

# COOPERATION INSTITUTIONS (LKS) BIPARTITE EFFECTIVENESS IN EFFORTS TO PREVENT INDUSTRIAL RELATIONSHIP DISPUTES OF COMPANIES IN TERNATE

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## ABSTRACT

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Effectiveness of cooperative institutions (LKS) bipartite in an effort to prevent industrial relations disputes in companies in Ternate City, The purpose of this research is to examine the role of bipartite cooperation institutions (LKS) in the prevention of industrial relations disputes in companies, as well as the effectiveness of the establishment of bipartite cooperation institutions (LKS) in companies in Ternate City. The research method used is qualitative with a case study approach and data is collected through in-depth interviews with employers, workers/labourers, trade unions/labor unions and Industrial Relations Mediator Employees both in the regions and at the Ministry of Manpower. Some of the findings obtained from this study indicate that in the provisions of labor legislation, a bipartite work forum will refer to a communication and consultation forum to make careful considerations on matters relating to industrial relations in a company, where the members consist of employers/entrepreneurs and workers/laborers. or representatives of Workers/Labourers' organizations.

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## INTRODUCTION

Industrial Relations (HI) in Indonesia aims to realize the ideals of the proclamation of Independence in 1945 in national development, namely to participate in realizing a just and prosperous society based on Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia and participate in carrying out world order based on independence, eternal peace and social justice, these goals are achieved through the creation of peace of mind, peace, order, enthusiasm for work, peace of mind, increasing productivity and improving the welfare of workers and their degrees in accordance with human dignity (Rianto, Etty, & Mifta, 2021). Moreover, work schedule also influences employees' intentions to remain (HakemZadeh, et al, 2021).

Employment policies that mention fostering working relations from employers need to be continuously improved in the creation of a harmonious and balanced cooperation that is imbued with Pancasila and the 1945 Constitution of the Unitary State of the Republic of Indonesia. Respectively (Suhandi, 2017). Furthermore, corporate identity is a package of functional, economic, and psychological benefits offered by employment and identified with the employing

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organization in order to build a positive image of employers, recruit fresh talent, and foster employee loyalty (Eriksson, et al, 2022).

In the perspective of labor law, employment relations or so-called industrial relations require a communication process of consultation and deliberation on matters related to various aspects of the process of producing goods or services (Husni, 2012). Harmonious industrial relations can be an important asset in free competition. Harmonious industrial relations will be able to encourage transparency which can increase mutual understanding between workers and companies. Harmonious industrial relations will be able to detect and anticipate potential disputes in an employment relationship.

Industrial relations disputes in the framework of labor law are defined as differences of opinion that result in conflict between the entrepreneur or a combination of employers and workers or a trade union/labor union (SP/SB) due to disputes over rights, disputes over interests, disputes over termination of employment, and disputes between unions. workers in one company (Nomor, 2 C.E.).

Dissecting morein relation to the settlement of industrial relations disputes, in fact the disputes in question can be suppressed or minimized by various media options or industrial relations dispute settlement mechanisms. One of them is the establishment of a membership forum consisting of representatives of employers and workers/labourers.

This forum consisting of representatives of employers and workers is then more commonly referred to as the Bipartite Cooperation Institute (*LKS* Bipartite). Bipartite *LKS* is an initiative forum consisting of representatives of workers or workers' organizations, jointly holding meetings to identify and resolve problems related to common interests and needs.

There is a very urgent need to improve the capacity of labor cooperation institutions and employers or employers in carrying out their roles and responsibilities so that the industrial relations system can function properly, especially at the bipartite level at the work level (Nurmayetti, n.d.). The establishment of this Bipartite *LKS* broadly aims to create harmonious, dynamic, fair and dignified industrial relations in the company in order to lead to peace of mind for workers and business continuity for the company.

The achievement of the objective of this Bipartite *LKS* is if this cooperative institution can carry out its function as a forum for communication and consultation between workers and employers in the context of developing industrial relations for the survival, growth and development of companies for the welfare of workers.

