

Implementation Of Mediation Function By Semarang City Manpower Department As An Instrument For Non-Litigation Settlement Of Labor Disputes

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Abstract

Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes is the legal umbrella that regulates the procedures for resolving industrial relations disputes between employers/companies and workers/laborers. The duties of an industrial relations mediator are to foster industrial relations, develop industrial relations, and resolve Industrial Relations Disputes. The Mediator is obliged to provide written recommendations to the disputing parties to resolve disputes over rights, interests, termination of employment, and disputes between trade unions/labor unions. The study results indicate that in the implementation of industrial relations dispute mediation, the provisions regarding the time to provide written recommendations from the Mediator in the event of no agreement in resolving the dispute to the parties have not been adequate because they often exceed the specified period. The obstacles faced by industrial relations mediators in resolving dispute cases are the difficulty of bringing together the two disputing parties and the difficulty of the disputing parties. Employers who are domiciled abroad or out of town find it difficult to spare their time. And the limited authority given by the company to personnel hinders the mediation process.

I. Introduction

In the dynamics of industrial relations in Indonesia, the balance between the interests of workers and employers is an essential foundation for creating a stable and productive work climate. Disputes between the two parties are unavoidable, especially regarding rights and obligations that are considered unfulfilled. Therefore, the state must provide a fair, fast, and impartial settlement mechanism through its legal instruments.

One of the instruments specifically regulated in the Indonesian legal

system is the mechanism for resolving industrial relations disputes through mediation, as stated in Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. Mediation is a non-litigation middle ground, allowing the parties to resolve conflicts without entering a complicated and time-consuming court process. This is where the role of the Manpower Office (Disnaker) becomes very strategic, not only as a facilitator but also as a party that can create a constructive dialogue space for the disputing parties (Karsona et al., 2020).

The city of Semarang, one of the centers of industry and trade in the Central Java region, has a complex employment reality. The existence of various business sectors ranging from manufacturing, logistics, and services to the creative industry has given rise to a variety of employment relationships, which, on the one hand, create jobs but, on the other hand, also open up potential conflict between workers and employers. In this context, the Semarang City Manpower Office not only carries out administrative functions but also becomes a key factor in handling industrial relations disputes through mediation mechanisms. However, although mediation has become the leading choice in the initial resolution of conflicts, its effectiveness still leaves various questions. Not all mediation processes end in agreement. Some cases even end up in the Industrial Relations Court (PHI), which reflects obstacles in the Implementation of mediation in terms of legal substance, mediator capacity, and parties' participation (Anwar, 2020). Based on this reality, this study is essential to examine the concrete role of the Semarang City Manpower Office in resolving industrial relations disputes non-iteratively through mediation and to what extent this mechanism can become an equal and binding peaceful solution for the disputing parties. This research also aims to identify challenges and opportunities for improvement in the industrial relations dispute resolution system at the regional level as part of building a more responsive employment law system that supports social justice.

2. Research Method

Type of Research

This type of research uses an empirical legal approach with a qualitative-descriptive method, namely legal research that examines Law as a social phenomenon and how Law functions in practice. This study aims to find out in real terms how the Semarang City Manpower Office carries out the mediation function in handling labor disputes. This study also seeks to explore the supporting and inhibiting factors for the success of mediation, as well as the perceptions of the parties involved regarding the effectiveness of the role of the Semarang City Manpower Office in resolving the dispute.

Research Location

The research was conducted at the Semarang City Manpower Office, the leading institution that carries out the mediation function, especially in the field or section that handles Industrial Relations, which has direct authority in

implementing labor mediation.

Types and Sources of Data

1. Primary Data

Results of interviews with functional officials or mediators at the Semarang City Manpower Office and observations of the work system and internal mediation procedures (if allowed to see the SOP or report format).

2. Secondary Data

Obtained from official documents and reports of the Manpower Office (annual reports or dispute resolution reports), scientific literature related to labor law and dispute resolution, and relevant laws and regulations (Law No. 2 of 2004, Permenaker, etc.)

Data Collection Techniques

1. Interviews

Data collection in this study was carried out using an empirical-qualitative approach, where primary data was obtained through in-depth interviews with key informants who have a direct role in the Implementation of labor mediation. The primary informants in this study were functional officials and staff in the Industrial Relations Division, especially the labor mediation section of the Semarang City Manpower Office (Disnaker). They were chosen because they have technical and administrative authority to handle industrial relations dispute cases and implement mediation. The interview technique used was semi-structured, with flexible question guides, but still oriented towards two main focuses of the study, namely:

a. Implementation of mediation by the Semarang City Manpower Office to prevent escalation of labor conflicts to the litigation stage at the Industrial Relations Court.

b. Challenges faced in implementing labor mediation, both internally and externally.

