

Effectiveness of Developing The Competency of Industrial Relations Mediators in Resolution of Industrial Relations Disputes in The Manpower and Transmigration Service of West Kotawaringin Regency

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Abstract. *Industrial relations disputes are one of the most common problems in employment relationships between workers and employers. Dispute resolution through mediation is a non-litigation mechanism that prioritizes deliberation to reach an agreement. The success of the mediation process is greatly influenced by the competence of the industrial relations mediator in carrying out their duties and functions. However, the implementation of mediator competency development at the Manpower and Transmigration Office of West Kotawaringin Regency still faces various obstacles, including a limited number of mediators, a suboptimal sustainable competency development program, and the increasing complexity of industrial relations disputes. These conditions potentially affect the effectiveness of industrial relations dispute resolution. This study aims to analyze the influence of mediator performance competency on the effectiveness of industrial relations dispute resolution and to analyze the implementation of the duties and functions of the functional position of industrial relations mediator in resolving industrial relations disputes at the West Kotawaringin Manpower Office. This study uses This study employs empirical research (socio-legal research) with a qualitative approach. This study not only examines the legal norms governing the functional position of industrial relations mediators, but also examines the implementation and effectiveness of mediator performance competency development in industrial relations dispute resolution practices at the Manpower and Transmigration Office of West Kotawaringin Regency. The research results show that developing the competency of industrial relations mediators significantly influences the effectiveness of a functional mediator's performance in resolving industrial relations disputes. The better the competency of an industrial relations mediator, the more effective the*

mediation will be in achieving a fast, fair, legal, and beneficial resolution of disputes for the disputing parties.

Keywords: *Competency Development; Effectiveness; Functional Position; Industrial Relations Mediator; Mediation.*

1. Introduction

The Manpower and Transmigration Office is tasked with carrying out some regional government affairs based on the principle of autonomy and the task of formation in the fields of labor, community empowerment and transmigration. Based on Law No. 6 of 2023 which is the stipulation of the Job Creation Regulation in Lieu of Law (Perpu), employment still refers to the basic definition of Law No. 13 of 2003, namely all matters related to labor before, during, and after the employment period, with a focus on changes in the regulation of rights and obligations, worker protection, and ease of doing business, including provisions regarding wages, PKWT, and overtime, in order to create a good investment ecosystem. With the latest Job Creation Law, namely Law No. 6 of 2023, Law No. 13 of 2003 concerning employment is still in effect but many articles have been amended, revoked, or replaced by provisions in Law No. 6 of 2023 (Job Creation Law). Especially in Chapter IV in Article 80 concerning employment, employment explains that in order to strengthen protection for workers and increase the role and welfare of workers/laborers in supporting the investment ecosystem, this government regulation in lieu of law amends and deletes, or establishes new regulations.

Employment issues are the responsibility of the Department of Manpower and Transmigration. The main duties of the Department of Manpower and Transmigration (Disnakertrans) are regulated in provincial/district/city regional regulations (perda), which refer to Law No. 23 of 2014 concerning Regional Government. The main task of this department is to create policies to address employment opportunities. Basically, employment law has the nature of protecting and creating a sense of security, peace, and prosperity by realizing social justice for all people. Indonesia is based on Pancasila as the foundation of the state, the nation's ideology, and a way of life as stated in the preamble to the 1945 Constitution, paragraph four, which emphasizes the protection of the entire nation, the advancement of general welfare, the intellectual life of the nation, and world order based on independence, eternal peace, and social justice. The basis of Pancasila, which explains the nature of protecting, creating a sense of security, peace, and prosperity, is stated in the fifth principle of Pancasila, namely, "Social Justice for All Indonesian People." The meaning of this fifth principle is a noble goal that underlies the efforts of the government and society in realizing equitable social welfare and prosperity, as well as fair treatment that

