

Handep Hapakat and the Future of Fair Labor Dispute Resolution

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Abstract. *This study aims to examine the feasibility and normative design of integrating the Dayak philosophy of Handep Hapakat—solidarity, deliberative consensus, and social harmony—into industrial relations dispute resolution, especially at the pre-litigation stage. The research method used is normative legal research employing statutory (legislative), conceptual, and historical approaches. Primary legal materials consist of labor and industrial relations dispute settlement regulations, while secondary materials include scholarly works on Dayak customary law, local wisdom, restorative justice, and legal pluralism. The analysis is descriptive-analytical to construct an integration framework compatible with positive law. The novelty in this research is the formulation of a conceptual integration model that translates Handep Hapakat values into three operational pathways within the existing PPHI structure: (i) customary deliberation-based bipartite settlement ("bipartite plus"), (ii) culturally informed mediation, and (iii) customary arbitration oriented toward restorative outcomes while maintaining legal safeguards. Based on the research, it is concluded that embedding Handep Hapakat can strengthen pre-litigation dispute settlement by promoting faster, lower-cost, participatory resolutions that prioritize relationship repair and reinforce Indonesia's legal pluralism. Implementation nonetheless requires local regulatory support, systematic stakeholder socialization, and capacity-building for customary leaders to ensure alignment with labor-law standards and rights protection.*

Keywords: *Industrial; Justice; Law; Local; Relations.*

1. INTRODUCTION

Industrial relations are the relationships formed between workers, employers, and the government in a labor relations system. In this dynamic, the interests of the parties often give rise to disputes that impact business continuity, worker welfare, and even social stability. Law Number 13 of 2003 concerning Labor, which has been amended through Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of the Job Creation Law, provides a normative framework for industrial relations. However, the resolution of industrial relations disputes is specifically regulated in Law Number 2

of 2004, which emphasizes bipartite stages, mediation, conciliation, arbitration, and litigation in the Industrial Relations Court.

Normatively, this mechanism has been designed to provide legal certainty for the parties. However, in practice, resolution through formal channels is often considered rigid, time-consuming, and creates an emotional distance between employers and workers (Endrawati, E. A., SH, M., Kaemirawati, D. T., & SH, M., 2024). Many court decisions are ultimately only declarative in nature, unable to restore social relations damaged by industrial conflicts. This shows that a purely legalistic-positivistic approach does not fully address the need for substantive justice in the settlement of industrial disputes in Indonesia (Irawan, N. A., 2023).

Indonesia essentially has a wealth of local wisdom that is rich in the values of deliberation, solidarity, and reconciliation (Gunawan, S., Syarief, R, et al. 2023). One of the philosophies that lives on in the Dayak community of Central Kalimantan is Handep Hapakat. Handep means mutual cooperation or working together, while hapakat means reaching consensus or mutual agreement. This philosophy serves as a social guideline for resolving differences and conflicts through a participatory, collective, and harmonious approach, rather than a confrontational one. In Dayak customary practice, conflicts between citizens are resolved through customary deliberation that emphasizes restoring relationships, not just punishment (Fatchurahman, et al. 2021). Values such as these are in line with the principles of restorative justice, which are beginning to be recognized in various modern legal systems.

The integration of local wisdom into national law is not new. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia explicitly recognizes and respects special or unique regional government units, including the traditional rights of customary law communities (Sarna, K., 2022). This opens up space for the development of laws that not only refer to the principle of formal legality but also adopt local cultural values as a source of living law. In the context of industrial relations, this approach can be an innovation in reducing conflict and building more humanistic industrial relations (Kovalenko, Y., 2020).

Based on these conditions, the idea emerged to explore the potential of the Handep Hapakat philosophy as an alternative approach to resolving industrial relations disputes. This concept is expected to bridge the gap between positive legal norms and the socio-cultural needs of the working community, especially in areas that still uphold traditional values. This integration also has the potential to support the development of more inclusive and contextual labor law, in accordance with the mandate of national legal policy that promotes legal pluralism (Kovalenko, Y., 2020). Based on this background, this study raises three main questions: First, what are the mechanisms for resolving industrial relations disputes according to positive law in Indonesia today? Second, what are the meanings and social values contained in the Handep Hapakat philosophy of the Dayak community in Central Kalimantan? Third, how can Handep Hapakat values be integrated into the resolution of industrial relations disputes so as to strengthen substantive and restorative justice in labor relations?

