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LITIGATION PRACTICE AND LEGAL CERTAINTY IN THE SETTLEMENT OF INDUSTRIAL RELATIONS DISPUTES AT THE INDUSTRIAL RELATIONS COURT

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Abstrak

This study aims to analyze the procedural peculiarities of the Industrial Relations Court (Pengadilan Hubungan Industrial/PHI) and to identify effective litigation practices in ensuring legal certainty for the parties. The method employed is normative legal research with statutory and conceptual approaches. Primary legal materials include Law No. 2 of 2004, Law No. 6 of 2023, and Supreme Court regulations concerning electronic administration. The findings indicate that the procedural peculiarities of the PHI lie not only in the mandatory bipartite negotiation and mediation as formal prerequisites but also in the restriction of appellate remedies (no appeal) and the short resolution deadlines. The main finding suggests that failure to accurately identify the type of dispute and incomplete prerequisite documents (bipartite minutes/mediator's recommendation) constitute the dominant causes of claims being declared inadmissible (niet ontvankelijke verklaard). Therefore, a precise understanding of pre-trial stages and the formulation of consistent posita (statement of facts) and petitum (claims) is the primary key to effective litigation practice in the PHI.

Kata Kunci**:** *Legal Certainly; Procedural Law; Industrial Relations Court; Dispute Law; Evidence.*

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INTRODUCTION

The employment relationship brings together the interests of workers/labourers and employers within a framework governed by employment agreements, company regulations, collective labour agreements, and statutory provisions in the field of labour law. Differences in the interpretation or implementation of these provisions frequently escalate into disputes that require a definite legal resolution mechanism. Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes (Undang-Undang Penyelesaian Perselisihan Hubungan Industrial,

hereinafter UU PPHI) serves as the primary instrument establishing a tiered settlement mechanism: commencing with bipartite negotiations, proceeding to settlement through mediation, conciliation, or arbitration depending on the type of dispute, and culminating in the Industrial Relations Court (Pengadilan Hubungan Industrial, hereinafter PHI) as the final forum for cases satisfying the formal requirements.[1]

The distinctive character of UU PPHI lies in the mandatory nature of its pre-trial stages. Every industrial relations dispute must initially be resolved through deliberation to reach consensus between the disputing parties (bipartite negotiation). Should bipartite negotiation fail, either or both parties are required to register the dispute with the agency responsible for labour affairs at the local level. For disputes over rights and termination of employment (PHK), settlement through mediation constitutes the mandatory pathway that must be exhausted before a claim may be filed with the PHI. These provisions render the records of negotiations and the proceedings before the labour agency not merely supplementary, but an essential component of the basis and admissibility of a claim.

Further peculiarities are evident in the institutional structure and procedural law of the PHI. The PHI has jurisdiction to examine and adjudicate at first instance four categories of disputes: disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions within a single company. Cases are examined by a panel of judges consisting of a career judge presiding and two ad hoc judges drawn from the ranks of workers and employers respectively. To ensure swift, precise, fair, and affordable resolution, UU PPHI limits the proceedings and stages by foreclosing the possibility of appeal to the High Court. Decisions of the PHI on disputes over rights and termination of employment may be directly submitted for cassation to the Supreme Court, whereas decisions on disputes over interests and inter-union disputes constitute decisions at first and final instance.

Nevertheless, these procedural peculiarities carry consequential risks for the parties. Errors in identifying the type of dispute, failure to satisfy formal prerequisites, or inconsistency between the posita (statement of facts) and petitum (claims) may result in a decision declaring the claim inadmissible (niet ontvankelijke verklaard). This condition is further compounded by the dynamics of labour regulation following the enactment of Law Number 6 of 2023 on the Ratification of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, which introduced significant amendments to several provisions of Law Number 13 of 2003 on Labour.[2] These amendments have likewise influenced

[1] Republic of Indonesia, Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes, State Gazette of the Republic of Indonesia Year 2004 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 4356. See the elucidation concerning the tiered mechanism and the restriction of legal remedies in the "Elucidation" section of the said Law.

[2] Republic of Indonesia, Law Number 6 of 2023 on the Ratification of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law, State Gazette of the Republic of Indonesia Year 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856. The amendments to the Labour Law encompass, inter alia, provisions on the termination of

the manner in which parties formulate their claims and comply with dispute settlement procedures.

