

The Role Of The Semarang City Labor Office In Mediating Industrial Relations Disputes Regarding Unilateral Termination Of Employment Against Victims Of Work-Related Accidents

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Abstract

Unilateral termination of employment against workers who are victims of workplace accidents remains a common issue in industrial relations practices in Indonesia. This situation highlights a gap between the legal protections established in various laws and regulations and their implementation in practice. Workers who are victims of workplace accidents are in a vulnerable position because they not only suffer physical and psychological harm but also face the potential loss of their jobs and livelihoods. This study aims to analyze legal provisions regarding the protection of workers who are victims of workplace accidents from unilateral termination, examine the implementation of mediation by the Semarang City Manpower Office in resolving industrial relations disputes, and evaluate the effectiveness of mediation in providing substantive



protection and restoration of workers' rights following the enactment of LawNo. 6 of 2023 on Job Creation. This study employs an empirical legal research method with a qualitative approach. Primary data was obtained through interviews with industrial relations mediators at the Semarang City Labor Office, while secondary data was obtained through a literature review of relevant laws and regulations, books, and scientific journals. The research findings indicate that, normatively, protection for workers who are victims of workplace accidents is regulated under the Labor Law, the Job Creation Law, the occupational social security system, the Return to Work (RTW) Program, and the Law on Persons with Disabilities. However, implementation has not been optimal due to an imbalance in bargaining power between workers and employers, limitations on mediators' authority, weak labor oversight, and a preference for resolving disputes through compensation rather than restoring employment relationships. Therefore, it is necessary to strengthen the mediation function, optimize the Return to Work (RTW) Program, and improve inter-agency coordination to realize legal protection and substantive justice for workers who are victims of workplace accidents.

Keywords: Mediation, Industrial Relations, Unilateral Dismissal, Workplace Accidents, Role of the Mediator at the Semarang City Manpower Office.

Introduction

Indonesia's national economic development in the current era of globalization is highly dependent on the stability of industrial relations between workers and employers. Harmonious, dynamic, and equitable industrial relations are a primary requirement for enhancing national productivity and the welfare of society at large.¹ However, in practice, these relations are often marked by clashes of interest that trigger disputes,

¹ Z A C U Ariyanto, "Legal Consequences and Provisions of Unilateral Termination of Employment," *Journal of Environmental Law and Governance (JHLG)*, 2024, 115.

particularly regarding the fulfillment of workers' basic rights. Industrial relations disputes fall into three main categories: rights disputes, interest disputes, and termination of employment disputes.² These three types of disputes require different approaches and have significant legal implications for both parties.

The state has a constitutional obligation to provide protection for all its citizens, including workers who are the driving force of the economy. This protection encompasses job security, social security, and workplace safety. As stipulated in Law No. 13 of 2003 on Labor, the goal is the holistic development of the Indonesian people to realize a just and prosperous society. This commitment is reflected in various legal instruments governing labor relations, including dispute resolution mechanisms accessible to all parties regardless of social or economic status. Legal protection for workers is not only the state's responsibility but also an investment in sustainable development that benefits all parties.

The phenomenon of workplace accidents has become a critical issue threatening the stability of industrial relations in various industrial regions, including the city of Semarang. Workplace accidents not only impact workers physically and psychologically but also impose a significant economic burden on the victims' families. Data from the Social Security Agency (BPJS) for Employment indicates that the rate of workplace accidents remains high, with thousands of cases reported annually.³ Therefore, workers who experience workplace accidents should receive special protection and job security until they have fully recovered.⁴ Article 153(1) of Law No. 13 of 2003 explicitly prohibits employers from terminating the employment of workers who are ill due to a workplace accident, except under very limited and specific conditions.

² A Sugianti et al., "Resolution of Industrial Relations Disputes Through Mediation at the Semarang City Manpower and Transmigration Office," *Media Iuris* 5, no. 1 (2022): 77.

³ BPJS Ketenagakerjaan, "National Work Accident Statistics for 2024," 2026.

⁴ N. A. Soediono, "The Role of the Sidoarjo Regency Labor Office in Protecting the Rights of Workers Facing Termination of Employment," 2024.

Semarang, as a hub for manufacturing and services in Central Java, has unique labor market characteristics. The presence of numerous industrial zones, such as the Bukit Semarang Baru (BSB) Industrial Zone, the Candi Industrial Zone (KIC), and the Wijayakusuma Industrial Zone (KIW), significantly increases the risk of workplace accidents. According to data from the Semarang City Labor Department, the manufacturing sector has the highest rate of workplace accidents, followed by the construction and logistics sectors. This necessitates stricter oversight; however, in reality, the ratio of labor inspectors to the number of companies in Semarang remains unbalanced. This imbalance creates an opportunity for employers to disregard Occupational Safety and Health (OSH) standards, which ultimately leads to workplace accidents. When workplace accidents occur, instead of providing rehabilitation, some companies opt for a shortcut by carrying out unilateral layoffs to avoid the burden of long-term medical costs and compensation for permanent disability.

This practice of unilateral termination is often carried out through various *modus operandi* (M.O.). Some employers openly issue termination letters citing physical incapacity, while others do so covertly—for instance, by failing to renew employment contracts (for fixed-term workers) precisely when the worker is undergoing medical treatment. Such actions clearly violate the principle of fairness and contravene legal provisions prohibiting the termination of workers who are ill due to workplace accidents. This creates a highly detrimental situation for workers who are already in a vulnerable condition due to a work-related accident, as they lose access to health insurance from the company when they need it most. This not only impacts the workers themselves but also places a social burden on the state through increased poverty rates and reliance on social assistance.

