

Implementation of Alternative Dispute Resolution Mechanisms in the Settlement of Labor Disputes in Indonesia

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Abstrak

Penelitian ini bertujuan untuk menganalisis efektivitas metode alternatif dalam penyelesaian sengketa ketenagakerjaan antara pekerja dan pengusaha. Permasalahan yang diangkat adalah masih dominannya penggunaan jalur litigasi yang cenderung memakan waktu lama, berbiaya tinggi, serta kurang menghasilkan solusi yang saling menguntungkan. Oleh karena itu, penelitian ini berfokus pada metode Alternative Dispute Resolution (ADR), seperti mediasi, konsiliasi, dan arbitrase, sebagai upaya penyelesaian sengketa yang lebih efektif dan berkeadilan. Metode penelitian yang digunakan adalah pendekatan yuridis normatif dengan analisis kualitatif, menggunakan data sekunder berupa peraturan perundang-undangan, literatur hukum, serta penelitian terdahulu yang relevan dengan penyelesaian sengketa ketenagakerjaan. Analisis dilakukan secara deskriptif-analitis untuk mengkaji efektivitas dan penerapan ADR di Indonesia. Hasil penelitian menunjukkan bahwa metode ADR, khususnya mediasi, memiliki peran penting dalam menyelesaikan sengketa ketenagakerjaan secara lebih cepat, fleksibel, dan menghasilkan solusi yang saling menguntungkan. Namun demikian, efektivitasnya masih menghadapi berbagai kendala, seperti keterbatasan kompetensi mediator, kurangnya pemahaman para pihak, serta hambatan regulasi tertentu. Kesimpulannya, ADR merupakan instrumen penting dalam penyelesaian sengketa ketenagakerjaan di luar pengadilan, namun memerlukan penguatan regulasi, peningkatan kapasitas mediator, serta sosialisasi yang lebih luas kepada para pihak guna menjamin kepastian hukum dan keadilan yang optimal.

Kata kunci: sengketa ketenagakerjaan; mediasi; litigasi.

Abstract

This study aims to analyze the effectiveness of alternative methods in resolving labor disputes between employees and employers. The issue addressed is the continued dominance of litigation, which tends to be time-consuming, costly, and less likely to produce mutually beneficial solutions. Therefore, this research focuses on Alternative Dispute Resolution (ADR) methods, such as mediation, conciliation, and arbitration, as more effective and equitable mechanisms for dispute settlement. The research employs a normative juridical approach with qualitative analysis, utilizing secondary data in the form of laws and regulations, legal literature, and previous studies relevant to labor dispute resolution. The analysis is conducted descriptively and analytically to examine the effectiveness and implementation of ADR in Indonesia. The findings indicate that ADR methods, particularly mediation, play an important role in resolving labor disputes more quickly, flexibly, and in a manner that promotes mutually

beneficial outcomes. However, their effectiveness still faces several challenges, including limited mediator competence, lack of understanding among the parties, and certain regulatory obstacles. In conclusion, ADR constitutes an important instrument for resolving labor disputes outside the court system; however, it requires stronger regulatory support, enhanced mediator capacity, and broader public awareness among the parties in order to ensure optimal legal certainty and justice.

Keywords: labor dispute; mediation; litigation.

INTRODUCTION

Human beings inherently aspire to attain a decent standard of living and the freedom to pursue a better life beyond their expectations, as mandated by the 1945 Constitution of the Republic of Indonesia. In the field of human resources, this aspiration is reflected, among other things, in the concept of an “employment relationship,” which involves employers and workers or laborers. Such a relationship establishes a legal and functional interaction between workers and employers, enabling both parties to actively contribute to the activities and operations of the enterprise.

The development of industrial relations in Indonesia has become increasingly complex and dynamic in line with economic growth and job creation. The interaction between employees and employers extends beyond productivity and involves rights and obligations, which may give rise to disputes. According to Ardianingrum and Setiawati,¹ the development of modern industrial relations requires balanced legal protection for both employees and employers across all fields of work. In practice, industrial disputes, such as termination of employment contracts, rights disputes, and conflicts of interest, continue to occur frequently, highlighting the need for an effective and fair settlement mechanism. This situation underscores the urgent need for balanced legal protection for all parties. Furthermore, developments in the business sector and changes in industrial relations models resulting from globalization have contributed to the increasing likelihood of disputes within industrial relations.² This condition requires a dispute resolution system capable of providing legal certainty in a prompt and effective manner. Therefore, an effective dispute resolution mechanism must ensure the protection of workers’ rights while fairly maintaining business continuity.³

On the other hand, dispute resolution mechanisms through litigation in labor courts still face numerous obstacles, such as lengthy settlement procedures,

¹ Frensiska Ardhiyaningrum and Diana Setiawati, “Hambatan dan Peluang Efektivitas Alternative Dispute Resolution (ADR) dalam Penyelesaian Sengketa Bisnis di Indonesia Berdasarkan Undang-Undang Nomor 30 Tahun 1999,” *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 4 (2024): 138–153, <https://doi.org/10.62383/jembatan.v1i4.1132>.

