorative justice principles in handling labor crimes. Their research revealed that, despite the normative recognition of restorative justice, its practical application remains constrained by regulatory gaps and institutional limitations, particularly within law enforcement bodies.[15] Similarly, Januarsyah (2024) explored the application of restorative justice in labor-related criminal offenses. His study emphasized that although the Indonesian Prosecutor's Regulation No. 15 of 2020 and the Indonesian National Police Circular Letter No. 8 of 2018 provide initial legal frameworks, these instruments are still insufficient to ensure substantive justice for affected workers. Januarsyah highlighted the need for stronger legal foundations and better coordination among labor law enforcement agencies.[16]

Furthermore, Sudrajat et al. (2023) examined the effectiveness of Indonesia's industrial relations dispute resolution mechanisms, including bipartite and tripartite negotiations, as well as the Industrial Relations Court (PHI). Their findings reveal a persistent gap between formal legal protection and the realization of substantive justice for workers, particularly concerning the execution of court decisions and workers' access to affordable and timely legal remedies.[17] Supporting these findings, Nurhayati and Ismoyoputro (2024) highlighted ongoing structural inequalities within Indonesian labor law enforcement. Their study revealed instances of discrimination in recruitment processes, unsafe working conditions, and unfair dismissals, all of which reflect systemic failures in upholding principles of justice and equality in the workplace.[18] In a more innovative approach, Rizkia et al. (2024) examined the use of Online Dispute Resolution (ODR) to implement restorative justice in e-commerce disputes. While the research did not directly address labor disputes, the study presents a novel model of dispute resolution that emphasizes participation, dialogue, and quick resolution through digital platforms. This model offers significant potential for adaptation within labor dispute contexts, especially in the era of digital transformation and access to justice initiatives.[19]

Based on these five studies, it is evident that the need to redesign the principle of justice in labor disputes is urgent and multi-faceted. The literature points to critical gaps in procedural justice, distributive justice, and restorative justice approaches.

[15] Risya Ainun Zakiyah Aminy, Agus Mulya Karsona and Holyness Singadimedja, 'Implementation of The Justice Restoration System Towards Labor Crimes in the Framework of Labor Law Enforcement', *Law Development Journal*, 6.4 (2024), 553 https://doi.org/10.30659/ldj.6.4.553-575

[16] Mas Putra Zenno Januarsyah, 'Penerapan Restorative Justice Dalam Tindak Pidana Di Bidang Ketenagakerjaan', *Litigasi*, 25.2 (2024), 43–61 https://doi.org/10.23969/litigasi.v25i2.17862

[17] Shinta Azzahra Sudrajat, Arzam Arzam and Doli Witro, 'Legal Protection in Labor Dispute Settlement Through Industrial Relations Mechanism', *Khazanah Hukum*, 4.1 (2022), 1–9 https://doi.org/10.15575/kh.v4i1.17027

[18] Tri Nurhayati, 'Justice, Equality, and Indonesian Labor Law: Navigating Humanitarian Challenges in the Workplace', *Walisongo Law Review (Walrev)*, 6.1 (2019), 1–12 https://doi.org/https://doi.org/10.21580/walrev.2024.6.1.21746

[19] Nanda Dwi Rizkia, 'Use of Online Dispute Resolution in Realizing Restorative Justice in E-Commerce Disputes', *Journal Equity of Law and Governance*, 4.1 (2024), 108–18 https://doi.org/https://doi.org/10.55637/elg.4.1.9509.108-118

Furthermore, the integration of digital dispute resolution tools appears promising for enhancing accessibility, efficiency, and fairness in labor dispute settlement mechanisms. This study will propose a reformulation of the regulations governing the filing of employment lawsuits at the Industrial Relations Court (PHI), aiming to enhance justice, effectiveness, procedural fairness, and efficiency in both time and cost. In doing so, the study will prioritize adherence to the principles of simplicity, expediency, and affordability in the dispute resolution process

METHOD

This study applies a normative legal research method, focusing on analyzing legal norms, principles, and doctrines governing the filing of labor dispute lawsuits at the Industrial Relations Court (PHI). The research aims to examine the weaknesses of the existing legal provisions, especially those stipulated in Article 83, paragraphs (1) and (2) of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, and to propose a normative reconstruction based on justice values.[20] The research uses a statutory approach (statute approach) as its primary framework, systematically examining laws and regulations relevant to the industrial relations dispute resolution process. It also adopts a conceptual approach (conceptual approach) to explore theoretical foundations such as the theory of Pancasila justice, the legal system theory by Lawrence M. Friedman, and progressive legal theory as the basis for analyzing and reconstructing the norms in question.[21]

The study relies on secondary data, including primary legal materials (laws and regulations), secondary legal materials (legal literature, legal doctrines, and expert opinions), and tertiary legal materials (legal dictionaries, encyclopedias, and other supporting references). The researcher collected data through document analysis techniques, reviewing relevant legislation, court decisions, scholarly works, and academic journals that discuss industrial relations law and dispute resolution.[22] For data analysis, the study employs a qualitative, descriptive-analytical technique, systematically interpreting legal texts and constructing arguments to assess the weaknesses of the current regulations. Additionally, the research applies a prescriptive-analytical method to formulate recommendations for reconstructing legal norms that align with justice values and improve procedural efficiency in labor dispute resolution.[23]

[20] Mamasiddikov Muzaffarkhon Musakhonovich and others, 'The Protection of Labor Rights on the Court System', *Journal of Human Rights, Culture and Legal System*, 4.3 (2024), 742–64 https://doi.org/10.53955/jhcls.v4i1.115

[21] Abdul Kadir Jaelani and others, 'Legal Protection of Employee Wage Rights in Bankrupt Companies: Evidence from China', *Legality : Jurnal Ilmiah Hukum*, 31.2 (2023), 202–23 https://doi.org/10.22219/ljih.v31i2.25874

[22] Eka Rismawati, Abdul Kadir Jaelani and Karakitapoglu Aygün, 'The Regulation of Foreign Workers as Technology and Knowledge Transfer', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 1.2 (2023), 64–74 https://doi.org/10.53955/jsderi.v1i2.8

[23] Abdul Kadir Jaelani and Muhammad Jihadul Hayat, 'The Proliferation of Regional Regulation Cancellation in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 121–38 https://doi.org/10.53955/jhcls.v2i2.38

RESULT AND DISCUSSION

Regulatory Framework for Industrial Relations Dispute Resolution in the Industrial Relations Court

Article 56 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes grants the Industrial Relations Court (PHI) the authority to examine and adjudicate disputes concerning rights and employment termination at the first instance. The Court also holds jurisdiction to resolve disputes of interest and conflicts between trade unions or labor unions within the same company at both the first and final levels.[24] This legal provision establishes a clear and distinct division of jurisdiction based on the nature and complexity of each industrial relations dispute. In exercising its authority, the Industrial Relations Court applies the civil procedural law applicable to the General Court, except in circumstances where Law Number 2 of 2004 explicitly stipulates special procedural provisions.[25] When the law provides specific regulations on particular aspects of dispute resolution procedures, the Court prioritizes and applies these special provisions. Conversely, when the legislation does not regulate certain procedural matters, the Court adopts the general civil procedural norms as outlined in Article 57 of Law Number 2 of 2004.[26]

Before submitting a case to the Industrial Relations Court, the disputing parties must pursue resolution through a tripartite process, specifically mediation or conciliation. The plaintiff bears the responsibility to attach official documentation from the mediation or conciliation process as evidence of prior efforts to resolve the dispute amicably.[27] If the plaintiff fails to submit this documentation, the judge, pursuant to Article 83 of Law Number 2 of 2004, must return the lawsuit due to procedural incompleteness. This procedural requirement positions mediation or conciliation documentation as a fundamental prerequisite for initiating litigation in industrial relations cases. By enforcing this mechanism, the state seeks to prioritize peaceful dispute resolution and encourage compromise between employers and employees, or between employers and labor unions. Through this approach, the government aims to minimize reliance on protracted and costly litigation while promoting industrial harmony and maintaining equitable labor relations.[28]

The law defines industrial relations disputes as disagreements that result in confrontations between employers or employer associations and workers or trade

[24] François-Charles Wolff and Maliki, 'Evidence on the Impact of Child Labor on Child Health in Indonesia, 1993–2000', *Economics & Human Biology*, 6.1 (2008), 143–69 https://doi.org/https://doi.org/10.1016/j.ehb.2007.09.003

[25] Hao Feng, Jie Liang and Zhen Yan, 'Meteorological Disasters and Labor Allocation in Rural China: A Gendered Perspective', *World Development*, 195 (2025), 107102 https://doi.org/https://doi.org/10.1016/j.worlddev.2025.107102

[26] Risti Permani, Yanti N Muflikh and Fikri Sjahruddin, 'Mapping the Complex Web of Policies for Seaweed Industry Development in Indonesia: What Is the Role of a National Roadmap?', *Ocean & Coastal Management*, 259 (2024), 107464 https://doi.org/https://doi.org/10.1016/j.ocecoaman.2024.107464

[27] Shenglong Liu and others, 'Why Is Female Labor Force Participation Declining in China? A Perspective from Urban Commuting', *Journal of Development Economics*, 177 (2025), 103562 https://doi.org/https://doi.org/10.1016/j.jdeveco.2025.103562

[28] YasdinYasdin YasdinYasdin and others, 'Policies and Politics Development of Vocational Education in Indonesia: A Historical Perspective', *Asian Education and Development Studies*, 12.4 (2023), 297–309 https://doi.org/https://doi.org/10.1108/AEDS-06-2023-0059

unions. These disputes may take the form of rights disputes, interest disputes, employment termination disputes, or inter-union conflicts within a single organization. Law Number 2 of 2004 introduces a significant reform to the industrial relations dispute resolution system by expanding the previously recognized two categories of disputes rights disputes and interest disputes into four distinct classifications. Rights disputes arise when one party fails to fulfill entitlements established under laws, regulations, employment contracts, company policies, or collective bargaining agreements. Interest disputes emerge from differing views between the parties regarding the establishment or modification of working conditions. Employment termination disputes occur when employers and employees disagree over the grounds, process, or consequences of job termination. Meanwhile, inter-union conflicts arise from differing interpretations or interests concerning membership status and the exercise of union rights and responsibilities within the same organization.[29]v