Although normative regulations regarding the protection of workers who are victims of workplace accidents are in place, there is a significant gap between legal theory and empirical reality. According to studies by Sugianti et al. (2022) and Prasetyo & Pujiastuti (2023), which have discussed

mediation at the Labor Office in Semarang City, these studies have not specifically highlighted vulnerable groups such as victims of workplace accidents facing unilateral termination.⁵ Most studies focus on general normative rights disputes such as wages or overtime pay. Additionally, regulatory changes introduced by Law No. 6 of 2023 on Job Creation have created new dynamics in layoff procedures, which are often misinterpreted by employers to facilitate the termination of employment under the pretext of efficiency.⁶

Based on the above, several issues require further examination. First, how does the legal framework regarding the protection of workers injured in workplace accidents against unilateral termination align with Indonesian legislation? Second, how is this legal protection implemented in the practice of resolving industrial relations disputes in the City of Semarang? Third, how effective is the mediation conducted by the Semarang City Manpower Office in providing protection to workers who are victims of workplace accidents following the enactment of Law No. 6 of 2023 on Job Creation.

This study focuses on an analysis that integrates three aspects that have traditionally been examined separately: legal protection for workers who are victims of workplace accidents, the effectiveness of industrial relations mediation, and the implications of the implementation of Law No. 6 of 2023 on Job Creation for the protection of vulnerable worker groups. Additionally, this study employs a case study in the city of Semarang—one of the largest industrial centers in Central Java—to provide an empirical overview of the implementation of legal protection at the local level. Consequently, this research is expected to contribute theoretically to the development of labor law while offering practical recommendations for local governments, industrial relations mediators, and employers in

⁵ Prasetyo, P. H., & Pujiastuti, E. (2023). The Role of Mediators at the Semarang City Labor Office in Resolving Industrial Relations Disputes. *Semarang Law Review*, 1(1), p. 25.

⁶ Juwita, S., et al. (2026). Legal Protection for Workers Against Termination of Employment Due to Work-Related Accidents in Indonesia. *Journal Juridisch*, 5(1), p. 90.

achieving more effective legal protection for workers who are victims of workplace accidents.

Method

This study employs an empirical legal research method with a qualitative approach. The qualitative approach is used to understand and analyze social phenomena based on facts observed in the field, while empirical legal research aims to examine the implementation of law in societal practice.⁷ The research was conducted at the Semarang City Manpower Office, located at Jalan Ki Mangunsarkoro No. 21, Karang Kidul, Semarang Tengah District, Semarang City. The selection of the location was based on the research focus regarding the implementation of mediation for industrial relations disputes related to termination of employment (PHK) against workers who are victims of workplace accidents.

The data sources used consist of primary and secondary data. Primary data was obtained through interviews with mediators or officials handling industrial relations disputes at the Semarang City Manpower Office. Secondary data was obtained from primary and secondary legal materials, such as Law No. 13 of 2003 concerning Manpower, Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes, Law No. 6 of 2023 on Job Creation, Government Regulation No. 35 of 2021, as well as relevant literature and journals.

Informants were selected using *purposive sampling* and *snowball sampling* techniques. Purposive sampling was used to select informants with expertise and experience in resolving industrial relations disputes, while snowball sampling was used to identify additional informants based on recommendations from previous informants.⁸ Data collection techniques were conducted through interviews, documentation, and literature review. Interviews were conducted in person with authorized informants; documentation was used to obtain supporting data in the form of relevant documents and records; while the literature review was conducted through an examination of laws and regulations, books, and scientific journals

⁷ Lexy J. Moleong, *Qualitative Research Methodology*, Revised Edition (Bandung: PT Remaja Rosdakarya, 2018), pp. 6–7

⁸ Sugiyono, *Quantitative, Qualitative, and R&D Research Methods* (Bandung: Alfabeta, 2019), pp. 218–221.

related to the research object.⁹ Data validity was tested using source triangulation by comparing the results of interviews, documentation, and applicable legal provisions. Subsequently, the data was analyzed qualitatively through the stages of data reduction, data presentation, and drawing conclusions to obtain an overview of the effectiveness of mediation in resolving industrial relations disputes resulting from layoffs of workers who were victims of workplace accidents.¹⁰

Results and Discussion

1. Legal Provisions on Unilateral Layoffs of Workers Who Are Victims of Workplace Accidents

Legal protection for workers who are victims of workplace accidents is one manifestation of *the welfare state*, which positions workers as subjects who must receive protection when facing social and economic risks arising from employment relationships. Under Indonesian labor law, workplace accidents are not viewed as solely an individual worker's problem but as a risk arising from production activities that must be jointly borne by the state, employers, and the labor social security system. Therefore, workers who suffer workplace accidents receive special legal protection to ensure they do not lose their right to employment and a decent livelihood during their recovery period.¹¹

The constitutional basis for legal protection can be found in Article 27, paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to work and a livelihood that is decent for humanity. Furthermore, Article 28D(2) of the 1945 Constitution affirms that every person has the right to work and to receive fair and decent

⁹ H. B. Sutopo, *Qualitative Research Methodology* (Surakarta: UNS Press, 2006), pp. 72–82.

¹⁰ Matthew B. Miles, A. Michael Huberman, and Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 4th Edition (California: Sage Publications, 2020), pp. 8–12.

