



## Reforming The Settlement of Labor Disputes in Achieving the Integration of National Digital Services

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### Abstract

The resolution of labor-related disputes, as well as key rules governing workers and employment problems, is based on Law No. 13 of 2003 on Manpower and Law No. 2 of 2004 on Industrial Relations Dispute Settlement, may be pursued through both judicial and non-judicial mechanisms. However, practical implementation reveals persistent challenges, particularly in realizing the principles of dispute resolution that are expeditious, straightforward, and affordable. This study employs a normative juridical methodology by examining legal doctrines through a literature review and comparative analysis of statutory provisions. The findings indicate several determinants influencing the effectiveness of mediation, conciliation, and the Industrial Relations Court (IRC). The performance of the IRC demonstrates suboptimal effectiveness in upholding principles of fairness and efficiency in dispute adjudication. When mediation or conciliation results in mutual agreement, the parties may register the settlement with the IRC for certification; conversely, unsuccessful negotiations allow the filing of formal claims before the IRC. To promote a dispute resolution system that is efficient, swift, and cost-effective, Presidential Decree No. 82 of 2023 on the Acceleration of Digital Transformation and National Digital Service Integration provides a legal foundation for modernizing industrial relations dispute resolution mechanisms through digital innovation.

## 1. Introduction

The employment relationship between workers and employers, established through employment contracts whether verbal or documented, forms the cornerstone of industrial relations dynamics. Such agreements delineate mutual rights and responsibilities; nevertheless, their execution frequently generates friction when parties fail to achieve common understanding or honor their commitments. In practice, differences in interpretation, unequal bargaining power, and inconsistencies in the implementation of contractual obligations often escalate into legal disputes that disrupt industrial harmony and economic productivity. Black's Law Dictionary defines what constitutes a dispute "a conflict or controversy; a conflict of claims or rights; a claim or demand

on one side, met by contrary claims or allegations on the other".<sup>1</sup> Such legal contentions are subject to examination, adjudication, and evidentiary proceedings, including witness testimony. Within the context of labor relations, disputes are not merely private legal conflicts but also reflect broader social and economic tensions inherent in employment relationships.

Conflicts between employers and employees emerge from divergent interests and can generally be categorized into three primary classifications: Rights Disputes, Interest Disputes, and Termination of Employment Disputes. Rights disputes arise when statutory provisions or contractual terms are allegedly breached or misinterpreted. Interest disputes occur when existing regulations fail to address specific matters, requiring parties to establish new terms<sup>2</sup>. Termination disputes involve disagreements regarding the cessation of employment relationships, whether due to policy violations or other circumstances.<sup>3</sup> This classification is essential for determining appropriate dispute resolution mechanisms, as each type of dispute involves distinct legal characteristics, evidentiary requirements, and potential remedies under labor law.

Commonly called the PPHI Law, Law No. 2 of 2004 specifically handles the settlement of industrial relations disputes and provides multiple avenues for resolving such conflicts. Parties may initially attempt cooperative resolution through bipartite negotiations, assisted by neutral third parties. Subsequently, disputes may proceed through either judicial mechanisms (litigation) or alternative dispute resolution methods (non-litigation), including bipartite settlement, mediation, conciliation, or arbitration.<sup>4</sup> The multi-tiered dispute resolution framework introduced by the PPHI Law is intended to prioritize consensual settlement while reserving litigation as a last resort, thereby reducing social conflict and judicial congestion.

Traditionally, court-based dispute resolution has been the conventional approach. However, judicial proceedings often fail to deliver the anticipated outcomes<sup>5</sup>. Rather than achieving swift justice, litigants frequently encounter protracted processes that prove both time-consuming and financially burdensome. Lengthy procedural stages, rigid evidentiary requirements, and geographical constraints of court access further exacerbate these challenges, particularly for workers who possess limited financial and legal resources. These circumstances have prompted many disputants to seek alternative resolution mechanisms outside formal court proceedings.

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<sup>1</sup> Henry Cambell Black, *Black's Law Dictionary*, St. Paul Minnesota: West Publishing Co., 1979, p. 424.

<sup>2</sup> Dennis R. Nolan, "Regulation of Industrial Disputes in Australia, New Zealand, and The United States", *Whittier Law Review II*, 1990, Winter, p. 761.

