Industrial Relations Dispute Resolution During the Covid 19 Pandemic Using Local Wisdom as a Form of an Approach

Joice Soraya[1*] Jasmine Anting Soraya[2]

[1,2] *Faculty of Law (University of Kanjuruhan Malang), Malang, Indonesia*
Corresponding author: Email: joicewijayas99@gmail.com

ABSTRACT

Currently, the world is troubled by the Covid-19 pandemic. The rapid spread of the Covid-19 virus through contagious is difficult for even developed countries to block. In Indonesia, with a large area and there are still remote residents, it has its own difficulties to mitigate the Covid-19 pandemic. But even though they still have residents in remote areas, in reality these areas are still protected from the spread of Covid-19. This is because the area still adheres to its local wisdom. Like the indigenous people, who up to now still maintain their local wisdom by living one with nature. The community is still spared the Covid-19 pandemic. For this reason, supported by the results of previous studies, this literature review tries to take a deeper look at local wisdom so that you can avoid the Covid- 19 pandemic. This article finds that some local wisdom can mitigate the Covid-19 pandemic as a Form of Restorative Justice Approach. The involvement of local wisdom in conflict dispute resolution and peace building is not the only way to resolve conflict. Some level of conflict resolution should be there along the path of conflict resolution. The stressing on the patterns of conflict resolution is still limited on conflict settlement and need to develop toward peace building involving local wisdom which is proven to be able to maintain social harmony. Considering to the normshad been long internalized among society, the society members strongly held the society order. The most important in this context is the need in the side of the elites to discuss the patters of local wisdom based peace building.

Keywords: dispute resolution, local wisdom, industrial relations.

1. INTRODUCTION

The Covid-19 pandemic has become an epidemic that has changed the pattern of human life. The disease outbreak that has spread to almost all of the country started at an animal market in Wuhan Province, China with the first 41 confirmed cases of suspected pneumonia.[1] Since then, Wuhan has immediately implemented a lockdown policy to prevent the spread of the virus outside of Wuhan Province[2] This disease is spread by contagious means, especially through the respiration of people who have been exposed to this virus[3] But even though the city of Wuhan has implemented a lockdown, the spread of the Covid-19 Virus can no longer be contained. So that the World Health Organization (WHO) on January 30, 2020 declared Covid-19 a global emergency. This global emergency status is due to the fact that this virus has spread very rapidly to 24 countries (World Health Organization, 2020a). With this declaration, not only Wuhan Province, but countries such as Spain, Italy, Malaysia, South Korea and other countries also implemented lockdowns. The results of data on June 14, 2020, a total of 7,690,708 people were confirmed to have contracted Covid -19, with a total of 427,630 deaths.[4] The application of this lockdown is the best way to control the spread of the Covid-19 virus. The application of lockdowns is the result of a review of past pandemic cases.With lockdowns, people are expected to carry out self-isolation measures or self-quarantine at home and also apply social distancing (physical distance restrictions) to avoid transmission of this virus.

Unlike other countries, lockdown is not applied in Indonesia. Indonesian President Joko Widodo emphasized not to lockdown, he argued that the characters such as culture and discipline in the

Indonesian State were different from other countries that implemented lockdowns. Other political reasons according to Arum will have an impact on the Indonesian economy.[5] The first and second cases were announced by President Joko Widodo on March2, 2020, aged 31 and 64, respectively.[6] In the end, President Joko Widodo decided to implement Large-Scale Social Restrictions (PSBB) through Government Regulation of the Republic of Indonesia Number 21 of 2020. However, this application is still considered insufficient to overcome Covid-19 Until now, confirmed cases of Covid-19 are still increasing, it can be seen through the last update that the Task Force for the Acceleration of Handling Covid-19 reported that on June 15, 2020, it increased to 39,294 confirmed exposure to Covid-19 and 2,198 people died.

Of the several studies reviewed, there have been many that have examined the spread of Covid-19 from various fields of science. By reviewing the results of these studies,it is necessary to examine how the impact and application of local wisdom in Indonesia can be a mitigation measure against the Covid-19 pandemic. This article is a study that uses the literature review method based on the exploration of the literature from the results of previous studies. These literatures are in the form of books, survey results, online media, and national to international research articles.