¹¹ Zainal Asikin, *Labor Law in Indonesia* (Jakarta: Prenadamedia Group, 2022), 45.

compensation and treatment in employment relationships.¹² These constitutional provisions form the basis for the establishment of various labor regulations aimed at providing protection to workers, including those who have suffered work-related accidents.

Specifically, the prohibition on terminating the employment relationship of workers who are victims of workplace accidents is regulated in Article 153(1)(a) of Law No. 13 of 2003 on Manpower. This provision states that employers are prohibited from terminating the employment of workers who are unable to work due to illness, as certified by a doctor, for a period not exceeding twelve consecutive months.¹³ This provision constitutes a form of preventive legal protection aimed at ensuring job security while the worker undergoes the recovery process. This protection is reinforced by Article 153(1)(j), which explicitly prohibits employers from terminating the employment of workers with permanent disabilities, illnesses resulting from work-related accidents, or illnesses arising from employment relationships where the duration of recovery, as stated in a doctor's certificate, cannot yet be determined. This provision holds significant importance as it demonstrates that workers who are victims of work-related accidents must not be treated as a burden to the company that can be dismissed at any time. On the contrary, the company is obligated to maintain the employment relationship and provide the worker with the opportunity to undergo recovery until they are able to return to work.

From a human rights perspective, this prohibition on layoffs constitutes the implementation of the principle of non-discrimination in the workplace. Workplace accidents are not the fault of the worker, but rather a risk inherent in the performance of work. Therefore, illness or disability resulting from a workplace accident must not be used as a reason to deprive a worker of their right to employment. If an employer proceeds with a layoff

¹² Indonesia, 1945 Constitution of the Republic of Indonesia, Article 27(2) and Article 28D(2).

¹³ Indonesia, Law No. 13 of 2003 on Labor, Article 153(1)(a).

during this protection period, the layoff may be declared null and void, and the employment relationship is deemed to continue as it should.¹⁴

Legal regulations regarding layoffs have undergone significant changes following the enactment of Law No. 11 of 2020 on Job Creation, which was subsequently reinforced by Law No. 6 of 2023 on the Conversion of the Job Creation Government Regulation in Lieu of Law into Law. One of the most fundamental changes is the shift in the layoff mechanism, which previously required a ruling from an industrial relations dispute resolution body to a system where employers simply notify employees of the layoff.¹⁵ This change is further regulated in Government Regulation No. 35 of 2021 on Fixed-Term Employment Contracts, Outsourcing, Working Hours, Rest Periods, and Termination of Employment. Under these regulations, employers need only provide workers with a written notice of termination, accompanied by the reasons for the termination and the rights to which the worker is entitled. If the worker does not file an objection, the termination may proceed without going through a review process at the Industrial Relations Court.¹⁶

Although intended to enhance labor market flexibility and ease of doing business, this change raises new issues for workers who are victims of workplace accidents. In practice, workers undergoing recovery often find themselves in a vulnerable position—physically, psychologically, and economically. Consequently, they tend to accept the termination decision even though they legally have the right to refuse it. This situation creates an imbalance in bargaining power that risks undermining the effectiveness of the legal protections provided by Article 153 of the Labor Law.

A more complex issue arises from Article 154A of Law No. 6 of 2023, which expands the grounds for termination, such as corporate efficiency,

¹⁴ Agusmidah, *Indonesian Labor Law* (Bogor: Ghalia Indonesia, 2021), 213.

¹⁵ Indonesia, Law No. 6 of 2023 on Job Creation, Article 151.

¹⁶ Indonesia, Government Regulation No. 35 of 2021 on Fixed-Term Employment Contracts, Outsourcing, Working Hours and Rest Periods, and Termination of Employment.

business restructuring, mergers, acquisitions, company closures, and corporate losses.¹⁷ This expansion of grounds for termination has sparked debate regarding the relationship between Article 154A and Article 153, which prohibits the termination of workers who are victims of workplace accidents.

In legal theory, this is known as the principle of *lex specialis derogat legi generali*, meaning that a specific provision supersedes a general one. Based on this principle, Article 153 should be viewed as a special protective norm for workers who are victims of workplace accidents and thus cannot be overridden by the grounds of efficiency as stipulated in Article 154A. However, in industrial relations practice, many employers use the grounds of efficiency to terminate employment relationships with workers who are undergoing recovery from workplace accidents. This situation creates legal uncertainty due to a conflict between the interest in protecting workers and the interest in maintaining business continuity. On one hand, companies argue that efficiency is necessary to sustain business operations. On the other hand, workers who are victims of workplace accidents are the group most in need of protection, as they have lost their physical capacity and face the risk of losing their income.

In addition to protection under labor law, workers who are victims of workplace accidents also receive protection through the occupational social security system. Based on Government Regulation No. 82 of 2019, which amends Government Regulation No. 44 of 2015, workers who experience a workplace accident are entitled to benefits under the Workplace Accident Insurance (JKK).¹⁸ These benefits include unlimited medical care based on medical necessity, Temporary Disability Allowance (STMB), disability benefits, death benefits, medical rehabilitation, and educational

¹⁷ Indonesia, Law No. 6 of 2023 on Job Creation, Article 154A.

¹⁸ Indonesia, Government Regulation No. 82 of 2019 Amending Government Regulation No. 44 of 2015 on the Implementation of the Work Accident Insurance and Death Insurance Programs.

scholarships for the participant's children. Protection through JKK reflects a shift in paradigm from mere compensation toward comprehensive social protection. However, in practice, there are still companies that lay off workers precisely when they file a JKK claim. There are even companies that fail to register their workers with BPJS Ketenagakerjaan, causing workers to lose access to the social protection they are entitled to. Such actions not only violate labor norms but also contravene national social security standards.

