

The Role of the Surabaya City Manpower Service in Efforts to Resolve Industrial Relations Cases Through Mediation

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Abstract

Industrial relations cases can give rise to conflicts between workers and employers which can be detrimental to the industry and society as a whole. In an effort to resolve industrial relations cases, the Surabaya City Manpower Office has an important role in facilitating mediation between the two parties. This research is a type of empirical juridical legal research using primary legal sources, namely obtained using direct interview techniques with the City Manpower Office, and referring to Law no. 2 of 2004 and Law no. 13 of 2003 as well as secondary legal sources obtained using library study techniques (library research) by collecting sources in the form of journal articles, books and related policy documents. The research results show that the Surabaya City Manpower Office has an important role in resolving industrial relations cases through mediation, such as gathering information, facilitating meetings between the two parties, providing suggestions and recommendations, and providing education to workers and entrepreneurs regarding their rights and obligations. However, the effectiveness of the Manpower Office's role still needs to be improved through increasing the competence of Manpower Office officers in conducting mediation, as well as strengthening coordination between the Manpower Office and various related parties in resolving industrial



relations cases. This research provides an overview of the role of the Surabaya City Manpower Office in resolving industrial relations cases through mediation and can be a basis for developing further research in the future.

KEYWORDS

Role of the Manpower Office; Surabaya; Industrial Relations Cases; Mediation

Introduction

The Manpower Service (Disnaker) is a government agency responsible for managing labor in a region. In the city of Surabaya, the Manpower Office has an important role in ensuring the welfare of the workforce and maintaining the stability of the labor market in this city. The role of the Surabaya City Manpower Office is based on significant social and economic developments in society as well as the need to protect and develop the potential of the existing workforce.

First, the Manpower Office has an important role in coordinating programs to improve the quality and skills of the workforce.¹ In the era of globalization and increasingly tight economic competition, workers who have good qualifications and skills are a very important need. The Surabaya City Manpower Office collaborates with education and training institutions such as schools, universities and job training institutions to provide training and education programs that suit the needs of the labor market. The aim is to increase the competitiveness of Surabaya's workforce and help them obtain decent jobs.

Second, the Manpower Office has a role in ensuring employers' compliance with labor regulations. The Surabaya City Manpower Office has the task of supervising the implementation of labor regulations, such as working hours, wages and safe and healthy working conditions. The

¹ Rai Mantili, "Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja Dengan Perusahaan Melalui Combined Process (Med-Arbitrase)," *Jurnal Bina Mulia Hukum* Vol. 6, No. 1 (2021): 47–65, <https://doi.org/10.23920/jbmh.v6i1.252>.

Manpower Office is also responsible for handling employment issues such as unemployment, layoffs and protecting labor rights. By carrying out strict supervision and providing sanctions to entrepreneurs who violate regulations, the Surabaya City Manpower Office plays a role in maintaining fairness and balance in working relations between employers and workers.²

Apart from that, the Surabaya City Manpower Office also plays a role in coordinating the workforce placement program. In facing the challenges of economic development and changes in industrial structure, the Surabaya City Manpower Office collaborates with various parties, including the central government, industry and community organizations to look for optimal workforce placement opportunities. The Manpower Office also plays a role in facilitating relationships between job seekers and employers by providing information on job vacancies, job fairs and workforce placement programs.

Furthermore, the Manpower Office has a role in advocating for labor rights. The Surabaya City Manpower Office functions as the government's representative in representing the interests of workers in various forums and negotiations, both at the city, provincial and national levels. The Manpower Office plays a role in protecting and fighting for workers' rights, such as the right to receive decent wages, social security and job security. By becoming a mediator between employers and workers, the Surabaya City Manpower Office plays a role in creating a fair and harmonious work environment.

Finally, the Surabaya City Manpower Office plays a role in providing public services related to employment. In carrying out its role, the Manpower Office provides services and information to the public regarding labor regulations, labor rights, as well as the programs and services provided. The Manpower Office is also a place for complaints for people experiencing employment problems, as well as providing guidance and

² Arifuddin Muda Harahap, *Pengantar Hukum Ketenagakerjaan, Literasi Nusantara*, Cetakan. 1 (Kota Batu: Literasi Nusantara, 2020), Hlm. 33.

direction to the community regarding how to find work and improve their skills.