provides a sense of security. As we know, every year June 1 is commemorated as the birth of Pancasila. As we know, Pancasila is the foundation of the Indonesian state and all national and state life must be based on or based on Pancasila. Likewise, in industrial relations, employment must be based on Pancasila, therefore in Indonesia employment relations are known as Pancasila Industrial Relations (HIP). Pancasila Industrial Relations (HIP) is a system formed between actors in the production process of goods and services (workers, employers and government) which is based on the values of Pancasila and the 1945 Constitution, for that as a form of implementation of work relations between workers/laborers, employers and the government must be in accordance with the spirit contained in the principles of Pancasila. Based on the literature, the term Pancasila industrial relations (HIP) is a translation of labor relations or labor relations only discusses issues of relations between workers/laborers and employers. Therefore, the main objective of Pancasila industrial relations is to create harmonious, safe, dynamic work relations based on deliberation, mutual cooperation, and social justice for all parties, with the aim of increasing company productivity, worker welfare, and national stability. The objective of Industrial Relations itself is to realize a just and prosperous society based on Pancasila and to implement world order based on independence, eternal peace and social justice through the creation of tranquility, tranquility and order in work and tranquility in business, increasing production and improving the welfare of workers and their status according to human dignity. It has been explained in article 1 number 10 of the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 83 of 2020 concerning the Functional Mediator of Industrial Relations, that the definition of the term industrial relations is a system of relations formed between actors in the production process of goods and services consisting of elements of entrepreneurs, workers/laborers, and the government which is based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia, therefore the philosophy of industrial relations is related to the foundation of Pancasila and the 1945 Constitution of the Republic of Indonesia.

The Manpower Office also assists regional heads (Regents/Mayors/Governors) in carrying out government affairs in the field of employment, including planning, development, protection, and supervision of the workforce, including training, placement, industrial relations, social security, and labor supervision, and often also includes the fields of transmigration and energy, to ensure decent and harmonious employment. The Manpower Office acts as a regulator, facilitator, and catalyst to create harmonious industrial relations and reduce unemployment at the district/city level. The purpose of the Regulator and policy maker is to formulate technical employment policies that are adjusted to regional strategic plans, including the placement of minimum wages for districts/cities and for explanations from the Faciliator of job placement and expansion, namely managing labor market information (job fairs, darling systems) to connect job

seekers with job providers, as well as creating job expansion, especially through labor-intensive programs and competency-based training to reduce unemployment.

Employment law in providing protection must be based on two aspects: FIRST, law from an ideal perspective is realized in statutory regulations (heteronomous) and autonomous law. This legal realm must be able to reflect legal products that are in accordance with the ideals of justice and truth, certainty, and have value that is beneficial to the parties involved. production process. Employment law also regulates the rights of workers in Indonesia, such as the right to decent wages, the right to occupational safety and health (K3), the right to leave and working hours, the right to protection from termination of employment (PHK) and the right to social security. Employment law does not only prioritize business actors, but also pays attention to and provides protection to workers who are socially in a very weak position, when compared to the position of entrepreneurs who are quite established. The law provides benefits to the principle of social differences and economic levels for less fortunate workers, including such as the level of welfare, wage and work standards, as regulated in laws and regulations and in line with the meaning of justice according to the provisions of Article 27 paragraph 2 of the 1945 Constitution, that: "Every citizen has the right to work and a decent living for humanity", Likewise the provisions of Article 28 D paragraph (2) of the 1945 Constitution that "Everyone has the right to work and to receive fair and decent compensation and treatment in employment relations"; SECOND, normative law at the implementation level provides for action against parties who do not comply with legal provisions.¹

A mediator is a neutral party who assists the parties in the negotiation process to find various possible solutions without resorting to judgment or forcing a resolution. The important characteristics of a mediator are neutrality, assisting the parties without resorting to judgment or forcing a resolution. Therefore, the mediator's role is simply to assist the parties by not deciding or imposing his or her views or judgments on the issues during the mediation process on them.² From the other side, the Mediator is an individual who acts as an intermediary in the dispute resolution process through a negotiation mechanism/procedure called Mediation. The Mediator does not have any authority in resolving the problem. The Mediator is only a liaison to seek agreement between the disputing parties. The parties who can choose a mediator are judges or non-judges who have been certified as mediators within 1 (one) day. If within 1 (one) day, the panel will determine the mediator from the judges. Not just anyone can be a mediator. Only those who are certified and registered can be mediators.