Another significant development is the implementation of the RTW (*Return to Work*) Program organized by BPJS Ketenagakerjaan. This program represents an innovation in the system for protecting workers injured in workplace accidents in Indonesia. The RTW Program aims to assist workers who have suffered workplace accidents in returning to work through medical rehabilitation, psychosocial rehabilitation, vocational rehabilitation, skills training, and job adjustments tailored to the worker's condition.¹⁹ The existence of the RTW (*Return to Work*) program demonstrates that modern legal protection no longer focuses solely on providing compensation but rather on restoring workers' productive capacity. Thus, workers who are victims of workplace accidents still have the opportunity to contribute to the workforce despite physical limitations.

Furthermore, protection for workers who are victims of workplace accidents must also be linked to Law No. 8 of 2016 on Persons with Disabilities. In many cases, workplace accidents result in workers suffering permanent disabilities. Under this law, people with disabilities have the same right to employment and equal treatment without discrimination. Therefore, companies are obligated to provide reasonable accommodations

¹⁹ BPJS Ketenagakerjaan "Return to Work (RTW) Program," accessed June 1, 2026.

and must not terminate employment solely because a worker has a disability resulting from a workplace accident.²⁰

From the perspective of John Rawls' theory of justice, legal protection for workers who are victims of workplace accidents constitutes an implementation of *the difference principle*, which prioritizes the most vulnerable groups as those deserving greater protection. Workers who are victims of workplace accidents belong to *the "least advantaged"* group because they suffer physical, psychological, and economic losses simultaneously. Therefore, legal policies permitting the termination of workers undergoing recovery must be interpreted with great caution to avoid creating structural injustice.

The novelty of this discussion lies in an integrative analysis of Article 153 of the Labor Law, Article 154A of Law No. 6 of 2023 on Job Creation, Government Regulation No. 35 of 2021, the BPJS Ketenagakerjaan Return to Work Program, and Law No. 8 of 2016 on Persons with Disabilities. Until now, research on the termination of workers who are victims of workplace accidents has generally focused only on the prohibition of termination under the Labor Law. However, regulatory developments following the Job Creation Law have created new dynamics in the form of a conflict of norms between labor market flexibility and the protection of vulnerable worker groups, which requires a more in-depth study.

Thus, the legal framework regarding unilateral termination of workers who are victims of workplace accidents in Indonesia has essentially evolved into a comprehensive protection system that encompasses employment relationship protection, social security, vocational rehabilitation, and protection for persons with disabilities. However, the main challenge still faced does not lie in the availability of regulations, but rather in the consistency of implementation and law enforcement so that the protection guaranteed by law can be realized in practice within industrial relations.

²⁰ Indonesia, Law No. 8 of 2016 on Persons with Disabilities.

2. Mediation Conducted by the Semarang City Manpower Office

The Semarang City Labor Office carries out mediation functions in accordance with Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes (PPHI). Mediation is a mandatory step that must be taken if bipartite negotiations (the first stage prior to mediation) between workers and employers reach an impasse. Mediators at the Semarang City Manpower Office act as a neutral third party to help the parties reach a Joint Agreement (PB). This is in line with the principle of dispute resolution through deliberation to reach consensus, which forms the basis of industrial relations in Indonesia.

The mediation process at the Semarang City Manpower Office generally follows the steps below:²¹

1. Receipt of Complaint: Workers who have experienced unilateral termination of employment (PHK) file a complaint with the Labor Office, attaching supporting evidence such as the termination letter (PHK), proof of a work-related accident, and a doctor's certificate. This stage is one of the worker's rights to obtain legal protection against an employer's actions suspected of violating legal regulations.
2. Summoning the Parties: After receiving the complaint, the mediator will summon the worker and the employer to attend the mediation process. This summons is issued officially to ensure both parties have equal opportunity to present their views and defenses.
3. Clarification and Negotiation: At this stage, the mediator clarifies the core issues of the dispute and identifies the worker's statutory rights that may have been violated. One frequently cited basis is the

²¹ Republic of Indonesia, "Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes," 2004.

provisions of Law No. 13 of 2003 on Manpower, specifically Article 153, which prohibits employers from terminating an employee's employment (PHK) for certain reasons, including illness resulting from a work-related accident within a specified timeframe. The mediator then facilitates negotiations to reach an agreement beneficial to both parties.

4. Mediation Outcomes: The final result of mediation can take two forms. First, if an agreement is reached, a Joint Agreement (PB) is drafted, which becomes legally binding once registered with the Industrial Relations Court. Second, if no agreement is reached, the mediator issues a written recommendation as a dispute resolution proposal that can serve as the basis for the parties to proceed with the case before the Industrial Relations Court.

In cases of unilateral termination of employment (PHK) against victims of workplace accidents, mediators at the Semarang City Labor Office often face situations where employers insist that the worker is no longer productive. In such cases, the mediator must fulfill their legal duty by reminding the employer of the prohibition on termination of employment (PHK) as stipulated in Article 153 of the Labor Law. However, the effectiveness of this role is often hindered by the mediator's limited authority, which is restricted to issuing written recommendations and lacks the enforceable power of a court ruling.²² If the employer refuses the mediator's recommendation to reinstate the worker, the worker is forced to proceed with legal action before the Industrial Relations Court (PHI).