This legislative reform directly affects the procedural mechanisms for resolving each type of dispute. In the initial stage, the parties must attempt resolution through a bipartite mechanism, engaging in direct negotiations between the employer and the employee or trade union. If these negotiations fail, the process must advance to a tripartite resolution stage, namely mediation or conciliation. Mediation applies to all four categories of disputes, while conciliation addresses only three categories, excluding rights disputes. In mediation, a mediator usually a civil servant from the local Manpower Office facilitates the negotiation process between the parties. In contrast, conciliation involves a conciliator from the private sector who has registered with the relevant Manpower Office.[30] If the parties reach an agreement during mediation or conciliation, the mediator or conciliator drafts a joint settlement agreement, which both parties must sign. If the parties fail to reach an agreement, the mediator or conciliator issues a written recommendation. The parties then have ten working days to either accept or reject the recommendation. If the parties reject the recommendation or if no resolution is achieved, they may escalate the dispute to the Industrial Relations Court for formal examination and adjudication in accordance with applicable legal procedures.[31]

Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes explicitly defines the timeframe for resolving disputes at both the bipartite and tripartite levels. During the bipartite stage, negotiations between workers and employers must conclude within a maximum of 30 working days from the commencement of discussions. If the parties fail to reach an agreement within this period, they must escalate the dispute to the tripartite level, which involves mediation or conciliation. At the tripartite stage, the Mediator or Conciliator must issue a written recommendation no later than ten working days after the first hearing. Furthermore,

[29] Ratna Saptari, 'Indonesia's Overseas Labour Migration Programme, 1969–2010, by Wayne Palmer', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 174.2 (2018), 342–44 https://doi.org/https://doi.org/10.1163/22134379-17402016

[30] Tamara Fioroni, 'Sustainability of Pension Systems in the Presence of Population Aging and Elderly Labor Supply', *Economic Modelling*, 150 (2025), 107127 https://doi.org/https://doi.org/10.1016/j.econmod.2025.107127

[31] JaeBin Ahn, Jaerim Choi and Sunghoon Chung, 'Labor Market Rigidity at Home and Multinational Corporations' Flexible Production Reallocation Abroad', *Journal of Development Economics*, 176 (2025), 103502 https://doi.org/https://doi.org/10.1016/j.jdeveco.2025.103502

the law requires the Mediator or Conciliator to complete all responsibilities related to the dispute within a maximum of 30 working days. This regulatory framework aims to ensure an efficient dispute resolution process, prevent unnecessary delays, and provide legal certainty for the parties involved. If either party rejects the recommendation resulting from mediation or conciliation, the disputing party may submit the case to the Industrial Relations Court (PHI) for adjudication.[32]

To proceed with litigation, the plaintiff must attach a formal report documenting the mediation or conciliation process as evidence of prior dispute resolution efforts. In practice, particularly at the Medan Industrial Relations Court, plaintiffs rarely submit formal mediation minutes alongside their lawsuits. Instead, they generally include a written recommendation from the Mediator as substitute documentation. Recognizing this practice, the Medan Industrial Relations Court has formally accepted the Mediator's recommendation as a valid substitute for the mediation minutes required under procedural law. Consequently, the Court will return any lawsuit that lacks a recommendation or a similar formal document from the Mediator or Conciliator, instructing the plaintiff to complete the administrative requirement.[33]

This procedural standard reflects the Court's strict adherence to Article 83 of Law Number 2 of 2004, which mandates that judges must return any lawsuit lacking documentation of mediation or conciliation efforts. Moreover, the Court, with the assistance of the Substitute Registrar, holds the responsibility to examine the lawsuit's content for formal completeness. When deficiencies arise, the judge must instruct the plaintiff to correct and complete the case documents before the Court proceeds to the substantive examination stage. This requirement constitutes an integral part of the procedural law governing dispute resolution within the Industrial Relations Court.[34]

The Industrial Relations Court (PHI) primarily applies general civil procedural law, as practiced within the General Court system, unless Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes stipulates specific procedural provisions. When the legislation prescribes special rules, the Court must prioritize and apply those provisions. Conversely, in procedural areas not explicitly regulated by the law, the PHI continues to rely on general civil procedural norms. This framework reflects the legislature's intent to integrate universally applicable procedural principles while introducing tailored modifications to enhance the efficiency and fairness of industrial relations dispute resolution.[35]

In addition to procedural aspects, this legislation assigns a strategic role to trade unions within the dispute resolution process. Trade unions serve two primary

[32] Yustina Yustina and others, 'Review: Policy Strategy of Nano Cosmetic Testing in Indonesia', *PHARMACIA*, 71 (2024), 1–10 https://doi.org/https://doi.org/10.3897/pharmacia.71.e118872

[33] Christophe Feder and Cristiano Antonelli, 'Innovation and Labor Share: Disentangling Emerging Global Technological Trends', *Journal of Innovation & Knowledge*, 10.3 (2025), 100712 https://doi.org/https://doi.org/10.1016/j.jik.2025.100712

[34] Bayarbileg Altansukh, Dil B Rahut and Subhasis Bera, 'Breathing Hazards: How Air Quality Diminishes Labor Supply in Ulaanbaatar, Mongolia', *Environmental Challenges*, 18 (2025), 101072 https://doi.org/https://doi.org/10.1016/j.envc.2024.101072

[35] Johan Lindquist, 'Brokers, Channels, Infrastructure: Moving Migrant Labor in the Indonesian-Malaysian Oil Palm Complex', *Mobilities*, 12.2 (2017), 213–26 https://doi.org/https://doi.org/10.1080/17450101.2017.1292778

functions: acting as legal representatives for workers and participating as Ad Hoc Judges drawn from trade union or labor organization members. Article 87 of Law Number 2 of 2004 expressly authorizes trade unions and employer organizations to file lawsuits before the PHI on behalf of their members. The law recognizes trade union administrators at various organizational levels from the company level to national federations and confederations as eligible legal representatives in PHI proceedings.[36]

This legal provision marks a significant development within Indonesia's labor law framework. By allowing trade union officials to represent workers in court without requiring advocate status, the law departs from the general advocate licensing requirements stipulated in Law Number 18 of 2003 on Advocates. Trade union officials who possess an official appointment from their organization and hold a power of attorney from their members may lawfully represent workers in PHI litigation. This authorization highlights the essential role of trade unions in safeguarding and advocating for workers' rights throughout the dispute resolution process.[37]

Nevertheless, the involvement of trade unions does not represent the sole mechanism for legal representation in industrial relations disputes. Workers retain the right to engage private advocates to represent their interests. As a result, trade unions now function more prominently as legal service entities, offering representation without making union membership a mandatory condition for accessing legal protection. Despite this, trade unions remain a critical collective platform for promoting and defending workers' interests through both organizational advocacy and judicial representation.[38]

During the lawsuit filing process at the Industrial Relations Court (PHI), a significant legal issue arises concerning the judge's duty to review the completeness of a lawsuit specifically the requirement to reject any filing that lacks a mediation or conciliation report. Although lawmakers designed this procedural rule to promote administrative orderliness, its application raises concerns about fairness. This requirement creates an impression that the procedure favors the plaintiff while neglecting the principle of equality before the law for the defendant. As a result, judges face a dilemma in balancing their duty to uphold impartiality with their obligation to ensure procedural compliance in industrial relations dispute resolution.[39]

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[36] Christa Brunnschweiler and others, 'When Petroleum Revenue Transparency Policy Meets Citizen Engagement Reality: Survey Evidence from Indonesia', *Ecological Economics*, 230 (2025), 108529 https://doi.org/https://doi.org/10.1016/j.ecolecon.2025.108529

[37] Qorinah Estiningtyas Sakilah Adnani and others, 'Scope, Significance and Sustaining the Midwifery Profession in Indonesia: Commentary', *Midwifery*, 142 (2025), 104286 https://doi.org/https://doi.org/10.1016/j.midw.2025.104286

[38] Krisztina Kis-Katos and Robert Sparrow, 'Poverty, Labor Markets and Trade Liberalization in Indonesia', *Journal of Development Economics*, 117 (2015), 94–106 https://doi.org/https://doi.org/10.1016/j.jdeveco.2015.07.005

[39] ArismanArisman ArismanArisman and Ratnawati KusumaRatnawati Kusuma JayaJaya, 'Labour Migration in ASEAN: Indonesian Migrant Workers in Johor Bahru, Malaysia', *Asian Education and Development Studies*, 10.1 (2020), 27–39 https://doi.org/https://doi.org/10.1108/AEDS-02-2019-0034

Article 83 of Law Number 2 of 2004 mandates that judges must return any lawsuit submitted without the required mediation or conciliation report and instruct plaintiffs to correct the identified deficiencies. This provision reflects the legislature's intention to promote not only procedural efficiency and orderliness but also to uphold justice for all parties involved in the dispute. However, in practice, the implementation of this article has revealed several operational challenges that affect the execution of judicial functions within the PHI. The law requires judges to conduct a preliminary examination of the lawsuit's formal completeness and to return deficient lawsuits to the plaintiff for correction. However, this procedural obligation diverges from the traditional role of judges, whose primary responsibility is to adjudicate cases after the Chief Justice formally appoints the panel of judges. In principle, the administrative task of examining incoming case files falls within the authority of the court clerk, particularly the registration officer at the PHI clerk's office. Requiring judges to perform this preliminary review outside the trial phase introduces inefficiencies and risks undermining judicial independence and impartiality.[40]

Empirical observations from several District Courts, including those in Palembang and Central Jakarta, confirm that registration officers at the PHI clerk's office typically conduct the initial review of lawsuit completeness, including the presence of supporting documents such as mediation or conciliation recommendations. These officers accept and officially register lawsuits that meet the formal criteria. Once registered, the Chief Justice determines the composition of the judicial panel, which then proceeds to conduct hearings and evaluate the substance of the case. This administrative practice reflects a more appropriate procedural model that separates administrative tasks from judicial duties, thereby preserving the impartiality and focus of the judges on substantive adjudication. Consequently, this discrepancy between normative regulation and administrative practice highlights the need for legislative review and procedural reform to ensure both administrative efficiency and judicial fairness in the settlement of industrial relations disputes.[41]

The advancement of information technology has significantly reduced technical barriers in the judiciary, transforming case registration and trial administration processes into an electronic system (e-Court). This transformation follows the issuance of Supreme Court Regulation Number 7 of 2022, which governs the electronic administration of cases and trials in courts across Indonesia. Through this system, the Court can manage the assessment of lawsuit file completeness more systematically and efficiently via the electronic clerkship platform, thereby alleviating the administrative burden traditionally placed on judges. If the judiciary continues to mandate judges to review the formal completeness of lawsuits prior to trial, it risks creating a conflict of interest and raising concerns about judicial bias, especially from defendants who may perceive such involvement as prejudicial. In judicial proceedings that emphasize the principle of equality before the law, the Court must insulate administrative pre-trial