The formation of Bipartite *LKS*, as regulated in Article 106 paragraph (1) of the Manpower Act, namely "Every company that employs more than 50 workers/laborers or more is obliged to form Bipartite *LKS*" (Undang-Undang, 2003). This is supported by the provisions of Article 2 of the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number. 32/MEN/XII/2008 concerning Procedures for Establishing and Membership Structure of Bipartite Cooperation Institutions, states that the communication platform that can be used between employers and workers is through the Bipartite *LKS* (Ministerial Regulations, 2008).

Bipartite *LKS* is something that has not been fully utilized by both parties, both the workers and employers. The presence of Bipartite *LKS* in the company should be able to modernize the responsive communication model into a consultative communication model. However, in its application in the field, there are still various inhibiting factors that must be immediately resolved. Whereas in terms of effectiveness, if *LKS* can be implemented properly, synergy in the workplace can occur and harmonization of industrial relations can be achieved. Bipartite *LKS* should be used as a medium for both groups to produce effective communication that can contribute to the sustainability of the company.

Ternate City is the largest city and the gateway to North Maluku Province, which is considered to have bright prospects for business development. The number of companies in Ternate City in 2021 based on Mandatory Reporting Employment data is 273 companies with a total workforce of 5,717 people, consisting of 3,606 men and 2,088 women. Industrial relations disputes cannot be resolved optimally or the bipartite level settlement is low, this can be seen from the increase in labor cases delegated to the Ternate City Manpower Office for the 2018-2021 period.

Referring on employment information from the Ternate City Manpower Office to date, there is no company in the Ternate City area that has formed a Bipartite Cooperation Institution (LKS) in the company, this is the source of the problem of increasing industrial relations disputes, which are handled by the Department of Manpower. Ternate City Work, p this of course This resulted in limited service for complaints on industrial relations dispute cases at the Ternate City Manpower Office, because there was only 1 (one) certified Mediator from the Minister of Manpower of the Republic of Indonesia, with a focus on handling the number of industrial relations dispute cases at the Ternate City Manpower Office in 2015. 2021, as many as 25 complaints cases.

In terms of novelty, there are previous research written by (Marbun, Ginting, Tarigan, & Agusmidah, 2017) discusses the role of Bipartite Cooperation Institutions (LKS) in resolving disputes in industrial relations which are different from the focus of this research. Another study conducted by Dynna also discussed the effectiveness of bipartite institutions in resolving industrial relations disputes that occurred. The research conducted by Dynna took a specific location, namely PT. New Kuta Golf And Ocean View (Dynna, Budiarta & Seputra, 2020).

This research differentiation from previous research because it focuses more on the effectiveness of bipartite institutions in preventing industrial disputes. This study has enough differences as a novelty in research. Research that discusses the effectiveness of bipartite LKS in preventing industrial disputes has never been discussed in this research.

Based on the description above, the author focuses on conducting research in the form of a Thesis Proposal with the title "Effectiveness of Bipartite Cooperation Institutions (LKS) in Efforts to Prevent Industrial Relations Disputes in Companies in Ternate City"

Based on the things that have been described in the background, some of the main problems in this research are as follows:

1. How is the Role of the Bipartite Cooperation Institution (LKS) in the Prevention of Industrial Relations Disputes in the Company.
2. How Effective is the Establishment of Bipartite Cooperation Institutions (LKS) in Companies in Ternate City.

## METHOD

### A. Research sites

The research conducted by the author takes place at a company located in the Ternate City area, namely PT. Bintang Muara Kieraha, whose address is at Jalan Juma Puasa, Santiang Village, Central Ternate District, PT. Sahid Bela Hotel which is located at Jalan Raya Jati Number 500 Jati Village, South Ternate District and PT. Langgang Buana Perkasa which is located at Jalan Sultan Babullah Ternate Airport. As for the reasons for choosing the two companies as research locations, it is intended that the authors get more accurate and accountable data, and based on complaint data at the Ternate City Manpower Office for 2020-2021, it shows that the three companies experienced an increase in industrial relations disputes and does not yet have a Bipartite Cooperation Institution (LKS).