2. Documentation Study

Collected through document studies as a complement to verify and strengthen the interview results. This study includes mediation recap documents, internal SOPs, and annual reports in the Industrial Relations sector.

3. Results and Discussion

Implementation of the Mediation Function carried out by the Semarang City Manpower Office in Preventing the Escalation of Employment Conflicts.

Industrial Relations Mediation is the resolution of disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions/labor unions only in a company through deliberation mediated by one or more neutral mediators (Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes Article 1 number 11 hereinafter referred to as the PPHI Law). According to the PPHI Law, what is meant by an industrial relations dispute is a difference of opinion that results in conflict

between employers and workers or labor unions due to disputes regarding rights, disputes over interests, disputes over termination of employment, and disputes between labor unions in one company. Based on Article 2 of the PHI Law, the types of industrial relations include:

1. Rights dispute

Rights disputes are disputes that arise due to the non-fulfillment of rights. This is a result of differences in the implementation or interpretation of provisions of laws and regulations, employment agreements, company regulations, or collective labor agreements.

2. Conflict of interest

A conflict of interest is a dispute that arises in an employment relationship due to a lack of agreement regarding the creation and/or changes to the terms and conditions of employment applied in an employment agreement, company regulations, or joint work regulations.

3. Termination of employment disputes

A dispute over termination of employment is a dispute that arises due to a lack of agreement regarding the termination of the employment relationship by one of the parties.

4. Disputes between trade unions/labor unions in one company.

Disputes between trade unions/labor unions in one company are disputes between trade unions/labor unions and other trade unions/labor unions in one company due to a lack of agreement regarding membership and the implementation of rights and obligations of the work union.

These types of disputes often arise in a company, so a legal forum is needed to resolve these disputes (Nugraha et al., 2020). The PPHI Law regulates the methods for resolving industrial relations disputes; before submitting a dispute to the industrial relations court, some steps must be taken by the disputing parties, namely determining the case bipartitely, and if this method is unsuccessful, the Ministry of Manpower and Transmigration or the local authorized agency in the field of employment will offer a solution through:

1. Arbitration

Settlement of a dispute of interest and conflicts between labor unions in one company. This is done outside the Industrial Relations Court through a written agreement from the disputing parties to submit the dispute settlement to an arbitrator whose decision is binding on the parties and is final.

2. Conciliation

Settlement of disputes of interest, disputes over termination of employment, or conflicts between trade unions in one company only. This is done through deliberation mediated by one or more neutral conciliators.

Suppose the parties choose none of the above options within 30 days. In that case, the dispute will be resolved through a mediation process, "industrial relations mediation, hereinafter referred to as mediation, is the resolution of

disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between trade unions/labor unions in one company through deliberation mediated by one or more neutral mediators." If no peace or solution is found in mediation, the dispute can be submitted to the provincial government through the provincial regional office. Mediation is one of the easy, time-saving, and cost-effective ways of resolving a dispute; mediation is a complete dispute resolution that can resolve all four types of disputes, unlike arbitration or conciliation, which cannot resolve all kinds of industrial relations disputes (Hasanah et al., 2020).

According to the PPHI Law, Article 8 explains that dispute resolution through mediation is carried out by mediators in each agency office responsible for the district/city labor sector. With all these advantages, mediation should be an effective means of resolving labor disputes. Mediation efforts are often carried out by the Semarang City Manpower Office to resolve labor problems in Bangkalan, which must be carried out by the disputing parties before the case is referred to court. This mediation is quite successful, with many cases being resolved and ending peacefully; if an agreement is made, then one party has the right to execute over the other party, and the other party must fulfill the results of the mediation, but sometimes some disputes cannot be resolved through mediation or drag on without finding clarity which of course is detrimental to the workers, although when that happens, workers/employers still have the right and efforts to resolve the problem in court (Ari Hernawan, 2018).