[40] Mahmut Yasar and Roderick M. Rejesus, 'International Linkages, Technology Transfer, and the Skilled Labor Wage Share: Evidence from Plant-Level Data in Indonesia', *World Development*, 128 (2020), 104847 https://doi.org/10.1016/j.worlddev.2019.104847

[41] Matthew Libassi, 'Mining Heterogeneity: Diverse Labor Arrangements in an Indonesian Informal Gold Economy', *Extractive Industries and Society*, 7.3 (2020), 1036–45 https://doi.org/10.1016/j.exis.2020.06.015

functions from judicial decision-making processes to preserve the impartiality and independence of judges.[42]

Additionally, assigning administrative screening duties to judges imposes overlapping responsibilities that may distract them from their primary role: adjudicating cases thoroughly, fairly, and in accordance with legal standards. Judges should focus their professional attention on evaluating, analyzing, and deciding substantive legal matters within the courtroom. Therefore, the Court must reorganize the division of responsibilities between judges and the registrar's office in the context of the Industrial Relations Court (PHI). Registrar officers, particularly those in the case registration division, possess the necessary administrative authority and expertise to examine the completeness of lawsuits and verify supporting documentation. Delegating these responsibilities to registrar staff would not only streamline the administrative process but also reinforce the judges' role as impartial adjudicators during trials. This reform would enhance procedural efficiency and safeguard judicial independence.[43]

Moreover, strict and literal enforcement of Article 83, paragraphs (1) and (2) of Law Number 2 of 2004 has become increasingly misaligned with current judicial realities, especially following the adoption of electronic case management systems. The procedural requirements stipulated in this article now require legislative revision to ensure compatibility with contemporary judicial practices, including the e-Court system. Such reforms would allow judges to concentrate fully on substantive case resolution, thereby improving decision quality and reinforcing public trust in the judiciary. Reorganizing the method of lawsuit examination by transferring the responsibility for document verification from judges to the registrar's office represents a deliberate institutional strategy to enhance court efficiency. This procedural realignment strengthens administrative performance while preserving the integrity and impartiality of the judicial process by clearly delineating administrative and adjudicative functions. This initiative supports the overarching legal principle of delivering justice that is fast, simple, and affordable, as mandated by Indonesia's national legal framework.[44]

Nevertheless, despite these procedural advancements, several weaknesses remain, particularly in the bipartite and tripartite stages of dispute resolution. These shortcomings highlight the need for further comprehensive evaluation of pre-litigation mechanisms within the broader context of industrial relations dispute settlement. The bipartite mechanism, as the initial phase in industrial relations dispute resolution, imposes a strict time limit for settlement. Article 3, paragraph (2) of Law Number 2 of

[42] Armida Salsiah Alisjahbana and others, 'The Adoption of Digital Technology and Labor Demand in the Indonesian Banking Sector', *International Journal of Social Economics*, 47.9 (2020), 1109–22 https://doi.org/https://doi.org/10.1108/IJSE-05-2019-0292

[43] Alexander D Rothenberg, Yao Wang and Amalavoyal Chari, 'When Regional Policies Fail: An Evaluation of Indonesia's Integrated Economic Development Zones', *Journal of Development Economics*, 176 (2025), 103503 https://doi.org/https://doi.org/10.1016/j.jdeveco.2025.103503

[44] Irene Sondang Fitrinitia and Mihoko Matsuyuki, 'Role of Social Protection in Coping Strategies for Floods in Poor Households: A Case Study on the Impact of Program Keluarga Harapan on Labor Households in Indonesia', *International Journal of Disaster Risk Reduction*, 80.May (2022), 103239 https://doi.org/10.1016/j.ijdrr.2022.103239

2004 concerning the Settlement of Industrial Relations Disputes mandates that the parties must conclude bipartite negotiations within a maximum of 30 working days from the commencement of discussions. If the parties fail to reach an agreement within this period, the negotiation outcomes lose their legal standing, as stipulated in Article 3, paragraph (3). In such instances, both partiesthe workers and the employers must submit a formal report to the local Manpower Office, attaching documentation of the bipartite negotiation process, as required by Article 4, paragraph (1).[45]

The law, through Article 1, paragraph (1), defines industrial relations disputes as disagreements that culminate in conflicts between employers and employees or trade unions regarding rights, interests, termination of employment, or inter-union conflicts within the same organization. Article 2 further categorizes these disputes into four distinct types: rights disputes, interest disputes, termination of employment disputes, and inter-union disputes within a single company. Consistent with Article 136, paragraph (1) of Law Number 13 of 2003 on Manpower, both parties bear the obligation to attempt dispute resolution through deliberation as a first step. The bipartite negotiation process constitutes a non-litigious and consensus-oriented approach that emphasizes dialogue and mutual agreement. Successful deliberation depends on the parties' willingness to listen, engage in good faith negotiations, and adopt a cooperative stance. Ideally, this process should produce mutually beneficial outcomes. However, in practice, the effectiveness of bipartite negotiations depends on several critical factors, including the parties' voluntary commitment, readiness to negotiate, decision-making authority, balance of power, and capacity for collaborative problem-solving.[46]

Unfortunately, bipartite negotiations frequently fail due to inherent power imbalances between workers and employers. This asymmetry creates substantial obstacles in achieving equitable and mutually agreeable solutions. As a result, the rigid 30-working-day timeframe often proves inadequate in accommodating the complexity of disputes, particularly in cases involving structural inequalities or sensitive employment issues. When bipartite negotiations collapse, the dispute resolution process must advance to the next stage, requiring both parties to report the unresolved dispute to the Manpower Office. Subsequently, the dispute enters one of the tripartite resolution mechanisms conciliation, arbitration, or mediation as outlined in Article 4 of Law Number 2 of 2004. However, this administrative escalation often introduces bureaucratic delays and prolongs the overall dispute resolution timeline, thereby undermining the goal of swift and efficient conflict settlement.[47]

Among tripartite mechanisms, mediation serves as an alternative dispute resolution process that introduces a neutral and impartial third party to facilitate negotiations. Etymologically, the term "mediation" originates from the Latin word mediare,

[45] Sofia Al Farizi and others, 'Respectful Maternity Care in Indonesia: A Factor Analysis with a Multicenter Study Approach', *Midwifery*, 147 (2025), 104442 https://doi.org/https://doi.org/10.1016/j.midw.2025.104442

[46] Paul W Grimes, Jane S Lopus and Dwi Sulistyorini Amidjono, 'Financial Life-Skills Training and Labor Market Outcomes in Indonesia', *International Review of Economics Education*, 41 (2022), 100255 https://doi.org/https://doi.org/10.1016/j.iree.2022.100255

[47] Matthew Libassi, 'Uneven Ores: Gold Mining Materialities and Classes of Labor in Indonesia', *Journal of Rural Studies*, 98.April 2022 (2023), 101–13 https://doi.org/10.1016/j.jrurstud.2023.01.013

meaning "to occupy a central position," symbolizing the mediator's role as an independent and balanced facilitator. To maintain legitimacy and fairness, mediators must demonstrate both independence freedom from external influence or pressure and impartiality equal and unbiased treatment of all disputing parties.[48]

Mediation in industrial relations disputes typically takes place following the failure of bipartite negotiations. Article 1, paragraph (11) of Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes defines mediation as a method for resolving disputes concerning rights, interests, termination of employment, and conflicts between trade unions within a single organization. The mediation process emphasizes dialogue, with the mediator guiding both parties toward a consensus-based resolution that ensures fairness and prevents disadvantage to any party. However, mediation also presents inherent limitations, particularly concerning the impartiality and independence of the appointed mediator. The mediator's competence and neutrality play a critical role in determining the success of mediation as an effective means of peaceful dispute resolution. Failure to achieve an agreement through mediation inevitably compels the parties to escalate the dispute to litigation before the Industrial Relations Court (PHI), a process that typically demands more time, financial resources, and procedural effort.[49]

Law Number 2 of 2004, Article 1, paragraph (12), explicitly defines an industrial relations mediator as a government employee responsible for labor affairs who meets the qualifications set by the Minister of Manpower. The mediator's principal function is to facilitate the dispute resolution process and provide written recommendations to the parties in disputes concerning rights, interests, employment termination, or inter-union conflicts within a single organization. This government-appointed role distinguishes industrial relations mediation from general civil dispute mediation, both in terms of the nature of the disputes addressed and the designation of the mediator. Article 15 of Law Number 2 of 2004 further mandates that mediators must complete their responsibilities within 30 working days from the date they receive the official referral of the dispute. This time limitation reflects the law's objective of ensuring timely and effective dispute resolution through mediation, with the expectation that the process will foster a mutually acceptable solution in a cooperative and informal setting.[50]

The success of mediation largely depends on the parties' good faith and willingness to engage in constructive dialogue. In the absence of such good faith, mediation often concludes without producing a settlement. When mediation succeeds, the mediator documents the outcome in a Joint Agreement, which both parties sign and the

[48] Regina Niken Wilantari and others, 'Additive Mixed Modeling of Impact of Investment, Labor, Education and Information Technology on Regional Income Disparity: An Empirical Analysis Using the Statistics Indonesia Dataset', *Data in Brief*, 45 (2022), 108619 https://doi.org/https://doi.org/10.1016/j.dib.2022.108619

[49] George Kudrna, John Piggott and Phitawat Poonpolkul, 'Sustainable and Equitable Pension Reform for Emerging Economies: An Application to Indonesia', *Economic Modelling*, 148 (2025), 107080 https://doi.org/https://doi.org/10.1016/j.econmod.2025.107080

[50] Simon Poltak Hamonangan Hutabarat and Martin Shields, 'Powering Prosperity: Unveiling the Impacts of Renewable Energy Policies on Economy, Employment, and Income Distribution in Indonesia', *Next Research*, 1.2 (2024), 100080 https://doi.org/https://doi.org/10.1016/j.nexres.2024.100080

mediator witnesses. The parties must then register this agreement with the Industrial Relations Court to confer permanent legal enforceability. Should either party breach the agreement, the aggrieved party retains the right to petition the court for execution of the settlement.[51]