This study aims the main objective of this research is to analyze the current legal framework for industrial relations dispute resolution, explore the local wisdom values of Handep Hapakat as a means of culture-based conflict resolution, and formulate the possibility of integrating these local values into Indonesian labor law. Theoretically, this

research is expected to enrich the study of labor law with a progressive legal perspective based on local values. Meanwhile, in practical terms, the results of this study can provide recommendations for alternative mechanisms for resolving industrial conflicts that are more humane, participatory, and in line with the social context of the community.

The subject of this research is the integration of the Handep Hapakat philosophy a Dayak community tradition from Central Kalimantan emphasizing mutual cooperation, consensus, and reconciliation into Indonesia's industrial relations dispute resolution mechanisms. It involves a normative analysis of labor law, aiming to enhance substantive and restorative justice by blending formal legal frameworks with local cultural values for more humane, participatory conflict resolution in workplaces. Thus, this study is expected to not only contribute to the development of labor law, but also encourage the strengthening of a pluralistic national legal character that is responsive to local wisdom.

2. RESEARCH METHODS

The method used in this study was the normative legal research (doctrinal research) method. Primary data sources included applicable laws and regulations and relevant industrial relations court decisions, while secondary data encompassed labor law literature, scientific journal articles, customary law books, research results on Handep Hapakat, and other academic documents. The approaches used included: A statute approach, by examining legislation related to labor, particularly Law Number 2 of 2004 concerning Industrial Relations Dispute Resolution, Law Number 13 of 2003 as amended by Law Number 6 of 2023, and other implementing regulations. The conceptual approach, by examining the concepts of restorative justice, legal pluralism, and the values of Handep Hapakat local wisdom that exist in the Dayak community of Central Kalimantan. A historical approach, to trace the development of industrial relations dispute resolution in Indonesia and the role of customary values in social conflict resolution. The methods and tools used to measure the dependent variable were descriptive-analytical interpretation of laws, regulations, and local wisdom values to assess integration potential and outcomes. The analysis of legal materials was carried out descriptively and analytically by interpreting laws and regulations and relating them to the values of Handep Hapakat to formulate possible integration in the settlement of industrial relations disputes. The results of the analysis were then presented argumentatively to provide a comprehensive picture of the relevance of local wisdom in developing a more humanistic and contextual labor law mechanism. The dependent variable in this study was the effectiveness of industrial relations dispute resolution mechanisms in achieving substantive and restorative justice. The independent variable in this study was the Handep Hapakat philosophy, defined as a Dayak community tradition from Central Kalimantan emphasizing mutual cooperation, consensus, and reconciliation as a cultural approach to conflict resolution (Kristiawanto, S. H. I., 2022).

3. RESULTS AND DISCUSSION

3.1. Legal Framework for Industrial Relations Dispute Resolution in Indonesia

Industrial relations disputes are a logical consequence of the employment relationship between workers and employers (Jumiati, A., Pradoto, W. S., & B, H., 2022) Normatively, industrial relations disputes in Indonesia are defined as differences of opinion that result in conflicts between employers or employer associations and workers or labor unions , relating to rights, interests, termination of employment, or disputes between labor unions within a company (Hardiani, Y. P., 2022). This definition is contained in Article

1(1) of Law No. 2 of 2004 concerning the Settlement of Industrial Relations Disputes (hereinafter referred to as the PPHI Law) (Pamungkas, Y., et al. 2023)

The IDRS Act is the primary regulation governing the mechanism for resolving industrial relations disputes in Indonesia (Permana, Y. S., et al. 2022). This law provides a procedural framework consisting of several stages of resolution, namely: (Santoso, I. B., 2024).

1) Bipartite Negotiations

- a. The first mandatory stage, where employers and workers resolve disputes directly through dialogue.
- b. This must be conducted within a maximum period of 30 working days from the date one of the parties declares the existence of a dispute.
- c. If an agreement is reached, it is set forth in a Joint Agreement that has the same legal force as a court decision.