Field data indicates that the mediation process in Semarang tends to focus on monetary settlements (severance pay) rather than the *reinstatement* of employment. This is because mediators are often under

²² S Bahmid, "The Effectiveness of Mediation in Resolving Industrial Relations Disputes at the Department of Manpower and Transmigration," *UIN Malang Law Journal* 15, no. 2 (2024): 210–25.

pressure to resolve cases quickly to meet agency performance targets.²³ For workers who are victims of workplace accidents, severance pay offers are often the only realistic option because they need funds quickly for medical treatment, even though legally they are entitled to remain employed. This phenomenon of a “severance pay negotiation market” indicates that mediation at the local level still requires strengthening to be more oriented toward justice for workers.

One of the main challenges in mediation in Semarang is the dominance of the “economic efficiency” paradigm brought by employers. Many employers in the Semarang industrial area who attend mediation are accompanied by professional legal consultants, while workers who are victims of workplace accidents often attend without representation, and sometimes are still in a physically weakened condition. In this situation, mediators should play an active role as a balancing force (*balancing of power*). However, the mediators’ limited authority—restricted to providing written recommendations—prevents them from fulfilling this role to the fullest. Mediators often hesitate to go too far in defending workers’ rights for fear of being perceived as biased or overstepping their authority.

Additionally, the effectiveness of mediation at the Semarang City Labor Office is often hindered by limited human resources. With a very small number of mediators compared to the thousands of companies involved, each mediator must handle an extremely high caseload. This results in the mediation process appearing rushed and failing to delve deeply into substantive justice.²⁴ Mediators often prioritize meeting case resolution targets (*output*) over the quality of the resulting agreement (*outcome*). For workers who are victims of workplace accidents, this is

²³ A. R. Nugrahela, “Handling Industrial Relations Conflicts Through Mediation at the Semarang City Department of Labor,” *Notarius* 15, no. 1 (2022): 12–28.

²⁴ M. Muhron, “The Functions and Roles of Industrial Relations Mediators in Dispute Resolution at the Semarang City Department of Manpower,” 2023.

highly detrimental because they require more time to explain their medical conditions and the economic impacts they have experienced.

The result of mediation that does not reach an agreement is called a Written Recommendation. This recommendation is the mediator's legal opinion regarding the resolution of the dispute. In the city of Semarang, mediators' recommendations in cases of termination of employment (PHK) due to workplace accidents generally require the company to pay the workers' entitlements in accordance with the provisions of the law or to rehire them. However, the fundamental problem with these recommendations is that they are not legally binding. If the employer rejects the recommendation, the worker must proceed with a lawsuit in the Industrial Relations Court (PHI).²⁵ For a worker who has just suffered a workplace accident and has no income, pursuing legal action is extremely burdensome both financially and psychologically. The ineffectiveness of this recommendation is often exploited by employers to drag out the process until the worker gives up and accepts minimal compensation.

One of the key issues addressed in this study is the imbalance in *bargaining power* experienced by workers who are victims of workplace accidents when facing employers at the mediation table. This imbalance is not merely economic but also encompasses aspects of information, psychology, and access to legal assistance. In the city of Semarang, where the manufacturing sector dominates, workers are often viewed as *disposable labor*—a part of the production machinery that can be replaced at any time. When an accident occurs and a worker loses some of their physical abilities, their bargaining power plummets drastically because they feel they no longer hold value in the eyes of the employer.²⁶

²⁵ G. R. R. I. Pangestu, "Legal Analysis of the Resolution of Unilateral Termination of Employment Based on the Job Creation Law," *Constitutional Law Journal* 3, no. 2 (2025): 88–105.

²⁶ S Juwita, "Legal Protection for Workers Against Termination of Employment Due to Work-Related Accidents," *Jurnal Justisia USM* 8, no. 2 (2026): 118.

During the mediation process at the Semarang City Labor Office, this disparity is evident in the differing levels of support provided to workers and employers throughout the mediation process. Large companies, such as those in the Bukit Semarang Baru (BSB) Industrial Zone, the Candi Industrial Zone (KIC), and the Wijayakusuma Industrial Zone (KIW), generally have *Human Resources* (HR) departments and legal teams that thoroughly understand the legal loopholes in the Job Creation Law and the Labor Law. Conversely, workers who are victims of workplace accidents often arrive in a state of financial distress because their wages have been unilaterally suspended. Faced with the urgent need for money to cover living expenses and medical treatment, workers become highly vulnerable to accepting any settlement offered by the employer, even if the amount is far below their statutory entitlements.²⁷ In many cases, mediators are trapped in the role of a “peacemaker” who merely facilitates monetary offers, rather than acting as rights enforcers to ensure workers receive rehabilitation.

Additionally, inequality manifests as “information asymmetry”—a condition where employers have broader access to company medical records, OSH (occupational safety and health) reports, and internal policies, while workers do not fully understand this information. In mediation practices in Semarang, there is a tendency for employers to use productivity data as justification to claim that workers are no longer eligible to be retained in the employment relationship. Consequently, without adequate legal assistance, workers who are victims of workplace accidents are unable to refute such technical arguments. This demonstrates that while mediation is intended to be a fair means of dispute resolution, it often becomes a platform for employers to impose their will through administrative and economic pressure.²⁸

²⁷ L Lumentut, “The Effectiveness of Resolving Industrial Relations Disputes Through Mediation,” *Paulus Law Review* 7, no. 1 (2025): 28.