Conflict resolution can be carried out in the ways discussed above, namely regarding the scope of institutions handling industrial relations problems:

1. Bipartite Negotiations

Bipartite negotiations are a negotiation forum between employers and employees or trade unions. It is hoped that both parties can reach an agreement to resolve their problems, which is the first step in resolving the dispute. In these negotiations, minutes must be prepared and signed by the parties. The contents of the minutes are regulated in Article 6 Paragraph 2 of the PPHI Law. If an agreement is reached, the parties create a Collective Agreement, which they sign. Then, this Collective Agreement is registered with the regional PHI by the parties to which the Collective Agreement is executed.

2. Tripartite Negotiations

Mediation through the Semarang City Manpower Office then appoints a mediator who will try to reconcile the parties, creating an agreement between the two. In the event of an agreement, the parties make a joint agreement witnessed by the Mediator. If no agreement is reached, the Mediator will issue a recommendation. Settlement through conciliation is carried out through one or several people or bodies as mediators called conciliators by bringing together or providing facilities to the disputing parties to resolve their dispute peacefully (Lilik & Agus, 2011).

The conciliator actively participates in providing solutions to the disputed issues. Other arbitration with Mediation and Conciliation products that are in the form of recommendations are not binding; the arbitration decision is binding on the parties. The only step for a party that rejects the decision is to file an annulment request to the Supreme Court. The arbitration mechanism is less prevalent because of the obligation to pay the arbitrator.

3. Industrial Relations Court

The party that rejects the mediator/conciliator's recommendation can file a lawsuit with the Industrial Relations Court (PHI). The duties of this court include adjudicating industrial relations disputes, including adjudicating Disputes over Termination of Employment, Disputes arising from disputes over rights, disputes over interests, and conflicts between team member unions, as well as accepting applications and executing Joint Agreements that have been violated (Asri, 2016).

The mechanism for resolving industrial relations disputes can be carried out in several stages, including:

1. The first stage is carried out by conducting bipartite negotiations by both parties, namely the employer/employer with the worker/laborer or the worker/laborer union, through deliberation to reach a consensus. It must be completed no later than 30 days after the negotiations begin. If, within 30 days, one party refuses to negotiate or negotiations have been carried out, but no agreement has been reached, then the bipartite talks are considered to have failed. This statement is based on Article 3, Paragraphs (1), (2), and (3) of the PPHI Law.
2. The second stage or the next step that needs to be done is to conduct Tripartite negotiations, namely conducting talks with the help of a third party to resolve the problem. The steps taken are that one or both parties register their dispute with the agency responsible for local employment by attaching evidence. Efforts to resolve the issue through bipartite negotiations have been made. As stated in Article 4 Paragraph (1) of the PPHI Law.
3. If evidence is not attached, the agency responsible for employment will return the files to be completed no later than seven working days from the date of receipt of the return of the files. After receiving the recording from one or both parties, the agency responsible for local employment must offer the parties the right to choose a settlement through conciliation or arbitration. Settlement through mediation is carried out to resolve disputes of interest, disputes over termination of employment, or disputes between trade unions/labor unions. Meanwhile, settlement through arbitration is carried out to resolve conflicts of interest or disputes between trade unions/labor unions.
4. Suppose the parties do not determine the settlement option through conciliation or arbitration within 7 (seven) working days. In that case, the agency responsible for the field of employment delegates the settlement of

the dispute to a mediator, namely a team member of a government agency responsible for the field of employment who meets the requirements as a mediator appointed by the Minister to be tasked with carrying out mediation and must provide written recommendations to the disputing parties to resolve disputes over rights, disputes over interests, disputes over termination of employment, and disputes between trade unions/labor unions in only one company. However, if the settlement through conciliation or mediation does not reach an agreement, then one of the parties can file a lawsuit with the Industrial Relations Court. As stated in Article 5 of the PPHI Law. Article 55 of the PPHI Law states that the Industrial Relations Court is a special court within the general court environment.

Mediation is one form of alternative dispute resolution outside the court. Mediation aims to resolve disputes between the parties by involving a neutral and impartial third party. Dispute resolution through mediation is very beneficial because the parties have reached an agreement that ends their dispute reasonably and mutually beneficially. The benefits have been felt even in failed mediation, where the parties have not agreed. Mediation is one form of dispute resolution that involves a third party. Mediation can provide several benefits, including:

1. Mediation is expected to resolve disputes quickly and relatively cheaply compared to taking the dispute to court or an arbitration institution.
2. Mediation will focus the parties' attention on their real interests and their emotional or psychological needs so that mediation is not only focused on their legal rights.
3. Mediation allows the parties to participate directly and informally in resolving their dispute.
4. Mediation allows the parties to exercise control over the process and its outcome.
5. Mediation can change the outcome, which in litigation and arbitration is challenging to predict with certainty through consensus.
6. Mediation produces results that are time-tested and will be able to create better mutual understanding between the disputing parties because they decide.
7. Mediation can eliminate conflict or hostility that almost always accompanies every coercive decision made by a judge in court or an arbitrator at an arbitration institution.