2) Mediation or Conciliation

- a. If bipartite negotiations fail, the parties may submit a request for mediation to the local Manpower Office.
- b. Mediation is conducted by a mediator appointed by the government, while conciliation is conducted by a conciliator agreed upon by the parties.
- c. The outcome of mediation is a Written Recommendation, which is non-binding.

3) Arbitration

- a. Applicable if the parties agree in writing to appoint an independent arbitrator.
- b. Arbitration awards are final and binding, and therefore cannot be appealed.

4) Industrial Relations Court (PHI)

- a. If mediation, conciliation, or arbitration is unsuccessful, the dispute may be brought before the PHI located at the District Court in each province.
- b. PHI decisions on disputes over rights and termination of employment can be appealed to the Supreme Court, while decisions on disputes over interests are final (Yunus, Y., et al. 2023)

In theory, this system is intended to encourage peaceful resolution through bipartite or mediation before resorting to litigation. This principle is in line with the *win-win solution* principle, which is expected to maintain harmonious industrial relations. However, in practice, this mechanism often faces several obstacles: (Syamsu, S., et al. 2025).

1) Bipartite negotiations are often merely a formality due to the unequal power relationship between employers and workers. Workers often do not have a balanced bargaining position.

2) Mediation is ineffective because the results are only recommendations, not binding decisions, so they are often ignored by the stronger party.

3) The process at the Industrial Relations Court (PHI) takes a long time, even dragging on to the cassation stage, making it difficult to achieve substantive justice.

4) The culture of litigation is still dominant, thus neglecting socio-cultural approaches to resolving industrial conflicts.

In addition to the PPHI Law, there are also other relevant regulations, such as Law Number 13 of 2003 concerning Manpower (which has been amended by Law Number 6 of 2023), Minister of Manpower Regulations concerning mediation procedures, and Supreme Court Regulations concerning the technicalities of PHI trials (Manurung, M., et al, 2023). However, all of these legal instruments are still based on formal-modern legal logic, not on local wisdom.

In the context of national legal development, there are efforts to accommodate restorative justice values that prioritize the restoration of social relationships (Khasanofa, A., et al. 2025). This concept began to develop in criminal law and slowly spread to civil law. However, in labor law, restorative justice has not been properly institutionalized. In fact, if industrial disputes are only resolved through a legalistic approach, the relationship between workers and employers can be permanently damaged, which has a negative impact on business continuity and worker welfare (Zheglova, et al. 2021).

Thus, there is a legal gap in the mechanism for resolving industrial relations disputes in Indonesia, namely the absence of a local wisdom-based approach that emphasizes social reconciliation. This opens up opportunities to integrate cultural values such as the *Handep Hapakat* philosophy into the labor law framework, so that conflict resolution is more rooted in the values that exist in society.

3.2. Handep Hapakat Philosophy: Social Values and Traditional Dayak Conflict Resolution

The Dayak community of Central Kalimantan has a philosophy of life that is rich in the meaning of togetherness and *mutual cooperation*, known as *Handep Hapakat* (Pattiasina, 2024). Etymologically, *Handep* means *mutual cooperation* or *working together in a spirit of solidarity*, while *Hapakat* means *consensus* or *mutual agreement*. In the context of social life, *Handep Hapakat* is not only a guideline for cooperation, but also a key principle in maintaining social harmony, resolving problems, and building interpersonal relationships based on a sense of kinship (Husni, M., 2020).

Philosophically, *Handep Hapakat* reflects the following values:

1) Solidarity Collective

Society is viewed as a single entity that supports one another. Individual interests are not prioritized over common interests. In the context of conflict, the resolution is directed at restoring social relations, not merely finding out who is right or wrong.

2) Deliberation Consensus

Important decisions in Dayak society are always made through traditional deliberation, involving community leaders (*damang*), traditional elders, and the parties involved in the dispute. This process emphasizes openness, dialogue, and voluntary agreement.

3) Restorative and Reconciliatory

The resolution of Dayak customary conflicts does not aim to punish, but to restore social balance (*harmony*). Customary sanctions usually take the form of *customary fines*

(symbolic *material sanctions*) and peace rituals that affirm the restoration of good relations between the parties.