²⁸ D J Sari et al., “The Effectiveness of Mediation in Resolving Industrial Relations Disputes: A Case Study of PT Panelindo Makmur Sentosa,” *Judge: Law Journal* 6, no. 2 (2025): 155.

According to John Rawls's theory of justice, a legal system should be designed to protect and provide the greatest possible benefits to those in the weakest or most disadvantaged positions (*the least advantaged*). Workers who are victims of workplace accidents and face layoffs are a concrete example of this disadvantaged group. However, the implementation of the Job Creation Law at the local level, particularly in the city of Semarang, reveals a different trend, where labor market flexibility is prioritized over worker protection. Mediators at the Department of Manpower should have the courage to exercise their authority and issue recommendations that uphold substantive justice, for example by requiring companies to implement a *Return to Work* (RTW) program as stipulated in the BPJS Ketenagakerjaan program.

This imbalance in bargaining power is further exacerbated by the weak role of labor unions in several medium-sized companies in Semarang. Many workers who are victims of workplace accidents are not members of labor unions, thereby losing collective support in facing the threat of layoffs. Yet, the existence of labor unions is guaranteed under Law No. 21 of 2000 on Labor Unions as a means to collectively advocate for and protect workers' rights. In such situations, the state, through the mediation mechanism as stipulated in Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes, should play an active role as a balancing force to protect the weaker party. However, in practice, mediators are often passive and position themselves more as facilitators who merely wait for the parties to reach an agreement. This indicates that the objective of legal protection has not been fully achieved, particularly in realizing substantive justice. This passive attitude of mediators indirectly legitimizes the dominance of employers in the mediation process.²⁹

²⁹ J Ardiansyah, "The Effectiveness of Industrial Relations Mediation at the Provincial Manpower Office," 2023.

3. The Effectiveness of Mediation in Substantive Protection and the Restoration of Workers' Rights

The implementation of Law No. 6 of 2003 on Job Creation in the City of Semarang has introduced new dynamics in the patterns of resolving industrial relations disputes. Although this law is normatively intended to create jobs, on the other hand, it provides employers with greater ease to carry out layoffs through simplified procedures. At the local level, many employers have interpreted this as a green light to restructure their workforce, including by eliminating workers deemed no longer productive due to workplace accidents.³⁰

One significant change in the Job Creation Law is the removal of the requirement for a decision from an industrial relations dispute resolution body prior to conducting layoffs, provided the worker does not object. In practice in Semarang, this provision allows companies to use the “layoff notification letter” mechanism, which is sent directly to the worker’s home, even while the worker is ill. This practice has the potential to create inequality, as workers in vulnerable conditions often lack the opportunity or ability to respond effectively to the layoff decision. If the worker does not provide a written response within 7 working days, the company considers the layoff to have taken place legally. This practice is highly detrimental to victims of workplace accidents who may be undergoing intensive care or do not understand such a brief administrative procedure. Mediators at the Semarang City Labor Office are often faced with the fact that the termination has already taken place administratively before the mediation hearing begins, leaving only room for negotiation regarding the amount of severance pay.

³⁰ F B Hirawan et al., “Analysis of Law No. 11 of 2020 on Job Creation: Labor Cluster—A Study on Wage Regulations, Layoffs, and Severance Pay,” *Labor Journal* 18, no. 1 (2023): 20.

The effectiveness of mediation following the Job Creation Law is also influenced by changes in the amount of severance pay. The Job Creation Law and Government Regulation No. 35 of 2021 have altered the severance pay calculation formula, which tends to be lower compared to Law No. 13 of 2003 in certain categories. This makes employers more willing to take the risk of conducting unilateral layoffs because the legal costs they must pay (if they lose in mediation or court) become more predictable and affordable.³¹ In the city of Semarang, this phenomenon is reflected in the increasing number of layoff cases filed with the Department of Manpower, yet accompanied by a decline in the success rate of mediation regarding the restoration of employment relationships. This indicates a shift in the function of mediation, from one originally oriented toward protecting workers' rights to a more pragmatic approach as a means of resolving financial compensation through severance pay, meaning the goal of substantive justice has not yet been fully achieved.

Additionally, overlapping jurisdictions between mediators at the city level and labor inspectors at the provincial level present a distinct challenge in Central Java. Labor inspection, now under the authority of the Central Java Provincial Government, has slowed down legal enforcement coordination in the city of Semarang. When mediators identify violations of occupational safety and health (OSH) standards or violations of Article 153 during the mediation process, they cannot take immediate action but must report the matter to the provincial labor inspectorate.³² Lengthy bureaucratic procedures often result in evidence of violations on-site being lost or the company having already unilaterally carried out the layoffs.

Nevertheless, amidst various limitations in the implementation of mediation, there are positive efforts by the Semarang City Labor Office to

³¹ W D Putro, "Criticism of the Formulation of Grounds for Termination in the Job Creation Law," *Journal of Law and Justice* 10, no. 3 (2021): 350.

³² Soediono, "The Role of the Sidoarjo Regency Manpower Office in Protecting the Rights of Workers Facing Termination of Employment."

strengthen workers' bargaining positions through the optimization of social security programs. One of the steps taken by the Labor Office is to require companies involved in disputes to provide proof of enrollment in the BPJS Ketenagakerjaan (Social Security Agency for Workers). If a company is found not to have registered its workers, the mediator advises the company to independently cover all medical expenses and work-related accident benefits in accordance with BPJS standards.³³ This effort aims to ensure a shift in the mediation approach that focuses not only on dispute resolution but also on the fulfillment of workers' basic rights. Nevertheless, protection regarding the continuity of employment relationships—particularly in preventing layoffs of workers who are victims of workplace accidents—remains suboptimal.