¹(Analysis of employment law in Indonesia, Djokosoewono, 2019:2)

² <https://www.pn-kabajahe.go.id/2015-06-22-15-03-59/materi-mediasi.html>

Mediators are also expected to create broad development in addressing disputes. Essentially, mediators must be able to orientate themselves towards uniformity and the mindset of each disputing party. An important element that a mediator must possess is the skill to conduct mediation, this skill will determine a mediator's success in resolving disputes for the disputing parties. Mediator skills can be obtained through education or training. This education and training will shape mediators who are adept at developing work steps, providing various possibilities for problem solving wisely without any pressure on either party. Mediators must also have sufficient insight and remain steadfast in the principles of justice, voluntariness, and equality. They must not emphasize one of the disputing parties. In addition, mediators also act as organizers and lead the discussion, summarizing various information to provide various solutions to help the disputing parties reach a mutual agreement.

Requirements to become a Mediator

1. There is no blood relationship
2. Does not have an employment relationship with any of the disputing parties
3. Has no financial or other interests in the agreement between the parties.
4. Has no interest in the negotiation process or its outcome. (The mediator is the intermediary in the mediation process. *(tujuwan.com.2018)*)

The development of mediator competency focuses on improving practical skills (communication, conflict analysis, negotiation, reframing, caucus) and theoretical understanding (law, code of ethics) through certified training, simulations (role-play), and provision of specific materials, in order to achieve effective and neutral dispute resolution, according to the standards of the Supreme Court and the Supreme Court. This also includes mastering the emotional dimension, maintaining objectivity, and continuously influencing knowledge so that professional mediators are able to facilitate peaceful agreements. The ability to communicate effectively between workers and employers is often a challenge that affects the performance and productivity of an organization. Effective communication involves not only conveying information, but also mastering a deep understanding of the context, goals, and relationships between individuals and organizations.³

2. Research Methods

This study uses empirical research (socio-legal research) with a qualitative approach. Empirical research was chosen because it not only examines the legal norms governing the functional position of industrial relations mediators, but

³Lestari Agusalim, 2024, training on building effective communication to improve negotiation skills for industrial relations practitioners, 328.

also examines the application and effectiveness of mediator performance competency development in industrial relations dispute resolution practices at the Manpower and Transmigration Office of West Kotawaringin Regency.

This approach is different from the normative approach which only focuses on the Library, the approach I take emphasizes on "law in action" (Law in Action) how regulations and laws are implemented, according to Soerjono Soekanto, the sociological juridical approach is a legal research method that identifies law as a real social institution, not only Law In Books, it analyzes the effectiveness of law in society by going directly to the object, studying human behavior in obeying or violating norms, as well as the interaction of the two.

3. Results and Discussion

3.1. The Performance Competence of Industrial Relations Mediators Influences the Effectiveness of Industrial Relations Dispute Resolution.

This is analyzed using the theory of legal effectiveness, which measures the extent to which a legal rule truly functions, is complied with, and achieves its objectives in Indonesian society. The theory of legal effectiveness explains the success and failure of legal implementation and the factors that influence it. Legal effectiveness depends on the legal factors themselves, law enforcement, supporting facilities, society, and culture. Law can only achieve its goal of regulating society if all these factors support its implementation. In this study, these five factors show a close relationship with the performance competence of a mediator in resolving industrial relations disputes. In this case, the legal factor itself influences the laws and regulations that serve as a clear legal basis regarding the position, duties, functions, and procedures for resolving industrial relations disputes through mediation.

Based on the results of my interview and analysis with the Head of the Industrial Relations Division of the Manpower and Transmigration Office of West Kotawaringin Regency, Mrs. Rosita Wati, SP., MH on July 10, 2026, regarding how many employees serve as mediators and how many mediators have a functional position decree for industrial relations mediators. Based on the information obtained, currently there are 4 industrial relations mediator employees, 2 civil servant industrial relations mediators, 2 others still have CPNS status, but exactly on June 1, one of the industrial relations mediators named Mr. Sutrisno became an office administrator. One of the reasons for this is that Mr. Sutrisno retired on September 1, the letter of dismissal of Mr. Sutrisno as an industrial relations mediator was issued by the BKPSDM of West Kotawaringin in coordination and consideration with BKN, another reason is due to the limited education of Mr. Sutrisno. Based on Article 2 paragraph (1) letter g, that education must be at least a Bachelor's degree (S1), while Mr. Sutrisno only has a high school education. But why did Mr. Sutrisno become an Industrial Relations Mediator?