Overall, the role of the Surabaya City Manpower Office is very important in maintaining the welfare and protection of workers in this city.³ By coordinating quality and skills improvement programs, ensuring employers' compliance with labor regulations, coordinating workforce placement programs, advocating for labor rights, and providing public services related to employment, the Surabaya City Manpower Office contributes to creating a fair, healthy, working environment. and productive for the people of Surabaya.

The Surabaya City Manpower Service (Disnaker) has an important role in resolving industrial relations cases through mediation. As a government agency responsible for managing labor in the Surabaya City area, the Manpower Office has the task of facilitating relations between workers and employers. In the context of industrial relations, the Manpower Office can act as a mediator between workers and employers who are experiencing disputes. The mediation carried out by the Manpower Office aims to create a profitable agreement for both parties and avoid conflicts that could be detrimental to industry and society.

In carrying out its role as a mediator, the Surabaya City Manpower Office has taken a number of steps. First, the Manpower Office will collect information regarding problems that occur between workers and employers. After that, the Manpower Office will facilitate a meeting between the two parties to find the right solution. In the mediation process, the Manpower Office can also provide suggestions or recommendations to both parties to reach an agreement. Apart from that, the Manpower Office can

³ Andry Sugiantari, Solechan, and Suhartoyo, "Penyelesaian Perselisihan Hubungan Industrial Melalui Mediasi Di Dinas Tenaga Kerja Dan Transmigrasi Kota Semarang," *Diponegoro Law Review* Vol. 5, No. 2 (2016): 1–10, <https://ejournal3.undip.ac.id/index.php/dlr/article/view/11042>.

also provide education to workers and employers regarding their respective rights and obligations in industrial relations.⁴

By playing an active role in resolving industrial relations cases through mediation, the Surabaya City Manpower Office can help create a conducive and harmonious work environment for workers and entrepreneurs. This will certainly have a positive impact on industrial productivity and the overall welfare of the people of Surabaya City. In this regard, it is known that one of the institutions that has the authority to resolve industrial relations disputes is the Department of Industry & Manpower (Disnaker). Of course, from this it can be seen that the existence of the Manpower Office itself is very important and vital as a forum which is expected to be able to provide protection against violations of rights and violations of obligations that occur to parties in the context of industrial relations. In this regard, it is a question of how far the role of the Manpower Office in the context of resolving industrial relations.

Methods

This research is a type of empirical juridical legal research, namely legal research by analyzing the public's understanding, especially workers, of concrete legal norms. The legal sources used are primary and secondary legal sources. The primary legal sources used were obtained using direct interview techniques at the Surabaya City Manpower Office, and referring to Law no. 2 of 2004 concerning Settlement of Industrial Relations Disputes and Law Number 13 of 2003 concerning Manpower (as the basis for the authority of the Manpower Service), while secondary legal sources were obtained using library study techniques by collecting sources in the form of journal articles, books and related policy documents.

⁴ Mantili, "Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja Dengan Perusahaan Melalui Combined Process (Med-Arbitrase).", Hlm. 49.

Result and Discussion

Talking about the Settlement of Industrial Relations Disputes (PPHI) at the Surabaya City Manpower Office, there are results including that there are various forms of PPHI, such as Bipartite and Mediation. Where the Settlement of Industrial Relations Disputes through Bipartite in the period January-May 2023 was 29 with various kinds of disputes such as regarding Rights, Interests and Termination of Employment Relations (PHK). Meanwhile, there are 15 Industrial Relations Disputes Settlement through Mediation in the period January-May 2023 with various kinds of disputes such as Rights, Interests and Termination of Employment Relations (PHK). The following is research data regarding the 2023 Surabaya City Manpower Office Industrial Relations Dispute Settlement (PPHI) with various classifications:

Count of Details Row Labels	PERJANJIAN BERSAMA		KETERANGAN KASUS				KLASIFIKASI PHK			
	Bipartit	Mediasi	Anjuran	Perjanjian Bersama (PB)	Proses	Grand Total	Anjuran	Perjanjian Bersama (PB)	Proses	Grand Total
1. Januari	8	4	6	12	3	21	6	12	3	21
Hak			1		2	3	1		2	3
PHK	8	4	5	12	1	18	5	12	1	18
2. Februari	3	5	3	8		11	3	8		11
Hak	1	1	1	2		3	1	2		3
PHK	2	4	2	6		8	2	6		8
3. Maret	6	3	5	9	6	20	5	9	6	20
Hak	3			3	1	4		3	1	4
Kepentingan	3	1	1	4	1	6	1	4	1	6
PHK		2	4	2	4	10	4	2	4	10
4. April	9	3	2	12	6	20	2	12	6	20
Hak	9	2	1	11	1	13	1	11	1	13
PHK		1	1	1	5	7	1	1	5	7
5. Mei	3			3	14	17			7	7
Hak	1			1	2	3			1	1
PHK	2			2	12	14			6	6
Grand Total	29	15	16	44	29	89	16	41	22	79

Picture 1: Surabaya City Manpower Office Industrial Relations Dispute Settlement Data January-May 2023

1. The Role of the Surabaya City Manpower Office in Efforts to Resolve Industrial Relations Cases through Mediation

The role of the Manpower Office as an institution that has authority in resolving cases, especially in the field of industrial relations, is certainly vital. In the world of work, the relationship between workers and entrepreneurs certainly does not always run smoothly. Sometimes disputes or disputes arise that require resolution. In this case, the Manpower Service

(Disnaker) has an important role in resolving industrial relations cases. The role of the Manpower Office in resolving industrial relations cases is regulated in Law Number 13 of 2003 concerning Manpower.⁵ There are several things regulated in this law which then become the authority of the Manpower Office. One of them is that the Manpower Office has the authority to mediate between workers and employers who have disputes. Mediation is carried out by bringing together both parties to find the best solution that can benefit both parties.⁶

Talking about mediation, resolving industrial relations cases through non-litigation via mediation can be said to be an alternative resolution route which is quite the favorite choice of the parties. In data released by the Surabaya City Manpower Office, it was stated that from January to May 2023 there were 15 cases handled through the mediation settlement process. This shows that the parties have their own relationship with the settlement model.⁷ This is not without reason, considering that by using a non-litigation settlement process in the form of mediation, the costs incurred in this process can be said to be quite cheap. Apart from that, the advantage of implementing mediation is that the process is quite fast. Considering that the average time used in the mediation examination process is approximately 2-3 weeks.⁸

Apart from mediation, the Manpower Office also has the authority to issue a temporary suspension of business activities (SPPTKU) if employers

⁵ See Law No. 13 of 2003: JDIH BPK RI, "Undang-Undang Nomor 13 Tahun 2003 Tentang Ketenagakerjaan," Pub. L. No. 13, 19 JDIH BPK-RI 159 (2003), [https://peraturan.bpk.go.id/Home/Download/31128/UU Nomor 13 Tahun 2003.pdf](https://peraturan.bpk.go.id/Home/Download/31128/UU%20Nomor%2013%20Tahun%202003.pdf).

⁶ and Sri Harmianto Syifa S Mukrimaa, Nurdyansyah, Eni Fariyatul Fahyuni, ANIS YULIA CITRA, Nathaniel David Schulz, د. غسان, Tukiran Taniredja, Efi Miftah. Faridli, "DATA PENANGANAN PERKARA DISNAKER KOTA SURABAYA" (Surabaya, 2023).

⁷ Dikky Ramana Putra, "Keunggulan Mediasi Sebagai Penyelesaian Sengketa Perdata Di Situasi Pandemi Covid-19," *Media Keadilan: Jurnal Ilmu Hukum* Vol. 12, No. 2 (2021): 391–410, <http://journal.ummat.ac.id/index.php/JMK/article/view/6219>.