Protection for workers who are victims of workplace accidents is not merely a technical issue in labor law but also a fundamental aspect of Human Rights (HR). This is because every worker has the right to safety, health, and fair and decent treatment in the employment relationship. Therefore, when a workplace accident occurs, the state, employers, and all stakeholders have an obligation to ensure the fulfillment of workers' rights, including legal protection, social security, and the physical and economic recovery of affected workers.

In various legal instruments, both international and national, the right to safe and healthy work and the right to social security are recognized as fundamental human rights. In Indonesia, these guarantees are explicitly enshrined in Article 27(2) of the 1945 Constitution, which states that every citizen has the right to work and a livelihood that is decent and befitting of humanity. This provision affirms that the state has an obligation to protect workers' rights, including in the event of a workplace accident. When a worker suffers an accident while performing duties for the company's

³³ Semarang City Labor Office, "Annual Report on the Resolution of Industrial Relations Disputes in 2025," 2025.

economic benefit, unilateral termination not only violates the employment contract but also undermines the worker's human dignity.³⁴

In the mediation of industrial relations disputes in the city of Semarang, the human rights perspective is often overlooked due to the dominance of a legal-formalistic approach. Mediators tend to focus on ensuring compliance with the procedures for termination of employment as stipulated in Law No. 11 of 2020 on Job Creation, without considering the existential impact experienced by workers who are victims of workplace accidents, particularly those who subsequently acquire a disability. In fact, workers in such conditions belong to a vulnerable group requiring special protection. The state's obligation to provide such protection stems not only from labor norms but is also reaffirmed in Law No. 8 of 2016 on Persons with Disabilities, which guarantees respect, protection, and the fulfillment of the rights of persons with disabilities, including in the workplace. The integration of the concept of special legal protection into mediation requires mediators not to remain blindly neutral, but rather to take a stance in favor of substantive truth and justice for the party suffering the most as a result of the workplace accident.³⁵

Interview results indicate that some workers in Semarang City who have experienced workplace accidents face a double punishment: the loss of physical ability coupled with the loss of their jobs. This situation not only harms individual workers but also has the potential to create a new cycle of poverty that ultimately burdens the state socially and economically. Therefore, the mediation process conducted by the Labor Department must be viewed as an instrument for the protection of Human Rights (HR) at the local level, not merely an administrative mechanism for dispute resolution. Consequently, mediators are required not only to adhere to a formalistic

³⁴ R. Kusuma, "Protection of Workers' Constitutional Rights in Layoff Disputes," *Jurnal Ius Quia Iustum* 31, no. 1 (2024): 50.

³⁵ Y Pratama, "The Dynamics of Labor Dispute Resolution in the Digital Age," *Business Law Journal* 14, no. 1 (2025): 82.

legal approach but also to boldly prioritize the principle of *ex aequo et bono* in offering recommendations—based on justice and fairness—by prioritizing humanitarian aspects and substantive justice over administrative formalities. This includes urging companies to provide *reasonable* accommodations for workers who are victims of accidents so they can continue working in positions suitable for their physical condition.³⁶

Amid intense industrial competition in Semarang regarding the handling of workplace accident cases, moral values in business and *Corporate Social Responsibility* (CSR) often result in rules or principles intended to protect workers remaining mere words, as they are not genuinely applied in practice within the relationship between workers and employers. Many companies in industrial zones, particularly in areas like Genuk or Wijayakusuma, boast international Occupational Safety and Health (OSH) certifications; yet, in reality, these companies unilaterally terminate the employment of workers who have suffered workplace accidents under the pretext of efficiency. This action demonstrates a disconnect between the company's public image and its actual commitment to the well-being of workers as its primary stakeholders.³⁷

CSR (*Corporate Social Responsibility*) itself should not be interpreted solely as charitable activities outside the company, but should also encompass fair and humane treatment of workers within the company (*internal CSR*). Retaining workers who have suffered workplace accidents and providing them with retraining for new positions is a tangible form of social responsibility. In Semarang, mediators at the Department of Manpower can serve as catalysts for employers to integrate these business ethics values into the mediation process. Instead of merely discussing

³⁶ S Lestari, "Mediation as an Alternative Dispute Resolution in the Manufacturing Sector," *Journal of Procedural Law* 9, no. 1 (2026): 50.

³⁷ B Santoso, "The Role of Industrial Relations Mediators in Indonesia's Labor Law System," *Legal Forum* 34, no. 1 (2022): 20.

severance pay amounts, mediators can propose solutions such as rehabilitation programs jointly funded by the company and the Social Security Agency for Manpower (BPJS Ketenagakerjaan).³⁸ The main challenge identified is that many employers in Semarang prioritize short-term profits over worker protection. Workers who are victims of workplace accidents are often viewed as a burden because they are perceived as reducing company productivity. Consequently, in the absence of clear social or administrative sanctions, companies tend to opt for unilateral termination of employment (PHK) as the easiest way to reduce costs. This is inconsistent with the provisions of Article 153(1)(j), which states that “Employers are prohibited from terminating the employment of workers/laborers on the grounds of: j. permanent disability, illness resulting from a work-related accident, or illness arising from the employment relationship, where the duration of recovery, as stated in a doctor’s certificate, cannot yet be determined.” Therefore, the Semarang City government needs to consider a policy involving a “red flag” or special monitoring list for companies that repeatedly engage in layoffs of workers who are victims of work-related accidents. This policy could be linked to access to public services or business licensing, thereby providing companies with economic incentives to behave ethically toward their workers.

