

## Optimizing the Role of Industrial Dispute Mediators in Handling Industrial Relations Disputes Professionally and Efficiently

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### Keywords

industrial dispute mediator;  
industrial relations; dispute  
resolution

### ABSTRACT

Industrial disputes are inevitable in any workforce, and mediators play a critical role in resolving conflicts between workers and employers, ensuring fairness and peaceful resolution. However, despite their significant function, the effectiveness of industrial dispute mediators often faces challenges related to competence, independence, and institutional support. This study aims to explore how the role of mediators can be optimized to improve professionalism and efficiency in resolving industrial disputes. Utilizing a qualitative approach, including literature studies and analysis of relevant laws and regulations, the study identifies key factors affecting the mediator's performance. It finds that strengthening mediators' capacities, enhancing their integrity, and modernizing the mediation system are essential to improving the effectiveness of dispute resolution. The implications of these findings suggest that improving mediator training, ensuring greater independence, and updating legal frameworks will create a more effective and reliable mediation process, fostering better industrial relations. This approach will not only enhance the mediator's role but also contribute to more harmonious relationships between workers and employers, benefiting both parties and society at large.

### Introduction

Harmonious industrial relations between workers and employers are essential to create a productive and conducive work climate (Nugraha, Karsona, & Singadimedja, 2020). When this relationship is well established, a sense of mutual understanding and trust is created between the two parties, which ultimately contributes to increased work motivation and job satisfaction. A harmonious relationship allows companies to achieve organizational goals efficiently, while workers feel appreciated and get their rights fairly (Adi, 2010). Moreover, a positive work atmosphere will reduce stress and tension, thereby enhancing worker welfare. By creating a balance between the interests of employers and workers, companies can achieve long-term success, and workers can earn a decent income and protection of their rights (Nasution, 2015).

However, in practice, industrial relations disputes often occur and can have a significant impact on the smooth operation of the company and the welfare of workers. Conflicts between workers and employers can arise due to differences in views regarding rights and obligations, working conditions, wages, or company policies that are considered unfair. The tension arising from the dispute can disrupt work productivity, create a negative atmosphere in the workplace, and even lead to strikes or protests. For workers, this dispute can threaten the stability of their jobs and welfare, while for employers, it can be financially detrimental and damage the company's image (Karsona, Putri, Mulyati, & Kartikasari, 2020).

Mediators in resolving industrial relations disputes have a very crucial role in creating a fair and harmonious atmosphere between workers and employers (Abd Latip, 2018). In the mediation process, the mediator is tasked with helping both parties reach an agreement that is acceptable to all parties without coercion. The mediator does not have the authority to decide the dispute, but rather functions as a neutral party, facilitating communication between workers and employers, and providing constructive suggestions so that the resulting solution can meet the interests of both parties (Muskibah, 2018). The role of the mediator is important in maintaining good relations in the world of work, avoiding escalation of disputes, and reducing the burden on the courts which can prolong the dispute resolution process.

According to Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes, mediators are regulated in Article 12, which states that mediation is carried out by a mediator appointed by an authorized agency, such as the Manpower Office or related institutions. Article 13 explains that the mediator functions to facilitate negotiations between the disputing parties, provide recommendations, and help formulate agreements. Article 14 stipulates that if an agreement is reached, the mediator will record it in a report, which is valid evidence and can be implemented by both parties. Diah, (2016) If mediation fails and the dispute cannot be resolved, the process continues with an attempt to resolve it through a bipartite route or the Industrial Relations Court (PHI) (Hernawan, 2018). The mediator, therefore, acts as a party that facilitates the settlement without taking sides and ensures that the process takes place according to applicable legal provisions.

In the practice of industrial dispute mediation, there are some challenges that hinder the effectiveness of the dispute resolution process. One of the main challenges is the lack of competence of mediators, which can affect the quality of the mediation itself. Many mediators may lack adequate skills or knowledge related to employment law, mediation procedures, or complex industrial relations dynamics. The inability to identify the root of the problem or respond to the needs of both parties objectively can cause mediation to fail or even worsen existing tensions. In addition, the problem of independence also often arises, where mediators may be influenced by external pressure, either from the employer, trade unions, or even political factors. Dependence on certain parties or the mediator's interests can damage the mediation process, which should be neutral and fair (Amarini, 2016).