<sup>3</sup> T. Hanami dan Roger Blanpain, "Introduction, Remarks and A Comparative Overview", dalam: T. Hanami, (eds), *Industrial Conflict Resolution in Market Economies: A Study of Canada, Great Britain and Sweden*, Deventer: Kluwer Law and Taxation Publishers, 1987, hlm. 6. Lihat juga Xavier Blanc-Jouvan, "The Settlement of Labor Disputes in France", dalam: Benjamin Aaron, (eds), *Labor Courts and Grievance Settlement in Western Europe*, Los Angeles: University of California Press, 1971, p. 8-9.

<sup>4</sup> Lalu Husni, *Penyelesaian Perselisihan Hubungan Industrial Melalui Pengadilan dan di luar Pengadilan*, Jakarta: RajaGrafindo Persada, 2005, p. 7.

<sup>5</sup> Nurnaningsih Amriani, *Mediasi: Alternatif Penyelesaian Sengketa Perdata di Pengadilan*, Jakarta: Rajawali Pers, 2012, p. 23.

The advancement of information and communication technology necessitates governmental adaptation to enhance public service delivery. Administrative processes at both national and regional levels must be managed intelligently to produce more expedient, effective, and responsive business operations. This imperative extends to dispute resolution mechanisms, particularly non-litigation approaches, requiring appropriate technological integration to achieve good governance objectives. Presidential Decree No. 82 of 2023 on Accelerating Digital Transformation and National Digital Service Integration provides the regulatory framework for incorporating digital solutions into dispute resolution processes, including industrial relations conflicts. The regulation underscores the importance of interoperability, efficiency, and accessibility in public service delivery, positioning digital transformation as a strategic instrument to overcome bureaucratic inefficiencies.

To determine the originality and novelty value in this research, the author describes the differences and similarities found in this study and in other studies related to this research. The originality of the research represents the validity and authenticity. research described and claimed by the researcher after the researcher goes through the process of tracing and reviewing the results of previous research conducted by other researchers, so that the researcher can find differences and similarities in the substance and essence of the research between the two studies, namely, previous research by other researchers and the latest research currently being formulated and compiled by the researcher.

Based on the investigation conducted by the author on various sources, research related to the author's current study entitled "Reforming The Settlement Of Labor Disputes In Achieving The Integration Of National Digital Services Based On (Perpres) No. 82 Of 2023" has been carried out by several other researchers before, namely, first: Arpangi and Tajudeen Sanni<sup>6</sup>, 2025, Faculty of Law University sultan Agung Semarang, Indonesia and Villa College Male, Maldives with the title "Redesigning the Principle of Justice in Labor Disputes", second: Mashari, Indriyasari, Endah Sriwati and Muhamad Helmi MD Said<sup>7</sup>, 2025, Universitas 17 Agustus 1945 Semarang, Indonesia, with the title "Foreign Worker Employment In Indonesia: Balancing Investment, Knowledge Transfer, And Local Labor Protection", third: Taswin<sup>8</sup>, 2024, Lembaga Ketahanan Nasional Republik Indonesia, with the title "Penguatan Digitalisasi Layanan Pemerintahan Yang Terintegrasi Guna Mewujudkan Pembangunan Nasional". While these studies contribute valuable insights, they approach labor dispute resolution and digital transformation as largely separate analytical domains.

Despite the growing body of scholarship on industrial relations dispute settlement and digital transformation in public services, existing studies largely address these issues in a fragmented manner. Previous research generally focuses either on the normative

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<sup>6</sup> Arpangi and Tajudeen Sanni, *Redesigning the Principle of Justice in Labor Disputes*, Journal of Sustainable Development and Regulatory Issues (JSDERI) 3(2):247-285, 2025, <https://doi.org/10.53955/jsderi.v3i2.95>.

<sup>7</sup> Mashari, Indriyasari, Endah Sriwati and Muhamad Helmi MD Said, *Foreign Worker Employment In Indonesia: Balancing Investment, Knowledge Transfer, And Local Labor Protection*, Jurnal Hukum UNISSULA Vol. 41 No. 3, 2025, <https://dx.doi.org/10.26532/jh.v41i3>.

