



Framework for Settlement of Industrial Relations Disputes in the Field of Cultural Tourism Based on Local Wisdom in Sumbawa

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Abstract. Cultural tourism is one way to explore national identity. The development of cultural tourism will be hampered if there is a dispute in industrial relations between the actors producing goods or services (employers, workers, and the government). Industrial relations disputes within the cultural tourism industry can occur between employers and workers. The purpose of this study is to provide an overview of the forms of industrial relations dispute settlement in cultural tourism based on local wisdom. This legal research uses a statute approach, conceptualizing and identifying local wisdom in Sumbawa, West Nusa Tenggara, Indonesia. The result of the study is a form of settlement of industrial relations disputes in the field of cultural tourism based on local wisdom in Sumbawa, West Nusa Tenggara, Indonesia, based on ten saleng, namely saleng pediq, sayang, saduq, sakikiq, tulung, satingi, jango, satotang, beme and santurit. In conclusion, the ten values of saleng must be used as principles of life that the Sumbawa people firmly hold when carrying out employment law relationships in the cultural tourism industry. Recommendation, the government as the actor of industrial relations is obliged to facilitate so that the industrial relations system in the cultural tourism industry in Sumbawa can be conducive through the regulation and development of supporting infrastructure based on the ten values of saleng.

Keywords: Industrial Relations Disputes · Local Wisdom · Sumbawa · Cultural Tourism

1 Introduction

Industrial relations disputes are disputes that occur within industrial relations [1]. Industrial relations are basically labor relations [2]. Work relations can be carried out in any field, one of which is the tourism industry.

Cultural tourism is a form of tourism business. A comfortable atmosphere is needed for the sustainability of the tourism industry. The comfortable atmosphere in the tourism industry can be determined by the implementation of the labor relationship between tourism employers and their worker.

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A conducive atmosphere in working relationships or partnerships in the cultural tourism industry is very much needed by Indonesia. Cultural tourism is one way to explore national identity. Diversity in Indonesia is the main key to developing sustainable tourism. Among the diversity that exists in Indonesia is ethnicity. There are 1340 ethnic groups in Indonesia, including the Samawa tribe who live in Sumbawa Regency, West Nusa Tenggara province.

Local wisdom in Sumbawa needs to be explored to get the value of local wisdom [3]. The values that live in the Samawa tribal community in Sumbawa, West Nusa Tenggara have a universal nature. The existence of a universal nature in local wisdom is believed to be the basis for alternative solutions for resolving industrial relations disputes, especially in the tourism industry.

The development of cultural tourism will be hampered if there is an industrial relations dispute between the actors producing goods or services (employers, workers, and the government). Industrial relations dispute in the cultural tourism industry can occur between employers and workers [4]. The purpose of this study is to provide an overview of the forms of industrial relations dispute settlement in cultural tourism based on the local wisdom.

2 Method

This legal research uses a statutory and conceptual approach [5]. This study also examines the forms of local wisdom values that exist in the Samawa tribe in Sumbawa, West Nusa Tenggara which are described descriptively.

This study uses unstructured interviews with traditional leaders or community leaders regarding the form of local wisdom values that exist in the Sumbawa community.

3 Results and Discussion

The framework for resolving industrial relations disputes in the cultural tourism industry based on local wisdom in Sumbawa is divided into three things, namely industrial relations disputes, cultural tourism and local wisdom.

3.1 Industrial Relations Disputes

Industrial relations disputes are disputes that occur within industrial relations or labor relations [6]. The analysis of industrial relations disputes in this paper emphasizes substance and procedures.

3.1.1 The Substance of Industrial Relations Disputes

The substance of industrial relations disputes can be identified from the definition of industrial relations disputes itself. Industrial relations disputes are differences of opinion that result in conflicts between employers and workers due to disputes over rights, interests, termination of employment and between trade unions within the same company.

The definition pinned to the industrial relations disputes only limits the legal subjects of industrial relations disputes to workers and employers. This results in an employment dispute that occurs between workers and employers who do not run a business which cannot be resolved through the industrial relations dispute mechanism based on Law No. 2/2004.

Further study of the definition of industrial relations disputes lies in the legal object. There are four areas of industrial relations disputes which are regulated in Law No. 2/2004. There is a difference between theory and rules in a view of coverage definition of industrial relations disputes.

Labor law theory recognizes two forms of labor disputes, namely disputes over rights and interests [7]. The difference between the two is whether there are rules on the object being disputed between the parties. Whether there are rules based on general and heteronomous laws.

If something being disputed has been regulated in autonomous or heteronomous laws, it is called a rights dispute. On the other hand, if the disputed thing is not in the autonomous or heteronomous rules, it is called a conflict of interest.

Autonomous legal rules can be found in the agreements made between the parties as outlined in the clauses of the labor agreement or collective labor agreement. While heteronomous rules can be found in labor laws and regulations.

Rights disputes can be resolved through the mechanism of whether there is a default or unlawful act. As for disputes of interest that are not regulated in autonomous or heteronomous law, there are no reasons to be resolved through a Win-Win solution mechanism.