In addition, the imbalance between workers and employers is often a problem in industrial dispute mediation. Workers with less bargaining power and resources, especially in large companies or the formal sector, often feel pressured or do not have enough power to fight against the employer's decision. It can create an imbalance in the mediation process, where agreements reached tend to be more beneficial to the employer than the worker. Political and economic influences also play a role in influencing mediation. In some cases, broader political interests or economic policies can influence the attitudes of employers or workers, even the mediator himself, thus preventing the achievement of an objective and fair solution. Therefore, it is important to improve the quality of mediators and provide adequate institutional support so that the mediation process can run more effectively, professionally, and fairly for both parties (Rahmadi, 2017).

The effectiveness of industrial dispute mediation is greatly influenced by various factors, including the qualifications of the mediator, available resources, and compliance with existing mediation procedures. The mediator's qualifications are an important factor in

determining the quality of mediation because a mediator with good knowledge of labor law, negotiation skills, and experience in handling industrial relations disputes will be better able to support both parties in finding a fair solution. In addition, available resources, such as time, facilities, and institutional support, also influence the success of the mediation process. Mediators who have sufficient time to conduct mediation and adequate administrative support will be more effective in handling disputes. Compliance with the mediation procedures stipulated in the regulations is important because a systematic and structured mediation process ensures that the steps taken are in accordance with applicable legal provisions and helps maintain fairness in the dispute resolution process (Prastowo, 2020).

The independence and integrity of the mediator play a crucial role in maintaining neutrality and the principle of fairness during the mediation process. The mediator must be able to act without pressure from any party, be it from employers, trade unions, or external parties with political or economic interests. When the mediator is influenced by a particular party, the mediation process can become non-objective, which ultimately harms one of the parties. Therefore, the mediator must have high integrity to distance himself from external interests and ensure that the decisions taken in the mediation are fair and beneficial to both parties. Mediation that is not neutral will reduce the trust of both parties and can lead to continued dissatisfaction, and even further escalation of the dispute (Silalahi, 2020).

The regulations and policies underlying the industrial dispute mediation mechanism in Indonesia are regulated in Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes, which provides the legal basis for mediation. This law regulates the role of mediators, mediation procedures, and the steps that must be followed in resolving disputes between workers and employers. Articles 12 to 14 regulate the duties of mediators, mediation procedures, and the possibility of continuing the dispute to another channel if mediation fails. Although this law provides a clear framework, several gaps need to be fixed, especially in terms of strengthening the capacity of mediators and the independence of the institutions that organize mediation. For example, there are still shortcomings in terms of the quality of training for mediators and the lack of supervision of the mediation process, which can affect the success of dispute resolution. Therefore, there needs to be an evaluation and renewal of policies to adjust to practical needs in the field and to ensure that mediation can run more professionally, effectively, and efficiently (Kartawijaya, 2020).

Improving the competence and skills of mediators is essential to ensure that the industrial dispute mediation process runs effectively and produces fair solutions for both parties. Skilled mediators can understand the complex dynamics of industrial relations, identify the root causes underlying the dispute, and facilitate constructive communication between workers and employers. In addition, mediators must have a deep understanding of employment regulations and the ability to manage conflicts during mediation. Therefore, improving the competence of mediators, both in terms of legal knowledge, communication skills, and mediation techniques, is very important to strengthen the role of mediators in creating more effective and professional dispute resolution.

To optimize the role of mediators, various approaches can be taken, including ongoing training and updating the mediation methods used. Further training for mediators can include technical skills, such as negotiation, conflict resolution, and strengthening knowledge of employment laws and relevant latest regulations. In addition, more innovative mediation

methods, such as technology-based or online mediation, can also be an effective alternative to facilitate the dispute resolution process, especially in this digital era. Updating more flexible and adaptive mediation methods will allow mediators to handle disputes more efficiently, especially in situations involving parties with unequal bargaining positions or when face-to-face mediation is impossible.

This research offers novelty in optimizing the role of mediators in resolving industrial relations disputes, focusing on improving professionalism and efficiency in the mediation process. While much research has addressed the role of mediators, few studies provide concrete solutions to the challenges that hinder their effectiveness, such as competence, independence, and institutional support. This study emphasizes the importance of developing mediator competencies through continuous training, updating more innovative mediation systems, such as technology-based mediation, and improving legal frameworks to strengthen the mediator's role in dispute resolution.

There is a research gap in understanding how to enhance mediator competencies, especially in handling complex industrial disputes. Additionally, another gap lies in the lack of institutional support and how regulations like Law No. 2 of 2004 can be updated to support more effective mediation practices. Another identified gap is the imbalance of power between workers and employers during the mediation process, which often leads to resolutions that favor employers.

The main objectives of this study are to explore how the role of mediators in resolving industrial relations disputes can be optimized, focusing on improving competence, independence, and updating the supporting legal framework. This research also aims to identify key factors affecting mediator performance and provide recommendations for improving mediator training systems, strengthening their independence, and updating relevant regulations.