Settlement of industrial relations disputes through mediation is mandatory; if the settlement through bipartite does not find the desired agreement, then the

following settlement process is through tripartite, namely mediation. For this mediation settlement, the agency responsible for the employment sector is the one that offers the disputing parties the chance to go through the mediation process first before choosing a conciliation or arbitration institution to resolve the dispute faced by the parties. To resolve industrial relations disputes through mediation at the Semarang City Manpower Office, settlement through mediation still uses the negotiation/deliberation mechanism for consensus and is also by the procedures regulated in the PPHI Law and the Regulation of the Minister of Manpower and Transmigration Number 17 of 2014 (hereinafter referred to as Permenakertras No. 17 of 2014). Mediation Work Procedures by Permenakertras No. 17 of 2014 Article 13, namely:

1. In resolving Industrial Relations Disputes, the Mediator takes the following steps:
 - a. Researching the facts of Industrial Relations Disputes;
 - b. Prepare a written summons to the parties to attend by considering the appropriate time of the summons so that the Mediation hearing can be held no later than 7 (seven) working days from receiving the delegation of duties to resolve the dispute;
 - c. Conducting a mediation session by seeking a settlement through deliberation to reach a consensus;
 - d. Issue written recommendations to the parties if an agreement is not reached within a maximum of 10 (10) working days from the first Mediation hearing;
 - e. Assist in making a written collective agreement if a settlement agreement is reached, signed by the parties and witnessed by the Mediator;
 - f. Notify the parties to register the joint agreement that has been signed by the parties with the Industrial Relations Court at the District Court where the joint agreement was signed to obtain a deed of proof of registration;
 - g. Making minutes of clarification and minutes of settlement of industrial relations disputes and
 - h. Make a report on the results of the resolution of Industrial Relations Disputes to the Director General or Head of the relevant Provincial Service or Regency/City Service.
2. If one or more parties use legal counsel in the Mediation session, the Mediator may request that the legal counsel present the principal.
3. If the parties have been summoned properly and appropriately 3 (three) times and it turns out that the applicant who registered the dispute is not present, then the recording of the Industrial Relations Dispute will be deleted from the dispute registration book.
4. If the parties have been appropriately and adequately summoned 3 (three)

times but the respondent is not present, the Mediator will issue a written recommendation based on the available data.

Based on an interview with Mr. Yudha Ariyanto, Mediator at the Semarang City Manpower Office, he explained that the purpose of mediation in Industrial Relations Disputes is to help mediate the disputing parties so that they can compromise; the nature is only to provide advice and considerations so that a win-win solution situation can occur. If the parties cannot agree in mediation, that is the parties' right. Based on generally applicable provisions, dispute resolution through mediation does not involve any element of coercion between the parties and the Mediator; the parties voluntarily ask the Mediator to help resolve the conflict that occurs. The Mediator is only positioned to assist the parties in reaching an agreement that can only be decided by the disputing parties. As a party outside the disputing parties, the mediator does not have the authority to force, but the mediator is obliged to meet or bring together the disputing parties. After knowing the facts of the case, the mediator can prepare a resolution recommendation for the disputing parties. The Mediator must be able to create conducive conditions that can guarantee the achievement of a compromise between the disputing parties to obtain mutually beneficial results (win-win solution). If the resolution recommendation offered by the Mediator is approved, a Joint Agreement is signed by the parties and witnessed by the Mediator. The joint agreement is then registered with the Industrial Relations Court at the District Court in the jurisdiction of the parties who entered into the Joint Agreement. However, if no agreement is reached, then by the provisions of UUPPHI Article 13:

1. The Mediator issues written recommendations;
2. The written recommendation, as referred to in letter a, must be submitted to the parties no later than 10 (10) working days from the first mediation session;
3. The parties must have provided a written response to the Mediator, the contents of which agree or reject the written recommendation within no later than 10 (10) working days after receiving the written recommendation;