## **B. Types of research**

This research is a descriptive research with a qualitative approach. Qualitative descriptive method is a research method based on the philosophy of postpositivism used to examine the condition of natural objects (as opposed to experiments), where the author is the key instrument of data collection techniques carried out by triangulation (combined), data analysis is inductive/qualitative, and qualitative research results emphasize meaning rather than generalization (Sugiyono, 2013). Qualitative descriptive research aims to describe, describe, explain, explain and answer in more detail the problems to be studied by studying as much as possible an individual, a group or an event.

In qualitative research, humans are research instruments and the results are written in the form of words or statements that are in accordance with the actual situation. This research is a type of empirical legal research, another term for sociological legal research, and can also be called field research (Dillah, 2015). This empirical legal research aims to find legal and factual events (facta finding), also continues with formulating problems (problem finding), then leads to problem identification (problem identification), and ultimately leads to problem solving (problem solving).

As an empirical legal research, this research has the following benefits:

1. Provide input and a comprehensive picture to industrial relations actors, namely entrepreneurs, a combination of entrepreneurs, workers/labor and SP/SB as well as the community regarding effectiveness of the mediator in the settlement of industrial relations disputes.
2. Knowing and providing information to workers/laborers and employers as well as the community, about the role of the Bipartite Cooperation Institution (LKS) in the settlement of industrial relations disputes in the Company, as well as the establishment of the Bipartite Cooperation Institution (LKS) in the City of Ternate.

## **C. Data Types and Sources**

1. Primary data is data obtained directly from the first source, by conducting field research from respondents and informants.
2. Secondary data is data that is relevant to support primary data and is sourced from library research. The secondary data in this study are in the form of legal source materials, as follows:
  - a. Primary legal materials, namely legal materials consisting of statutory regulations such as: the 1945 Constitution of the Republic of Indonesia, the Civil Code, Laws, Government Regulations, Ministerial Regulations and Decrees, and other materials.
  - b. Secondary legal materials are legal materials consisting of books, legal journals, expert opinions, research reports, in the form of legal dictionaries, language dictionaries, encyclopedias and the internet as well as other materials related to research variables.

## **D. Population and Sample**

Population is a complete set of units or individuals whose characteristics we want to know, the number of individuals or elements that are members of the population is called population size. Meanwhile, the sample is part of the population that provides information or data needed in a study, in other words the sample is a subset of the population (Toha, 2010).

In this study the sampling technique used is non-probability sampling with purposive sampling technique. Purposive sampling is a technique of sampling data sources with certain considerations (Sugiyono, 2013).

The reason for using the purposive sampling technique is because not all samples have criteria that match the phenomenon under study. The samples in this study are the parties or people who are directly related and have the authority and who are involved in the settlement of industrial relations disputes through the Bipartite Cooperation Institution (LKS) in companies in the City of Ternate. The population in this study are workers at 3 (three) companies that have a workforce of more than 50 people, and experienced an increase in complaints of industrial relations disputes during 2020-2021, with a total workforce of 468 people, consisting of 323 Male and 145 Female.

And to determine the sample which is the number of respondents filling out the questionnaire in the analysis of the role of Bipartite LKS and the Effectiveness of Mediators in the formation of Bipartite LKS, it is stated that if the population is less than 100 then it is taken as a whole as a sample, but if the population is more than 100 then a sample of 50%, 25% is taken. , 15%, 10% or taken as needed. And because the population in this study was more than 100, the authors took samples using a random system or random sampling, namely taking 15% of the total population as samples, then the number of samples was  $(15/100 \times 468 = 0.15 \times 468 = 70.2)$ , then rounded up to 71 people).