2. METHOD

This research uses the normative method by using the approach legislation, case approach and conceptual approach. The legal materials used are various written regulations, legal books, expert opinions and articles related to this theme.

3. RESULT AND DISCUSSION

I.   CONFLICT: CONCEPTION   AND RESOLUTION

Conflict is an inevitable and often creative fact of life. Conflict occurs when the goals of the community are not in line or because of an imbalance or gap in social status, inequality of prosperity and unequal access to resources and perspectives on a problem. Rafl Dahrendorf stated that conflict is an inherent omni presence in a community.[7] At this level, conflict is actually a natural phenomenon that accompanies human interaction patternsthroughout the ages. The problem is when a conflict turns into violence or anarchy, especially when it involves a very large number of masses. The social harmony that has been built will usually turn into chaos.

Violent conflict can also be seen from the perspective of elite conflict. As is well known after the reformation, apart from several riots, the socio-political condition in Indonesia was marked by two striking symptoms, namely political conflict and political violence. On the one hand, the tug-of-war of elite political interests can contribute to the democratization process, but its negative impact can create segregation of society which asa result tends to lead to collective violence.[7] Another theory states that dealing with conflict requires an effort called conflict resolution. Conflict resolution is a scientific term that emphasizes the need to see peace as an open process and divides the process of conflict resolution through several stages according to the status of the conflict. There are four stages in conflict resolution,[8] namely:

1)   The conflict de-escalation stage which emphasizes the process of ending violence. The military or security forces will usually do this job.

2)   Negotiation stage, a more politically oriented settlement step by involving conflicting groups. Its purpose is to force the parties to enter the negotiating table.

3)   Stage of problem solving approach with a more social nuance. Rothman describes four main components in the problem solving approach stage.[9] First, each party acknowledges the legitimacy of the other party to undertake initial-level communication initiatives. Second, each party provides correct information about the ongoing conflict including the causes, traumas that arise, and structural obstacles that may be faced in conflict resolution. Third, the two sides began to look for alternative solutions, at least signals for peace. Fourth, problem solving workshops, namely the willingness of the parties to provide a conducive atmosphere for conflict resolution.

4)   The peace building stage, which is a stage that is cultural and structural. It takes a long time and consistency to bring about a permanent peace

From all the conceptions above, one thing that is highly expected in dealing with conflict is the willingness of the parties in authority to act objectively and neutrally. This principle needs to be taken so that the parties involved do not feel harmed and feel satisfied (satisfaction). Apart from curative measures, of course it is necessary to take preventivemeasures so that potential violent conflicts can be anticipated.

II. SETTLEMENT OF INDUSTRIAL RELATIONS DISPUTES/CONFLICTS DURING THE COVID 19 PANDEMIC USING LOCAL WISDOM AS A FORM OF AN APPROACH

Indonesia is in the fourth level as the most populous country which is predicted to have long suffering from this pandemic of Covid-19. With a vast country and population density spread over several large islands, Indonesia has its own challenges to overcome Covid-19.[10] Remote and underdeveloped areas also have a big risk of being exposed to Covid-19, because of the difficulty of accessing health services in these areas. Despite their own challenges, remote areas in Indonesia usually have local wisdom which has its own way of disaster mitigation. This is proven by Prasetyo that local wisdom in traditional communities in Indonesia is an alternative in preventing disasters or in post-disaster management, so that local wisdom has an important role in mitigating disasters that occur in Indonesia.[11] So that the government can take advantage of the values of local wisdom as a step in disaster mitigation in that country. The use of local wisdom in disaster mitigation is what Triana calls a "cultural approach".

Industrial relations dispute resolution is one of the components of the labor law system. As a sub-system of the labor law system, the qualifications regarding the existence of industrial relations dispute settlement are strongly influenced by other sub-systems of labor law.[12] In other words, the absence of a case submitted to an industrial relations dispute settlement institution is not necessarily due to the absence of an industrial relations dispute. Likewise, on the other hand, the number of cases that have entered into institutions for the settlement of industrial relations does not necessarily mean that they are successful in settling industrial relations.