The mediation process fails, the dispute proceeds to the next stage, namely conciliation. In this mechanism, one or more impartial conciliators, mutually agreed upon and registered with the local Manpower Office, facilitate the negotiation. The Minister of Manpower appoints conciliators based on recommendations from trade union organizations. The conciliator must convene the relevant parties within seven working days from the date of receiving the case file. When the parties reach an agreement, the conciliator drafts a Joint Agreement for registration at the District Court in accordance with prevailing laws and regulations. Arbitration represents another alternative dispute resolution mechanism for industrial relations conflicts, primarily for disputes over interests and inter-union conflicts within a single company. Arbitration proceeds based on mutual consent between the disputing parties, and the arbitrator's decision is final and binding. The Minister of Manpower appoints arbitrators who meet specific qualifications, including expertise in labor law, at least five years of professional experience, and proven intellectual and ethical competence. Upon conclusion, the arbitrator's decision is formalized in a Peace Deed and registered with the Industrial Relations Court for enforcement.[52]

Despite these procedural frameworks, the limited public awareness of conciliation and arbitration as viable dispute resolution mechanisms, combined with the relatively high costs associated with arbitration, continues to hinder their effectiveness. These challenges underscore the need for broader socialization, institutional strengthening, and regulatory refinement to optimize non-litigation industrial relations dispute resolution in Indonesia. In addition to non-litigation mechanisms such as mediation, conciliation, and arbitration, parties in industrial relations disputes may seek resolution through litigation at the Industrial Relations Court (PHI). As a specialized tribunal within the general court system, the PHI holds the authority to adjudicate disputes between employees and employers, including matters related to rights, interests, termination of employment, and conflicts among labor unions within a single organization. Law Number 2 of 2004 mandates that the resolution of industrial relations disputes must follow a procedural sequence starting with bipartite negotiations, advancing to mediation, proceeding to the Industrial Relations Court, and, if necessary, continuing with cassation before the Supreme Court.[53]

Within this regulatory framework, the PHI bears the responsibility to provide fair, timely, and cost-effective resolutions. The legislation prescribes a maximum timeframe

[51] Niken Kusumawardhani and others, 'Heterogeneous Impact of Internet Availability on Female Labor Market Outcomes in an Emerging Economy: Evidence from Indonesia', *World Development*, 164 (2023), 106182 https://doi.org/https://doi.org/10.1016/j.worlddev.2022.106182

[52] Mark Hup, 'Labor Coercion, Fiscal Modernization, and State Capacity: Evidence from Colonial Indonesia', *Explorations in Economic History*, 94 (2024), 101632 https://doi.org/https://doi.org/10.1016/j.eeh.2024.101632

[53] Esther Gehrke, Robert Genthner and Krisztina Kis-Katos, 'Regulating Manufacturing FDI: Local Labor Market Responses to a Protectionist Policy in Indonesia', *Journal of Development Economics*, 177 (2025), 103563 https://doi.org/https://doi.org/10.1016/j.jdeveco.2025.103563

of 50 working days from the date of the first hearing for the PHI to render a decision at the district court level. However, in practice, the PHI frequently experiences procedural delays. The issuance and distribution of decision copies to disputing parties often extend beyond three months. Moreover, while the cassation process to the Supreme Court follows a defined procedural timeline, its practical execution typically spans three to six months due to procedural bottlenecks, including delays in submitting cassation memoranda and counter-memoranda. The enforcement of final and binding PHI decisions presents additional challenges. Law Number 2 of 2004 provides limited procedural guidance on execution mechanisms, compelling courts to rely on general civil procedural rules, which are often ill-suited to the specific characteristics of industrial relations cases. This reliance on passive civil procedure norms creates substantial barriers for workers seeking to enforce favorable judgments. The procedural prerequisites for execution remain complex and financially burdensome. Furthermore, courts often exhibit institutional passivity in executing asset seizures against corporate employers, placing the burden of asset identification on employees who typically lack the necessary resources and capacity.[54]

The PHI's adherence to passive procedural principles during case examination further undermines its effectiveness in delivering justice, particularly for workers. This situation is exacerbated by workers' limited legal literacy, financial constraints in hiring professional legal representation, and difficulties in accessing or presenting evidentiary materials. Additionally, concerns persist regarding the competence of career judges presiding over industrial relations cases, as not all judges possess adequate specialization or expertise in employment law. Although Law Number 2 of 2004 establishes multiple avenues for resolving industrial relations disputes, both through non-litigation and litigation mechanisms, significant operational deficiencies remain. Human resource limitations, procedural inefficiencies, and outdated legal frameworks continue to hinder the effective implementation of the law. To address these issues, comprehensive reform and capacity-building initiatives are imperative. These efforts must aim to improve the efficiency, accessibility, and substantive fairness of Indonesia's industrial relations dispute resolution system, ensuring that it delivers genuine justice to all stakeholders involved.[55]

The Weaknesses of Legal Substance in Settlement of Industrial Relations Disputes

The Industrial Relations Court (PHI) applies general civil procedural law when adjudicating industrial relations disputes, despite the distinct characteristics and procedural needs of such cases compared to conventional civil litigation. Legislators have defined the criteria for both the subject and object of industrial relations disputes, identifying the disputing parties as workers, labor unions, employers, and labor union organizations within a single enterprise. The PHI consistently upholds the principle of audi alteram partem, ensuring that judges impartially consider the arguments and

[54] Lena Partzsch, Lukas Maximilian Müller and Anne Kathrin Sacherer, 'Can Supply Chain Laws Prevent Deforestation in the Democratic Republic of the Congo and Indonesia?', *Forest Policy and Economics*, 148.June 2020 (2023), 102903 https://doi.org/10.1016/j.forpol.2022.102903

[55] Thita M Mazya and others, 'Finding a Neue Gemeinschaft in Rural Indonesia: A Discussion of Forest Community Digital Transformation', *Forest Policy and Economics*, 148 (2023), 102913 https://doi.org/https://doi.org/10.1016/j.forpol.2023.102913

evidence presented by both parties. The PHI handles disputes over rights, interests, termination of employment, and conflicts between labor unions within a single organization, while regular courts adjudicate cases outside these categories.[56]

However, the PHI's reliance on general civil procedural law creates significant procedural shortcomings. Under the existing framework, judges maintain a passive role, limiting their activities to assessing claims and evidence presented by the litigants without exercising proactive measures to uncover material truth. Judges remain confined to the scope defined by the parties, conduct hearings that are open to the public, and ensure equal procedural treatment for both sides. Furthermore, judges must support their decisions with clear and reasoned legal justifications. This passive judicial approach, combined with complex procedural requirements, creates substantial barriers for workers who lack legal knowledge and financial resources. These procedural limitations reduce the PHI's effectiveness in protecting vulnerable parties and disproportionately favor employers who possess greater legal expertise and resources. As a result, judges frequently render decisions that benefit employers, even in cases where the substance of the dispute clearly disadvantages workers. This structural bias perpetuates injustice and undermines the PHI's intended role in safeguarding workers' rights.[57]

In addition to procedural constraints, the regulation of court fees imposes further obstacles to justice for workers. The PHI follows outdated cost regulations outlined in the Herzien Indonesisch Reglement (HIR) and the Rechtsreglement Buitengewesten (RBg), with courts determining specific fees at each procedural stage. Court expenses typically include administrative charges for case registration, ruling legalization, and process-related costs such as summons and execution fees as determined by judicial order. Unfortunately, the parties involved often learn the total amount of court costs only after the court renders its decision, creating uncertainty and financial risk.[58]

The government has implemented a policy to reduce this burden by covering court fees for cases valued below IDR 150 million. If the court dismisses a case exceeding this value, the plaintiff must bear the litigation costs. Conversely, if the court accepts the lawsuit, the defendant becomes responsible for the fees. Although this policy aims to protect workers, in practice, it remains insufficient. Workers continue to encounter additional out-of-pocket expenses, such as transportation, accommodation, and daily subsistence costs, especially since most PHI locations operate in provincial capitals far from many workers' residences and workplaces. These logistical and financial barriers

[56] Aashish Mehta and Wei Sun, 'Does Industry Affiliation Influence Wages? Evidence from Indonesia and the Asian Financial Crisis', *World Development*, 51 (2013), 47–61 https://doi.org/https://doi.org/10.1016/j.worlddev.2013.05.006

[57] Harry Aginta, 'Revisiting the Phillips Curve for Indonesia: What Can We Learn from Regional Data?', *Journal of Asian Economics*, 85 (2023), 101592 https://doi.org/https://doi.org/10.1016/j.asieco.2023.101592

[58] Tania Murray Li, 'After the Land Grab: Infrastructural Violence and the "Mafia System" in Indonesia's Oil Palm Plantation Zones', *Geoforum*, 96 (2018), 328–37 https://doi.org/https://doi.org/10.1016/j.geoforum.2017.10.012

restrict workers' access to justice and further strengthen employers' procedural advantages.[59]

Consequently, the combination of procedural rigidity, passive judicial behavior, outdated court fee structures, and the logistical difficulties associated with accessing PHI services exacerbates inequality in industrial relations dispute resolution. Without substantial reform, the PHI will continue to fall short of its objective to provide accessible, fair, and efficient justice for all parties involved. The statutory requirement for judges to examine the contents of a lawsuit upon filing, as stipulated in Law Number 2 of 2004, presents significant operational and procedural challenges. Article 83 mandates that judges return lawsuits that lack mediation minutes and instruct plaintiffs to rectify any procedural deficiencies. However, in practice, court clerks frequently undertake this function, especially with the advancement of electronic litigation (E-Court) under Supreme Court Regulation Number 7 of 2022. This development has shifted judges' roles from substantive judicial functions toward administrative duties. Although this shift aims to expedite case management, it simultaneously diminishes judicial oversight at the initial filing stage, potentially creating legal uncertainty, particularly for workers unfamiliar with procedural requirements.[60]

These procedural limitations contribute to delays and impose additional administrative burdens on litigants. The Industrial Relations Court's reliance on general civil procedural law in adjudicating labor disputes exacerbates these shortcomings, generating systemic injustice and deepening the power imbalance between employers and employees. Workers, often economically vulnerable and lacking legal knowledge, face structural barriers that impede their ability to access justice. The financial burden of litigation, the passive role of judges, and the unclear administrative responsibilities compound these disadvantages. Consequently, comprehensive reform of the PHI's legal and procedural framework is essential to enhance responsiveness to the unique nature of industrial relations disputes, provide effective legal protection for workers, and secure access to justice free from procedural and financial barriers.[61]