The implications of this research include policy, practical, and social aspects. From a policy perspective, the findings encourage the need for continuous mediator training standards and the updating of the legal framework governing industrial dispute resolution. Practically, this study provides recommendations for organizations to improve the efficiency of dispute resolution processes by adopting more modern mediation methods and fostering a more balanced relationship between workers and employers. The social implications of this research aim to create more harmonious industrial relations, which can, in turn, improve worker welfare and company productivity, benefiting both parties and society as a whole.

## **METHOD**

The research method used in this study is normative juridical, which focuses on the study of legal norms applicable in the settlement of industrial disputes through mediation. This study uses a statutory approach to analyze laws and regulations governing the settlement of industrial relations disputes, especially Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes. This statutory approach aims to assess whether existing legal provisions can support or hinder an effective mediation process. In addition, a conceptual approach is also used to explore a deeper understanding of concepts related to mediation, such as the independence of the mediator, the role of the mediator, and the principles of justice and neutrality in the settlement of industrial disputes.

The data sources in this study were obtained from primary and secondary legal materials, including relevant laws and regulations, policy documents, as well as scientific literature and legal articles that discuss mediation in the context of industrial relations. Data collection was carried out by literature study, reviewing various legal references and documents related to industrial dispute mediation.

To analyze the data, the analysis technique used was qualitative analysis with a descriptive approach. This approach provided a deep understanding of the various factors that influence the effectiveness of mediation and the challenges faced in its practice. The data were analyzed systematically to produce findings that provide recommendations on optimizing the role of mediators in resolving industrial disputes. Specifically, content analysis was employed to examine the legal frameworks and mediation methods described in the literature, while a comparative approach was used to assess the strengths and weaknesses of different mediation models in practice.

It is important to note that the normative juridical method, while providing a thorough examination of legal norms, has inherent limitations. One of the key limitations is the lack of empirical data, as this methodology primarily relies on theoretical analysis and legal documents. This may not fully capture the practical challenges and real-world effectiveness of mediation processes. Therefore, while the study offers valuable insights into the legal frameworks, further empirical research would be necessary to validate the practical applicability of these findings in diverse industrial dispute scenarios.

## **RESULT AND DISCUSSION**

### **A. The Role of Industrial Dispute Mediators in Resolving Industrial Relations Disputes in Indonesia**

Mediation in the context of industrial relations refers to a dispute resolution process involving a neutral third party, namely a mediator, to help workers and employers reach an agreement in resolving disputes that arise in the workplace (Euwema, 2019). Mediation is a non-litigation dispute resolution mechanism that is driven by the spirit of deliberation and consensus, where the mediator acts as a communication facilitator between the two parties without taking sides or making decisions (Isnu, 2014). As part of the industrial relations dispute resolution system, mediation aims to create mutually beneficial solutions, reduce tensions that can damage working relationships, and avoid further escalation of disputes to legal channels or courts. Mediation is an effective alternative to resolving disputes that occur in the world of work with a more collaborative and minimally confrontational approach (Heriyanti, 2019).

The primary purpose of mediation is to achieve a fair and peaceful dispute resolution without involving a long and expensive legal process. In this process, the basic principles upheld are neutrality, openness, and voluntariness. The mediator is tasked with maintaining neutrality, namely not siding with either party, so the mediation process remains objective and fair. The principle of openness requires both parties to communicate transparently about the problems faced and listen to each other's interests. In addition, mediation is based on the principle of voluntariness, where both parties agree to follow this process to resolve the dispute peacefully (Laia, 2019). By following these principles, mediation has the potential to create more lasting agreements and maintain good relations between workers and employers in the long term.

Industrial dispute mediators play a role in resolving disputes between workers and employers. Based on Law No. 2 of 2004 concerning the Settlement of Industrial Relations

Disputes, the mediator is tasked with facilitating the negotiation process between the disputing parties, both at the company level and at a higher level such as a mediation institution or the Manpower Office. The mediator must act as a neutral party, not taking sides with either party and trying to find a solution acceptable to both parties. It is in line with the provisions in Article 12 of Law No. 2 of 2004 which states that mediation is carried out by a mediator appointed by the competent authority, to help the disputing parties reach a fair and peaceful agreement (Lestari, 2019).

The main task of the mediator is to facilitate communication between workers and employers, which is often hampered by tensions and differences of interest. As regulated in Article 13, the mediator functions to bring together the disputing parties, assist them in formulating problems, and provide advice or recommendations to resolve the dispute. In addition, the mediator is responsible for maintaining the course of negotiations so that they remain within a constructive framework and do not harm either party. The role of the mediator also includes formulating the agreement reached between the two parties in the form of a valid report by the provisions of Article 14, which then becomes the basis for both parties to implement the agreement voluntarily and bindingly (Nursanti, 2021).

