

Settlement of Industrial Relations Disputes Through Peace Agreements

A Case Study of Termination of Employment at PT. Tyfountex Indonesia

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ABSTRACT

Industrial relations are a close relationship between workers/laborers and employers based on various special regulations attached to both parties. Industrial relations disputes occur due to differences of opinion between the company and workers/labor regarding the dispute over the rights and obligations of each party. There are several alternative steps in resolving the dispute, through bipartite institutions, mediation, conciliation, and arbitration, in addition to entering the realm of trial. This research raised a case study of industrial relations disputes between PT. Tyfountex Indonesia with workers/laborers who have been terminated, which have found a point of peace to realize justice. The position of the deed of peace agreement agreed upon with the signature of the party concerned is a guarantee of protection and legal certainty to the parties. This research used the juridical-empirical method, with interview techniques as the main data source. In addition, secondary data came from the literature. This study presents information and aims to review the importance of a peace agreement, know the implementation process after the peace agreement agreed by both parties, and find out the various inhibiting factors in settlement of industrial relations disputes experienced by PT. Tyfountex Indonesia and its workers.

Keywords: *Peace Agreement, Industrial Relations Disputes, Termination Of Employment, Labor Rights*

1. INTRODUCTION

Industrial relations are a close relationship between human resources or industrial organizations and the owners of capital who pour funds into the industrial organization and the existence of various kinds of special rules governing the rights and obligations attached to the parties in the cooperation process. [1] The close relationship between humans and their needs and interests cannot be separated until there is a determination to realize prosperity in their lives by producing a halal fortune through the work or profession they are involved in. In making a living, an individual will encounter a new environment that must be faced and must be able to adapt for the realization of good quality work, presenting a contribution to encourage the pace of the company's economy where the individual works. It is undeniable that a fundamental problem will arise one day so that a conflict or dispute will occur [2].

In article 27, paragraph (2) of the 1945 Constitution, it is stated that "Every citizen shall have the right to work and to earn a humane livelihood." Furthermore, Article 28D paragraph (1) and paragraph (2) of the Constitution 1945 has also stated that "(1) Every person shall have the right of recognition, guarantees, protection and certainty before a just law, and of equal treatment before the law," and "(2) Every person shall have the right to work and to receive fair and proper remuneration and treatment in employment." [3] This provision regulates the constitutional rights of citizens in obtaining decent work. If citizens are faced with legal problems related to industrial relations disputes in the future, it is hoped that the resolution can be carried out through applicable rules to create prosperity for every citizen. Furthermore, in Article 156 paragraph (1) of Law Number 13 of 2003 concerning Manpower, it is stipulated that "Should termination of employment take place, the entrepreneur is obliged to pay the dismissed worker severance pay and or a sum of money as a

reward for service rendered during his or her term of employment and compensation pay for rights or entitlements." [4] The article actually emphasizes the employer to comply with the regulation; if there is a layoff of the worker/laborer, the entrepreneur is required to pay the severance pay as stipulated in the applicable laws and regulations.

A special feature of the industrial relations practice in Indonesia has a dark past. During the Dutch colonial era, the workers, who were the majority of Indonesian citizens, were considered coolies who did not have the right to negotiate with the rulers at that time, whereas after Indonesian independence, industrial relations practices began to follow various rulings (regimes). [5] Here, industrial relations disputes become a legal problem familiar to all Indonesian citizens whose majority work for a company. Such conflicts or disputes can occur between individual worker and another worker, or conflicts/disputes between individual workers or groups of workers and the company.

In Articles 150 to 172 of Law Number 13 of 2003 concerning Manpower relating to Termination of Employment (PHK), in detail, the termination of employment due to something basic leads to the final result of the exercise of rights and obligations between the worker or laborer and the entrepreneur, which is commonly referred to as Termination of Employment (PHK), is actually something not desired by the parties concerned. On the other hand, the Indonesian state is present through the law, wanting or appealing to the parties, namely employers and workers/laborers and even the government, that if a conflict or dispute arises, they should try everything to prevent termination of employment (PHK).