From the perspective of workers and trade unions, several critical impediments hinder effective legal protection. Workers frequently possess limited understanding of their statutory rights and face substantial challenges in asserting these rights in practice. Even when workers are aware of their legal entitlements, they often struggle to actualize them due to a profound power imbalance between employees and employers. Employers, with superior economic resources and institutional support, deploy various legal and strategic mechanisms to protect their interests. Conversely, lower-level employees must navigate protracted and complex legal processes that demand significant financial, emotional, and physical resources. This imbalance often

[59] Kuo Wei Yen and Li Chuan Liuhuang, 'A Review of Migrant Labour Rights Protection in Distant Water Fishing in Taiwan: From Laissez-Faire to Regulation and Challenges Behind', *Marine Policy*, 134.September (2021), 104805 https://doi.org/10.1016/j.marpol.2021.104805

[60] Patrick Daly and others, 'Social Capital and Community Integration in Post-Disaster Relocation Settlements after the 2004 Indian Ocean Tsunami in Indonesia', *International Journal of Disaster Risk Reduction*, 95 (2023), 103861 https://doi.org/https://doi.org/10.1016/j.ijdrr.2023.103861

[61] Eko Heru Prasetyo, 'Digital Platforms' Strategies in Indonesia: Navigating between Technology and Informal Economy', *Technology in Society*, 76 (2024), 102414 https://doi.org/https://doi.org/10.1016/j.techsoc.2023.102414

compels workers to passively accept unfavorable corporate decisions, inhibiting their ability to pursue justice and enforce their rights.[62]

Trade unions, which ideally serve as worker advocates and protectors of labor rights, also face institutional constraints. Limited organizational resources, insufficient legal capacity, and inadequate funding restrict their effectiveness in representing their members during industrial relations disputes. These limitations further erode workers' bargaining positions and diminish their ability to pursue equitable outcomes. From the employer's standpoint, their dominant legal and financial position offers substantial strategic advantages in resolving industrial relations disputes. Employers typically possess a comprehensive understanding of labor laws and procedural mechanisms, which enables them to develop robust legal strategies during both non-litigation and litigation phases. During bipartite negotiations and mediation, employers frequently maintain a superior bargaining position, allowing them to exert significant influence over the dispute resolution process. When negotiations fail, employers are often better prepared to proceed to litigation, backed by experienced legal counsel specializing in employment disputes. This legal capacity significantly increases employers' prospects of prevailing in court proceedings, further deepening the structural inequities between the disputing parties.[63]

The government's role in mitigating this imbalance and ensuring substantive justice remains suboptimal. By design, the legislative framework limits government intervention to preserve industrial autonomy and avoid excessive state interference in employer-employee conflicts. The law mandates that disputing parties independently resolve their issues through bipartite negotiation, mediation, conciliation, or litigation before the PHI. However, this policy of minimal intervention adversely affects the state's ability to oversee the fairness of dispute resolution processes effectively. The absence of robust government oversight allows structurally dominant parties namely employers to dictate the terms of resolution, leaving workers vulnerable and often unable to secure fair outcomes. Consequently, the state's limited involvement exacerbates systemic inequities in the resolution of industrial relations disputes. Without substantive legal and institutional reforms to address procedural rigidity, judicial passivity, financial barriers, and insufficient government oversight, the PHI will continue to fall short of its intended role in delivering equitable and accessible justice to all parties involved.[64]

The disparity between the community's prevailing legal culture and the statutory framework governing industrial relations dispute resolution significantly undermines the achievement of effective justice for disputing parties. Workers who possess limited legal knowledge, insufficient financial resources, and minimal organizational support remain at a systemic disadvantage compared to employers who benefit from greater legal

[62] Sitti Rahma Ma'Mun, Adam Loch and Michael D Young, 'Sustainable Irrigation in Indonesia: A Case Study of Southeast Sulawesi Province', *Land Use Policy*, 111 (2021), 105707 https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105707

[63] Glenn Simmons and Christina Stringer, 'New Zealand's Fisheries Management System: Forced Labour an Ignored or Overlooked Dimension?', *Marine Policy*, 50 (2014), 74–80 https://doi.org/https://doi.org/10.1016/j.marpol.2014.05.013

[64] Amiruddin Akbar Fisu, Ibnu Syabri and I Gusti Ayu Andani, 'Urban Dynamics and Gen-Z Mobility: The Influence of Land Use Diversity and Density on Daily Trip Patterns in Indonesia', *Sustainable Futures*, 8 (2024), 100388 https://doi.org/https://doi.org/10.1016/j.sftr.2024.100388

expertise and institutional resources. The government's minimal involvement in dispute resolution processes further exacerbates this imbalance, increasing the likelihood that outcomes will favor the more powerful party. To address this structural inequity, it is essential to cultivate a stronger legal culture among workers and trade unions by enhancing their awareness, legal literacy, and capacity to assert their rights through formal legal mechanisms. Simultaneously, the government must adopt a more proactive and interventionist role in protecting and overseeing the fairness of industrial dispute resolution processes. Policy reforms aimed at expanding legal education for workers, strengthening the institutional and advocacy capabilities of trade unions, and enhancing governmental oversight and enforcement mechanisms represent critical steps toward achieving a more equitable and socially just system for resolving industrial relations disputes. These measures will help ensure that the dispute resolution process genuinely reflects the principles of social justice and provides effective support for disadvantaged parties.[65]

Table 1
Weaknesses in Regulations for Filing Employment Dispute Lawsuits at the Industrial Relations Court

Identified Weakness	Description	Reform	Analysis
Overlapping Judicial and Administrative Functions	Article 83 of Law No. 2 of 2004 requires judges to assess the formal completeness of lawsuits, including the presence of mediation or conciliation reports, prior to trial initiation. This responsibility overlaps with the administrative role of court registrars, creating inefficiencies and undermining judicial impartiality.	Delegation of Formal Review to Court Registrars	Amend Article 83 of Law No. 2 of 2004 to assign the responsibility for assessing the completeness of lawsuit documents, including mediation or conciliation reports, to court registrars or PTSP officers instead of judges
Incompatibility with Electronic Court System (E-Court)	The obligation for judges to conduct pre-trial lawsuit verification contradicts the operational procedures of the E-Court system as stipulated in Supreme Court Regulation No. 7 of 2022. This misalignment generates legal uncertainty and administrative confusion.	Harmonization with E-Court System	Revise procedural laws to align with Supreme Court Regulation No. 7 of 2022 by fully integrating the lawsuit filing process into the electronic case management system, reducing manual administrative burdens on judges.
Lack of Clear Procedural Guidelines for Mediation Documentation	The regulation does not clearly specify the acceptable format or type of mediation documentation (minutes vs. recommendations), resulting in varied practices across different courts and regions. This inconsistency impairs procedural uniformity and predictability.	Standardization of Mediation Documentation Requirements	Develop and enact Supreme Court guidelines or Ministry of Manpower regulations specifying acceptable formats for mediation or conciliation outcomes (e.g., minutes, recommendations, or formal reports) to ensure nationwide consistency.
Procedural Rigidity Regarding Bipartite Settlement Timeframes	The strict 30-working-day deadline for bipartite negotiations, as outlined in Article 3 of Law No. 2 of 2004, fails to accommodate the complexity and varied nature of industrial relations disputes. This rigidity often leads to premature escalation to litigation without meaningful resolution attempts.	Extension and Flexibility of Bipartite Resolution Period	Modify the 30-working-day limit for bipartite negotiations by introducing flexibility clauses that allow extensions based on the complexity of the dispute, upon mutual agreement by both parties.
Insufficient Legal Support Mechanisms for Workers	The current procedural requirements impose a heavy legal and administrative burden on economically vulnerable workers with limited access to legal aid, thereby restricting their ability to file lawsuits effectively and equitably.	Strengthening Legal Aid Access for Workers	Establish state-supported legal aid services for industrial relations cases, particularly for workers with limited financial capacity, to facilitate equitable access to justice in PHI proceedings.

[65] Zheng Li, Shan Gao and Shunfeng Song, 'Labor Protection, Labor Costs, and China's Outward Foreign Direct Investment', *International Review of Economics and Finance*, 84.June 2022 (2023), 444–59 https://doi.org/10.1016/j.iref.2022.11.022

Limited Role of Trade Unions in Procedural Assistance	Although trade unions may represent workers, the law lacks detailed procedural support to strengthen their role during the case filing process, further disadvantaging unorganized labor or workers with weak union representation.	Capacity Building for Trade Unions	Implement government-sponsored training programs to enhance the procedural and litigation skills of trade union representatives acting as worker advocates at the PHI.
Inconsistent Implementation across Courts	Courts exhibit diverse interpretations and practices when applying Article 83, especially regarding the handling of incomplete lawsuit filings, resulting in legal uncertainty and inconsistent access to justice for litigants.	Development of a Uniform Procedural Manual for PHI Filing	Produce and disseminate a detailed procedural manual for PHI case registration and lawsuit filing, applicable across all District Courts, to minimize inconsistent practices and improve procedural certainty.

Based on table, the current regulatory framework governing the filing and resolution of industrial relations disputes at the Industrial Relations Court (PHI), as stipulated in Law Number 2 of 2004, demonstrates significant procedural and substantive weaknesses. The requirement under Article 83 for judges to conduct administrative scrutiny of lawsuit completeness prior to trial contradicts the fundamental principle of judicial impartiality. This provision assigns judges a role that blends judicial and administrative functions, thereby disrupting the separation of powers within the court system.

The introduction of electronic court systems (e-Court) through Supreme Court Regulation Number 7 of 2022 has further exposed the misalignment between existing procedural law and contemporary judicial practices. The continued application of general civil procedural law, with its inherently passive judicial model, further exacerbates these challenges. Workers and trade unions often the economically and legally disadvantaged parties encounter substantial barriers in filing and pursuing cases. These barriers include complex procedural requirements, limited access to legal representation, and financial constraints associated with litigation costs. Moreover, the inflexibility of the 30-day bipartite negotiation period and the lack of standardization in mediation documentation create additional procedural hurdles. These factors contribute to delays, inefficiencies, and inequities in the dispute resolution process. As a result, the PHI, in its current form, struggles to fulfill its intended role as a forum for fair, expeditious, and affordable labor dispute resolution.