<sup>8</sup> Taswin, *Penguatan Digitalisasi Layanan Pemerintahan Yang Terintegrasi Guna Mewujudkan Pembangunan Nasional*, Kertas Karya Ilmiah Perorangan (Taskap) Program Pendidikan Reguler Angkatan (Ppra) Lxvi Lembaga Ketahanan Nasional RI, 2024.

evaluation of labor dispute resolution mechanisms, including mediation, conciliation, and the Industrial Relations Court, or on the broader implementation of digital governance and integrated public services. Nevertheless, a significant gap remains in the literature concerning the systematic incorporation of digital transformation policies, particularly Presidential Decree No. 82 of 2023, into the procedural framework governing industrial relations dispute resolution. Prior studies have not adequately explored how the integration of national digital services can be practically applied in resolving labor disputes, nor have they critically examined the compatibility between traditional procedural laws regulating the Industrial Relations Court and the evolving electronic justice system. In addition, limited scholarly attention has been directed toward identifying institutional, procedural, and legal culture related barriers that impede the realization of dispute resolution principles that are simple, fast, and low cost within a digital governance environment. This study aims to fill these gaps through a normative and institutional analysis of industrial relations dispute settlement reform, highlighting the role of digital integration as mandated by Presidential Decree No. 82 of 2023. By conceptualizing digital transformation as a structural element of dispute resolution reform, this research offers a novel contribution to the development of a more efficient, fair, and accessible industrial relations justice system in Indonesia.

Considering the research that has been mentioned earlier, this study examines several provisions within the PPHI Law that appear to impede expedient, precise, equitable, and affordable dispute resolution. The research questions are formulated as follows: First, how effective is the Industrial Relations Court in resolving industrial relations disputes in Indonesia? Second, what effective mechanisms can achieve straightforward, rapid, and economical dispute resolution while accommodating Presidential Decree No. 82 of 2023 on Accelerating Digital Transformation and National Digital Service Integration?.

## **2. Research Methode**

This study adopts a normative juridical approach that focuses on the examination of legal doctrines, statutory provisions, and comparative legal analysis through a systematic inventory of applicable positive law. Normative legal research is employed to analyze law as a set of norms governing human behavior, rather than as empirical social phenomena. Accordingly, this research emphasizes the interpretation and evaluation of written legal rules, legal principles, and doctrinal concepts relevant to industrial relations dispute settlement in Indonesia. The analysis is conducted by reviewing the coherence, consistency, and normative adequacy of existing regulations, particularly those governing the Industrial Relations Court and alternative dispute resolution mechanisms within the framework of labor law.

The normative legal research methodology relies primarily on library-based materials or secondary data, which consist of primary, secondary, and tertiary legal sources. Primary legal materials include statutes and regulations related to manpower law, industrial relations dispute settlement, and digital governance policies. Secondary legal materials comprise legal textbooks, scholarly journal articles, court decisions, and expert opinions that provide doctrinal interpretation and critical perspectives on the applicable legal framework. Tertiary legal materials, such as legal dictionaries, encyclopedias, and indexing references, are used to support conceptual clarification and ensure terminological consistency. Through this structured approach, the research seeks to

identify normative gaps, inconsistencies, and limitations within the existing legal framework, thereby providing a comprehensive legal analysis to address the research questions posed in this study.<sup>9</sup>

### 3. Result and Discussion

#### 3.1. Evaluating the Performance of Indonesia's Industrial Relations Court in Settling Labor Disputes

Within the general civil judiciary framework, the Industrial Relations Court (IRC) functions as a specialized tribunal designed to adjudicate industrial relations disputes according to principles of expedience, accuracy, fairness, and affordability. As a specialized court within the general judicial system, the IRC applies procedural rules derived from the *Herziene Inlandsch Reglement (HIR)* and *Rechtsreglement voor de Buitengewesten (RBg)*, similar to general civil courts. The IRC features limited exceptions, such as fee exemptions for cases valued below Rp150,000,000.00 (one hundred fifty million rupiah), and includes Ad Hoc Judges nominated by labor unions and employer associations. Generally, IRC dispute resolution procedures, from case registration to decision execution, follow the established HIR or RBg framework.<sup>10</sup>

Beyond procedural duration, industrial relations settlement complexity stems from multiinstitutional involvement and substantial litigation expenses. Extended dispute resolution correlates with increased costs, including official fees and attorney charges. Excessive litigation costs deplete parties' financial resources, time, and mental energy – a phenomenon termed "Litigation Paralysis".<sup>11</sup> Prolonged business disputes also drain corporate potential and resources. Confronting these realities of slow resolution and heavy litigation costs, reform efforts have focused on judicial system improvement. Consequently, Law No. 2 of 2004 on Industrial Relations Dispute Settlement was enacted with expectations of comprehensively addressing these challenges.<sup>12</sup>

Expedient, affordable justice in industrial relations dispute settlement is pursued through regulations governing resolution timeframes, as specified in Articles 103 and 115 of the PPHI Law. These provisions establish maximum periods of 50 working days for firstinstance proceedings and 30 working days for Supreme Court cassation. Cost reduction efforts are reflected in Article 58 of the PPHI Law, which exempts litigation costs for IRC cases valued below Rp150,000,000.00 (one hundred fifty million rupiah). Additionally, the PPHI Law eliminates appeals to the High Court; parties dissatisfied with IRC District Court decisions may directly file cassation with the Supreme Court. These regulatory provisions aim to enable the IRC to realize expedited justice administration.