The effectiveness of mediation in protecting victims of workplace accidents in Semarang is heavily influenced by the quality and integrity of mediators as key actors. In this study, the researcher identified several structural obstacles hindering mediator performance. First, disproportionate workloads; with a very limited number of mediators, they are often bogged down in administrative routines that cause them to lose sensitivity to aspects of material justice. Each mediation case is allotted a very short timeframe, resulting in a superficial process of gathering medical

³⁸ A Darmawan, *BPJS Ketenagakerjaan: Between Rights and Obligations* (Jakarta: Penerbit Buku Hukum, 2024).

and psychological facts regarding the victim.³⁹ Second, a culture of compromise within the bureaucratic environment; mediators often consider themselves successful if a dispute concludes with a Mutual Agreement (PB), regardless of the terms. This leads mediators to exert subtle psychological pressure on workers to accept the severance pay offered by employers, arguing that court proceedings would take longer and victory is not guaranteed. This “peace is beautiful” mindset often results in workers’ statutory rights being disregarded, even though such rights are fundamentally non-negotiable. Mediators should stand firm as enforcers of the law, not merely as peace brokers who disadvantage the weaker party.⁴⁰

Third, mediators do not yet fully understand the technical knowledge regarding medical conditions resulting from workplace accidents and the latest developments in social security law; many mediators in Semarang City rely solely on a general understanding of labor law, without understanding BPJS claim procedures or the criteria for permanent disability according to occupational medicine standards. This also makes them susceptible to being misled by statements from the company’s medical team, which often downplay the impact of workplace accidents on the worker’s ability to work. Finally, the lack of an integrated information system between the Department of Labor, the Social Security Agency (BPJS) for Labor, and Labor Inspectors; mediators often operate in the dark regarding a company’s track record in previous cases. Without an integrated dispute *database*, unscrupulous companies can continue to repeat the same pattern of unilateral termination of employment (PHK) against different workers without being detected as a systemic violation (a failure of the system).

³⁹ D. A. Safitri, “The Role of the Lampung Provincial Manpower Office Mediator in Resolving Layoff Disputes,” 2023.

⁴⁰ B Nugroho, “Implementation of Legal Protection for Workers Following the Job Creation Law,” *Indonesian Legislation Journal* 20, no. 1 (2023): 65.

One of the most promising yet often overlooked protective measures in the mediation process in Semarang is the *Return to Work (RTW)* program managed by BPJS Ketenagakerjaan. This program is designed to ensure that workers who have suffered work-related accidents resulting in disabilities continue to receive medical and vocational support (job skills training) so they can return to work at the same company or another company; integrating the RTW program into the implementation of industrial relations mediation is a concrete solution to address the tension between the company's desire to carry out layoffs and the workers' right to maintain their livelihood.⁴¹

In the city of Semarang, the implementation of the RTW program still faces various administrative obstacles and a lack of awareness among employers. Many companies believe that rehiring workers with disabilities will reduce efficiency and increase the risk of future workplace accidents. In fact, through the RTW program, BPJS Ketenagakerjaan provides financial support for workplace modifications and retraining for workers. Mediators at the Semarang City Manpower Office should position themselves as active facilitators who introduce and encourage the use of this program during mediation sessions. In this study, the researcher proposes that the Semarang City Labor Office establish a more robust Memorandum of Understanding (MoU) with the Semarang branch of BPJS Ketenagakerjaan to station a dedicated RTW support officer at the Semarang City Labor Office. Thus, whenever there is a report of a layoff dispute resulting from a work-related accident, the RTW officer can immediately provide a technical assessment regarding the worker's fitness to return to work. This information will serve as a very strong basis for mediators in issuing recommendations mandating rehabilitation rather than unilateral layoffs.

⁴¹ BPJS Ketenagakerjaan, "Report on the Implementation of the 2025 National Return to Work Program" (Jakarta, 2026).

Conclusion

Based on the discussion regarding the legal framework for unilateral termination of employment against workers who are victims of workplace accidents, the implementation of mediation by the Semarang City Labor Office, and the effectiveness of mediation in providing substantive protection and restoring workers' rights, it can be concluded that:

1. Legal regulations in Indonesia, in principle, have provided adequate protection for workers who are victims of workplace accidents through the Labor Law, the Job Creation Law, the Workplace Accident Insurance (JKK) system, the Return to Work (RTW) Program, and protections for persons with disabilities. Nevertheless, the expansion of grounds for termination following the enactment of Law No. 6 of 2023 still poses potential legal uncertainty in its implementation, necessitating an interpretation that prioritizes protection for workers as the vulnerable party.
2. The conduct of mediation at the Semarang City Labor Office has proceeded in accordance with the procedures stipulated in Law No. 2 of 2004. However, its effectiveness remains constrained by the limited authority of mediators, the imbalance in the bargaining positions of the parties, and a resolution process dominated by a focus on financial compensation. These conditions have prevented mediation from functioning optimally as a means of protecting workers' rights.
3. Mediation has not been fully effective in providing substantive protection for workers who are victims of workplace accidents. Dispute resolution still tends to focus on severance pay rather than the restoration of employment relationships and worker rehabilitation. Therefore, it is necessary to strengthen the role of mediators and integrate social protection and work rehabilitation programs so that workers' rights can be restored in a more just and sustainable manner.

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