In resolving industrial relations disputes at the Semarang City Manpower Office, the Mediator continues to ensure that mediation can result in a mutual agreement for the parties with the Implementation of mediation by the provisions of the UUPPHI and Permenakertras No. 17 of 2014 as the main guidelines in the mediation process. Based on the results of an interview with Mr. Yudha Ariyanto, Mediator at the Semarang City Manpower Office, it was stated that there are still several provisions that cannot be implemented, such as in settlement efforts related to the time for resolving disputes through mediation, in UUPPHI Article 13 paragraph 2 letter b states that if an agreement is not

reached to resolve industrial relations disputes through mediation, the Mediator issues a written recommendation within a maximum of 10 working days since the first mediation session must have been submitted to the parties, but in its Implementation the recommendation issued by the Mediator often exceeds the period stipulated in the Law.

Of course, this impacts the Mediator's obligations in the settlement process. Article 15 of the UUPPHI states that the Mediator must complete their duties within a maximum of 30 working days from the date of receiving the delegation of dispute resolution. Still, the period stated in the Law cannot yet be implemented in the case resolution process in the field. Thus, the Mediator who completes their duties within a maximum of 30 working days from receiving the delegation of dispute resolution cannot yet be implemented in the case resolution process in the field. In addition, it is related to the settlement period and the process of issuing recommendations, which has not yet been implemented effectively.

Challenges of Semarang City Manpower Office in Implementing Employment Mediation Function

Mediation involves the presence of a third party (either an individual or in the form of an independent institution) who is neutral and impartial and who will function as a mediator. As a neutral, independent, unbiased third party appointed by the parties directly or through a mediation institution, the Mediator is obliged to carry out his duties and functions based on the will and desire of the parties. In mediation, resolving disputes or disputes arises more from the parties' wishes and initiatives, so the Mediator plays a role in helping them reach an agreement. In helping the disputing parties, the Mediator is impartial or non-partisan. The position of the mediator is critical because it will foster trust, which makes it easier for the mediator to carry out mediation activities. His role here is not only to bring the parties together so that they are willing to negotiate but also to be involved in negotiations with the parties and to provide suggestions or proposals for resolving the dispute. The Mediator can even try to reconcile the parties. Mediation in its resolution is expected to reach a meeting point in resolving the problems faced by the parties, which will then be stated as a joint agreement. Decision-making is not in the hands of the Mediator but in the hands of the disputing parties.

Based on the results of the interview with Mr. Yudha Ariyanto, a Mediator at the Semarang City Manpower Office, the factors that hinder the resolution of industrial relations disputes at the Semarang City Manpower Office are related to the Concept of Effectiveness, namely:

a. Legal Factors

Regarding the Mediator's obligation to issue recommendations in the event of failure to reach an agreement in the settlement process, the Mediator, who in the PPHI Law is obliged to issue a written recommendation within a maximum of 10 working days from the first mediation session which must have

been submitted to the parties (Article 13 paragraph 2 letter b) has not been implemented to resolve the dispute according to the results of an interview conducted with Mr. Yudha Ariyanto, as a Mediator at the Semarang City Manpower Office, said that in this case, sometimes recommendations are given within a time that does not correspond to that in the PPHI Law Article 13 paragraph (2) letter b which states that written recommendations must be issued no later than 10 working days from the first mediation session, this is due to requests from the disputing parties, namely from the employer and the worker. One of the disputing parties sometimes asks for time to consider providing an agreement that can exceed the time limit specified in the Law and delay the dispute-resolution process.

b. Law Enforcement Factors

The fact obtained at the Semarang City Manpower Office is that the number of available mediators is minimal. This certainly significantly influences the effectiveness and efficiency of mediation efforts. The availability of 4 mediators at the Semarang City Manpower Office is considered very lacking, which is supported by a statement obtained through an interview with Mr. Yudha Ariyanto, a Mediator at the Semarang City Manpower Office, who said that the problem is the high workload of mediators at the Semarang City Manpower Office because each Mediator is not only tasked with serving mediation requests but also consultation requests from many parties who need them, which can reach 10 (ten) to twenty (20) consultations per day for each existing Mediator, thus increasing the workload of each Mediator.