The problem is disputes over termination of employment and disputes between unions in one company. Disputes over termination of employment should be part of disputes over rights because termination of employment has been regulated in autonomous or heteronomous law. Issuing the reason for termination of employment as the object of an industrial relations dispute is not appropriate [8].

Disputes over rights and disputes over interests are forms of disputes based on cause. Disputes over termination of employment are a form of dispute based on effect or consequences. This difference in point of view makes it difficult to regain the loss of workers' rights in practice.

The fourth industrial relations dispute has not yet reached the disputes that occur between the members of the trade union and the union administrator. This can result in union administrators committing acts that go beyond their authority.

3.1.2 The Procedure for Industrial Relations Disputes

The procedure for industrial relations disputes begins with deliberation between the parties, namely workers and employers, through a bipartite negotiation mechanism. If bipartite negotiations are successful, an agreement can be made which is stated in a Collective Agreement registered at the industrial relations court at the local district court.

The failure of bipartite negotiations can be continued with efforts to resolve them through conciliation mediation or arbitration mechanisms. Unfortunately, the difference in authority between mediation and conciliation or arbitration causes the parties not

to choose the mechanism of conciliation or arbitration. The absence of rights disputes which are the authority of conciliation or arbitration makes it seem as if the mechanism for resolving industrial relations disputes for the failure of bipartite negotiations is only through mediation [9].

There is a difference between legal theory and the rule of law regarding industrial relations mediation. Law number 2/2004 has stipulated that written recommendations made by the labor tour media are a requirement for workers or employers to file a lawsuit to the industrial relations court.

The decision of the industrial relations court which is not accepted by one or both parties can be taken as a cassation to the Supreme Court. Against the decision of the Supreme Court on employment cases, no judicial review can be carried out.

3.2 Cultural Tourism

Cultural tourism is part of tourism. The tourism industry is a business that provides goods or services to meet the needs of tourists and the implementation of tourism. There are several jobs related to the tourism industry namely accommodation, consumption, transportation, travel agents and other services. Of course, many people are needed to meet with this jobs.

The labor relationship or partnership relationship that forms the basis of the legal relationship for tourism industrial players and their work must be conducive. The existence of industrial relations disputes in the tourism industry can disrupt the sustainability of tourism.

The non-conductive labor relationship or partnership in the tourism industry can result in the disruption of tourism development. Formal and informational mechanisms are needed to minimize the occurrence of disturbances in tourism development, especially related to industrial relations disputes between the parties.

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3.4 Local Wisdom in Sumbawa

Sumbawa is a district located in the province of West Nusa Tenggara. The motto of this area is Sabalong Samalewa which means to build in a balanced and harmonious way between physical and material development with spiritual mental development. Sabalong Samalewa's slogan is a spirit to work together and help each other. The boundaries of Sumbawa Regency to the north are the Flores Sea, to the east are Dompu Regency, to the south are the Indonesian Ocean and to the west are West Sumbawa Regency and the Alas Strait.

3.4.1 Tau Samawa and Tana Samawa

Sumbawa comes from the word sammawa (=Sanskrit), which means from many directions. Tau Samawa is a native of the island of Sumbawa. Tana Samawa means land or area of Sumbawa which is located on the western part of the island of Sumbawa, from the Empang to Jereweh. There are 38 small islands along the north coast of the island until it enters the Saleh bay. Tau Samawa has a custom that is formed from acculturation of maritime culture. The nature of the community is open, accepting anyone who does good. They stated that there was a "lawas" mental state. Lawas has a very deep meaning among human relations.

3.4.2 Tau Samawa Government Structure

The Tau Samawa government structure is led by a king. The king became a part of Catur Papat. Catur papat consists of the king, and tau telu. The king as the central figure functions as the highest and final decision maker. Pajak is an elder person, as a unifying figure, chosen from the most authoritative person and has supernatural or supernatural advantages. The king is referred to as Dewa Maraja or Dewa Masmawa or Datu Mutar. The decision of the king is the voice of the people. The voice of the people is the voice of God.

In running the government, the king is assisted by a council of ministers known as the Telu Minister and consists of three people, namely Datu Ranga, Dea Kalibela and Dea Dipati. One of the Ministers has been appointed as chairman of the Council of Ministers, called Ranga. This Council of Ministers has a mandate from 12 Lar-Lamat called Pangantong Duaolas.

Pangantong Duaolas consists of Mamanca Lima and Lelurah Pitu. One of the members of the Mamaca Lima was appointed as chairman called Longan Samaupin. One of the members of the lelurah Pitu was appointed as the chairman called Ngeru. As a form of his devotion to the king of Pangantong Duaolas, he gave the king an "antin flower". Antin flower is not a tribute because the amount is small.