Basically, if the termination of employment (PHK) action must still be carried out, in the relevant law, legal protection has also been regulated to realize justice and protect rights that must be accepted by the weak party, namely the workers/laborer. It is confirmed in Article 155 paragraph (2) of Law Number 13 of 2003 concerning Employment and Legal Protection of Workers After Termination of Employment (PHK), where workers/laborers must receive employee benefits, allowances or assistance funds, good treatment and fair, and an explanation of status clarity. [6] However, in practice in the field, [7] there are still many workers/laborers who experience termination of employment (PHK), who are difficult to obtain their rights from the company. It seems as if the company has forgotten what has been dedicated and the various obligations that have been carried out by workers/laborers to the company where he works.

For this reason, peace is basically an alternative dispute resolution system, often referred to as alternative dispute resolution (ADR). With Pancasila and the 1945 Constitution (UUD 1945), philosophically,

it is implied that deliberation to reach consensus is the basic principle of dispute resolution through peace in Indonesia. [8] A peace agreement between the disputing parties is made in writing and is stated in the peace deed between the parties. It is final and binding on the parties so that it should be implemented with full awareness and good faith; with this, disputes that occur can be resolved more quickly and effectively, which can be done outside the court or inside the court [9].

Therefore, this study raises the case of industrial relations disputes related to the termination of employment (PHK) carried out by the entrepreneur PT. Tyfountex Indonesia against hundreds of workers/laborers. It first appeared due to the severance pay, which was promised to be paid in stages, or an installment process was carried out on the workers' rights. However, after the mutual agreement between the two parties was carried out, hundreds of workers/laborers affected by the termination of the employment relationship went on strike to pay the installments for their severance pay. It then resulted in an industrial relations dispute and led to a trial at the industrial relations court to fight for the rights that had not been paid for 100% from the entrepreneur PT. Tyfountex Indonesia.

Based on the problems above, the role of peace agreements in settlement of industrial relations disputes is expected to be an alternative breaker or resolve a series of processes from disputes. Thus, it is necessary to assess the urgency of the peace agreement for the disputing parties to take into account implementation of termination of employment (PHK) from the company to the workers/laborers whose nature is forced to be carried out due to something based on what has been mentioned in articles 158 to article 172. However, employers are also prohibited from terminating employment (PHK) as stipulated in article 153 paragraph (1) of Law Number 13 of 2003 concerning Manpower.

2. PROBLEM FORMULATION

1. How is the implementation of the peace agreement in settlement of industrial relations disputes?
2. What are the inhibiting factors in settlement of industrial relations disputes?

3. METHOD

This study used an empirical approach, and this type of research was a descriptive study to describe the urgency of a peace agreement in settlement of industrial relations disputes. There were two types of research data

in this study: primary data as the main data source and secondary data or literature, with a case study of termination of employment (PHK) conducted by PT. Tyfountex Indonesia to hundreds of its workers in 2019-2020. The primary data of this study were obtained from interviews with relevant sources in the industrial relations dispute of PT. Tyfountex Indonesia, while secondary data in the form of Deed of Peace Agreement No. 4/Pdt.Sus-PHI/Ex/2020/PHI.Smg was obtained directly through the archives of the Legal Aid and Consultation Board, Faculty of Law, Universitas Muhammadiyah Surakarta (BKBH FH UMS). Secondary data also came from laws and regulations that are still in effect, documents, literature, and the internet (online media). Data collected through library research were then processed and analyzed using deductive logic.

4. RESULTS AND DISCUSSIONS

4.1 Implementation of the Peace Agreement in Settlement of Industrial Relations Disputes

The explanation of industrial relations, according to Article 1 Number 16 of Law Number 13 of 2003 concerning Manpower, is a system of relations formed between actors in the process of producing goods and/or services, consisting of elements of entrepreneurs, workers/labor, and the government, based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia. [10] Industrial relations in this study involved PT. Tyfountex Indonesia, workers/laborers who were terminated (PHK) by PT. Tyfountex Indonesia, and the government that played a role in mediating this industrial relation dispute through the relevant agency, namely the Sukoharjo Department of Industry and Manpower (Dispenaker), Central Java.