4) Humanism Communitarian

This philosophy places humans in sustainable social relationships. Conflict is seen not merely as a legal issue, but as a social issue that impacts the balance of the community.

In Dayak tradition, every dispute, whether between individuals or groups, is resolved through a customary deliberation called *adat handep hapakat*. This forum is attended by the Damang (traditional leader) and community leaders as mediators. The process includes: (Widen, K., 2023).

1) Summoning the Parties

Both parties to the dispute are officially summoned to the customary hall to explain the issue openly.

2) Consultation and Clarification

All parties are given the opportunity to express their opinions. The traditional elders provide advice and consider the available evidence.

3) Decision Custom

The decision is made through consensus, taking into account social justice. It usually takes the form of a customary fine (*denda pangiring* or *denda penyembuh*), a ritual apology, and a guarantee not to repeat the same offense.

4) Ritual Peace

After an agreement is reached, a traditional ritual (such as *mangan sahur*) is performed as a symbol of restored relations. After the ritual, the conflict is considered to be resolved socially and spiritually.

This model of resolution reflects restorative justice, which emphasizes the restoration of social relations rather than retribution (Thaci, A., 2022). This concept is in line with the modern legal paradigm, which has begun to recognize the importance of restorative justice as an alternative to litigation.

The values of *Handep Hapakat* have several important relevancies for the context of modern dispute resolution, including industrial relations disputes, among others: (Pramono, A., 2024).

1) Prioritizing dialogue and consensus over confrontation, thereby avoiding escalation of conflict between workers and employers.

2) Restoring social relations between the disputing parties, so that working relationships remain harmonious after the dispute is resolved.

3) Maintaining the dignity of the parties through a resolution that does not demean either side, unlike litigation, which is often win-lose in nature.

4) Being participatory and inclusive, as it involves respected figures, labor unions, and community representatives.

Thus, the philosophy of *Handep Hapakat* is not merely a traditional value, but also social capital that can be adapted to enrich the national legal mechanism. The experience of several regions in Indonesia that have incorporated customary values into the formal legal system shows that such integration is not only possible, but also strengthens the social legitimacy of the law.

3.3. Analysis of Opportunities for Integrating Local Wisdom into Labor Law

The integration of local wisdom into the national legal system is not a new idea (Madyo, N. J., 2023). The Indonesian Constitution recognizes the existence of customary law and the traditional rights of customary law communities. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia states:

"The state recognizes and respects special or unique regional government units as regulated by law."

In addition, the same article also affirms the recognition of the traditional rights of customary law communities as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia (Setyowati, R. K., 2023). This means that, constitutionally, there is normative space for local wisdom such as *Handep Hapakat* to be accommodated in the Indonesian positive legal system.

In the context of labor law, there are several legal instruments that open opportunities for the integration of local values, including: (Prananca, Y. A., 2024).

- 1) Law No. 13 of 2003 concerning Manpower (amended by Law No. 6 of 2023) recognizes collective labor agreements as a binding source of law for the parties. In this case, collective labor agreements can include dispute resolution mechanisms based on local deliberation.
- 2) Law No. 2 of 2004 concerning Industrial Relations Dispute Resolution (PPHI Law) encourages bipartite dispute resolution before mediation, conciliation, arbitration, or litigation. However, this law does not preclude the use of alternative mechanisms based on local wisdom as part of the bipartite stage.
- 3) The Supreme Court Regulation on mediation in civil courts encourages peaceful settlement as a priority before case examination. This principle is in line with the spirit of *Handep Hapakat*, which prioritizes consensus.
- 4) National Legal Policy that leads to the recognition of legal pluralism, as seen in various Constitutional Court decisions that affirm the validity of customary law as long as it is recognized by the community.

Thus, legally, there are no normative obstacles to adopting local values as part of the mechanism for resolving industrial relations conflicts, (Olabiyi, O. J., 2022). as long as they do not conflict with human rights principles and national laws and regulations.

Several empirical examples demonstrate the successful integration of customary values into the formal legal system: (Aprita, S., et al. 2025)

- 1) Restorative justice in criminal law: The police and the Attorney General's Office have developed mechanisms for resolving minor cases through customary approaches in

several regions, such as *Dayak customary peace* in Kalimantan or Maluku *customary sasi*.