Besides Pangantong duaolas, there is the Kemutar Telu area (Seran, Taliwang and Jereweh), which is united into the Sumbawa kingdom. Every year, Kemutar Telu pays tribute to the king. Giving tribute (= nguri) as a form of annual report, based on "sonap lawang baluq", meaning to deliver something to the king in the form of assistance to the king if the king experiences a disaster or mourns in the form of agricultural infrastructure, regional production and nature.

3.4.3 Ilaq as the Basis of Ten Saleng

To build peace, everything comes from obedience to God. Belief in retribution for actions taken is the basis for a person to always maintain behavior and do good to fellow human beings. Obedience to God is manifested through “Ilaq” which means shame. To have a sense of ilaq, one must gradually develop the nature of 10 saleng gradually, namely saleng pediq, sayang, saduq, sakikiq, tulung, satingi, jango, satotang, beme and santurit.

The first saleng is saleng pediq, which means there is a sense of empathy for the suffering of others because they consider others as themselves. If other people suffer then they will suffer too. Yes, other people are happy, he also feels happy. Not the other way around. Happy because you see the suffering of others.

The second saleng is mutual saleng sayang, meaning to love each other. This mutual love can grow if we already have saleng pediq.

The third saleng is saleng saduq, meaning mutual trust. Trust grows when it is based on honesty. On the basis of this third saleng, it is necessary to leave lying. Trust is built from honesty.

The fourth saleng is saleng sakikiq, which means sharing. A little or a lot will be shared with others.

The fifth saleng is saleng tulung, meaning to help each other. The culture of Gotong Royong already exists in the Sumbawa community in particular and Indonesian society in general. The meaning of gotong royong is based on supporting or helping others.

The sixth saleng is saleng satingi, meaning mutual respect. Don't put other people down. There is a principle that the person being criticized is not necessarily better than the person who criticizes.

The seventh saleng is saleng jango, which means visiting each other. Visiting each other led to the introduction of three kinds of guests, namely personal, family and village guests.

The eighth saleng is saleng satotang, which means reminding each other. Reminding to do good and reminding to avoid bad deeds.

The ninth saleng is saleng beme, meaning to guide each other. Guiding is defined for the good of others which aims to increase and develop each other's potential towards the common good.

The tenth saleng is saleng santurit, which means to be unanimous towards progress in developing the life of the nation and state.

3.4.4 Seven Attitudes of Leader

There are seven attitudes of leaders from Tau Samawa, namely reasonable and religious; have compassion; thirst for knowledge; behave well to the people; accompanied by scholars and wise people; not arrogant; do not kill or sacrifice their people, except for reasons justified by religion.

3.4.5 Deliberation in Catur Papat

Catur papat consists of the king and tau telu. In running the government, decisions are made by catur papat through deliberation. For light decisions, it was determined by Tau Telu, namely the result of deliberation between Ranga, Longan Samaupin and Ngeru.

For heavy decisions determined by the king based on the king's deliberation with Tau Telu.

Every decision announced to the people always begins with the sentence "Kasuka Dewa Maswawa Dan Tana Samawa". This sentence shows that the position of the king, the Ministers and the people are united with a unanimous determination to build themselves, others and the environment. Everything is grounded in the earth. On earth we were born, on earth we scavenge for life and into the earth we will be buried.

3.5 Forms of Settlement of Industrial Relations Disputes Based on Local Wisdom in Sumbawa

The value of local wisdom that exists in the Samawa tribe is based on obedience to God. The form of obedience to God is evidenced by good behavior towards fellow humans. There is a sense of shame when doing a vile or evil deed. The growth of shame is built through the value of ten saleng.

On the basis of the value of 10 saleng, namely saleng pediq, sayang, saduq, sakikiq, tulung, satingi, jango, satotang, beme and santurit, human relationships then can be maintained.

If the social disputes that exist in the Sumbawa community can be minimized, industrial relations disputes can be automatically minimized. A heart-to-heart approach through deliberation is the main choice of the Sumbawa community to resolve existing industrial relations disputes. Currently, the Sumbawa community is also implementing efforts to resolve it through deliberation through traditional leaders or community leaders. One of the community leaders favored by the Sumbawa people at this time is the chairman of House of Representatives of the Sumbawa Regency. The House of Representatives of Sumbawa Regency is never empty of people who complain about problems in their lives.

Maintaining ilaq by implementing the 10 values of saleng tau Samawa is believed to be able to minimize disputes that exist in the Sumbawa community. Of course this has an impact on the prospects for developing the field of cultural tourism in Sumbawa to be more open.

4 Conclusion

The form of settlement of industrial relations disputes in the field of cultural tourism industry in Sumbawa, East Nusa Tenggara is based on deliberation with a heart approach. The parties are invited to apply the 10 saleng values of local wisdom tau Samawa. The sense of ilaq or shame continues to be emphasized as a form of obedience to God. The openness and humble of Tau Samawa's are the basis for alternative solutions to industrial relations disputes in the cultural tourism industry.

Recommendation, the government as an industrial relations actor is obliged to facilitate the industrial relations system in the field of cultural tourism in Sumbawa to be conducive through the regulation and development of supporting infrastructure based on the ten values of saleng.

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