To address these weaknesses, several regulatory and procedural reforms are necessary. First, the government should amend Article 83 of Law Number 2 of 2004 to transfer the responsibility for verifying the completeness of lawsuit documents from judges to court registrars or administrative officers. This change would preserve judicial impartiality and align with modern e-Court practices. Second, policymakers must fully integrate PHI procedural rules with the electronic litigation system established under Supreme Court Regulation Number 7 of 2022. Standardizing electronic administrative processes will reduce delays and minimize administrative burdens on judges. Third, the Ministry of Manpower and the Supreme Court should jointly develop clear procedural guidelines on acceptable forms of mediation and conciliation documentation. Establishing a uniform standard will reduce legal uncertainty and prevent disparities in court practices across jurisdictions. Fourth, the strict 30-working-day bipartite negotiation period requires revision to allow conditional extensions based on the complexity and nature of disputes. This flexibility would enable parties to engage in more meaningful negotiations and reduce premature escalation to litigation. Fifth, the

government should expand access to legal aid services for workers engaged in industrial disputes. By establishing a dedicated labor legal aid mechanism, the government can help mitigate the economic barriers that prevent workers from accessing justice. Sixth, trade unions require targeted capacity-building programs that enhance their knowledge of labor law and litigation processes. Providing procedural training and legal education will strengthen their role as effective representatives in dispute resolution. Seventh, the Supreme Court should publish a standardized PHI Procedural Manual. This document should provide detailed instructions for filing procedures, documentation requirements, and litigation stages, ensuring consistency across all PHI jurisdictions. Eighth, district courts hosting PHI panels should establish pre-filing legal assistance units. These units would offer technical guidance to litigants, particularly individual workers, ensuring that lawsuit submissions meet formal legal standards. The Ministry of Manpower must strengthen its supervisory role in monitoring dispute resolution outcomes. By actively overseeing the process, the government can ensure that both employers and employees receive fair and balanced treatment throughout the dispute resolution process.

Regulatory Framework for Industrial Relations Dispute Resolution in Several Countries

Japan regulates industrial relations dispute resolution through several court-connected mediation mechanisms integrated into the judiciary. The system includes three primary forms of mediation: Petition Chotei, Litigation Chotei, and Wakai. Petition Chotei is a non-litigation dispute resolution process conducted before the formal filing of a lawsuit. This process takes place at the Summary Court, where Conciliation Commissioners, comprising one judge as chair and two non-judicial members (such as lawyers or other professionals), assist the parties. This model enables quick and preventive dispute resolution without resorting to lengthy formal court procedures.[66]

Litigation Chotei occurs after the lawsuit has been filed and both parties agree to conciliation. At this stage, Conciliation Commissioners actively intervene with the support of a memorandum prepared by the presiding judge, summarizing the case and highlighting key issues. Mediators can propose settlement solutions which, if not rejected within 14 days, will automatically become a legally binding court decision. This mechanism highlights the active role of mediators in Japan, distinguishing them from the more passive facilitators typically seen in other countries. Japanese mediators evaluate cases and offer concrete solutions.[67]

Wakai, in contrast, is a mediation process where the presiding judge directly acts as the mediator without involving Conciliation Commissioners. Wakai can occur at either the Summary Court or the District Court, depending on jurisdiction. This process remains highly flexible and may take place repeatedly at any point during the trial. If both parties reach an agreement, the court will terminate the proceedings, and the

[66] Ade Gafar Abdullah and others, 'The Social Factors Considered in Site Selection for Nuclear Power Plants: A Case Study of Borneo Island, Indonesia', *Progress in Nuclear Energy*, 180 (2025), 105626 https://doi.org/https://doi.org/10.1016/j.pnucene.2025.105626

[67] Setyo Budi Kurniawan and others, 'Cases of Oil Spills in the Indonesian Coastal Area: Ecological Impacts, Health Risk Assessment, and Mitigation Strategies', *Regional Studies in Marine Science*, 79 (2024), 103835 https://doi.org/https://doi.org/10.1016/j.rsma.2024.103835

settlement will possess the same legal force as a court judgment. Thus, Wakai promotes efficient, peaceful dispute resolution without the need for protracted litigation.[68]

These three mechanisms illustrate Japan's outcome-oriented and proactive mediation approach. Unlike typical Court-Based Mediation (CBM) practices in many countries, where mediators act as neutral facilitators, Japanese mediators take an active and solution-driven role, evaluating cases and offering concrete resolutions. This approach accelerates the dispute resolution process and increases the likelihood of settlement. The implementation of Chotei involves three main institutions: the Conciliation Commission (led by a judge with court-appointed mediators), direct Chotei by judges when deemed appropriate, and a system established since 2004 allowing lawyers to serve as substitute mediators to address judges' time constraints.[69]

Beyond Chotei and Wakai, Japan also employs two other alternative dispute resolution methods. Assen or facilitation involves a neutral third party who assists the disputing parties in reaching agreement through persuasion and advice. Chotei mediation, however, adopts a more active role than Assen, with mediators guiding and directing the process. Additionally, Minji Chotei (Civil Conciliation) represents a distinct mediation form governed by civil conciliation laws, typically conducted at the Summary Court level. In the industrial relations context, Japan has established the Labour Relations Commission (LRC), responsible for resolving collective disputes under the Labour Relations Adjustment Act (LRAA). The Japanese government also provides administrative services, including counseling and informal conciliation, through the national labor administration, based on the Act on Promoting the Resolution of Individual Labor-Related Disputes (APRILRD). Furthermore, the Labor Tribunal Act (LTA) introduced the Labor Tribunal System (LTS), a specialized court system for individual labor disputes. These three systems function synergistically, ensuring efficient and effective resolution of industrial relations disputes.[70]

Compared to Indonesia, both countries offer non-litigation and litigation pathways for dispute resolution through industrial courts. However, a fundamental difference lies in the enforceability of mediation outcomes. In Japan, mediation results such as Chotei and Wakai carry binding legal authority, equivalent to court decisions. In Indonesia, by contrast, mediation outcomes are merely advisory and lack binding power, serving only as a procedural prerequisite for litigation at the Industrial Relations Court (PHI). This weakness in Indonesia's system contributes to prolonged dispute resolution and limited enforcement power.[71]

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[68] Rebecca Meckelburg and Agung Wardana, 'The Political Economy of Land Acquisition for Development in the Public Interest: The Case of Indonesia', *Land Use Policy*, 137 (2024), 107017 https://doi.org/https://doi.org/10.1016/j.landusepol.2023.107017

[69] Aura Esther Vilalta Nicuesa and Marian Gili Saldaña, 'AI-Driven Alternative and Online Dispute Resolution in the European Union: An Analysis of the Legal Framework and a Proposed Categorization', *Computer Law & Security Review*, 57 (2025), 106145 https://doi.org/https://doi.org/10.1016/j.clsr.2025.106145

[70] Arthur Sakamoto and Anita Koo, 'American versus East Asian Norms and Labor Market Institutions Affecting Socioeconomic Inequality', *Research in Social Stratification and Mobility*, 90 (2024), 100914 https://doi.org/10.1016/j.rssm.2024.100914

[71] Salahuddin Gaffar and others, 'The Concept of Procedural Law Regarding the Implementation of Collective Agreements with Legal Certainty in Termination of Employment in Indonesia', *Heliyon*, 7.4 (2021), e06690 https://doi.org/10.1016/j.heliyon.2021.e06690

Japan's system excels in ensuring active mediator roles and strong court support, encouraging quick and effective settlement through negotiation and mediation as the primary dispute resolution path. Japanese courts repeatedly provide opportunities for dialogue and agreement during ongoing trials, demonstrating a flexible and pragmatic approach that reduces the burden of prolonged and costly litigation. Conversely, Indonesia faces persistent obstacles, including the lack of binding authority in mediation outcomes and the passivity of mediators, who often function more as administrative formalities than effective dispute resolution agents. As a result, most industrial relations disputes in Indonesia escalate to litigation, consuming considerable time and financial resources.[72]

Indonesia can learn valuable lessons from Japan's industrial relations dispute resolution system, particularly in strengthening mediator roles and granting legal enforceability to mediation outcomes. Developing a comprehensive, fast, and binding system akin to Japan's has the potential to enhance justice and balance interests between workers and employers. Japan's court-centered yet mediator-active approach can serve as a reform model for Indonesia, helping to build a more efficient, fair, and accessible industrial relations dispute resolution process.[73]

In South Korea, the approach differs slightly. When disputes concerning workers' rights arise, the country emphasizes collective bargaining and free negotiation between labor and employers. Upon receiving a mediation request, the District Labour Relations Commission (LRC) initiates the process without delay. The mediation committee appoints a public interest representative, typically an expert in industrial relations, to chair the three-member mediation team, including representatives from both labor and management. Like Indonesia, South Korea upholds the principles of justice and harmony in industrial relations. Indonesia adopts the Pancasila Industrial Relations (HIP) model, emphasizing tripartite partnership among workers, employers, and government, aiming to create an ideal industrial society rooted in Pancasila values. Historically, South Korea's labor system also reflects a commitment to harmonious and fair social relations between workers and employers.[74]

In cases of dismissal, the Labour Relations Commission can issue orders for reinstatement or compensation, even when reinstatement is not possible due to contract expiration or retirement. When the LRC determines that an unfair dismissal occurred, it may require employers to pay an amount equal to the wages the employee would have received during the dismissal period. The LRC may propose and recommend conciliation at any point during fact-finding and investigation. Once both

[72] Setinawati and others, 'The Framework of Religious Moderation: A Socio-Theological Study on the Role of Religion and Culture from Indonesia's Perspective', *Social Sciences & Humanities Open*, 11 (2025), 101271 https://doi.org/https://doi.org/10.1016/j.ssaho.2024.101271

[73] Jinsun Bae and others, 'Competent Suppliers as a Missing Link: A Supplier-Centered View on Cascading Private Labor Governance in Global Value Chains', *Journal of World Business*, 60.1 (2025), 101595 https://doi.org/https://doi.org/10.1016/j.jwb.2024.101595

[74] Anda Nugroho and others, 'Does the US–China Trade War Increase Poverty in a Developing Country? A Dynamic General Equilibrium Analysis for Indonesia', *Economic Analysis and Policy*, 71 (2021), 279–90 https://doi.org/https://doi.org/10.1016/j.eap.2021.05.008

parties agree to the settlement, the conciliation agreement becomes binding and irrevocable, carrying the same legal weight as a court-ordered settlement.[75]

Additionally, individual labor disputes in South Korea may proceed through administrative courts, where workers facing employer misconduct may seek remedies through civil litigation. South Korea's court system, consisting of the Supreme Court, High Court, Patent Court, District Court, Family Court, and Administrative Court, adjudicates first-instance administrative cases under the Administrative Litigation Act and other relevant laws. Both Indonesia and South Korea, as civil law countries with inquisitorial civil procedure traditions, involve the government in resolving industrial relations disputes, particularly concerning termination of employment.[76]

In the Netherlands and other European countries, Enlightenment-inspired legal and economic philosophies have historically shaped industrial relations. The Dutch state traditionally limits legal and economic intervention, emphasizing equality and freedom of contract as foundational principles. However, in the late 1900s, the Dutch government adopted the Flexicurity policy, blending flexibility in labor law with strengthened labor protections. When disputes arise, both employers and employees must understand their rights and responsibilities under Dutch labor law. Available dispute resolution options include mediation by neutral third parties, facilitating cooperative negotiation before pursuing legal action. Alternatively, employees may lodge complaints with local courts if employers breach labor laws or contractual obligations. These claims may involve unpaid wages, wrongful dismissal, or other workplace violations.[77]

In the Netherlands and other European countries, the concept of labor relations is heavily influenced by legal and economic ideologies rooted in the Enlightenment movement. The government deliberately restrains itself from intervening in legal and economic affairs, reflecting the societal belief in equality and the primacy of the "freedom of contract" principle. This principle serves as the main foundation governing relationships between employers and employees. By the late 1990s, the Dutch government introduced a more compromise-oriented policy framework known as "Flexicurity," a combination of "flexibility" and "security." This concept aims to balance flexibility in certain areas of labor law with the consolidation and strengthening of worker protections in other areas. When disputes or disagreements arise between employers and employees, both parties are expected to recognize their rights and responsibilities under Dutch labor law.