Meanwhile, the number of cases is not comparable to the number of mediators available. The limited number of mediators is due to the lack of human resources because there are very few job vacancies as mediators, months of training time, and State Civil Apparatus (ASN) must be able to master the Laws and Regulations in the field of employment. Because the government has not provided maximum facilities and appreciation for employees to be interested in becoming mediators, the function of the Mediator as a whole is not fully understood because, in terms of its duties and functions, it is quite heavy. The Mediator's task is not focused only on resolving disputes through mediation. Still, the mediator must carry out other tasks, namely fostering industrial relations and developing industrial

c. ties.

The condition of the facilities and infrastructure available at the Semarang City Manpower Office is minimal, especially if there is an online mediation process due to the inability of several related parties to attend. However, not all parties can properly use online meeting applications such as WebEx, Zoom, WhatsApp, and even email. Moreover, this online meeting process is also very dependent on the stability of the internet network at the respective parties' locations, so this online mediation process often experiences problems that result in the resolution of industrial relations disputes being hampered.

d. Community Factors

Usually, in the settlement through mediation at the Semarang City Manpower Office, it is tough for employers to be present even though the mediator has summoned them. Mediators who cannot attend are often represented by their staff who are in the personnel field, namely the HRD (Human Resources Development) section, company staff, and attorneys. This can certainly hinder the mediation session where the attorney in practice cannot make direct decisions in the Industrial Relations Dispute Mediation to accelerate mediation to reach an agreement or (win-win solution) between the workers and employers. Then, the parties often force their opinions. Forcing opinions usually occurs in mediation negotiations; each party forces their opinion; for example, the employer frequently insists that they have never violated workers' rights by presenting evidence that may not be true. The workers are also like that; sometimes, the demands they ask for are too burdensome for the employer, so the employer remains firm in its position. Thus, the mediation process will fail to reach an agreement. In addition, each party does not want to be open; they often cover up the reality that occurs, so the mediator is challenged to find the facts.

Sometimes, in the negotiation process, the disputing parties are often trapped in a cycle that emphasizes their position in giving opinions; both parties who are negotiating usually do not understand what drives or motivates them behind their positions or demands, so each party always assumes that their opinion must be obeyed without considering the circumstances or opinions of others. Finally, no data or letters are needed as a source of information for the mediation process. As is often the case when there is a dispute over rights or interests, the absence of a work agreement or company regulations makes it difficult for the mediator to conduct the negotiation process and find solutions to resolve the dispute.

e. Cultural Factors

Lack of discipline of the parties in implementing the rules. Each party often ignores the rules that have been determined. Before the mediation process is carried out, a mediator has informed the parties to obey the laws that apply during the mediation process. However, in reality, there are still parties who violate the rules that have been made. For example, each party must have good ethics during the mediation process, but in The trial, each party seems to want to bring the other down by expressing the weaknesses and badness of the other party; in addition, many of the parties who attended were not on time, even did not want to attend when called by the mediator. Mediators happens, it can hinder the mediation process that will be carried out.

4. Conclusion

In the Implementation of the provisions on the time to provide written

recommendations from the mediator. Mediator event of no agreement in resolving the dispute to the parties has not been practical because it often exceeds the specified period, which is at least 10 days since the first mediation session as stipulated in Article 13 paragraph 2 letter b UUPPHI. This affects the ineffective implementation of the provisions of Article 15 UUPPHI concerning the duties of the mediator. The mediator must complete his responsibilities within a maximum of 30 working days from the date of receiving the transfer of the settlement of industrial relations disputes. The factors that hinder the Implementation of industrial relations disputes through mediation at the Semarang City Manpower Office, namely the legal factor, namely the PPHI Law concerning the limited time in providing recommendations by the mediator. Mediator enforcement Factor, namely the number of mediators, is considered very lacking. Facilities or Facilities Factor, namely the parties' limitations in using teleconference technology to support resolving industrial relations disputes. Community Factor, namely the difficulty of presenting the disputing parties. Finally, the cultural factor is the lack of discipline of the parties in implementing the rules that apply to resolving disputes in industrial relations. To overcome unpredictable obstacles, such as unexpected circumstances or emergency conditions, the provisions on the time to provide written recommendations for the mediator. Mediator parties should be at least 10 days since the first mediation session, extended by seven more days because it will affect the Implementation of the mediator. Mediator's which are limited to 30 days in completing their duties. Also, because of the many factors that hinder the resolution of industrial relations disputes, the socialization of regulations concerning industrial relations and settlement through mediation is needed.

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