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<sup>9</sup> Bernard Arief Sidharta, "Penelitian Hukum Normatif: Analisis Penelitian Filosofikal dan Dogmatikal" dalam: Sulistyowati Irianto dan Shidarta (eds.), *Metode Penelitian Hukum: Konstelasi dan Refleksi*, Jakarta: Yayasan Obor Indonesia, 2009, p. 142.

<sup>10</sup> Bahal Simangunsong (et.al), *Hakim Ad hoc Menggugat (Catatan Kritis Pengadilan Hubungan Industrial)*, Jakarta: TURC, 2009, p. vii.

<sup>11</sup> Peter Lovenheim, *Mediate Don't Litigate*, New York: Mc. Graw Hill Publishing Comp., 1989, p. 23.

<sup>12</sup> Konsideran menimbang huruf b dan d Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial.

Despite the PPHI Law's attempted solutions for industrial relations dispute settlement, practical challenges persist. Evidence indicates that IRC case settlements frequently exceed the 50-day statutory limit. In Surabaya, for instance, all industrial relations dispute decisions were rendered beyond the 50-day period.<sup>13</sup> Furthermore, cassation appeals to the Supreme Court yield decisions received by parties only after an average of 2 years per case.<sup>7</sup> Timely dispute decisions prove difficult to achieve given the numerous obstacles encountered during proceedings, rendering the IRC ineffective.

Legal system effectiveness can be assessed through multiple benchmarks. Lawrence M. Friedman posits that legal system effectiveness is measurable through three components: legal substance, legal structure, and legal culture.<sup>14</sup> Legal structure pertains to institutions implementing the law or law enforcement officials. Legal substance encompasses all legal principles, norms, and rules, both codified and uncoded. Legal culture represents societal habits or customs accompanying law enforcement. Within industrial relations dispute settlement, legal structure refers to the IRC as the judicial institution; legal substance denotes the procedural laws governing industrial relations settlement processes; and legal culture reflects parties' understanding of and compliance with applicable law – specifically employers and workers in this context.

These challenges impede industrial relations dispute resolution from achieving the principles of expedient, affordable justice. The concept of expedient, affordable industrial relations dispute settlement originated from the imperative of implementing social justice in handling disputes involving two parties with inherently unequal positions: employers and workers/laborers. Employers occupy economically advantageous positions while workers/laborers remain in vulnerable positions, dependent on employment income. Nevertheless, both parties possess human dignity<sup>15</sup>. IRC justice should not be compromised by workers' or laborers' disadvantaged positions. Although labor procedural law remains imperfect, the IRC's existence represents hope for justice seekers, particularly workers/laborers. Public expectations of the IRC center on its capacity to uphold legal authority based on principles of expedient, affordable justice.

### **3.2. An Effective Mechanism For Resolving Industrial Relations Disputes To Achieve The Principles Of Simple, Fast, And Low Cost As An Effort To Accommodating the Presidential Decree No. 82 of 2023 Concerning the Acceleration of Digital Transformation and Integration of National Digital Services**

Current system ineffectiveness provides grounds for studying more effective approaches. In this regard, governmental regulation of labor relations dispute resolution can be strengthened through several measures, including establishing the IRC in every regency/city throughout Indonesia. This approach would reduce costs incurred during case settlement. Although Article 59 paragraph (2) of the PPHI Law mandates IRC establishment in Regency/City areas at local District Courts, implementation remains

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<sup>13</sup> Akbar Pahlevi Iskandar, "Pelaksanaan Kewajiban Menyelesaikan Perkara di Pengadilan Hubungan Industrial dalam Waktu Paling Lama 50 Hari (Studi Kasus pada Pengadilan Hubungan Industrial Surabaya)", *Jurnal Novum Vol. 5 Nomor 1*, 2018, p. 5.

<sup>14</sup> Lawrence M. Friedman, *The Legal System*, New York: Russel Sage Foundation, 1975, p. 11-16.