⁸ Hilman Fauzi, "Efektifitas Peran Mediator Dalam Menyelesaikan Perkara Perceraian Di Pengadilan Agama Jakarta Selatan (Studi Implementasi Perma No. 1 Tahun 2016)" (UIN Syarif Hidayatullah Jakarta, 2018), 30, https://repository.uinjkt.ac.id/dspace/bitstream/123456789/43094/1/HILMAN_FAUZI-FSH.pdf.

violate workers' rights. SPPTKU can be given by the Manpower Office if employers violate labor regulations such as not paying wages or not providing social security. The Manpower Office also has a role in supervising the implementation of work agreements between workers and employers. If there is a violation of the work agreement, the Manpower Office can facilitate dispute resolution between the two parties. This is done to prevent larger disputes from occurring in the future.

Furthermore, the Manpower Office can also provide legal assistance to workers who experience violations of their rights by employers. In this case, the Manpower Office can facilitate dispute resolution through mediation or through court. Legal assistance provided by the Manpower Office can help workers to obtain their rights which have been violated by employers. The Manpower Office also has a role in providing training and guidance to workers and entrepreneurs regarding labor regulations. In this way, the Manpower Office can prevent industrial relations disputes from occurring due to a lack of understanding of labor regulations. The training and coaching provided by the Manpower Office can help workers and employers understand their respective rights and obligations.

The Manpower Office also has the authority to provide recommendations to related parties in resolving industrial relations disputes.⁹ The Manpower Office can provide recommendations regarding the agreement that will be produced in mediation. With the recommendations offered, it is hoped that an agreement will be reached that will be accepted by the parties as a win-win solution. Recommendations may also be given regarding the implementation of court decisions. The recommendations provided by the Manpower Office can help both parties to resolve disputes well.

The Manpower Office can also facilitate dispute resolution through programs organized by the government. For example, the Manpower Office

⁹ Hilman Fauzi, Hlm. 31.

can facilitate dispute resolution through a dispute resolution program through mediation organized by the relevant ministry or agency. These programs can help both parties to resolve disputes in an easier and more effective way. Lastly, the Manpower Office is also given authority in terms of its role as a mediator to resolve industrial relations disputes. In this case, the Manpower Office can be a facilitator in the mediation process between workers and employers in dispute in order to reach an agreement that benefits both parties (in this case it applies to mediators carried out by the Manpower Office).

Industrial relations cases are often problems that are difficult to resolve conventionally, therefore mediation can be an effective solution in resolving these disputes. Through mediation, both parties can reach a profitable agreement and avoid a long and expensive court process. One effort to resolve industrial relations cases through mediation is to introduce mediation as an alternative dispute resolution to the community. By introducing mediation, the public will better understand the benefits and process of mediation so they can choose more effective alternative dispute resolution.

Apart from that, efforts to resolve industrial relations cases through mediation can also be done by strengthening the role of mediators. A quality and independent mediator can facilitate the mediation process well so that an agreement can be reached those benefits both parties. Another effort is to strengthen the rules and regulations governing mediation as an alternative dispute resolution. With clear and firm regulations, people will have more trust and choose mediation as an effective way to resolve disputes.

Settlement of industrial relations cases through mediation can also be done by strengthening the role of relevant government institutions. Institutions such as the Department of Manpower (Disnaker) can facilitate mediation between the two parties to the dispute and provide

recommendations to the court if the two parties are unable to reach an agreement in mediation and by increasing public awareness of the importance of mediation as an alternative dispute resolution.¹⁰ Through appropriate campaigns and outreach, the public will better understand the benefits of mediation and choose it as an effective way to resolve disputes. Another effort is to strengthen the company's role in promoting mediation as an alternative dispute resolution.

Industrial relations cases are often problems that are difficult to resolve conventionally, therefore mediation can be an effective solution in resolving these disputes. In overcoming this problem, the Manpower Office has a very important role in facilitating and promoting mediation as an alternative dispute resolution. The Manpower Office as a government institution that has authority in the field of employment has duties and functions in overcoming industrial relations problems. One of these duties and functions is to facilitate the resolution of industrial relations disputes through mediation. In this case, the Manpower Office can facilitate mediation between the disputing parties and help them find the right solution.