In addition, the modernisation of judicial administration through Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, as amended by Supreme Court Regulation Number 7 of 2022, has introduced a new dimension to litigation practice.[3] The filing of claims, issuance of summons, and conduct of hearings may now be performed electronically through the e-Court system. Nevertheless, the implementation of this system in the PHI requires adjustment, particularly with respect to the verification of formal prerequisite documents such as bipartite minutes and mediators' recommendations, which must still be substantively satisfied.[4]

Previous studies on the Settlement of Industrial Relations Disputes have tended to focus on substantive labour law, such as entitlements to severance pay, protection against termination of employment, or the implications of the Job Creation Law for workers' welfare. By contrast, comprehensive analyses of the procedural aspects that constitute the primary gateway to litigation namely formal prerequisites, jurisdiction, the drafting of claims, and evidentiary strategy remain limited. The existing literature on PHI procedural law is generally doctrinal in nature and has yet to substantially connect procedural norms with contemporary practical challenges, including the digitalisation of the judiciary and recent developments in labour regulation.

The novelty of this study lies in its endeavour to present an integrative analysis of the normative framework of UU PPHI, the formal prerequisites that must be satisfied, and the practical implications of these peculiarities for the effective protection of the parties' rights. This study does not merely outline the stages of litigation but also identifies critical points that may precipitate the failure of a claim, while relating them to recent developments in electronic judicial administration and amendments to labour regulation.[5]

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employment process and dispute settlement mechanisms. See also Constitutional Court Decision Number 39/PUU-XXI/2023, which provided a constitutional interpretation of several phrases within the said Law.

[3] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2019 Number 894; Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 7 of 2022 on the Amendment to Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2022 Number 1039.

[4] Panggabean, H. P., Hukum Acara Penyelesaian Perselisihan Hubungan Industrial [Procedural Law for the Settlement of Industrial Relations Disputes] (Jakarta: Jala Permata, 2007), pp. 15–22. This reference provides a doctrinal overview of the peculiarities of PHI procedure as compared with general civil procedure.

[5] Rizky Dwinanto, "UU Cipta Kerja Jadikan Aspek Prosedural Faktor Sahnya PHK" [The Job Creation Law Makes Procedural Aspects a Determining Factor for the Validity of Termination of Employment], Hukumonline, 19 January 2026, https://www.hukumonline.com/berita/a/uu-cipta-kerja-jadikan-aspek-prosedural-faktor-sahnya-phk-lt696f71b63a669/.

Based on the foregoing, the research questions of this study are formulated as follows : What are the legal basis, jurisdiction, and formal prerequisites for filing a case with the Industrial Relations Court?; What are the stages of litigation and the peculiarities of case examination in the Industrial Relations Court?; What litigation practices should be observed to ensure that claims, evidence, and legal remedies before the Industrial Relations Court are conducted effectively?

This study aims to analyse the procedural peculiarities of the PHI, identify the formal prerequisites that must be satisfied, and formulate effective litigation practices in order to ensure legal certainty and the protection of the rights of the parties involved in litigation.

RESEARCH METHODS

This study constitutes normative legal research (penelitian hukum normatif), also referred to as doctrinal legal research, which examines legal issues by analysing authoritative legal materials to produce prescriptions in response to the identified legal problems.[6] Being library-based in nature (library research), it employs two complementary approaches: the statute approach (pendekatan perundang-undangan), by inventorying and examining all statutory provisions pertinent to the legal issue,and the conceptual approach (pendekatan konseptual), by reference to legal principles and doctrines developed by scholars.[7] The legal materials comprise primary legal materials namely Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes, Law Number 13 of 2003 on Labour as amended by Law Number 6 of 2023, Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, Supreme Court Regulation Number 7 of 2022, and Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court[8] secondary legal materials consisting of textbooks, academic journal articles, and scholarly commentaries that explain and comment upon the primary materials, and tertiary legal materials providing guidance and explanation of the foregoing, such as legal dictionaries and encyclopaedias.[9] The materials were collected through library research (studi kepustakaan) by inventorying, studying,

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[6] I Made Pasek Diantha, Metodologi Penelitian Hukum Normatif dalam Justifikasi Teori Hukum [Methodology of Normative Legal Research in the Justification of Legal Theory] (Jakarta: Prenada Media Group, 2017), pp. 12–15. See also Ronny Wijayanto, Sri Anggraini Kusuma Dewi, and Gesang Iswahyudi, "Pemerintahan Desa dalam Karakteristik Otonomi Desa di Sistem Negara Kesatuan Republik Indonesia," AL-MANHAJ: Jurnal Hukum dan Pranata Sosial Islam 4, no. 2 (2022): 365–374, which similarly characterises normative legal research as doctrinal inquiry employing principles, norms, and doctrines.