2) Customary courts in Papua: Local governments provide space for the resolution of customary disputes through customary institutions, the results of which are recognized as part of official dispute resolution.

3) Customary-based natural resource management: Several regions have recognized customary forests as part of the rights of customary law communities, based on Constitutional Court Decision No. 35/PUU-X/2012.

These practices show that the integration of local values can strengthen the legitimacy of the law in the eyes of the community and create more sustainable conflict resolution.

In the context of industrial relations, *Handep Hapakat* values can be integrated in several ways: (Hartati, E., 2018).

1) Local Deliberation-Based Bipartite Stages

a. The bipartite process mandated by the PPHI Law can be enriched with the principles of *Handep Hapakat*, namely by involving community leaders or traditional leaders as deliberation facilitators.

b. The agreement reached is still set out in a *Joint Agreement* that is valid according to the law.

2) Mediation with a Local Cultural Approach

a. Mediators from the Manpower Office can facilitate deliberations that adopt customary values, such as the use of customary forums as a place for conflict resolution.

b. This will enhance substantive justice by taking into account local socio-cultural aspects.

3) Arbitration or Non-Litigation Settlement

a. The parties may agree to appoint an arbitrator or *traditional mediator* to resolve the dispute, whose decision is respected as a *traditional decision* and is also legally binding under civil law.

4) Drafting of Collective Labor Agreements (CLAs)

a. Labor unions and employers can incorporate *Handep Hapakat*-based dispute resolution mechanisms into CBAs, making them binding internal company norms.

In addition, this approach will strengthen the principle of restorative justice in labor law. Instead of creating win-lose decisions that cause social wounds, *Handep Hapakat*-based settlements prioritize the peaceful restoration of industrial relations (Dakir, D., 2017).

Thus, there is a real opportunity to adopt the *Handep Hapakat* philosophy as an alternative approach to resolving industrial relations disputes, both as part of a pre-litigation mechanism and as a model of mediation based on local wisdom (Mantili, R., 2021).

3.4. Conceptual Model of Integrating *Handep Hapakat* into Industrial Relations Dispute Resolution

The integration of the *Handep Hapakat* philosophy into the mechanism for resolving industrial relations disputes needs to be formulated in a conceptual-practical manner so that it does not merely become a symbolic value but can actually be implemented within the framework of positive law. This integration model must take into account three important aspects: legal substance, institutional structure, and the legal culture of industrial society.

The *Handep Hapakat* integration model can be formulated in three stages of resolution in line with Law No. 2 of 2004: (Husni, M., 2020).

1) Bipartite Plus Stage (Customary Bipartite)

a. Bipartite remains the initial stage as stipulated by law. However, in areas with Dayak indigenous communities, bipartite negotiations can be facilitated by indigenous leaders or Damang as social mediators.

b. *Handep Hapakat* values are applied in the dialogue process, thereby promoting consensus rather than hard-nosed negotiation.

2) Cultural Mediation Stage

a. If bipartite negotiations fail, the parties can request mediation from the Manpower Office, but the mediation process is conducted using a customary approach.

b. Mediation can take place at the Traditional Hall with simple traditional procedures, accompanied by rituals that affirm a commitment to peace.

c. Formal mediators can collaborate with traditional advisors so that the results of the mediation have social legitimacy.

3) Customary Arbitration Stage

a. If the parties agree, the dispute can be resolved through *customary arbitration*, where the arbitrators consist of representatives of labor unions, employers, and agreed-upon customary leaders.

b. The customary arbitration decision is set forth in a written agreement that is legally binding under civil law.

Thus, the integration of *Handep Hapakat* does not negate the formal mechanisms of the PPHI Law, but rather enriches the pre-litigation stage with a local socio-cultural approach (Usop, S. R., 2017).

1) Increasing the Effectiveness of Dispute Resolution

a. Resolutions based on local wisdom are more easily accepted by the parties because they have moral and social legitimacy.

b. The process is faster, cheaper, and less rigid than litigation in the Industrial Relations Court.