In addition to facilitating communication, the mediator also plays a role in providing objective advice that can help both parties find common ground. The mediator does not decide the problem but provides a view that allows both parties to see the dispute from a different perspective and be more open to compromise. The mediator must avoid the pressure on the disputing parties and try to create a conducive atmosphere, where each party can express their interests freely and without fear of a more dominant party. The role of the mediator in formulating the agreement is also important because the agreement must meet the principles of justice and proportionality, while still paying attention to the sustainability of harmonious industrial relations between workers and employers. Based on Article 15, if the mediation is successful, the mediator will prepare a report that records the agreement reached, which can then be used as a basis for the implementation of the agreement by both parties. If mediation fails, the process can proceed to the next level, namely settlement through an industrial relations court. Thus, mediators have a very strategic role in maintaining the smooth running of the mediation process and ensuring that dispute resolution takes place peacefully and fairly (Rangkuti, 2023).

In addition to Law No. 2 of 2004, there is also Regulation of the Minister of Manpower of the Republic of Indonesia No. 9 of 2016 concerning Procedures for Settlement of Industrial Relations Disputes Outside the Court which provides more detailed instructions regarding industrial dispute mediation. The regulation further explains the mediation mechanism, mediation application procedures, and the role of mediators that must follow the principles of justice and neutrality. This regulation provides technical guidelines for mediators and institutions involved in resolving industrial disputes in Indonesia

The mediation procedure in resolving industrial disputes in Indonesia is regulated in Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (Law No. 2/2004) and Regulation of the Minister of Manpower No. 9 of 2016, which provide technical guidelines for the mediation process. The mediation process begins with a mediation request submitted by one of the disputing parties to the authorized agency, namely the Manpower Office or other mediation institution appointed by the government. The mediation request is made after the disputing parties fail to reach an agreement through direct (bipartite) negotiations. In the request, the party submitting the mediation must state the issues being disputed and the objectives to be achieved through the mediation process. Article 12 of Law No. 2 of 2004 emphasizes the importance of submitting a mediation request to begin the industrial dispute resolution process (Rostansar, 2022).

Once the application is accepted, the next step is the appointment of a mediator by the competent authority. The appointed mediator must be someone who has the capacity and qualifications to facilitate negotiations between workers and employers. This mediator can come from a government agency or an independent third party, by the provisions stipulated in Article 13 of Law No. 2 of 2004. The mediator is tasked with facilitating dialogue between the disputing parties, ensuring that the communication process runs smoothly, and creating a conducive atmosphere for finding a mutually beneficial solution. At this stage, the mediator will arrange the time and place of the meeting, and ensure that both parties are present and committed to following the mediation process in good faith.

The subsequent mediation process involves several stages, starting with an initial meeting between the mediator and the two parties. In this meeting, the mediator explains the basic rules of mediation, including the principles of neutrality and confidentiality, and ensures that both parties understand the objectives of the mediation process. At this meeting, the mediator will also try to explore the main issues that are the source of the dispute, as well as identify the interests and positions of each party. Article 14 stipulates that the mediator can provide advice or recommendations to help the disputing parties find a solution, but the decision remains in the hands of both disputing parties.

After understanding the position of each party, the mediator will continue with a substantive discussion on the disputed issues. At this stage, the mediator plays an active role in facilitating dialogue between workers and employers, breaking down complex problems into parts that are easier to discuss, and directing both parties to find a middle ground. The mediator will also provide suggestions or alternative solutions that may be accepted by both parties, with the aim that each party can compromise without neglecting their rights and interests. This process focuses on finding a fair and proportional solution, without pressure or coercion from any party.

If both parties reach an agreement, the mediator will prepare a report of the agreement that records the results of the mediation in writing. This report must include the points of agreement that have been reached, as well as the steps that will be taken by each party to implement the agreement. The agreement reached can then be used as a basis for implementing real actions that must be taken by both parties. The process of compiling the minutes is very important because it is written evidence of the mediation results that are valid and can be used as a reference in implementing the agreement. Article 14 of Law No. 2 of 2004 stipulates that if mediation is successful, the mediator prepares a minute that can be used as a legal basis for implementing the agreement.

However, if mediation fails to reach an agreement, the mediator must prepare a minute of mediation failure stating that the mediation did not produce an agreed settlement. In this case, the dispute resolution process can be continued to the next stage, namely bipartite negotiations or industrial relations courts under Article 15 of Law No. 2 of 2004. However, the success of mediation still has a very high value in resolving industrial disputes, because this process is faster, cheaper, and more flexible than the formal court process.