Because he received a policy from the center to be included in the equivalency qualifications, therefore Mr. Sutrisno was able to take part in the certification.⁴

And currently the number of Industrial Relations Mediators at the Manpower and Transmigration Office of West Kotawaringin Regency is only 3 people who serve as Industrial Relations Mediators. 1 person with a Decree (SK) from the Regent of West Kotawaringin Regency and a Certificate of Completion of Mediator Training issued by the Ministry of Manpower and two others serve with a Decree (SK) from the Regent, with CPNS status, with the following names, employee identification numbers and organizational units and work placement areas:

1. Rita Noormaidah, S.Pd

NIP. (19841009 201101 2003)

JF Young Expert Industrial Relations Mediator

With the Decree of the Regent of West Kotawaringin Number 821/43/BKPP/III/2023, the work placement area of the Manpower and Transmigration Office of West Kotawaringin Regency, Central Kalimantan Province. Who has been appointed as an industrial relations mediator official based on the provisions of the Decree of the Minister of Manpower of the Republic of Indonesia No. 162 of 2022 concerning the appointment of Industrial Relations Mediators in the Regional Government of Central Kalimantan Province.

2. Ahmad Mufti Damara, SH

NIP. (19950716 202506 1 001)

First Expert Industrial Relations Mediator

With Regent's Decree Number 800.1.2.5/124.75/BKPSDM.III/2025, the Work Placement Area of the Manpower and Transmigration Office of West Kotawaringin Regency, Central Kalimantan Province. Who has been appointed as a CPNS industrial relations mediator.

3. Dewi Octovianti, SH

NIP. (19971009 202506 1 001)

First Expert Industrial Relations Mediator

By Decree of the Regent Number 800.1.2.5/124.76/BKPSDM.III.2025, the Work Placement Area of the Manpower and Transmigration Office of West

⁴Interview, Rosita Wati, SP., MH, Head of Industrial Relations Division of West Kotawaringin Regency, Friday-July 10, 2026

Kotawaringin Regency, Central Kalimantan Province, has been appointed as a Civil Servant Candidate (CPNS) industrial relations mediator.⁵

Based on the results of my interview with Mrs. Rosita Wati, SP., MH on Friday, July 10th, about how the performance competence of industrial relations mediators, whether the three industrial relations mediator employees have carried out mediator certification and whether the three mediators at the West Kotawaringin Regency Manpower and Transmigration Office are competent enough in carrying out their duties and whether a mediator's performance competence will affect the effectiveness of performance in resolving industrial relations disputes. Mrs. Rosita Wati, SP., MH explained according to what has been explained in several Ministerial Regulations and Laws. The following are several Ministerial Regulations and Laws which explain the performance competence of industrial relations mediators towards effectiveness in resolving industrial relations disputes, namely, Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 17 of 2014 concerning the appointment and dismissal of industrial relations mediators and mediation work procedures, Regulation of the Minister of Empowerment of State Apparatus and Bureaucratic Reform of the Republic of Indonesia Industrial Relations. Law Number 2 of 2004 concerning the Settlement and Resolution of Industrial Relations Disputes, Law Number 2 of 2004 concerning the settlement of industrial relations disputes, Law Number 13 of 2003 concerning employment, Law Number 30 of 1999 concerning arbitration and alternative dispute resolution and Regulation of the Minister of Manpower of the Republic of Indonesia Number 3 of 2024 concerning the Implementation of Competency Tests.⁶

Based on the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 17 of 2014 concerning the appointment and dismissal of industrial relations mediators and the working procedures of mediators, it explains that industrial relations mediators, hereinafter referred to as mediators, are government agency employees responsible for the field of employment who meet the requirements as mediators appointed by the Minister to carry out mediation and are appointed by the Minister to carry out mediation and have the obligation to provide written recommendations to the disputing parties to resolve disputes over rights, disputes over interests, disputes, disputes over termination of employment, and disputes between trade unions / labor unions in only one Company. The article also explains that a special mediator is an official appointed by the Minister as a mediator because of his position as head of the department in the field of provincial or district / city employment. It has been explained in the regulation of the Minister of Administrative and Bureaucratic Reform of the Republic of Indonesia Number 83 of 2020 concerning