In general, the agreement referred to in article 1313 of the Civil Code is an act by which one or more people bind themselves to one or more other people. [11] Meanwhile, reconciliation is further elaborated in Supreme Court Regulation (PERMA) Number 1 of 2002, stating that judges are obliged to encourage disputing parties to resolve their cases through reconciliation, both at the beginning of the trial and/or during the trial going on to investigate the case. Not to forget, article 130 HIR/154 RBG states that: [12]

- a. If both parties are present on the day of the hearing that has been determined, through the chairman of the trial, the court will try to reconcile them.
- b. If peace is reached during the trial, a peace deed is drawn up, in which both parties are sentenced to carry out the agreement; the peace deed is valid and can be executed as usual.

- c. Against such a decision, an appeal cannot be filed.

In the case of industrial relations disputes between former (ex) workers/laborers of PT. Tyfountex Indonesia with the entrepreneur PT. Tyfountex Indonesia, it has started since the severance payment has stalled without any clarity from the employer since September 2019. To continue the severance payment according to the mutual agreement between the two parties, it was previously agreed on an installment system of 30 times the payment of severance pay rights to workers. Also, previously, several mediation steps have also been carried out by both parties, facilitated by the Sukoharjo Department of Industry and Manpower (Dispenaker), Central Java. [13] The total amount of severance pay for 961 former workers/laborers of PT. Tyfountex Indonesia is IDR 60,000,000,000.00 (sixty billion rupiah). [14] Around October 2019, several former workers/laborers of PT. Tyfountex Indonesia complained or conducted legal consultation on the matter to the Legal Aid and Consultation Board, Faculty of Law, Universitas Muhammadiyah Surakarta (BKBH FH UMS), because until then, there had been no result in the mediation facilitated by the Sukoharjo Department of Industry and Manpower (Dispenaker), Central Java. Also, there is a strong will from hundreds of former workers/laborers of PT. Tyfountex Indonesia to raise the case to the Industrial Relations Court (PHI) to achieve justice in receiving their severance pay.

The consultation results with former workers/laborers of PT. Tyfountex Indonesia to BKBH FH UMS were followed up on Wednesday, February 26, 2020, from 07.00 WIB to 16.00 WIB. Approximately 961 former (ex) workers/laborers of PT. Tyfountex Indonesia signed a power of attorney for the case to the Legal Aid and Consultation Board, FH, UMS, to fight for severance rights whose payments were unilaterally terminated by the entrepreneur PT. Tyfountex Indonesia.[15] Along with the signing of a power of attorney, each former worker/laborer brings several files, such as a photocopy of the identity card (KTP), a photocopy of a letter of work experience, and a written collective agreement (PB) between the individual former worker/laborer and PT. Tyfountex Indonesia.

The main topic of this research is the settlement of industrial relations disputes between the entrepreneur P. T. Tyfountex Indonesia and their former (ex) workers/laborers. The process that requires time, energy, thought, and costs incurred in settlement of industrial relations disputes is not solely the will of the two disputing parties. Due to the procedure, which has a certain period, it must be passed by the disputing parties in accordance with the applicable laws and regulations, namely Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes (UUPPHI).

The initial process of the emergence of disputes until the end of the settlement of industrial relations disputes between the entrepreneurs of PT. Tyfountex Indonesia and its former (ex) workers/laborers can be clearly summarized in the flow chart for the industrial relations dispute settlement process below:

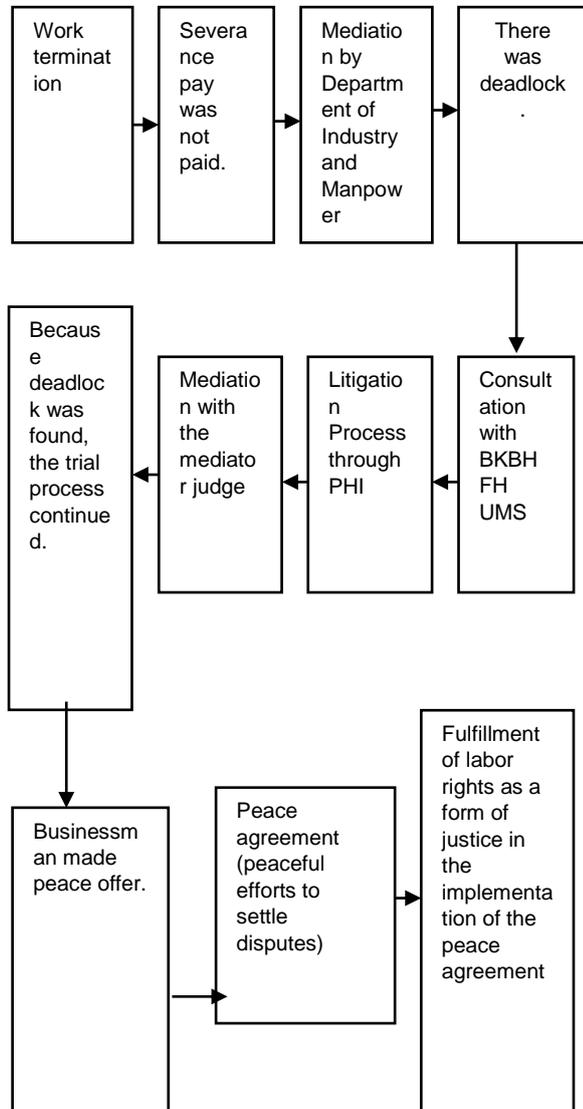


Figure 1. The flow of settlement of industrial relations disputes between PT. Tyfountex Indonesia with its former workers/laborers

The explanation of the data presented in the form of the table above is the step-by-step event that occurred in the event of an industrial relations dispute between the entrepreneur of PT. Tyfountex Indonesia, which terminated hundreds of workers/laborers. The explanation regarding termination of employment (PHK) based on Law Number 13 of 2003 concerning Manpower is the termination of rights and obligations between workers/laborers and employers and is marked by the termination of employment due to certain reasons. [16] The dispute arose based on the rights of

former workers/laborers of PT Tyfountex Indonesia, which has been laid off in the form of severance pay, the payment of which is through a process of installments that are no longer paid. The mediation step was taken with the role of the Department of Industry and Manpower (Dispenaker) Sukoharjo, Central Java. It was hoped that this could be completed in the realm of mediation of the relevant agencies in the Sukoharjo district government area, but in reality, there was a deadlock, which resulted in the industrial relations dispute continuing until the court to fight for the rights that should be received by former workers/laborers of PT. Tyfountex Indonesia.

Based on the case of industrial relations dispute between the entrepreneur PT. Tyfountex Indonesia and its former workers/laborers, in a letter of agreement with an agreement system carried out in each batch, there are different months in 2019. The problem resolution was agreed based on the provisions of Article 7 paragraph (1) of Law Number 2 of 2004 under the pretext of problems related to labor efficiency carried out by PT. Tyfountex Indonesia.

The emergence of industrial relations disputes has also been regulated in Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes. The definition of industrial relations disputes has been explained in the UUPPHI in Article 1 number 1, namely, "Industrial relations disputes are differences of opinion that result in conflicts between entrepreneurs or a combination of entrepreneurs and workers/labor or workers/labor unions due to disputes over the termination of employment and disputes between trade unions/labor unions in one company." [17] PT. Tyfountex Indonesia's non-payment of severance pay to its former workers/laborers has resulted in this industrial dispute occurring since 2019. [18]