The role of the mediator in maintaining neutrality and balance during the mediation process is crucial to ensure that disputes between workers and employers are resolved fairly and equitably. As a neutral third party, the mediator has no interest in the results and must not side with either party, workers, or employers. To maintain this neutrality, the mediator must have strong independence, namely not being influenced by pressure from any party involved in the dispute. Independence is a basic principle in mediation, which ensures that the mediator can act objectively without any conflict of interest or bias that can damage the fairness of the mediation process. As regulated in Article 13 of Law No. 2 of 2004, the mediator has the task of facilitating communication between the disputing parties without providing advantages or disadvantages to either party. In this case, the integrity of the

mediator is the main factor underlying the success of mediation, because the mediator must maintain a neutral attitude and avoid any form of intervention that can affect the results.

The mediator must ensure that the mediation process takes place with equality for both parties and that the results achieved are the result of deliberations based on the principle of justice. In this case, the mediator is responsible for creating an atmosphere that allows both parties to speak openly and without fear or pressure. The mediator must avoid dominance from one party, for example, if the employer has greater influence or the worker feels marginalized. To that end, the mediator must create a balance in communication between the employer and the worker, so that both parties feel valued and heard. The mediator's success in maintaining this balance is highly dependent on the ability to maintain a conducive atmosphere, by giving each party equal opportunities to express their opinions and interests. The mediator must also be able to manage the dynamics in mediation, especially if one party tends to be more aggressive or dominates the conversation. One way the mediator maintains balance is by arranging a fair speaking time and paying equal attention to the problems faced by both parties.

To ensure that the mediation outcomes are impartial, the mediator must have the skills to formulate mutually beneficial solutions, without sacrificing justice for either party. Article 14 of Law No. 2 of 2004 stipulates that mediators can provide suggestions or alternative solutions, but the decision remains in the hands of both parties. In this case, the mediator must not force a solution, but only provide objective options and allow the disputing parties to choose a way out that they feel is fair. This process ensures that both parties are actively involved in resolving the problem and that the agreement reached is the result of mutual agreement, not because of pressure or bias by the mediator towards one of the parties. In addition, the mediator must ensure that the agreement reached is recorded and can be accounted for. The minutes prepared by the mediator must record every step taken and the results achieved, and show how both parties contributed to achieving it.

Besides, balance in mediation also includes the role of the mediator in managing potential imbalances of power between employers and workers. Employers often have greater resources and power, which can affect the outcome of mediation. The mediator must be able to identify this imbalance and try to balance the positions of both parties during mediation. One way that mediators can balance the positions of both parties is by ensuring that the mediation process takes place in a fair atmosphere, where workers feel they can also express their interests freely. Mediators must also pay attention to the existing social and economic context, such as the potential impact of decisions on worker welfare and business stability.

## **B. Challenges Faced by Mediators in Conducting Their Duties to Resolve Industrial Relations Disputes Professionally and Efficiently**

Mediators in the settlement of industrial disputes play a significant role in creating a harmonious working climate between workers and employers. However, in practice, mediators often face various challenges that can affect the effectiveness and efficiency of the mediation process. These challenges do not only come from the complexity of the problems faced in industrial disputes but are also related to external factors that can interfere with the objectivity and independence of the mediator. Although the role of the mediator is vital in resolving disputes peacefully and avoiding a long litigation process, in reality, there are several obstacles that must be faced so that mediation can run professionally and efficiently.

One of the biggest challenges faced by mediators in the settlement of industrial disputes is the lack of adequate competence and qualifications. Although mediators have a critical role in ensuring the success of mediation, they often do not have the special training or expertise needed to handle complex industrial disputes. Many mediators have not

received sufficient education or advanced training to deeply understand the legal, economic, and social issues that are sometimes part of industrial disputes. In addition, the lack of experience in handling certain types of disputes can make it difficult for mediators to formulate the right solution. Without adequate training, mediators may not be able to identify the main issues underlying the dispute or have difficulty in maintaining the mediation process efficiently. Therefore, more intensive and continuous training, as well as broader experience, are necessary so that mediators can work more professionally and skillfully in facing existing challenges.

The next challenge is the independence of the mediator which is often affected by various external factors. One of the major problems in industrial dispute mediation is the pressure from external parties, be it employers, trade unions, or even political factors that affect the mediator's objectivity. As a neutral third party, the mediator must be able to maintain an independent attitude at every step of the mediation process. However, in some cases, the mediator may feel pressured to take a certain position, especially when one party has greater power or influence. This pressure can come from employers who have more resources, or even from trade unions that have mass power. It may damage the mediator's integrity and interfere with objectivity in creating a fair solution for both parties. Therefore, maintaining independence and neutrality is a challenge that requires awareness and policies for mediators.