⁵Interview with Rosita Wati, SP., MH, Head of Industrial Relations Division of West Kotawaringin Regency, Friday, July 10, 2026

⁶Ibid.

the Functional Position of Industrial Relations Mediator. Currently, in the Department of Manpower and Transmigration, there is 1 employee with the functional position of industrial relations mediator. The definition of the functional position of industrial relations mediator is a position that has the scope, duties, responsibilities, authority and rights to carry out industrial relations development activities, industrial relations development and mediation in the resolution of industrial relations disputes.

3.2. Implementation of the Duties and Functions of the Functional Position of Industrial Relations Mediator in Resolving Industrial Relations Disputes at the Manpower and Transmigration Service of West Kotawaringin Regency?

This is analyzed using the Theory of Legal Authority and the Theory of Legal Protection. The theory of legal authority itself is where an industrial relations mediator is authorized to receive complaints of disputes, conduct investigations, summon the parties, lead mediation, provide written recommendations, and assist in reaching a collective agreement. The results of my research indicate that all of these authorities have been implemented in accordance with legal provisions. Each stage of mediation is carried out based on the principle of legality so that the mediator's actions have legal legitimacy. In this case, the mediator does not have the authority to force the parties to accept the results of the mediation or impose sanctions if recommendations are not implemented. Therefore, the success of the implementation of authority is more determined by the mediator's professional ability to build communication, create trust, identify the interests of the parties, and offer mutually acceptable solutions.

Meanwhile, based on the theory of legal protection, industrial relations mediators focus on the state's efforts to provide protection of rights, justice, and balance of position between workers and employers through preventive and repressive legal instruments based on Law Number 2 of 2004. In the application of justice, the implementation of the mediator's duties has reflected the principle of justice because the mediator provides equal treatment to workers and employers without favoring one of them. The neutrality of the mediator is the main factor in creating a sense of justice during the mediation process. In legal certainty, the mediator carries out all stages of dispute resolution based on procedures determined in statutory regulations.

Based on the results of the analysis and interviews that I have conducted with the Head of Industrial Relations at the Manpower and Transmigration Office of West Kotawaringin Regency, Mrs. Rosita Wati, SP., MH, regarding the implementation of the duties and functions of the industrial relations mediator position, whether it has been carried out properly. She explained that, The existence of the mediator itself is part of the government's efforts to create harmonious, dynamic, and equitable industrial relations. The mediator is also considered a neutral party who helps the parties in the negotiation process to

find various possible solutions without using the method of deciding or forcing a solution. On the other hand, a mediator is an individual who mediates in the dispute resolution process through a negotiation mechanism/procedure called mediation, the mediator does not have any authority in resolving the problem, the mediator, only as a liaison to find an agreement between the disputing parties. Regarding the duties and functions of the three industrial relations mediators of West Kotawaringin, they have been quite good at carrying out their duties as they should, however, there will still be differences in the duties and functions of the position between certified and uncertified mediators.⁷

According to Soerjono Soekanto, a mediator is a neutral, impartial third party tasked with assisting disputing parties in seeking various possible dispute resolutions. Mediators are impartial and have no decision-making authority, but instead serve to facilitate dialogue toward achieving peace.

Based on the results of the interview I conducted with the Head of Industrial Relations, he explained that in connection with the different levels of positions for HI mediators in the West Kotawaringin Manpower and Transmigration Office, namely one mediator with a functional position level of Junior Expert industrial relations mediator with the Rank of Level 1 Arranger (Group III/d) and two other mediators of First Expert industrial relations (Group III/a) with the existence of different Ranks and Groups will cause differences in the duties and functions of the mediator's position. Therefore, the Industrial Relations Mediators of the Manpower and Transmigration Office apply a Team work system, which means a structured collaborative process where a group of interdependent individuals work together to achieve a common, complex goal. This work system combines the unique skills of each member so that the results obtained are much more effective and efficient than just working individually. This team work system is what makes the function of a mediator feel easier and lighter in resolving industrial relations disputes.⁸

❖ The following are the duties and functions of the position of Junior Expert Industrial Relations Mediator:

1. Main Function

- Neutral Facilitator: Being an impartial (neutral) third party to help workers and employers communicate and find common ground on problems that occur.