Several procedural options exist for resolving employment disputes, designed to achieve quick and effective solutions. One of the available avenues is mediation, where a neutral third party acts as an intermediary between the disputing parties. This process generally involves cooperative dialogue to identify areas of disagreement, followed by

[75] Pavel Chakraborty, Devashish Mitra and Asha Sundaram, 'Import Competition, Labor Market Regulations, and Firm Outsourcing', *Journal of Development Economics*, 168 (2024), 103272 https://doi.org/https://doi.org/10.1016/j.jdeveco.2024.103272

[76] Rachel Silvey, 'Spaces of Protest: Gendered Migration, Social Networks, and Labor Activism in West Java, Indonesia', *Political Geography*, 22.2 (2003), 129–55 https://doi.org/https://doi.org/10.1016/S0962-6298(02)00092-6

[77] Diana Alessandrini and Joniada Milla, 'Minimum-Wage Effects on Human Capital Accumulation: Evidence from Canadian Data', *Journal of Human Capital*, 18.2 (2024), 346–76 https://doi.org/https://doi.org/10.1086/728084

negotiation towards a mutually beneficial agreement. Mediation serves to resolve conflicts efficiently, without resorting to protracted legal proceedings. Alternatively, employees may choose to file a formal complaint with the local court system if they believe their employer has violated labor laws or breached contractual obligations. Such complaints may include claims related to unpaid wages, wrongful dismissal, or other workplace violations.[78]

Comparing the labor dispute resolution systems across Japan, South Korea, the Netherlands, and Indonesia reveals important distinctions in institutional frameworks, procedural models, and the role of the government. Japan exemplifies a highly proactive mediation system, integrating courts into dispute resolution processes with legally binding outcomes for mediation agreements. South Korea emphasizes collective bargaining and dispute resolution led by Labor Relations Commissions, reflecting a state-mandated, tripartite model rooted in social justice and harmony between labor and management.[79]

The Netherlands, consistent with its civil law tradition and liberal contractarian principles, focuses on freedom of contract with limited state intervention, while offering accessible court procedures and mediation mechanisms when necessary. Indonesia, by contrast, still grapples with procedural inefficiencies, weak enforcement power for mediation outcomes, and a passive judiciary within its Industrial Relations Court. Given these contrasts, Indonesia may consider adopting elements from Japan's and South Korea's models especially their emphasis on strong, enforceable mediation outcomes and active third-party intervention to reform its own industrial relations dispute resolution framework. Strengthening the role of mediators, increasing legal certainty in mediation outcomes, and enhancing government oversight would improve access to justice and protect vulnerable workers in Indonesia's labor sector.

The comparative analysis of industrial relations dispute resolution mechanisms in Japan, South Korea, the Netherlands, and Indonesia highlights distinct legal traditions and institutional designs. Japan implements an active, court-connected mediation system where mediators and judges play a proactive role in facilitating settlements that carry binding legal force. South Korea relies on its Labor Relations Commissions (LRCs), which integrate government-led mediation and adjudication, ensuring prompt and balanced outcomes through active state involvement. The Netherlands emphasizes party autonomy within a civil law framework, yet complements this with accessible mediation and labor court procedures that provide effective legal remedies when necessary.[80]

In contrast, Indonesia's dispute resolution framework remains procedurally rigid and substantively weak. The Industrial Relations Court (PHI) still applies general civil procedural law, which limits judicial activism and places disadvantaged workers at a

[78] Tachia Chin and Chris Rowley, 'Chapter Six - Labour Dispute and Conflict Resolution: A Yin–Yang Harmony View', in *The Future of Chinese Manufacturing*, ed. by Tachia Chin and Chris Rowley (Elsevier, 2018), pp. 153–89 https://doi.org/https://doi.org/10.1016/B978-0-08-101108-9.00006-9

[79] Hien Duc Han, Kartick Gupta and Chandrasekhar Krishnamurti, 'Are Labor Laws and Employee Welfare Complements in Determining Leverage Ratios?', *Pacific-Basin Finance Journal*, 88 (2024), 102545 https://doi.org/https://doi.org/10.1016/j.pacfin.2024.102545

[80] Arthur Josias Simon Runturambi and Ridwan Arifin, 'New Patterns and Trends of Migration: Hybrid-Crimes among Indonesian Migrant Workers in Southeast Asia', *Regional Science Policy & Practice*, 17.10 (2025), 100215 https://doi.org/https://doi.org/10.1016/j.rspp.2025.100215

procedural and financial disadvantage. The non-binding nature of mediation recommendations, coupled with the passive role of judges and the limited institutional capacity of trade unions, further exacerbates the imbalance between workers and employers. Additionally, Indonesia's weak enforcement mechanisms and protracted litigation processes fail to deliver timely and substantive justice.[81]

To address these systemic shortcomings, Indonesia must undertake comprehensive regulatory and institutional reforms. First, the government should amend Law Number 2 of 2004 to grant binding legal force to mediation outcomes, drawing inspiration from Japan's Chotei and Wakai systems. Second, Indonesia must professionalize its mediator corps by introducing strict competency, training, and ethical standards to ensure neutrality and effectiveness. Third, procedural reforms at the PHI should encourage a more inquisitorial judicial approach, enabling judges to provide procedural guidance, especially for unrepresented workers. Fourth, Indonesia should expand and optimize its electronic case management system (E-Court) to reduce administrative delays and increase access for remote workers. Fifth, legal education and worker empowerment programs are essential to strengthen the capacity of trade unions and workers to navigate the dispute resolution process effectively. Finally, the government must assume a more active oversight role, similar to South Korea's LRC model, to ensure fairness, prevent procedural abuses, and protect vulnerable parties throughout the dispute resolution process. By implementing these reforms, Indonesia can enhance the efficiency, fairness, and accessibility of its industrial relations dispute resolution system. Adopting international best practices while contextualizing them within Indonesia's socio-legal environment will contribute to advancing social justice and labor rights protection in accordance with constitutional mandates.[82]

Redesigning the Principle of Justice in Labor Disputes

To strengthen judicial independence and align judicial services with contemporary developments, Indonesia's judicial system must undergo comprehensive reform and modernization. One significant reform initiative involves the implementation of electronic case administration and trial mechanisms, including within the Industrial Relations Court (PHI). The adoption of the e-Court system represents a strategic measure aimed at ensuring faster, more accessible, and transparent case management in the PHI. This reform responds directly to advancements in information technology and the growing public demand for more efficient judicial services.[83]

The e-Court system introduces several integrated digital services within the PHI. The first component, e-filing, facilitates the electronic registration of cases through the official e-Court platform of the Supreme Court of the Republic of Indonesia (Mahkamah Agung Republik Indonesia, MARI). Prospective litigants must create a

[81] Alessia Amighini, Weidi Fang and Martin Zagler, 'On the Evolution of the Wage Premium for Party Membership in China', *World Development*, 188 (2025), 106909 https://doi.org/https://doi.org/10.1016/j.worlddev.2024.106909

[82] Guilherme de Queiroz-Stein and others, 'Disputing the Bioeconomy-Biodiversity Nexus in Brazil: Coalitions, Discourses and Policies', *Forest Policy and Economics*, 158 (2024), 103101 https://doi.org/https://doi.org/10.1016/j.forpol.2023.103101

[83] Sadiah Boonstra, 'Indonesia-Malaysia Relations. Cultural Heritage, Politics and Labour Migration, Written by Marshall Clark and Juliet Pietsch', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 172.2 (2016), 394–96 https://doi.org/https://doi.org/10.1163/22134379-17202012

registered user account before submitting case applications to the District, Religious, or State Administrative Courts where the e-Court system is operational. The digital transmission of registration documents streamlines administrative processes and eliminates the need for physical document submission.