Besides, mediators often face an imbalance between the parties to a dispute, which is another challenge in mediation. This imbalance can arise from differences in bargaining power between employers and employees, as well as differences in the resources available to each party. Employers, for example, often have more resources, whether financial, informational, or political, which may give them a stronger bargaining position in mediation. In contrast, workers or unions, while often having popular support, may feel they do not have the same resources or influence in the process. This imbalance can leave a disadvantaged feeling of a party or pressure, which can hinder the achievement of a fair and equitable agreement. Mediators must be able to balance this relationship and ensure that each party is given a fair opportunity to present its arguments and interests.

Lack of adequate legal and institutional support is also a major challenge for mediators. Although there are regulations governing industrial dispute mediation, such as Law No. 2 of 2004, the implementation of this policy often faces obstacles related to coordination between institutions handling disputes, as well as the lack of strong law enforcement. The existing legal system is sometimes not sufficient to support the mediation process to run efficiently, especially if there are differences in understanding or interpretation of the law between the mediator and the parties involved. In addition, the lack of coordination between institutions that have the authority to resolve industrial disputes, such as the Manpower Office and other mediation institutions, can slow down or hinder the mediation process. Without strong support from an efficient legal and institutional system, mediators can feel limited in carrying out their duties.

Time and resource constraints are also significant obstacles to the efficient resolution of industrial disputes. Mediators are often faced with tight deadlines to resolve disputes, while an effective mediation process requires sufficient time to understand the problem in depth, communicate with both parties and formulate a fair solution. In many cases, this limited time makes it difficult for mediators to manage the mediation process well, which can ultimately affect the quality of the results achieved. In addition, limited resources, such as inadequate budget, facilities, and personnel, often make it difficult for mediators to handle complex disputes optimally. Moreover, mediation in large industrial disputes involving many parties can be complicated if the mediator does not have adequate logistical and financial support.

Strong differences in interests between the disputing parties are often another challenge faced by mediators. When the disputing parties have very different interests, such as differences in vision, goals, and expectations regarding the outcome of the mediation, the mediator may find it difficult to find a solution that is acceptable to both parties. In industrial relations disputes, the interests of employers and workers are often very conflicting, such as wages, social security, or working conditions. The mediator must be able to understand the deep interests of each party and navigate these differences to find a balanced solution, which not only benefits one party but also respects the rights and obligations of each. These difficulties are compounded when one party is unwilling to compromise or negotiate, leading to the failure of the mediation.

Social and cultural factors can also influence the course of industrial dispute mediation. Local social, cultural, and value factors often have a significant impact on how the mediator and the disputing parties interact. For example, in some cultures, workers may be reluctant to openly express their concerns for fear of reprisals from employers or distrust of the mediation process itself. To obtain the differences in communication styles, attitudes, and understandings of fairness can influence the mediation process. A mediator who does not have a good understanding of these social and cultural aspects may have difficulty in creating effective communication and maintaining a conducive atmosphere in the mediation. Therefore, the mediator must have a good understanding of the social and cultural context between the disputing parties for the mediation to be successful.

### **C. Strategy for Optimizing the Role of Mediators in Resolving Industrial Relations Disputes to be More Professional and Efficient in Handling Disputes Between Workers and Employers**

Effective and efficient settlement of industrial relations disputes is highly dependent on the role of professional and independent mediators. However, in practice, the role of mediators is often hampered by various challenges that hinder the achievement of fair and fast solutions. Therefore, a clear and structured strategy is needed to optimize the role of mediators, so that they can carry out their duties more professionally and efficiently. This optimization includes improving the competence of mediators through training and certification, strengthening the legal and institutional systems that support mediation, and improving the resources and infrastructure that support the mediation process. In addition, it is important to pay attention to the management of social and cultural dynamics that influence the mediation process, as well as the use of technology to accelerate and facilitate the mediation process. Thus, this strategy is expected to ensure that mediators can resolve industrial relations disputes in a more effective, fair, and impartial manner, and create a more harmonious working relationship between workers and employers.

Improving the competence and qualifications of mediators is an important step in ensuring that industrial relations dispute mediation can run effectively and efficiently. Competent mediators must have adequate technical skills, a deep understanding of labor law, and good communication and negotiation skills. Formal education in industrial relations and employment law is essential to strengthen the mediator's knowledge base regarding applicable regulations. In addition, further training and certification are important so that mediators can follow the latest developments in mediation practices and have strong credibility in the eyes of the disputing parties. With adequate competence, mediators will be better able to resolve disputes with fair solutions and by applicable legal principles.