⁷Interview, Rosita Wati, SP., MH, Head of Industrial Relations Division of West Kotawaringin Regency, Friday-July 10, 2026

⁸Interview, Rosita Wati, SP., MH, Head of Industrial Relations Division of West Kotawaringin Regency, Friday-July 10, 2026

- Educator & Supervisor: Provides counseling, guidance and coaching to industrial relations actors regarding their rights and obligations in accordance with laws and regulations.
- Conflict resolution agent: Prevents escalation of conflict and facilitates negotiations to resolve disputes over rights, interests, termination of employment (PHK), and between labor unions.

2. Details of Junior Expert Job Duties.

- Conducting early detection of potential Industrial Relations disputes in the work area (district/city).
- Developing industrial relations outreach, coaching and guidance programs
- Conducting analysis and mediating industrial relations disputes with a moderate level of difficulty/complexity.
- Provide written recommendations to the disputing parties as a proposal for a peaceful solution.
- Conducting monitoring of industrial relations facilities
- Controlling the situation if there is a demonstration or strike on a medium scale.

❖ The following are the duties and functions of the First Expert Industrial Relations Mediator:

- Planning and development: preparing work plans and developing industrial relations conditions.
- Data Collection: processing data, compiling supporting profiles, and preparing employment-related information.
- Dispute prevention: educating and guiding business actors and workers regarding industrial relations tools.
- Mediation Facilitation: industrial relations mediators become neutral parties who facilitate negotiations to resolve industrial relations disputes (moderate level of complexity) and issue written recommendations.

Article 2 of the Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform of the Republic of Indonesia Number 83 of 2020 explains the position and responsibilities, it is explained that industrial relations mediators are positioned as functional technical implementers in the field of industrial

relations in the Supervisory Agency and regional agencies. Industrial Relations Mediators are positioned under and directly responsible to the senior high-ranking officials, senior high-ranking officials, administrator officials, or supervisory officials who have a relationship with the implementation of the functional position of industrial relations mediators. The position of the industrial relations mediator referred to above is determined in the job map based on the analysis of tasks and work carried out in accordance with the provisions of laws and regulations. In article 11 of the regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia number 17 of 2014 concerning the appointment and dismissal of industrial relations mediators and mediation procedures, the position of mediators is divided into 3, namely, the position of mediators at the Ministry, at the Provincial Service and at the Regency/City Service, in article 12 Number 3, mediators who are domiciled at the Regency/City Service as referred to in article 11 letter c, are authorized to mediate industrial relations disputes that occur in the relevant district or city, the second is to mediate industrial relations disputes on the transfer and the Ministry or Provincial Service.

Based on the Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number 17 of 2014 concerning the appointment and dismissal of industrial relations mediators and mediation work procedures, the functional position of mediator has the following duties:

- a. Industrial relations development
- b. Development of industrial relations, and
- c. Settlement of industrial relations disputes outside the court.

(1). The development of industrial relations as referred to in Article 7 letter a. is carried out through a series of efforts intended to realize the capabilities and awareness of the parties involved in the production process of goods and/or services, namely workers/laborers and their organizations, employers and their organizations and the government regarding the applicable norms so as to foster harmony and a healthy business climate as well as the welfare of workers/laborers.

(2). The development of industrial relations as referred to in Article 7 letter b is carried out through a series of efforts to create, perfect and develop industrial relations systems, methods and techniques in order to meet the demands of developments and changes in employment situations and conditions at the sectoral, regional, national and international levels.

(3). The settlement of industrial relations disputes as referred to in Article 7 letter c is carried out through industrial relations dispute settlement mediation.