[7] Peter Mahmud Marzuki, Penelitian Hukum [Legal Research], rev. ed. (Jakarta: Kencana Prenada Media Group, 2017), pp. 93–95 (on the statute approach) and pp. 177–180 (on the conceptual approach).

[8] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2019 Number 894; Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 7 of 2022 on the Amendment to Supreme Court Regulation Number 1 of 2019; Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court.

[9] Soerjono Soekanto and Sri Mamudji, Penelitian Hukum Normatif: Suatu Tinjauan Singkat [Normative Legal Research: A Brief Overview] (Jakarta: RajaGrafindo Persada, 2003), pp. 13–14.

and examining the relevant secondary and tertiary materials,[^9] without recourse to field research, and were analysed qualitatively through a three-stage process of identification, classification, and synthesis—identifying the relevant procedural norms within UU PPHI and its implementing regulations, classifying them according to the stages of litigation (pre-trial prerequisites, court examination, and legal remedies), and synthesising them to evaluate the coherence between formal requirements and the practical demands of effective litigation, drawing upon doctrinal commentary and relevant jurisprudence.[^10] The analysis employed deductive reasoning, proceeding from general legal principles to the specific legal issues examined in this study.

DISCUSSION

UU PPHI recognises four categories of disputes falling within the jurisdiction of the Industrial Relations Court (PHI). First, disputes over rights, namely disputes arising from the non-fulfilment of rights due to differences in the implementation or interpretation of statutory provisions, employment agreements, company regulations, or collective labour agreements. Second, disputes over interests, namely disputes concerning the establishment or amendment of working conditions not yet stipulated in those sources. Third, disputes over termination of employment (PHK), namely disputes arising from the failure to reach agreement on the termination of the employment relationship. Fourth, disputes between trade unions within a single company, relating to membership or the exercise of rights and obligations pertaining to trade unionism.[10] This classification determines the settlement pathway and the legal remedies available. Errors in classification may cause claims to be inconsistent with the mechanism provided by law, potentially resulting in a decision declaring the claim inadmissible (niet ontvankelijke verklaard). In cases containing multiple issues, the plaintiff must set out the relationship between the facts, the type of dispute, and the legal basis of each claim clearly.[11]

The PHI is a specialised court situated within the district court in the provincial capital, with jurisdiction covering the relevant province. In certain regencies/cities far from the provincial capital, the law permits the establishment of a PHI at the local district court. The PHI has jurisdiction to examine and adjudicate at first instance all four categories of disputes. For disputes over rights and termination of employment, cassation to the Supreme Court is available, whereas decisions at first instance concerning disputes over interests and inter-union disputes are decisions at first and final instance. The determination of the competent court must take into account relative jurisdiction, particularly the location of the PHI having authority over the place of work or the company, as well as the standing of the parties. Registration through the court registry or the court's electronic channel follows the applicable judicial administration regulations, including Supreme Court Regulation

[10] Republic of Indonesia, Law Number 2 of 2004 on the Settlement of Industrial Relations Disputes, State Gazette of the Republic of Indonesia Year 2004 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 4356. See the Elucidation concerning the tiered mechanism, the restriction of legal remedies, and the composition of the panel.

[11] Panggabean, H. P., Hukum Acara Penyelesaian Perselisihan Hubungan Industrial [Procedural Law for the Settlement of Industrial Relations Disputes] (Jakarta: Jala Permata, 2007), pp. 45–52.

Number 7 of 2022 amending Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings.[12] In this connection, UU PPHI requires bipartite negotiation to be undertaken first. Bipartite negotiation is conducted by deliberation to reach consensus and must be completed within thirty working days from the commencement of negotiation. Each negotiation should be recorded in minutes containing the identity of the parties, the date and place, the subject matter, the views of the parties, the conclusions, and signatures. Where one party refuses to negotiate or the negotiation fails to reach agreement, that circumstance should be recorded as evidence that the bipartite pathway has been pursued.