In addition, to maintain the effectiveness of the mediation process, mediators need to maintain their independence and neutrality. Mediators must be able to work objectively without being influenced by pressure from any party, whether employers, workers, or other external parties. One step that can be taken is to tighten the rules regarding the mediator's code of ethics, as well as establish a better monitoring mechanism for the implementation

of mediation. It is important that the mediation process runs fairly and creates a sense of mutual trust between the disputing parties. Strengthening this independence will allow mediators to focus on achieving acceptable solutions for both parties without any bias or intervention that could harm one party.

In addition to strengthening the competence and independence of mediators, the development of legal systems and institutions that support mediation is also an equally important factor. One strategic step that can be taken is to strengthen coordination between institutions involved in resolving industrial disputes, such as the Manpower Office, labor unions, and employer associations. In addition, there needs to be an update or improvement to the laws and regulations governing mediation, especially related to Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes. Improvements to these regulations can include more detailed arrangements regarding the authority of mediators, mediation procedures, and dispute resolution in more complex cases. With a better legal system, mediation will be more structured and more reliable as a solution to dispute resolution.

Increasing mediation resources and infrastructure is also key to increasing the effectiveness and efficiency of the mediation process. Mediators need to be supported by adequate resources, such as a budget for operations and facilities that can support the mediation process properly. In addition, developing infrastructure, such as a comfortable mediation room and an efficient information system, will speed up the mediation process and provide comfort for the parties involved. Good facilities and an organized system will help mediators manage cases better and ensure that the mediation process runs smoothly. With adequate infrastructure, mediators can work more optimally and reduce obstacles that may arise during the mediation process.

One of the major challenges in industrial dispute mediation is maintaining a balance between the disputing parties, especially when there is an imbalance of power between workers and employers. Mediators must have an effective strategy to balance the bargaining position between the two parties so that the results of the mediation can be accepted fairly by all parties. One way that can be done is by providing a clear explanation of the rights and obligations of each party in accordance with applicable laws. In addition, mediators need to create a space that allows both parties to negotiate freely without pressure so that they can reach a mutually beneficial agreement. By strengthening the role of mediators in maintaining this balance, the mediation process can run more fairly and efficiently.

Along with the development of technology, the use of technology in industrial dispute mediation is also increasingly important to increase the efficiency of the mediation process. Technology such as online mediation platforms and digital case management systems can facilitate communication between mediators and disputing parties, especially if they are in different locations. The use of this technology can also speed up the mediation process, reduce operational costs, and increase accessibility for the parties involved. With technology, mediators can manage more cases in a shorter time, as well as store and access data efficiently. In addition, technology can also support the monitoring and evaluation of mediation results, ensuring that the agreements reached can be monitored and implemented properly.

In order to ensure that the mediation process runs smoothly, it is important to ensure that all parties comply with the agreed mediation procedures. Strengthening regulations governing the implementation of mediation, including supervision of the implementation of mediation results, is very important. The mediator needs to work with the relevant authorities to ensure that the agreement reached during mediation can be implemented properly and that no party ignores the results. In addition, evaluation of the mediation process also needs to be carried out periodically to assess its effectiveness and see if there

are areas that need to be improved. With higher compliance with mediation procedures, the dispute resolution process will be more transparent and accountable.

## CONCLUSION

This study concludes that optimizing the role of mediators in resolving industrial relations disputes is highly dependent on improving competence, strengthening independence, and better support from the legal system and institutions. Competent and qualified mediators will be more able to carry out their duties effectively, maintain neutrality, and create fair solutions for all parties. However, major challenges faced by mediators, such as lack of special training, external influences, imbalances between disputing parties, and limited resources, are still obstacles to achieving efficient mediation. Therefore, improvements are needed in various aspects, both in terms of mediator competence, the supporting legal system, and the infrastructure that supports the mediation process itself. Based on these conclusions, the suggestions that can be given are the need to improve training and certification for mediators in the field of industrial relations and labor law, as well as strengthening the code of ethics and supervisory mechanisms to maintain the independence of mediators. In addition, the government and related institutions must strengthen support from the legal system and institutions by updating existing regulations and ensuring adequate resources to support the mediation process. The application of technology in mediation also needs to be considered to increase efficiency and expand accessibility. With these efforts, it is hoped that mediators can play a more optimal role in resolving industrial relations disputes, creating more harmonious working relations, and supporting the achievement of shared prosperity between workers and employers.