Two legal steps must be taken: non-litigation (outside the court) or litigation (through the Industrial Relations Court). In general, in practice, settlement through non-litigation is prioritized through bipartite negotiations, industrial relations mediation, conciliation, or industrial relations arbitration, with the explanations as set out in Article 1 Numbers 10, 11, 13, and 15 of Law No. 2 of 2004 concerning Settlement of Industrial Relations Disputes, with the following meanings: [19] Article 1 Number 10 states that "bipartite negotiations are negotiations between workers/laborers or trade unions/labor unions and entrepreneurs to settle industrial relations disputes." Article 1 Number 11 defines "industrial relations mediation, hereinafter referred to as mediation, as the settlement of disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions within one company through deliberation mediated by one or more neutral mediators." Article 1 Number 13 states that "industrial relations conciliation,

hereinafter referred to as conciliation, is the settlement of disputes over interests, disputes over termination of employment, or disputes between trade unions/labor unions in one company through deliberation mediated by one or more neutral conciliators." Article 1 Number 15 defines "industrial relations arbitration, hereinafter referred to as arbitration, as the settlement of a dispute of interest and a dispute between trade unions within a company outside the Industrial Relations Court through a written agreement from the disputing parties to submit dispute resolution to the arbitrator, whose decision is binding on the parties and is final."

If non-litigation efforts are fruitless or deadlocked, the next step is for one of the parties to file the dispute case for processing through the Industrial Relations Court (PHI). Settlement of industrial relations disputes through litigation has process carried out through the Industrial Relations Court by making efforts to carry out case examinations, by being directly confronted by the panel of judges who examine and decide on the dispute. [20] As the trial progresses, the judge still has the authority [21] in making offers to the parties to make peace outside the court. The trial at the Industrial Relations Court may be carried out through the process of examining cases with the usual procedures as outlined in Articles 89 to 97 of Law Number 13 of 2003 concerning Manpower, or the process of examining cases with fast procedures as stipulated in Articles 98 and 99 of Law Numbers 13 of 2003 concerning Manpower.

If one of the parties decides to make peace outside the court during the trial, it is appropriate for both parties to return to deliberation [22] to reach a consensus, to reach a way out of realizing justice felt by both parties. The agreement on peace in deliberation for consensus as outlined in the deed of the peace agreement is given article 1851 of the Civil Code, which reads, "peace is an agreement in which both parties by surrendering, promising, or withholding an item end a case currently dependent or prevent a case from arising. This agreement is not valid unless it is made in writing." Thus, the peace agreement will be declared valid to end the industrial relations dispute if the agreement is made in writing, and vice versa; if it is not made in writing, it is considered invalid. Also, cases can be resolved simply with the awareness of each party and resolved in good faith as a whole. [23] Settlement of cases through peace has substantial and psychological advantages, namely: [24]

- a. The informal settlement is based on inner and outer awareness and distances the doctrine and principles of proof that have a mutually beneficial direction of perception.
- b. Those who resolve the dispute are the disputing parties themselves, with the will of each party,

with their position being the ones who know the truth about the problematic dispute.

- c. Short settlement period: generally, if using the sincerity and humility of the disputing parties, the settlement period is usually completed in just one or two weeks, or a month at most; therefore, it can be said to have fast nature.
- d. Low costs: even in the settlement of disputes through peace, it can be said that there is no cost, even though the costs incurred are very cheap, which is the opposite if the justice system is used.
- e. Free from emotions and grudges because the relationship between the parties is cooperative, which communicates with a focus on resolving disputes that want the intended result, namely win-win solution.
- f. A win-win solution can be a wise move for both parties. With this, energy, time, thoughts, and costs arising in the dispute can be cut quickly and do not spend excessive costs. Thus, from this incident, the fulfillment of the rights of workers/laborers whose employment relationship has been terminated can be fulfilled.

After validating the files by the internal party of the Legal Aid and Consultation Board, FH UMS, all files needed to register the case with the Industrial Relations Court were declared complete. Then, the BKBH FH UMS compiled and made an application for "aanmaning" and registered the case at the Semarang District Court in the industrial relations section. After receiving a summons (relaas) for a trial from the Industrial Relations Court at the Semarang District Court, a mediation process was scheduled to be carried out by each attorney for both parties, mediated by a mediator judge who had been appointed from the court handling the matter. However, on this occasion, the two parties did not find a solution (deadlock).