2) Restoring Industrial Relations

a. Not only does it resolve disputes, but it also restores working relationships that have been damaged by conflict, thereby ensuring business continuity.

3) Strengthening National Legal Pluralism

a. Recognizing local values enriches national law, making it more contextual and responsive to local communities.

4) Increasing Social Participation

a. Involving traditional leaders, community leaders, and labor unions strengthens *the sense of belonging* to the outcome of the settlement (Pradhani, S. I., 2021).

However, this integration model also faces several challenges, including:

1) Lack of Formal Recognition

The results of traditional deliberations have not been explicitly recognized in the PPHI Law, so there is a need for supporting regulations or reinforcement through collective labor agreements (PKB).

2) Limited Understanding on the Part of Industry

Businesspeople from outside the region may not fully understand the value of *Handep Hapakat*, so awareness-raising is needed to ensure that this approach is not viewed as unfamiliar.

3) Possible Overlap with Formal Mechanisms

There must be synchronization so that the results of customary mediation do not conflict with national laws and regulations.

4) Capacity of Traditional Leaders

Not all traditional leaders have the capacity for industrial mediation, so training and capacity building are needed.

To overcome these challenges, several recommended steps can be proposed:

1) Strengthening Local Regulations

Local governments can issue local regulations or governor regulations that recognize industrial dispute resolution based on local wisdom.

2) Integration into Collective Labor Agreements

Labor unions and employers can include clauses on dispute resolution based on *Handep Hapakat* in collective bargaining agreements.

3) Training of Traditional Mediators

The government and labor unions can provide labor law training to traditional leaders so that they are able to facilitate industrial disputes.

4) Formal-Informal Collaboration

Labor Department mediators can collaborate with traditional institutions to create a hybrid mediation model that is legally recognized and socially accepted (Immanuel, L., et al. 2021). With these recommendations, the integration of the *Handep Hapakat* philosophy can proceed in parallel with formal mechanisms, thereby avoiding legal conflicts and enriching the approach to resolving industrial relations disputes in Indonesia.

The study concludes that integrating Handep Hapakat values into industrial relations dispute resolution enriches pre-litigation stages through customary deliberations, cultural mediation, and arbitration, offering faster, cheaper, and more participatory outcomes that restore working relationships and promote legal pluralism, while requiring local regulations, socialization, and capacity building for traditional leaders to ensure implementation. The strength of this research is the tools used in the research are systematic literature studies from national legal databases, indexed scientific journals, and academic documents, combined with descriptive-analytical analysis for formulating integration models. Weaknesses of this research are lack of empirical data or field testing to validate the proposed integration model in real-world industrial disputes, and potential limitations in generalizing findings beyond Central Kalimantan contexts.

4. CONCLUSION

Based on the discussion, it was concluded that Indonesia's industrial relations dispute settlement regime under Law No. 2 of 2004 had formally prioritized amicable resolution through bipartite negotiation, mediation/conciliation, and arbitration before litigation in the Industrial Relations Court, yet this legalistic-procedural orientation often had not delivered substantive and restorative justice because it left social wounds and damaged working relationships unresolved; meanwhile, the Dayak philosophy of Handep Hapakat in Central Kalimantan had embodied solidarity, deliberative consensus, and relational restoration that were functionally aligned with restorative justice and therefore provided a viable normative resource for improving pre-litigation settlement design; this integration had been constitutionally justifiable under Article 18B(2) of the 1945 Constitution and doctrinally realistic given Indonesia's broader practice of accommodating living law and restorative mechanisms in other legal fields; accordingly, the study formulated a conceptual integration model that could be implemented at the pre-litigation stage through (i) customary deliberation-based "bipartite plus" processes, (ii) culturally informed mediation conducted in customary forums, and (iii) party-recognized customary arbitration structured to produce legally accountable outcomes, which together could support faster, lower-cost, participatory settlement while restoring industrial relations and strengthening responsive legal pluralism—therefore, it was suggested that implementation should be supported by local regulatory instruments and/or institutional guidelines, systematic socialization among employers, workers, unions, and mediators, and capacity-building for customary leaders to ensure procedural safeguards, voluntariness, and consistency with labor-law rights protections.

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