## REFERENCES

- Abd Latip, L. A. (2018). Mediasi sebagai penyelesaian permasalahan tenaga kerja di Kabupaten Bangkalan. *Jurnal Kompetensi*, 12(2), 64.
- Adi, M. K. (2010). Masa depan arbitrase sebagai mekanisme penyelesaian perselisihan hubungan industrial di Indonesia. *Jurnal Hukum*, 17(2), 297.
- Amarini, I. (2016). Penyelesaian sengketa yang efektif dan efisien. *Jurnal Kosmik Hukum*, 16(2), 221.
- Euwema, M. C. (2019). *Mediation in collective labor conflicts*. Switzerland: Springer.
- Fista, Y. L. (2023). Perlindungan hukum konsumen dalam transaksi e-commerce ditinjau dari perspektif Undang-Undang Perlindungan Konsumen. *Binamulia Hukum*, 12(1), 177–189.
- Heriyanti. (2019). Analisis peran mediator dalam menyelesaikan konflik industrial antara pekerja dengan pengusaha oleh Dinas Sosial, Tenaga Kerja dan Transmigrasi Kabupaten Gowa. *Kareba: Jurnal Ilmu Komunikasi*, 8(1), 195–203.
- Hernawan, A. (2018). *Penyelesaian sengketa hubungan industrial*. Yogyakarta: UII Press.
- Isnun, P. M. (2014). *Membaca Pengadilan Hubungan Industrial di Indonesia*. Jakarta: LBH Jakarta & MaPPI FH UI.
- Karsona, A. M., Putri, S. A., Mulyati, E., & Kartikasari, R. (2020). Perspektif penyelesaian sengketa ketenagakerjaan melalui Pengadilan Hubungan Industrial dalam menghadapi Masyarakat Ekonomi ASEAN. *Jurnal Poros Hukum Padjadjaran*, 1(2), 158.
- Kartawijaya, A. D. (2020). *Hubungan industrial: Pendekatan komprehensif interdisiplin teori-kebijakan-praktik*. Bandung: Alfabeta.
- Laia, S. D. (2019). Peranan mediator dalam proses penyelesaian perselisihan hubungan industrial (Studi kasus Dinas Tenaga Kerja Provinsi Sumatera Utara). *Governance Opinion*, 4(2), 106.

- Lestari, L. (2019). *Peran mediator dalam proses penyelesaian perselisihan hubungan industrial*. Medan: Universitas Medan Area.
- Muskibah, M. (2018). Arbitrase sebagai alternatif penyelesaian sengketa. *Jurnal Komunikasi Hukum*, 4(2), 139–149.
- Nasution, B. J. (2015). Fungsi kebebasan berserikat bagi pekerja dalam hubungan industrial Pancasila. *Jurnal Inovatif*, 8(1), 4.
- Nugraha, E. P., Karsona, A. M., & Singadimedja, H. (2020). Aspek hukum hubungan industrial terkait aksi mogok kerja oleh serikat pekerja di PT. Ultrajaya Milk Industry & Trading Company. *Jurnal Poros Hukum Padjajaran*, 2(1), 58.
- Nursanti, Y. P. (2021). Peranan Dinas Ketenagakerjaan Kabupaten Blitar dalam menangani masalah PHK melalui pembinaan hubungan industrial dan mediasi. *Jurnal Komunitas Yustitia*, 703.
- Prastowo, O. (2020). *Implementasi Perma No. 1 Tahun 2016 tentang prosedur mediasi di Pengadilan Negeri Surakarta* [Skripsi, Fakultas Hukum Universitas Muhammadiyah Surakarta].
- Rahmadi, T. (2017). *Mediasi: Penyelesaian sengketa melalui pendekatan mufakat* (Edisi Kedua). Depok: Rajawali Pers.
- Rangkuti, R. A. (2023). Optimalisasi peran mediator dalam penyelesaian perselisihan hubungan industrial di Dinas Tenaga Kerja Provinsi Sumatera Utara. *Journal of Education, Humaniora and Social Sciences (JEHSS)*, 5(3), 2139.
- Rostansar, D. W. (2022). Efektivitas peranan mediator dalam menyelesaikan perselisihan hubungan industrial. *LEGA: Journal of Law*, 1(2), 30–44.
- Silalahi, R. (2020). Peranan mediator ketenagakerjaan dalam penyelesaian perselisihan hubungan industrial di Dinas Ketenagakerjaan Kota Tangerang berdasarkan Undang-Undang Nomor 2 Tahun 2004. *Jurnal Hukum: Hukum untuk Mengatur dan Melindungi Masyarakat*, 14(1), 122–137.