#### **E. Data collection technique**

The technique used in obtaining accurate data in this study the authors use data collection techniques as follows:

1. Interviews and direct observations of a number of respondents and informants who were later determined as sources in obtaining primary data, including workers/laborers, entrepreneurs, legal advisors, the Tripartite Cooperation Institute (LKS) Team for the City of Ternate, Head of Industrial Relations and Social Security, Head of Department Ternate City Manpower, as well as competent parties in Industrial Relations issues.
2. Questionnaire, which is a set of questions compiled by the author to be filled out by respondents, in the form of written questions to ask for information, answers and information needed. This questionnaire was addressed to workers and management at companies in Ternate City.
3. Literature Study, namely studying various secondary data sources regarding library materials in the form of legal books that are related to the object of research, statutory regulations, results of previous research, opinions of legal experts, and other legal materials whose material quality can be used as a source of author analysis.
4. Documentary studies, namely studying various secondary data sources related to certain legal documents, including data on working conditions, minutes of bipartite negotiations and minutes of agreements/collective agreements with companies as well as reports on the results of previous research, and other data on companies.

#### **F. Data analysis technique**

The data analysis technique is a description of the methods of analysis, namely by collecting data and then editing it first, then it is used as material for qualitative analysis. The data analysis technique used is descriptive analysis, which is operationalized by means of field data obtained by interviewing, questionnaire results and direct observation, then compiled and categorized according to patterns and themes, then interpreted and analyzed. Description analysis focuses on current problems that are actual, then the existing data is collected, compiled, explained and analyzed (Husein, 2010).

Furthermore, the data analysis process begins by examining all available data from various sources, after being read, studied, then the next step is to reduce the data by making abstractions. Then the data analysis is linked to the theoretical framework used, by linking the theoretical framework to the problem under study through a sharp and in-depth analysis.

Then the analyzed data is expressed inductively, which is data analysis with the process from facts to theory. The purpose of using this inductive analysis is to avoid manipulation of research data, so that it begins with new data adapted to theory (Rohmadi, Muhammad, & Yakub, 2015).

## **RESULTS AND DISCUSSION**

### **A. The Role of Bipartite Cooperation Institutions (LKS) in Efforts to Prevent Industrial Relations Disputes in Companies**

The process of industrialization is increasingly widespread in developing countries such as Indonesia bringing consequences on the interest of employers to use a flexible work system wherever possible to support and maximize operational activities company. Within the framework of industrial relations between workers and companies (entrepreneurs) however harmonious, labor disputes are not easy to avoid. Therefore, a set of laws governing the mechanism for resolving labor disputes will always occupy a strategic position in the labor system of a country. In addition, for the efficiency of the company's implementation, it is necessary to have legal regulations that prioritizing the prevention of industrial relations disputes in the form of a special and strategic institution by involving both employers and workers.

From the perspective of labor law, industrial relations requires a process communication, consultation and deliberation on matters relating to various aspects in the process of producing goods or services. Industrial relations cover various matters relating to human interaction in the workplace, such as the occurrence of disputes and normative demands made by workers, all of which are related to successor failure to manage industrial relations in the workplace (Zamhari, 2020).

Industrial relations harmony can be an important capital in free competition. Industrial relations harmony will be able to encourage transparency which can increase mutual understanding between workers and companies. Harmonious industrial relations will be able to detect and anticipate potential disputes in an employment relationship. Disputes are very vulnerable to occur in the relationship between workers and employers because the main focus of the working relationship that the company builds is a work relationship that is target and profit oriented so that it has implications for high work pressure experienced by the company.  
labor side.

Labor relations conflicts will bring great pressure to both companies and workers. How to build a good working relationship harmony and a good way of dealing with conflicts of interest appropriately between employers and workers are real questions that cannot be avoided.