Should bipartite negotiation fail, the dispute is registered with the agency responsible for labour affairs at the local level, attaching evidence of the bipartite effort. For disputes over rights and termination of employment, settlement through mediation constitutes the relevant pathway, whereas disputes over interests and inter-union disputes may be settled through conciliation in accordance with the conditions and options provided by law. Arbitration is available only upon agreement of the parties for disputes over interests and inter-union disputes, and its award is final and binding, with limited grounds for annulment before the Supreme Court. The mediator or conciliator endeavours to achieve settlement and issues a written recommendation where agreement is not reached. The parties must retain evidence of the date of receipt of the recommendation and of their written response. Where the recommendation is rejected or fails to produce agreement, either party may proceed to the PHI by attaching the minutes or recommendation together with evidence of the stages already undertaken. Disregarding this pre-trial stage risks the claim being held not to satisfy the procedural requirements.[13]

Once the pre-trial stages are satisfied, the claim is filed in writing with the competent PHI. A well-drafted statement of claim contains the precise identity of the parties, a description of the employment relationship, the relevant chronology, the type of dispute, the settlement efforts undertaken, the legal basis, and the claims (petitum). The posita must set out the facts coherently and connect each fact with the evidence and the norms relied upon, while the petitum must be formulated specifically, capable of execution, and consistent with the posita. In claims concerning disputes over rights or termination of employment, UU PPHI provides that the claim must be accompanied by the minutes of settlement through mediation or conciliation; a claim failing to include them is returned by the judge for completion. The plaintiff must re-examine the identity of the business entity, its address, the capacity of the representing party, any power of attorney used, and the

[12] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 7 of 2022 on the Amendment to Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2022 Number 1039.

[13] See Supreme Court Decision Number 435 K/Pdt.Sus-PHI/2023, which affirms the importance of satisfying the dispute settlement procedure before a case is brought before the PHI. Compare Supreme Court Decision Number 128 K/Pdt.Sus-PHI/2024, which overturned the PHI decision and adjudicated the case itself, demonstrating that the cassation court nonetheless examines compliance with procedural law.

required documents. Where several claims are advanced, each should be itemised with a clear basis of calculation and period.

The case is then examined and decided by a panel of judges consisting of a career judge presiding and two ad hoc judges as members, the latter drawn from the ranks of workers and employers in order to bring industrial relations understanding to the examination. UU PPHI stipulates a deadline for resolution at the PHI level of no more than fifty working days from the first hearing. At the outset, the panel examines the completeness of the case and the legal standing of the parties, including the authority of representatives or attorneys. The parties must attend in accordance with the summons and observe court order; absence, inadequate authority, or a change of address without notification may give rise to procedural consequences. After the claim is read or deemed read, the defendant submits an answer. In civil procedure practice applicable insofar as it is not specifically regulated in UU PPHI, the sequence of pleadings may include a reply and rejoinder, and the defendant may raise exceptions and, where the requirements are met, a counterclaim. Every rebuttal should address the facts and claims directly rather than merely denying them in general terms.

Evidence follows the principles of civil procedure and may take the form of documents, witnesses, presumptions, admissions, and oaths in accordance with applicable law. In employment cases, the documents commonly relevant include the employment agreement, company regulations or collective labour agreement, pay slips and wage records, attendance records, warning letters, notices or decisions of termination, correspondence, bipartite minutes, the mediator's recommendation, and proof of receipt of letters. Electronic evidence must be preserved in a form capable of explaining its source, date, context, and integrity.[14] A sound evidentiary strategy begins with a fact-evidence matrix: each element of the claim is matched with supporting evidence, witnesses with direct knowledge, and possible rebuttals. Documents should be arranged chronologically, indexed, and copied for the opposing party and the panel in accordance with the court's directions, and witnesses should testify to what they personally experienced or know. Calculations of wage claims or other entitlements must be accompanied by the method, period, components, and source of the figures so that they can be verified.

Court-annexed mediation refers in principle to Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court insofar as it is compatible with the character and specific regulation of PHI cases.[15] Court mediation differs from the labour mediation stage preceding the claim; the parties must attend the mediator's summons and demonstrate good faith, and any settlement reached may be recorded in accordance with the applicable procedure. After the examination is completed, the panel delivers its decision, which must be read carefully, particularly the operative part granting, dismissing, or declaring the claim inadmissible, together with the obligations and deadlines stated therein. The parties must promptly record

[14] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2019 Number 894.

[15] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 1 of 2016 on Mediation Procedures in Court, State News of the Republic of Indonesia Year 2016 Number 175.

the date of notification or pronouncement of the decision, as it affects the deadlines for legal remedies, and an official copy of the decision is necessary to assess subsequent steps and the execution of the operative part.

