

Analisis alternative dispute resolution dalam penyelesaian perselisihan hubungan industrial = Alternative dispute resolution analysis in industrial relations disputes settlement

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Abstrak

Analisis Alternative Dispute Resolution ADR dalam Penyelesaian Perselisihan Hubungan Industrial PPHI, merupakan penelitian yuridis yang mengkaji proses penyelesaian perselisihan hubungan industrial berdasarkan kaidah peraturan perundang-undangan dan prinsip ADR serta menjabarkan lebih lanjut praktik tersebut melalui perbandingan hukum dengan negara Amerika Serikat. Penelitian yang bertujuan untuk menganalisis praktik ADR dalam PPHI dan menganalisis proses PPHI yang tepat bagi Indonesia didasarkan pada suatu permasalahan Pengadilan Hubungan Industrial dan Undang-Undang Penyelesaian Perselisihan Hubungan Industrial yang belum mengatur prinsip ADR secara jelas. Penelitian ini menggunakan bahan hukum primer, sekunder, dan tersier, yang diperoleh melalui kajian kepustakaan library research, wawancara, dan pengamatan. Hasil penelitian menunjukkan bahwa PPHI belum sesuai dengan prinsip ADR dan pelaksanaan PPHI harus didasarkan pada tujuan hukum ketenagakerjaan dengan membangun kesadaran moral dan penegakkan sanksi yang tegas. Hasil penelitian menyarankan agar Pemerintah merevisi Undang-Undang Penyelesaian Perselisihan Hubungan Industrial, mempertimbangkan lembaga independen untuk menyelesaikan perselisihan hubungan industrial, peningkatan pola pengawasan terhadap kompetensi mediator, dan merencanakan pengadaan Aparatur Sipil Negara khususnya bagi tenaga mediator dan pengawas.

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The Analysis of Alternative Dispute Resolution ADR in the Industrial Relations Disputes Settlement PPHI is a juridical study that examines the process of resolving industrial relations disputes based on rules of legislation and the principles of ADR and further expounding the practice through comparative law with the United States. A study aimed at scrutinizing ADR practices in PPHI and analyzing the appropriate PPHI process for Indonesia based on an Industrial Relations Court and Industrial Relations Dispute Settlement Act that has not clearly set the principles of ADR. This study uses primary, secondary, and tertiary legal materials, obtained through library research, interviews, and observations. The results show that PPHI is not in accordance with the principles of ADR and the implementation of PPHI should be based on the objectives of the labor law by building moral awareness and enforcing strict sanctions. The results suggested that the Government should revise the Industrial Relations Dispute Settlement Act, consider independent agencies to resolve industrial relations disputes, improve supervisory patterns of mediator competence, and plan the procurement of the State Civil Apparatus especially for mediators and supervisors.