At the beginning of independence, the struggle of the Indonesian nation was still focused on revolutionary affairs to defend independence against colonialists who wanted to re-colonize the Indonesian nation, so that legal products as the implementation of the constitutional mandate, especially for the implementation of Article 27 Paragraph (2) of the Indonesia Constitution concerning citizens' rights to work and a decent living for humanity has not been realized.

The Amendment Provisions at that time in terms of full civilization still applied the colonial law, namely B.W (*Burgerlijkk Wetboek*) which was Later called "KUH Perdata" (Civil Code). Based on the provisions of Indonesia Constitution through Article II the transitional regulation which reads: All State Bodies and existing regulations are still in effect as long as they have not been replaced with new ones.[13] The legal rules contained in the B.W. are liberal according to the character of the nation which makes them which are not necessarily in accordance with the character of the Indonesian nation.

In the current state administration development, almost every country positions itself as an organization of public forces that aims to improve the welfare of its people (Welfare State). Indonesia is also in accordance with Indonesian Constitusion which is the basic law, clearly aiming for the welfare of its people. With the basic premise of the welfare of society, the government has an active interest in creating harmonious industrial relations, including through fostering labor law. Government involvement on the basis of realizing this welfare is an element of justification in order to publish legal rules which are based on private law (civil law). In other words, the realization of a working relationship between a worker/laborer and an entrepreneur/ employer is because this engagement/agreement is a private (civil) legal.

Currently, by increasingly entering the global economy which is marked by a free market, thinking based on the concept of the welfare state is a necessity. Entrepreneurs should pay more attention to the welfare of workers/laborers. Because in the free market economic model the economic balance lies in the balance between supply and demand. The same is true of industrial societies. The development of state administration which requires the involvement of public elements in industrial relations is not limited to the national context but also in the international context.

Pressure on developing countries not to make legal regulations that are burdensome to workers/laborers also comes from the domestic labor movement which demands to carry out legal reforms in the field of labor law. This was marked by the rise of strikes both in the era of General Suharto, Habibie, Abdurrachman Wahid and Megawati's rule, thus encouraging the growth and development of democratization in the workplace. The growing spirit of democratization in the workplace is an opportunity for the development of laws governing industrial relations. If democratization in the workplace can truly be realized, and the partnership between workers/laborers and employers/employers is harmonious, there will be no more so-called

adversarial tendencies of hostility between the two, but what exists is a mutual need between one another. In conditions where trade competition is getting tougher, of course, the relationship between workers/laborers and employers/employers based on democratization is a necessity in order to achieve progress. For this reason, workers/laborers are obliged to work productively. On the other hand, entrepreneurs/employers must pay attention to the rights of workers/laborers so that they can live properly.

4. CONCLUSION

The Covid-19 pandemic is a virus that has recently become a frightening specter that can change the pattern of people's lives today. All countries are under the shadow of the spread of this virus and work hand in hand to find solutions to eradicate the Covid-19 pandemic. This pandemic is a consequence of the risks that occur due to modernity and globalization, which are predicted as a solution for a better life. However, in fact, modernity and globalization are the causes of the rapid spread of Covid-19 to various parts of the world. In Indonesia alone, this pandemic has sacrificed thousands of people. In contrast to remote communities who are very far away and avoid modernity, in fact they are more able to defend themselves and avoid the spread of the Covid-19 virus.

The important thing that is needed is the willingness of the elites, both religious elites, government elites and customary elites to sit together to develop a peace building pattern based on local wisdom. The willingness of the elites to this peace building initiative is important considering that even though a region already has a set of local values and conflictresolution mechanisms, everything will be difficult to run without active elite involvement.This requires strengthening at the elite level so that local wisdom values can be developed as part of conflict resolution efforts and future peace initiatives.

Local wisdom is still the best solution in mitigating this Covid-19 pandemic. Some local wisdom that can mitigate this case is illustrated in the farming tradition, the rules for building buildings, and the forest as a place of refuge. With the writing of this article, it is hoped that it can become a reference in mitigating the Covid-19 pandemic, as well as a reflection for facing future developments. And from this article raises new questions about imparting local wisdom to the general public.

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