The occurrence of the labor movement has a common goal, namely social justice, justice economics, and fairness of care in the workplace. The occurrence of disputes between companies and workers often occurs because there are differences in perception between the two parties, so that before the problem begins to spread, communication at the internal level is needed to negotiate problems involving both parties, in the world of work this



negotiation term is referred to as bipartite (Utomo & Lubis, 2020). In other words, as an effort to create peace at work and the implementation of early detection on potential disputes that occur in the employment relationship between workers and employers. The Manpower Law recognizes the term bipartite as an institution and bipartite as a system. Bipartite as an institution is an institution whose membership consists of workers' elements or SP/SB and entrepreneurs, while bipartite as a system is a mechanism meeting or bringing together workers or SP/SB on the one hand and employers on the other in a negotiation as an effort to reach an agreement (ILO, 2003).

Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes also prioritizes bipartite settlements based on deliberation and consensus between workers/laborers with entrepreneurs as referred to in Article 3 as follows:

1. Industrial relations disputes must be resolved first through bipartite negotiations by deliberation to reach consensus.
2. Settlement of disputes through bipartite means as referred to in paragraph (1) must be completed no later than 30 (thirty) working days from the date of commencement of negotiations.
3. If within the period of 30 (thirty) days as referred to in paragraph (2) one of the parties refuses to negotiate or negotiations have been carried out but do not reach an agreement, then the bipartite negotiations are deemed to have failed.

Based on the description of the provisions above, it can be concluded that the settlement of industrial relations disputes adheres to settlements outside the court and through the courts. This arrangement is intended to prevent the transfer of disputes to the court. Settlement of industrial relations disputes prioritizes win-win solutions, namely through deliberation to reach consensus. With the hope that industrial relations disputes will not interfere with the production process of goods and services in the company (Mubarok, 2016). Settlement of industrial relations disputes out of court is carried out through the following institutions or mechanisms:

- 1) Bipartite;
  - 2) Mediation;
  - 3) Conciliation;
  - 4) Arbitration.
- (a) Settlement through bipartite negotiations is negotiations between workers/ laborers or trade unions/ labor unions and employers to settle industrial relations disputes. Settlement through bipartite is mandatory, therefore if one party or both parties register their dispute with the agency responsible for manpower affairs, without attaching evidence that efforts to resolve through bipartite negotiations have been carried out, the agency responsible for manpower affairs will return the file to be completed. .
  - (b) Settlement Through Mediation Mediation is the settlement of disputes over termination of employment, and disputes between trade unions/labor unions in only one company through deliberation mediated by one or more neutral mediators.
  - (c) Settlement Through Conciliation Conciliation is a dispute of interest, a dispute over termination of employment, and a dispute between trade unions/labor unions in only one company through deliberation mediated by one or more neutral conciliators.
  - (d) Settlement Through Arbitration Arbitration is the settlement of a dispute of interest and a dispute between trade unions/labor unions in only one company, outside the Industrial Relations Court through a written agreement from the disputing parties to

submit dispute resolution to arbitration whose decision is binding on the parties and is final.

Based on the reasons above, in the author's opinion, the existence of Bipartite LKS in the company between workers and company management is a the key to harmonious, dynamic, and just industrial relations. There was a dispute industrial relations in companies can affect performance and productivity company. In the context of preventing disputes that occur, this is where the role of LKS Bipartite, namely as a means to realize the goal of fostering industrial relations, namely creating business tranquility and peace of mind at work. With peace effort for employers and peace of mind for workers, the performance and company productivity can be increased. That is, when there is a dispute in an industrial relationship between workers and the company, early detection of the potential dispute then becomes a very important thing It is very important to respond through special steps by the company. This is important considering efforts to create peace of mind in an industrial relationship that plays a vital role in the development and progress of the company (Santoso, 2019).

Peace of mind is one of the important factors to achieve high productivity and the achievement of targets set by the company. The role to create peace of mind is actually not only the responsibility of the government but also the role of the government companies and workers (Marbun, Ginting, Tarigan, & Agusmidah, 2017). In an effort to create peace at work and the implementation of early detection for potential disputes that occur in the employment relationship between workers and employers.