Based on interview data obtained directly from ex-workers/labor sources who gave authorization to the Legal Aid and Consultation Board, Faculty of Law, Universitas Muhammadiyah Surakarta (BKBH FH UMS), regarding the passage of time in the process of handling cases authorized by former workers/laborers of PT Tyfountex Indonesia, many were impatiently waiting for the journey to seek justice. Then, approximately 200 former workers/laborers revoked their power of attorney and did not pass on their power to BKBH FH UMS and chose to receive three times the severance payments made by KSPI PT. Tyfountex Indonesia [25]. Thus, the former workers/laborers who persisted in powering themselves to the BKBH FH UMS were approximately 700 people. It resulted in an extension of time for the internal BKBH FH UMS to re-process the filing to correct the documents registered with the Industrial

Relations Court (PHI) Semarang as a result of the revocation of power.

The response of the Semarang Industrial Relations Court (PHI) was to send "ananmaning" to PT. Tyfountex Indonesia on Monday, June 15, 2020. [26] However, from this incident, PT. Tyfountex Indonesia still has not shown goodwill to end the dispute. Meanwhile, the efforts of BKBH FH UMS to remain active in handling industrial relations cases were by conducting a Group Discussion Forum (FGD) with former workers/laborers of PT. Tyfountex Indonesia, to collect and provide specific systematic information. In addition, the Group Discussion Forum (FGD) was held to discuss to obtain the settlement steps that would be taken in fighting for the rights of workers' severance pay that had not been fulfilled.

In mid-2020, BKBH FH UMS took another step by involving itself as Other Creditors (KL), contributing to a lawsuit for Postponing Debt Payment Obligations (PKPU) against one of the companies that filed a PKPU lawsuit against PT. Tyfountex Indonesia. However, these efforts ended in peace between the creditor and the debtor. With this incident, BKBH FH UMS immediately submitted a request for confiscation of execution against PT. Tyfountex Indonesia to the Semarang Industrial Relations Court (PHI). This step was taken after there was no good response from several times the "aanmaning" carried out by the court handling this case to PT. Tyfountex Indonesia. In the process, through their legal representatives, PT. Tyfountex Indonesia contacted the BKBH FH UMS advocate as the legal representative of the former workers/laborers by conveying the core point that PT. Tyfountex Indonesia submitted a peace offer.

With the offer of peace, the BKBH FH UMS team immediately scheduled a bargain (negotiation) with the legal team of PT. Tyfountex Indonesia relating to the total amount of severance pay received by former (ex) workers/laborers of PT. Tyfountex Indonesia. With the agreement of the meeting to conduct negotiations, BKBH FH UMS and legal counsel from PT. Tyfountex Indonesia was negotiating. This incident later became a solution regarding a collective agreement, which was then stated in the Deed of Peace Agreement for the Settlement of Execution Request No. 4/Pdt.Sus-PHI/Ex/2020/PHI.Smg. According to Article 1851 of the Civil Code (KUHPerdata), "peace is an agreement in which both parties surrendering, promising, or withholding an item, end a case currently dependent or prevent a case from arising. This agreement is not valid unless it is made in writing." [27]

Furthermore, the PT. Tyfountex Indonesia finally gave severance rights to former workers/laborers of PT. Tyfountex Indonesia, with an agreement that the arrears of severance pay of 51% of each individual severance pay should have been received by former

workers/laborers of PT. Tyfountex Indonesia was agreed to be paid in stages from October 20, 2020, to October 30, 2020. It was made jointly in Semarang on September 30, 2020, and signed by the attorneys for both parties to the dispute.

The negotiations, which resulted in an agreement with the birth of the peace agreement deed, were then announced by the BKBH FH UMS team to the former workers/laborers of PT. Tyfountex Indonesia. Then, a re-validation of the data of 700 former workers/laborers was carried out, and a collective collection of the account numbers of each individual was conducted so that payments could be made immediately via bank transfer to individual accounts. However, the process also encountered obstacles that took quite a long time due to data correction that had to be done by the UMS FH BKBH team. Some former workers/laborers were difficult to confirm from the field coordinator, in which in collecting account numbers, many were no longer active. Therefore, former workers/laborers of PT. Tyfountex Indonesia had to reactivate their accounts to channel their severance pay.