The Manpower Office can also promote mediation as an alternative dispute resolution for parties experiencing industrial relations problems. By promoting mediation, the Manpower Office can increase public awareness of the importance of mediation as an effective way to resolve disputes. So in this case, the Manpower Office also has a role in ensuring that mediation takes place fairly and fairly. In this case, the Manpower Office can appoint an independent and neutral mediator to facilitate mediation. The Manpower Office can also ensure that both parties receive the same rights and do not feel disadvantaged in the mediation process.

¹⁰ Alwyn Chaisar Perwira Nanggala Pratama dan I Gusti Ayu Agung Ari Krisnawati, "Kedudukan Mediasi Dalam Penyelesaian Perselisihan Hubungan Industrial Pekerja Outsourcing Di Indonesia," *Jurnal Kertha Negara* Vol. 8, No. 3 (2020): 33-47, <https://ojs.unud.ac.id/index.php/Kerthanegara/article/download/58173/35286>.

The Manpower Office must also ensure that the results of the mediation can be legally accounted for. In this case, the Manpower Office can ensure that the results of the mediation are properly documented and approved by both parties.¹¹ The Manpower Office can also make recommendations to the court if the two parties are unable to reach an agreement in mediation. The Manpower Office can also play a role in facilitating the resolution of industrial relations disputes before the problems become more complicated. In this case, the Manpower Office can be a facilitator of dialogue between the two parties before the problem becomes more complicated and ends up in court.

2. Problems of Settlement of Industrial Relations Cases through Mediation at the Surabaya City Manpower Office

The relationship between workers and entrepreneurs does not always run smoothly. Sometimes disputes or disagreements occur that require resolution by ensuring a sense of justice for the parties involved. The settlement can be done through court (litigation) or outside court (non-litigation). Litigation efforts in industrial relations dispute cases can be carried out through industrial relations courts. Meanwhile, non-litigation case resolution can be done in four ways, including: bipartite, mediation, conciliation, and arbitration.¹² In line with this, industrial relations issues are also one of the authorities of the Manpower Office because they are related to efforts to guarantee the rights and implementation of the obligations of the parties involved in the case in the realm of industrial

¹¹ Putu Gede Arya Nuryanti, Dewa Ayu Febryana Putra. Sumertayasa, "Peran Dan Fungsi Pemerintah Dalam Hubungan Industrial," *Kertha Semaya* Vol. 6, No. 8 (2016): 2, <https://ojs.unud.ac.id/index.php/kerthasemaya/article/download/37370/22662/>.

¹² M.Hum Prof. Dr. H. Jamal Wiwoho, S.H, "Problematika Hubungan Industrial," *Problematika Hubungan Industrial* Vol. 32, No. 2 (2013): 141-45, <http://jamalwiwoho.com/wp-content/uploads/2013/05/Jamal-Wiwoho-e-JHB-Volume-32-No-2-tahun-2013-1.pdf>.

relations.¹³ Where this is the case, it can be seen from the authority possessed by the Manpower Office to mediate between workers and employers who have disputes within a certain area, in this case if it is related to the Surabaya city area, it is the jurisdiction of the Surabaya City Manpower Office.

Overall, although mediation can be an effective alternative for resolving industrial relations disputes, there are several problems that must be considered and overcome so that mediation can run well and achieve the results expected by all parties to the dispute. Some of these problems include:

- a. There are still many workers who file industrial relations cases at the Surabaya City Manpower Office who do not understand the procedures regulated in Article 3 paragraph (1) of Law no. 2 of 2004 concerning Settlement of Industrial Relations Disputes, where efforts must be made to resolve industrial relations disputes through bipartite negotiations first.¹⁴ The process for resolving industrial relations cases that must be fulfilled is:
 - 1) Registration application letter;
 - 2) Proof of bipartite efforts, here there are two pieces of evidence that must be submitted, usually carried out at least 2 times:
 - a) Evidence of an invitation to resolve a dispute, in this case the form of evidence sent is in the form of an invitation;
 - b) Proof of sending the letter, can be in the form of a receipt or postal mail.

¹³ Faizal Aditya Dermawan and Bagus Sarnawa, "Peran Dinas Tenaga Kerja Dalam Proes Mediasi Penyelesaian Permasalahan Hubungan Industrial," *Media of Law and Sharia* Vol. 2, No. 3 (2021): 272–87, <https://doi.org/10.18196/mls.v2i3.12076>.