Industrial relations development is carried out to prevent conflict and create a conducive work climate. The focus of development includes bipartite cooperation, increasing understanding of employment regulations, and implementing Pancasila values in employment relations. Development is carried out by the government (Manpower Office), employers, and labor unions. The development objectives include developing company regulations (PP) or collective labor agreements (PKB) that are implemented and mutually agreed upon. Conflict development can serve as a preventative and proactive measure. By offering conflict training to employees, organizations can help individuals develop skills to manage conflicts before they escalate.

The development of industrial relations aims to improve the quality and productivity of industrial relations in line with the times. The function of a mediator or functional official of an industrial relations mediator is tasked with developing industrial relations. The mechanism for developing industrial relations includes improving worker competency through training, strengthening trade union institutions, and implementing an occupational safety and health (K3) management system. The approach taken in developing industrial relations is a pluralistic approach (balancing the interests of employers and workers) to formulate joint policies. The development of industrial relations is a form of continuous effort to create harmonious, dynamic, and equitable relations between employers, workers, and the government based on Pancasila. Which aims to increase productivity, ensure work, and business continuity through communication, work agreements, and dispute prevention.

The main concepts and objectives of industrial relations development are:

- The Tripartite System involves employers (associations), workers (trade unions), and the government as regulator and mediator.
- Harmonious & conducive, by improving the development of industrial relations, it can create a conflict-free work environment so that productivity increases.
- Worker protection, with the development of industrial relations in worker protection, can ensure that workers' welfare is guaranteed.

Industrial relations dispute resolution is the process of resolving differences of opinion between workers/labor unions and employers regarding rights, interests, termination of employment (PHK), or between labor unions. This is regulated in Law Number 2 of 2004 through bipartite, tripartite (mediation/conciliation/arbitration), and litigation stages. The resolution of industrial relations disputes between employers and workers is essential for the creation of harmonious and conducive industrial relations between both parties. In a company, both employers and workers basically have an interest in the continuity of the business and the success of the company. Although both have

an interest in the success of the company, it cannot be denied that conflicts/disputes still often occur between employers and workers. If a dispute occurs between workers and employers, bipartite negotiations can be the main solution to achieve harmonious industrial relations. Conducive industrial relations between employers and workers/laborers are the main key to avoiding termination of employment, improving the welfare of workers/laborers and expanding employment opportunities to overcome unemployment in Indonesia. According to Article 1 number 16 of Law Number 13 of 2003 concerning employment, industrial relations are a system of relations formed between actors in the process of producing goods and/or services consisting of elements of employers, workers/laborers, and the government which are based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia, different from employment relations which are relations between employers and workers/laborers only, industrial relations involve the government in it. Thus, it is hoped that it will be created in such a way that it is safe, harmonious, compatible, and in line with increasing the welfare of the nation.

In Article 1, number 1 of Law Number 2 of 2004 concerning the settlement of industrial relations states that industrial relations disputes are differences of opinion that result in conflict between employers or associations of employers with workers/laborers or workers' unions/labor unions due to disputes regarding rights. Disputes of interest, disputes over termination of employment and disputes between workers' unions/labor unions within one company. The following is an explanation of each type of industrial relations dispute.

1. Rights disputes are disputes that arise due to non-fulfillment of rights, due to differences in implementation or interpretation of provisions of laws and regulations, work agreements, company regulations, or collective work agreements as discussed in Article 1 number 2 of Law Number 2 of 2004 concerning employment resolution.
2. 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 of employment stipulated in an employment agreement, or company regulations, or collective work agreement. This is discussed in Article 1 number 3 of Law Number 2004 concerning the settlement of industrial relations disputes.
3. Disputes regarding termination of employment are disputes that arise due to a lack of agreement regarding the termination of employment by one of the parties. This is discussed in Article 1 number 4 of Law Number 2 of 2004 concerning the settlement of industrial relations disputes.
4. Disputes between trade unions/labor unions are disputes between trade unions/labor unions and other workers/labor unions within a single company, due to a lack of agreement regarding membership, implementation of rights, and

obligations of the trade union. This is discussed in Article 1 number 5 of Law Number 2 of 2004 concerning the settlement of industrial relations disputes.