The end of a long journey that took approximately one year in settlement of industrial relations disputes between former workers/laborers of PT. Tyfountex Indonesia with the entrepreneur PT. Tyfountex Indonesia has produced tangible results with a peace agreement both parties agreed upon and adhered to. Thus, former workers/laborers could get severance pay of 51% of each severance pay, which should have been received and paid promptly, starting with the first batch on October 20, 2020, until the last batch on October 30, 2020, directly into the accounts of each former worker/laborer of PT. Tyfountex Indonesia. The birth of the deed of peace agreement No. 4/Pdt.Sus-PHI/Eks/2020/PHI.Smg proves that the reduced burden of thought, energy, time, and costs incurred in resolving industrial relations disputes can be realized in real terms. Thus, it becomes an advantage for both parties to the dispute.

The occurrence of a peace agreement between the entrepreneur PT. Tyfountex Indonesia with former workers/laborers of PT. Tyfountex Indonesia, through their respective legal team, has a positive impact. It is because the dispute can end peacefully, stated in the deed of the peace agreement, which is valid by law. Thus, the former workers/laborers of PT. Tyfountex Indonesia could receive the right to severance pay to fulfill the rights of the entrepreneur PT. Tyfountex Indonesia and run it in accordance with the laws and regulations. Despite not being able to receive 100% of the wages that should have been received, the former workers/laborers of PT. Tyfountex Indonesia and the legal team of BKBH FH UMS have felt a form of justice that has been achieved, even though they have to go through a long period in the industrial relations

dispute case process. It is also satisfaction and a valuable life lesson for former workers/laborers of PT. Tyfountex Indonesia and their respective families. [28]

4.2 Inhibiting Factors in Settlement of Industrial Relations Disputes

Discussing the settlement of industrial relations disputes, various inhibiting factors overshadow the course of the case process. It is undeniable that the energy, time, thought, and cost must be spent optimally by each individual to fight for the rights of former workers/laborers of PT. Tyfountex Indonesia. It is considering that the ongoing case is a case involving hundreds of people in dealing with disputes over severance pay rights against PT. Tyfountex Indonesia, whose payment had not been clear since September 2019.

Several inhibiting factors in settlement of industrial relations disputes can be clearly identified, where each party naturally experienced them. The party in question was the former employees of PT. Tyfountex Indonesia, the entrepreneur PT. Tyfountex Indonesia and their respective legal counsel teams, namely the Legal Aid and Consultation Board, Faculty of Law, Universitas Muhammadiyah Surakarta (BKBH FH UMS) and the legal counsel team from PT. Tyfountex Indonesia.

The inhibiting factors of each party undergoing this industrial relations dispute process are summarized in the table, as follows:

Table 1. Inhibiting factors

Inhibiting Factors in Settlement of Industrial Relations Disputes	
The parties	Inhibiting factors
Former workers/laborers	1) The complexity of the procedure (not knowing the law) and conditioning the coordination of hundreds of people 2) Lack of files to complete case documents for trial 3) Impatience and worry
Company party	1) There is no clarity regarding the continuation of severance payments. 2) The original entrepreneur PT. Tyfountex Indonesia is overseas.
Legal counsel	For the document to really match without any errors, file validation

	takes much time.
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The inhibiting factor experienced by each party listed in the table above is the reality that actually occurred in the field in the process of resolving industrial relations disputes between PT. Tyfountex Indonesia with former workers/laborers of PT. Tyfountex Indonesia. Regarding this, the authors attempt to provide a review of the table as follows:

The position as a former worker/laborer experiencing an industrial relations dispute is crucial. The rights that have not been fulfilled are the main focus due to the lack of clarity on the part of the entrepreneur PT. Tyfountex Indonesia. Meanwhile, the inhibiting factors are:

- a. There are complexities and unfamiliarity regarding the legal position that regulates the procedural process of resolving industrial relations disputes of all former workers/laborers of PT. Tyfountex Indonesia. Step-by-step procedural field conditions involving approximately 700 ex-workers of PT. Tyfountex Indonesia is one of the main inhibiting factors because, in practice, conditioning through several people who have positions as field coordinators work very hard in conditioning the group they must coordinate for smooth and complete files that must be submitted to legal counsel, namely BKBH FH UMS.
- b. Even in the collection of files, it is undeniable that many people encounter obstacles, lack or even lose files that will be collected and combined into documents for this industrial relations dispute. The sense of mutual cooperation from all elements makes it possible to overcome it.
- c. Many former workers/laborers have given up hope of fighting for rights that have not been received. Approximately 200 people revoked their power due to their impatience to undergo the process of fighting for justice and chose to receive three installments of wages received from PT. Tyfountex Indonesia. In addition, there are concerns that the several hundred workers will not continue to grant their power to BKBH FH UMS because they are not sure that the dispute will actually come to fruition. [29]

The company has also become the fulcrum of the obstacles in settlement of this industrial relations dispute, with the following explanation:

- a. The lack of clarity on the part of the company PT. Tyfountex Indonesia in overcoming the problems of industrial relations disputes can be called the main factor for this dispute to occur. Whenever confirmation was made to

representatives from the company, they seemed to be silent, and there was no slightest information regarding the continuation of the process of paying severance wages to former workers/laborers of PT. Tyfountex Indonesia.

- b. Because the original entrepreneur who owns PT Tyfountex was abroad at that time, representatives from PT. Tyfountex Indonesia has difficulty communicating or coordinating directly with the company owner.

Regarding the validation process of filing and preparing industrial relations dispute case documents, particularly the information obtained from the legal counsel for former workers/laborers of PT. Tyfountex, BKBH FH UMS explained that the process took much time so that there were no deficiencies or errors in the case documents. Validation was aimed at preparing the document to ensure data from approximately 700 former workers/laborers of PT. Tyfountex Indonesia can be declared completely safe and appropriate.

5. CONCLUSION

From the results and discussions that have been carried out above, the following conclusions can be drawn. Settlement of industrial relations disputes can be done in two ways, namely outside the court (non-litigation) and inside the court (litigation). However, deliberation for consensus at every opportunity must be carried out to realize peace. Furthermore, the birth of a peace agreement is important to be done consciously and openly from the side of any entrepreneur to his former workers/laborers. The implementation of the industrial relations disputes peace agreement, which has been presented in this study, has proven to be capable and effective in resolving industrial relations dispute cases between PT. Tyfountex Indonesia, which has terminated the employment (PHK) of hundreds of former workers/laborers, and could cut energy, thought, time, and costs incurred in disputes. Thus, efforts to win-win solutions must be prioritized to achieve a real form of justice for the parties concerned, which must be stated in the deed of peace agreement agreed upon by the disputing parties. Making a peace agreement is a right on-target solution to resolve industrial relations disputes with full responsibility in a peaceful manner.

The obstacles in settlement of industrial relations disputes from the cases raised in this study between the entrepreneurs of PT. Tyfountex Indonesia and former workers/laborers whose employment was terminated (PHK) are summarized from several parties' perspectives. Various inhibiting factors occur in the field in the process of resolving industrial relations disputes, such as feelings of concern and impatience on the part of former workers/laborers, who always want

their rights to be received immediately, regardless of the procedures regulated in the applicable laws and regulations. Considering hundreds of principals, the Legal Aid and Consultation Board (BKBH FH UMS) also faced enormous obstacles to the responsibilities that must be carried out as attorneys for former workers/laborers by always ensuring the correctness of the collective files of former workers/laborers. Thus, the files were arranged correctly, without any errors, to be used as documents for industrial relations disputes, processed through the Industrial Relations Court (PHI) Semarang.

AUTHORS' CONTRIBUTIONS

All authors contributed equally to this work.

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