<sup>15</sup> Agusmidah, *Politik Hukum Dalam Hukum Ketenagakerjaan Berdasarkan Peraturan Perundang-Undangan Ketenagakerjaan*, Disertasi Untuk Memperoleh Gelar Doktor Dalam Ilmu Hukum Pada Sekolah Pasca Sarjana USU, Medan, 2007, p. 1.

challenging because regulations prioritize industrially dense areas, and IRC establishment requires Presidential Decree authorization. Consequently, implementation depends heavily on Presidential political will.

An alternative governmental approach to enforcing formal law in industrial relations disputes involves applying Presidential Decree No. 82 of 2023 on Accelerating Digital Transformation and National Digital Service Integration to industrial relations dispute resolution. Information technology advancement creates convenience demands; therefore, the Government as a public service actor must adapt state administration processes to operate more effectively and efficiently. Governance at both central and regional levels requires intelligent management to transform traditional bureaucratic patterns into faster, more effective, communicative, and continuously improving business processes.

In actualizing Presidential Decree No. 82 of 2023 on Accelerating Digital Transformation and National Digital Service Integration, Boyd Cohen identifies three essential components that must be fulfilled:<sup>16</sup>

- a. Enabling supply and demand side policy (policies overseeing governmental, private sector, and community roles in realizing smart cities);
- b. Transparency and open data (information disclosure and ease of accessing/obtaining data); dan
- c. ICT (Information, Communication, and Technology) and E-Government (the organization of government and public services based on Information Technology that can be accessed through technology in the form of a web or application) (Cohen, 2018).

E-government represents an effort to develop electronic-based governance. This arrangement is implemented by optimizing information and communication technology utilization. One e-government implementation is "e-court" or electronic trial. E-court is a Supreme Court innovation providing public convenience through online case registration, online fee estimation and payment, online party summoning, and online case examination.<sup>17</sup>

Currently, e-court implementation is regulated by Supreme Court Regulation Number 1 of 2019 on Electronic Case Administration and Trial (hereinafter referred to as Electronic Trial Regulation). Based on Article 3 of the Regulation, electronic court processes apply to civil, religious civil, military administrative, and state administrative court cases. Since the IRC remains attached to the general civil court environment, industrial relations dispute settlement in the IRC should also be conducted electronically.

If industrial relations dispute settlement is carried out through e-courts, most obstacles in achieving expedient, affordable industrial relations dispute settlement at the IRC can be overcome. This is due to the advantages possessed by e-courts, among others:

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<sup>16</sup> Cohen, "Blockchain Cities and the Smart City Wheel", 2018, <https://boydcohen.medium.com/blockchain-cities-and-the-smart-cities-wheel-9f65c2f32c36>, [29/07/2024].

<sup>17</sup> E-Court Mahkamah Agung RI, <https://ecourt.mahkamahagung.go.id/>, [08/08/2024].

- a. Saving time and costs incurred during the trial process. In this case, the parties, especially those domiciled outside the Provincial Capital, do not need to come all the way to the District Court of the relevant Provincial Capital because case registration can be done anywhere considering that the domicile used is a verified electronic mail address;
- b. Case costs are much lower because the summoning of the parties, both the plaintiff and the defendant, is done electronically so that it is not included in the cost component of the case fee;
- c. Simplify the payment of court fees because there is no need to come directly to the court office, but can be done directly through a virtual account; and
- d. Documents are archived and easily accessible again.

To restore the IRC as a judicial institution capable of resolving cases in an expedient, affordable manner, regulatory reform of industrial relations dispute settlement is necessary. Additionally, revision of several ambiguous PPHI Law provisions is required, and the Government must accommodate electronic procedural rules at the IRC. As long as the PPHI Law remains unrevised, the IRC and its Judges must transcend being mere legal mouthpieces to also become mouthpieces of justice and hope for workers/laborers and employers, wherever they may be. If this is achieved, perhaps we can hope for the emergence of more harmonious and equitable labor relations in this country.

#### **4. Conclusion**

Based on legal framework, content, and cultural analysis, this study's findings indicate numerous shortcomings in labor-related conflict resolution. Societal expectation regarding legal authority, legal certainty, and fairness are demanded of the Industrial Relations Court. It is therefore possible to develop the IRC in each District/City Court and take steps to ensure that the IRC can implement principles of expedient, accurate, equitable, and affordable resolution.

Subsequently, revision of several PPHI Law provisions that hinder expedient, affordable justice implementation is necessary. Additionally, the Government needs to accommodate e-court mechanisms as an alternative to complex industrial relations dispute resolution.

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### **Laws and Regulations**

Act No.2 of 2004 Concerning Industrial Relations Disputes Settlement

Presidential Decree No. 82 of 2023 on Accelerating Digital Transformation and National Digital Service Integration