In the employment regulations it is stated that the settlement of industrial relations disputes must be carried out by employers and workers/laborers or trade unions/labor unions through bipartite negotiations by deliberation to reach consensus. However, if a resolution by deliberation to reach consensus is not reached, then the employer and workers/laborers or trade unions/labor unions resolve the industrial relations dispute through industrial relations dispute resolution procedures regulated in the law, namely law number 2 of 2004 concerning the settlement of industrial relations disputes. The procedures that will be provided include industrial relations mediation or industrial relations conciliation or industrial relations arbitration, but if this still fails then the industrial relations dispute can be requested to be resolved at the industrial relations court in each district/city court located in each provincial capital whose jurisdiction covers the worker's workplace.

In the Republic of Indonesia Law Number 2 of 2004 concerning the settlement of industrial relations disputes, it is explained that bipartite negotiations are negotiations between workers/laborers or workers/labor unions with employers to resolve industrial relations disputes. Bipartite negotiations are negotiations through deliberation to reach consensus. Settlement through bipartite negotiations must be completed no later than 30 working days from the first negotiations being held. This is explained in Article 3 paragraph 2 of the Republic of Indonesia Law concerning the settlement of industrial relations disputes. And if within the 30 (thirty) day period as referred to in paragraph (2) one of the parties refuses to negotiate or negotiations have been held but do not reach an agreement, then the bipartite negotiations are considered to have failed. In the event that bipartite negotiations fail as referred to in Article 3 paragraph (3), one or both parties must register their dispute with the local agency responsible for labor affairs by attaching evidence that efforts to resolve the dispute through bipartite negotiations have been made. And if the evidence as referred to is not attached, then the agency responsible for labor affairs will return the files to be completed no later than 7 (seven) working days from the date the files are returned. And after receiving the records from one or both parties, the agency responsible for labor affairs is required to offer the parties the option to agree to choose a resolution through conciliation or arbitration. If the parties do not determine their choice of resolution through conciliation or arbitration within 7 (seven) working days, then the agency responsible for labor affairs will delegate the resolution of the dispute to a mediator.

4. Conclusion

1. Based on the results of research and analysis regarding the influence of the performance competence of industrial relations mediators on the effectiveness

of industrial relations dispute resolution at the Manpower and Transmigration Office of West Kotawaringin Regency, it can be concluded that the performance competence of mediators has a large and significant influence on the effectiveness of industrial relations dispute resolution. The results of my research indicate that increasing competence through education, training, technical guidance, certification, and work experience positively contribute to improving the quality of mediator performance. The higher the competence of a mediator, the more effective the implementation of mediation tasks and functions, as reflected in the determination of case resolution, the efficiency of settlement time, compliance with legal procedures, an increased level of mediation success, and increased satisfaction of the parties with the dispute resolution process. The effectiveness of competency development will also affect the timeframe for industrial relations dispute resolution. The better the competence of a mediator, the better the performance produced by the industrial relations mediator. 2. Based on the research and analysis that I have conducted, the conclusion from the implementation of the duties and functions of the functional position of industrial relations mediator in resolving industrial relations disputes at the Manpower and Transmigration Service of West Kotawaringin Regency, for the implementation of the duties and functions of industrial relations mediators has basically been carried out in accordance with the provisions of laws and regulations, but has not been fully optimal in realizing effective resolution of industrial relations disputes. Industrial relations mediators have also carried out their duties and functions in accordance with the authority granted by laws and regulations, namely receiving and studying mediation requests, summoning disputing parties, facilitating the negotiation process, providing written recommendations if an agreement is not reached, and encouraging dispute resolution through deliberation to reach a consensus. However, based on my research, mediators still face several obstacles, including a limited number of mediators compared to the number of cases they handle, suboptimal ongoing competency development, and a lack of good faith and cooperation from some disputing parties. These conditions impact the mediator's workload and potentially affect the speed and quality of dispute resolution. Therefore, based on the results of the interview that I have conducted with the head of the industrial relations division of the West Kotawaringin Regency Manpower and Transmigration Office, in its implementation they apply a teamwork system, where even with the lack of mediators and the number of certified mediators, they apply a cooperation system, where young expert mediators and first experts help and complement each other in carrying out the mediation process and other industrial relations mediator tasks.

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