The second component, e-skum, provides users with an automatic estimation of case fees during the registration process. The system generates a virtual account number alongside the fee estimate, allowing users to make payments through various electronic banking channels, thus simplifying court fee transactions. Following this, the e-payment service enables litigants to complete court fee payments online, offering convenience and reducing the necessity for physical presence at the court premises. The next feature, e-summons, facilitates the electronic delivery of court summonses to parties involved in a case, as regulated by Article 15 of Supreme Court Regulation Number 1 of 2019. This mechanism balances efficiency with the protection of litigants' rights, as electronic summonses can only proceed with the explicit consent of the relevant party. The fifth element, e-litigation, establishes an electronic trial system that enables online case management, facilitates administrative processes, and supports virtual court hearings. Beyond improving efficiency, e-litigation plays a crucial role in minimizing opportunities for extortion and corruption by reducing direct interactions between litigants and court officials.[84]

These digitalization efforts align with the principle of social justice, which underpins the resolution of industrial relations disputes in Indonesia. The system seeks to provide affordable, timely, and straightforward access to justice, a critical consideration given the socio-economic disparities between employers who often occupy a dominant position and workers who generally remain vulnerable. Ensuring social equity in industrial relations requires the state to provide workers with robust legal mechanisms to counterbalance employer power. Nevertheless, the Industrial Relations Court continues to face significant normative challenges that undermine the effectiveness of these reforms. A key procedural barrier stems from the rigid provisions of Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes. Article 83 Paragraphs (1) and (2) specifically require judges to review the minutes of tripartite mediation issued by the local manpower office mediator before accepting a case for litigation. This formal administrative prerequisite mandates the completion of the mediation process prior to case filing, posing procedural obstacles that often delay workers' access to judicial remedies.[85]

In the current judicial context, several existing provisions governing the filing of industrial relations disputes have become increasingly irrelevant and inconsistent with modern case administration practices. With the implementation of the electronic court (e-Court) system, litigation registration now operates through a more efficient, streamlined, and integrated digital process. This advancement eliminates the necessity for submitting physical documents, such as mediation minutes, which were previously

[84] Selma Benazir Khalil and Anna Broughel, 'Stainless Success, Battery Lag: Evaluation of Indonesia's Resource Nationalism in Nickel', *The Extractive Industries and Society*, 23 (2025), 101677 https://doi.org/https://doi.org/10.1016/j.exis.2025.101677

[85] Erwiza Erman, 'Workers and Democracy: The Indonesian Labor Movement, 1949–1957, by John Ingleson', *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia*, 180.1 (2024), 108–10 https://doi.org/https://doi.org/10.1163/22134379-18001003

required. Therefore, it is imperative to revise these outdated provisions to align with electronic case management standards and contemporary technological advancements, thereby preventing procedural inefficiencies that may hinder timely dispute resolution. The revision of these regulatory provisions holds crucial significance for ensuring justice for judicial implementers, including judges and administrative officers at the Industrial Relations Court (PHI). Additionally, such reform would facilitate easier access for disputing parties when filing their cases. The principle of equality before the law underscores the necessity for all components of the judicial system to operate efficiently and without obstruction from antiquated procedural norms incompatible with digital administration frameworks.[86]

A critical examination of the current legal provisions reveals several normative weaknesses that risk generating legal uncertainty and procedural inefficiency in the resolution of industrial relations disputes. This observation reinforces the urgent need for legislative reform through the revision or formulation of new laws and regulations that reflect the operational demands of contemporary judicial services and technological progress. Establishing a solid legal basis is essential in this context, serving as the cornerstone for regulatory revision. This legal foundation must carefully address the substance of the governed legal materials while ensuring harmonization and synchronization with other related regulations to uphold legal certainty and justice for all parties. The regulatory revision process must resolve various legal challenges, including obsolete provisions, regulatory overlaps, contradictions, and provisions that lack legal enforceability due to their sub-legislative status. Furthermore, the revision must address regulatory gaps that arise from insufficient normative guidance. A systematic update of these regulations will guarantee the relevance, coherence, and effectiveness of the industrial relations dispute resolution framework, particularly in the digital era.[87]

The successful implementation of the e-Court system and other digital judicial services within the PHI depends not only on technological sophistication but also on the coherence and adaptability of the underlying legal norms. Establishing a transparent, equitable, and efficient industrial relations justice system requires regulatory adjustments that are responsive to current judicial practices and the dynamic landscape of information technology. The court's primary objective remains to guarantee that all parties involved in industrial relations disputes have equal access to justice, and that their fundamental rights are fully protected and enforced. Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes currently governs the procedural mechanism for filing lawsuits at the Industrial Relations Court. Specifically, Article 83 mandates that judges must return a lawsuit if the plaintiff fails to append a mediation or conciliation report prior to submitting the case.[88]

[86] Tushar Bharati, Adnan M S Fakir and Wina Yoman, 'Internal Migration and Labor Market Outcomes in Indonesia', *Economic Development and Cultural Change*, 72.2 (2024), 997–1040 https://doi.org/https://doi.org/10.1086/721684

[87] William Skoglund, 'Union Wage Effects in Sweden: Evidence from the Interwar Period', *Explorations in Economic History*, 96 (2025), 101655 https://doi.org/https://doi.org/10.1016/j.eeh.2025.101655

[88] Chris Vickers and Nicolas L Ziebarth, 'Can the Great Compression Be Explained by Wartime Wage Controls?', *Explorations in Economic History*, 2025, 101691 https://doi.org/https://doi.org/10.1016/j.eeh.2025.101691

Additionally, judges must review the content of each litigation filing and instruct plaintiffs to address any identified deficiencies. However, practical implementation reveals that this provision often introduces procedural bottlenecks. Field observations indicate that judges rarely conduct direct examinations of every incoming lawsuit at the registration stage. Instead, registration officers at the PHI clerk's office frequently handle the administrative processing of case filings. This administrative burden forces judges to divide their attention between administrative functions and their core judicial responsibility of impartially adjudicating disputes. Consequently, judges face significant challenges in focusing solely on delivering impartial and substantive justice, which undermines the efficiency and effectiveness of the industrial relations dispute resolution system. Requiring judges to assess the completeness of a lawsuit at the registration stage raises significant concerns regarding judicial impartiality and integrity. Such involvement may create a negative perception in the defendant's mind, leading them to suspect that the judge is assisting the plaintiff in refining the litigation. This perceived bias undermines the judge's independence and compromises the integrity of the judicial process. Therefore, the responsibility for verifying the administrative completeness of litigation documents should rest with the clerk assigned to case registration, rather than imposing this obligation on the judge.[89]

The clerk assigned to the One-Stop Integrated Service (*Pelayanan Terpadu Satu Pintu/PTSP*) possesses the necessary administrative authority and competence to ensure the completeness of litigation documents. Delegating this administrative function to the clerk enables judges to focus exclusively on their core responsibility adjudicating disputes impartially based on facts and applicable law. This separation of administrative and judicial functions enhances both the efficiency and the fairness of the judicial process. Furthermore, the existing provisions raise procedural concerns regarding the execution of judicial duties. Upon lawsuit registration, judges are procedurally restricted from taking any active measures until the Chief Justice appoints the panel of judges within seven days after registration. Judges lack jurisdiction over lawsuits that have not been formally filed and assigned to a judicial panel. This procedural ambiguity can impede timely dispute resolution and undermine the predictability of the litigation process.[90]

The clerk's office should, therefore, assume full responsibility for verifying whether a lawsuit complies with formal filing requirements. By assigning this responsibility to the clerical staff, plaintiffs can promptly address any documentary deficiencies before the trial phase begins. This approach will streamline the litigation process, minimize procedural delays, and reduce the risk of case dismissal due to administrative incompleteness. Allowing judges to engage in administrative document verification would impose an unnecessary burden that distracts from their primary judicial responsibilities. The timing of lawsuit registration, which occurs during regular office hours while judges conduct scheduled court hearings, further reinforces the need for administrative tasks to remain within the clerk's purview. If judges were required to verify the validity of incoming case files during trial hours, their effectiveness in

[89] Ensar Yılmaz and Necip Bulut, 'Inflation Dynamics: Profits, Wages and Import Prices', *Economic Systems*, 2025, 101310 https://doi.org/https://doi.org/10.1016/j.ecosys.2025.101310

[90] Andrew Berg and others, 'Searching for Wage Growth: Policy Responses to the "New Machine Age"', *Review of Economic Dynamics*, 57 (2025), 101286 https://doi.org/https://doi.org/10.1016/j.red.2025.101286

conducting trials would diminish, potentially causing procedural delays and compromising the timely resolution of disputes. Accordingly, maintaining a clear distinction between administrative and judicial functions is essential for ensuring the efficient and effective operation of the court.[91]

Recognizing these deficiencies, lawmakers revised Article 83 of Law Number 2 of 2004. Following this amendment, the responsibility for returning incomplete case filings and checking the presence of mediation records or conciliation recommendations now falls to the clerk's office. The clerical staff must verify the accuracy and completeness of litigation documents and, when deficiencies are identified, request that the plaintiff rectify the materials. This legislative reform effectively transfers administrative responsibilities from judges to clerks, aligning with their official duties and institutional capacity. This reallocation of responsibilities allows judges to concentrate fully on their primary role of impartially adjudicating cases. By alleviating judges from administrative burdens, the reform enhances the professionalism, efficiency, and impartiality of the industrial relations dispute resolution process. The clear separation of functions between the clerk's office and the judiciary improves overall case management and accelerates case registration and processing. As a result, the system fosters legal certainty for disputing parties and promotes a systematic, equitable, and efficient resolution of industrial relations disputes.[92]

CONCLUSION

The regulation governing the filing of labor dispute lawsuits at the Industrial Relations Court (PHI), as stipulated in Article 83, Paragraphs (1) and (2) of Law Number 2 of 2004, fails to reflect the principles of Pancasila justice. By requiring judges to conduct administrative assessments of lawsuit completeness during the registration phase, the regulation creates inefficiencies and overlaps in authority between the judiciary and the registrar's office. This procedural flaw diverts judges from their primary adjudicative responsibilities and compromises the efficiency and professionalism of the PHI. From a structural perspective, the ineffectiveness of bipartite and tripartite dispute resolution mechanisms, combined with weak institutional support, contributes to the overburdening of the court. Substantively, the continued reliance on general civil procedural law neglects the unique characteristics of industrial relations disputes, which require specialized and responsive procedural norms. Culturally, significant disparities between employers and workers, particularly in terms of legal literacy and access to resources, further undermine justice and equity. Given these weaknesses, it is imperative to reconstruct the regulation by transferring the administrative responsibility for verifying lawsuit completeness to the clerk's office. Judges should concentrate solely on their core judicial duties. The proposed revision of Article 83 aims to institutionalize this separation of functions, enhance procedural

[91] Antonio Castellanos-Navarrete, William V Tobar-Tomás and Carlos E López-Monzón, 'Development without Change: Oil Palm Labour Regimes, Development Narratives, and Disputed Moral Economies in Mesoamerica', *Journal of Rural Studies*, 71 (2019), 169–80 https://doi.org/https://doi.org/10.1016/j.jrurstud.2018.08.011

[92] Hongyan Huang, Yeming Sang and Rui Huang, 'The "Solow Paradox Mystery" of Information Security Standardization Construction and Labor Investment Efficiency: Empirical Evidence Based on ISO27001 Certification', *International Review of Financial Analysis*, 102 (2025), 104012 https://doi.org/https://doi.org/10.1016/j.irfa.2025.104012

efficiency, and align the PHI's operations with Pancasila's social justice values. This reform is expected to improve legal certainty, strengthen judicial integrity, and promote more equitable and efficient labor dispute resolution in Indonesia.

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