¹⁴ See Article 3 paragraph (1) of Law No. 2 of 2004: Presiden Republik Indonesia, "Undang-Undang Republik Indonesia Nomor 2 Tahun 2004 Tentang Penyelesaian Perselisihan Hubungan Industrial," Pub. L. No. 2, Presiden Republik Indonesia 1 (2004), <https://www.dpr.go.id/dokjdih/document/uu/2.pdf>.

3) Minutes (*meeting notes*)

In fact, of these three procedures, the bipartite evidence process is the most crucial, because in general the party reporting to the Surabaya City Manpower Office only reports the application but has not made bipartite efforts. This bipartite effort is proven by their having invited them to meet by attaching a formal bipartite invitation letter and proof that the invitation letter has actually been sent to the company or company to the workers, either by post or receipt in person and so on.

However, in its implementation there were still many workers who immediately registered their cases with the Surabaya City Manpower Office without carrying out bipartite negotiations first. Apart from that, there is a misunderstanding of workers in understanding the existing regulations, namely that on average they consider a summons as a requirement for submitting an application to the Surabaya City Manpower Office itself. In fact, the subpoena and the Bipartite effort certainly have different meanings, the subpoena itself is a warning, while bipartite means a meeting between two disputing parties to try to resolve the problem at the bipartite level, which if this effort is already at the end, then it will lead to tripartite.

- b. There is a time limit for settling industrial relations cases as in Article 3 paragraph (2) of Law no. 2 of 2004, that the mediation process provides a time limit, a maximum of 30 working days. However, even though there has been digitalization, in its implementation the Surabaya City Manpower Office needs time to send letters. Because if time is too tight, of course the company will make excuses for not being able to come.
- c. The litigant did not attend even though he had been properly invited. This resulted in the mediation process not being able to be carried out.

so the Manpower Department needs to make a repeat call. This of course results in a long time for cases to be resolved.

- d. Litigating parties sometimes ask to step down and prioritize cases that are ongoing under supervision.
- e. The concerned party felt that they had not attended 3 times because they could not attend one of the meetings, so they considered it less than optimal and asked for an extension of time. is it a maximum effort to resolve matters.
- f. Sometimes only company representatives come so that when a worker's request changes, the representative must convey it to management and then make a decision.
- g. Sometimes the parties involved in a lawsuit are more comfortable negotiating without needing to be guided by a mediator, however, they use the mediation room at the Surabaya City Manpower Office, then after the parties have negotiated the mediator will continue the mediation process.

So it can be concluded that some of these problems influence the length of time needed to resolve cases through mediation.

Conclusion

In conclusion, it can be said that the Surabaya City Manpower Office has an important role in resolving industrial relations cases through mediation. As a mediator between workers and employers who are experiencing disputes, the Manpower Office can facilitate meetings between the two parties to find the right solution. The Manpower Office can also provide advice or recommendations to both parties to reach an agreement, as well as provide education to workers and employers regarding their respective rights and obligations in industrial relations. In carrying out its role as a mediator, the Surabaya City Manpower Office also takes a number

of steps, such as gathering information about problems that occur and facilitating meetings between the two parties. The mediation process carried out by the Manpower Office can help create a conducive and harmonious work environment for workers and entrepreneurs, as well as have a positive impact on industrial productivity and the welfare of the people of Surabaya City as a whole. However, the effectiveness of the Manpower Office's role in resolving industrial relations cases through mediation still needs to continue to be improved. Efforts are needed to improve the competence of Manpower Department officers in conducting mediation, as well as strengthening coordination between the Manpower Office and various related parties in resolving industrial relations cases.

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the highest reason, which commands what is necessary and prohibits what is contrary), as the ancient saying goes, this reflects the essence of this research, in which the City Manpower Office Surabaya, through mediation, has become an instrument for resolving industrial relations cases that require the highest wisdom and ratio. Hopefully the results of this research can provide a useful contribution and provide an in-depth view for the progress of Employment Law. Apart from that, hopefully this step will be the beginning of a higher journey, namely continuing to the next level of education, Strata 2 or Master of Laws.

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