The Manpower Law recognizes the term bipartite as an institution and bipartite as a system. Bipartite as an institution is an institution whose membership consists of workers' elements or SP/SB and employers, while bipartite as a system is a mechanism for meeting or bringing together workers or SP/SB on the one hand and employers in other areas other parties in a negotiation in an effort to reach an agreement.

The most essential foundation in this Bipartite LKS is communication and participation, workers and employers can raise problems or problems together and both parties can provide each other with information related to the problems being faced and exchange ideas on a regular basis which can result in mutual understanding, consensus and problem solving for the common good.

## **B. Effectiveness Establishment of Bipartite Cooperation Institutions (LKS) for Companies in Ternate City.**

Employment law is one of the laws that apply in Indonesia which regulates industrial relations issues. In Article 102 of Law no.13 of 2003 concerning Manpower, it is stated that:

1. In carrying out industrial relations, the government has the following functions: establish policies, provide services, carry out supervision, and take action against violations of labor laws and regulations.
2. In carrying out industrial relations, workers/labor and unions  
workers/labor unions have the function of carrying out work in accordance with obligations, maintain order for the sake of production continuity, channel aspirations democratically, develop skills and expertise as well as participate in advancing the company and fighting for the welfare of members and their families.
3. In carrying out industrial relations, entrepreneurs have the following functions: create partnerships, develop businesses, expand employment opportunities, and provide welfare for workers/ laborers in an open, democratic and just manner.

Industrial relations (industrial relations) in Indonesia is a formed between actors in the process of producing goods and/or services consisting of elements of entrepreneurs,



workers/labor and the government, which is based on values of Pancasila and the 1945 Constitution. In the production process in the company the parties directly involved are workers/laborers and entrepreneurs, while government is included as a party to industrial relations because interested in the realization of a harmonious working relationship as a condition success of a business, so that productivity can increase which in turn will eventually be able to drive economic growth and increase welfare of all levels of society (Zulkarnain and Utami, 2016).

The government's role in industrial relations is realized by issuing various policies, laws and regulations that must be obeyed by the parties, as well as supervising or enforcing these regulations so that they can run effectively, as well as assisting in the settlement of industrial relations disputes. Thus, the government's interest in industrial relations is to ensure the sustainability of the production process more broadly.

Ternate City is the largest city and the gateway to North Maluku Province, which is considered to have bright prospects for business development. The number of companies in Ternate City in 2021 based on Mandatory Reporting Employment data is 273 companies with a total workforce of 5,717 people, consisting of 3,606 men and 2,088 women.

Industrial relations disputes cannot be resolved optimally or the bipartite level settlement is low, this can be seen from the increase in labor cases delegated to the Ternate City Manpower Office for the 2018-2021 period.

Referring to employment information from the Ternate City Manpower Office to date, there is no company in the Ternate City area that has formed a Bipartite Cooperation Institution (LKS) in the company, this is the source of the problem of increasing industrial relations disputes, which are handled by the Department of Manpower. Ternate City Work, of course this resulted in limited service for complaints on industrial relations dispute cases at the Ternate City Manpower Office, because there was only 1 (one) certified Mediator from the Minister of Manpower of the Republic of Indonesia, with a focus on handling the number of industrial relations dispute cases at the Ternate City Manpower Office in 2015. 2021, as many as 25 complaints cases.

## CONCLUSION

In the provisions of labor legislation, a bipartite work forum will refer to a communication and consultation forum to make careful considerations on matters relating to industrial relations in a company, where the members consist of employers/entrepreneurs and workers/laborers. or representatives of Workers/Labourers' organizations.

One of the objectives of the Bipartite cooperation forum is regarding the importance of increasing social dialogue which is designed to include the entire agenda of activities, whether concerning the types of negotiations or the brief exchange of information between employers, representatives of workers/laborers and the government regarding issues related to: issues of common interest relating to economic and social policies.

Dialogue is the main factor in achieving social harmony and as a vehicle for dealing with various problems and resolving disputes/ conflicts. Therefore, Bipartite LKS has become one of the operational tools in social dialogue that can be used in work practices, especially at the company level.

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