UU PPHI does not provide for appeal in PHI cases. Cassation to the Supreme Court may be filed for disputes over rights and termination of employment within fourteen working days of the decision being pronounced where the parties are present, or of notification where a party is absent. The application is submitted through the PHI registry at the district court that delivered the decision, in compliance with the prescribed procedure and fees. For disputes over interests and inter-union disputes, the PHI decision constitutes a decision at first and final instance. A decision that has acquired permanent legal force may be submitted for execution through the district court in accordance with civil procedure law; success in obtaining a decision must therefore be accompanied by attention to the clarity of the operative part, the identification of assets or the party obliged to perform, and the procedure for applying for execution. Settlement agreements formulated clearly from the outset can reduce subsequent disputes concerning their implementation.

Sound litigation practice may accordingly be summarised as follows. First, map the dispute before selecting the forum by determining the type of dispute, the basis of the right, the proper parties, and the settlement pathway. Second, fulfil and document every stage, ensuring that bipartite records, proof of registration, recommendations, and responses are retained with verifiable dates. Third, draft the claim with factual discipline, comprising a concise chronology, a posita supporting the petitum, and measurable claims. Fourth, manage evidence from the outset by preserving originals, producing legible copies, compiling an evidence list, and maintaining the integrity of electronic evidence. Fifth, calculate deadlines conservatively and record the dates of summons, hearings, receipt of recommendations, decisions, and notifications. Sixth, prioritise professional communication and consider settlement where the outcome is clear, voluntary, and capable of implementation. Common challenges include unequal access to documents held by the employer, unclear chronological records, inconsistency between claims and evidence, and delay in identifying deadlines. Workers may face limited resources to obtain legal assistance, while employers face the need to maintain documentary consistency and the authority of company representatives; differences in location may also increase the burden of attendance and evidence collection. Addressing these challenges requires orderly case administration and equal access to information. The parties should retain copies of documents from the outset of the employment relationship and make notes immediately after significant events. Legal assistants may help formulate the case, but the litigants themselves must understand the facts, the claims, and the consequences of any settlement. Electronic settlement may assist administration insofar as it does not diminish the authenticity, legibility, and accessibility of documents to the parties.[16]

CONCLUSION

Based on the foregoing discussion, three principal conclusions may be drawn. First,

[16] Supreme Court of the Republic of Indonesia, Supreme Court Regulation Number 7 of 2022 on the Amendment to Supreme Court Regulation Number 1 of 2019 on Electronic Administration of Cases and Court Proceedings, State News of the Republic of Indonesia Year 2022 Number 1039.

the jurisdiction of the Industrial Relations Court is distinctive and confined to four categories of disputes, namely disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions within a single company. This distinctive character is not merely a matter of technical legal doctrine but reflects a deliberate policy choice placing the resolution of labour disputes on a pathway that is swift, measurable, and oriented towards certainty. Consequently, precision in identifying the type of dispute constitutes a critical point determining the entire direction of the case. An error at this initial stage cannot be regarded as insignificant, since it may potentially shift the forum, obscure the legal basis, and ultimately defeat a claim that is substantively valid.

Second, the procedural peculiarities of the Industrial Relations Court reside in the series of formal prerequisites that must be satisfied before a case is examined, namely bipartite negotiation, registration of the dispute with the labour agency, and mediation or conciliation according to the type of dispute. These prerequisites serve both as a filter and as a guarantee that peaceful settlement has been genuinely pursued before the state, through the judiciary, assumes responsibility for resolution. Furthermore, the panel structure combining a career judge with ad hoc judges drawn from the ranks of workers and employers, the abbreviated resolution deadlines, and the abolition of appeal confirm that the procedural law of the Industrial Relations Court is designed to eliminate channels that might delay justice. Nevertheless, such a design demands a high degree of procedural discipline from the parties, since any negligence at the pre-trial stage or in the drafting of the posita and petitum may have fatal implications for whether a claim can be examined at all.

Third, effective litigation practice requires a synergy between mastery of legal norms, disciplined documentation, and awareness of temporal limits. A plaintiff must map the dispute carefully, preserve evidence from the outset of the employment relationship, draft a consistent claim, and calculate deadlines conservatively. The challenges that arise, such as unequal access to documents, limited legal assistance for workers, and geographical burdens, demand the strengthening of case administration and the equitable distribution of information. Accordingly, success in litigating before the Industrial Relations Court is determined not solely by the substantive correctness of a claim but also by the capacity of the parties to understand and comply with the procedural architecture designed by statute. A comprehensive understanding of these peculiarities is a prerequisite for realising industrial relations justice that is legally certain, proportionate, and capable of implementation.

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