² Ananda Pradhitya Tenggara, “Kajian Normatif terhadap Kekosongan Hukum dalam Pengaturan Alternative Dispute Resolution (ADR) Non-Formal dalam Penyelesaian Perselisihan Hubungan Industrial di Indonesia,” *Arus Jurnal Sosial dan Humaniora* 5, no. 3 (2025): 4737–4741, <https://doi.org/10.57250/ajsh.v5i3.1981>.

³ Dwi Julica Sari et al., “Efektivitas Mediasi dalam Penyelesaian Perselisihan Hubungan Industrial: Studi Kasus PT Panelindo Makmur Sentosa,” *Judge: Jurnal Hukum* 6, no. 2 (2025): 109–118, <https://doi.org/10.54209/judge.v6i02.1334>.

relatively high costs, and complex formalities. Siamsu et al.⁴ explain that litigation in labor disputes often becomes prolonged, thereby reducing the effectiveness of legal protection for the parties involved. In addition, disputed decisions frequently result in dissatisfaction and create a “win-lose” situation. This, in turn, increases tension in the relationship between workers and employers after the dispute has been resolved. Moreover, prolonged litigation may cause economic and psychological losses for the disputing parties. In practice, many workers encounter difficulties in accessing litigation due to limited resources and insufficient legal knowledge. Therefore, alternative dispute resolution methods such as mediation, conciliation, and arbitration have proven to be more flexible and effective options.⁵ Alternative dispute resolution (ADR) mechanisms are considered capable of providing solutions that prioritize dialogue and mutual agreement over adversarial litigation, with an emphasis on outcomes that satisfy all parties.⁶

However, a gap remains between the ideal framework and practical reality. Laws and regulations stipulate that out-of-court mechanisms such as mediation, conciliation, and arbitration should be prioritized over court proceedings in the settlement of labor disputes. These regulations emphasize the importance of Alternative Dispute Resolution (ADR) as a fundamental mechanism for resolving labor disputes. Nevertheless, in practice, many disputes still end up in court due to the parties’ low level of trust in the effectiveness of these mechanisms. Pascoro and Giuliasari⁷ note that some parties still consider judicial channels to be more reliable in terms of legal certainty than out-of-court solutions. Furthermore, public understanding of the procedures and benefits of out-of-court dispute resolution mechanisms remains limited. A legal culture that tends to regard court decisions as having stronger legal force contributes to the low effectiveness of alternative dispute resolution (ADR) methods.⁸ This situation indicates that the implementation of ADR has not yet achieved its stated objective, namely to provide a fast, simple, and fair mechanism for resolving disputes.

Previous studies show that the effectiveness of ADR still faces various obstacles, such as the limited number and competence of mediators, weak implementation of settlement agreements, and structural barriers within the

⁴ Syamsir Syamsu et al., “Penyelesaian Perselisihan Hubungan Industrial melalui Pendekatan Alternative Dispute Resolution,” *Jurnal Education and Development* 13, no. 1 (2025): 234–247, <https://doi.org/10.37081/ed.v13i1.6591>.

⁵ Ni Wayan Seniasih, Komang Edy Dharmasaputra, and Kadek Mery Herawati, “Penyelesaian Sengketa Ketenagakerjaan di Industri Perhotelan melalui Arbitrase dan Mediasi,” *Nusantara Hasana Journal* 5, no. 4 (2025): 128–156, <https://doi.org/10.59003/nhj.v5i4.1678>.

⁶ Ale Dani Baskoro, Alya Puspita Juliasari, and Dhiva Aurora Pramhesta Dharma, “Mediasi sebagai Alternatif Non-Litigasi dalam Penyelesaian Sengketa Pemutusan Hubungan Kerja: Kajian terhadap Kepastian Hukum dan Keadilan,” *Media Hukum Indonesia* 3, no. 2 (2025), <https://doi.org/10.5281/zenodo.15758137>.

⁷ Ale Dani Baskoro, Alya Puspita Juliasari, and Dhiva Aurora Pramhesta Dharma, “Mediasi sebagai Alternatif Non-Litigasi dalam Penyelesaian Sengketa Pemutusan Hubungan Kerja: Kajian terhadap Kepastian Hukum dan Keadilan,” *Media Hukum Indonesia* 3, no. 2 (2025), <https://doi.org/10.5281/zenodo.15758137>.

⁸ Siti Rakibah, “Analisis Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan melalui Arbitrase (Studi Kasus pada PT Agro Sinergi Nusantara, Kebun Tanoh Makmue Kecamatan Woyla Barat),” *Jurnal Ilmu Sosial dan Humaniora* 1, no. 4 (2025): 1827–1839, <https://doi.org/10.63822/j5ytt072>.

regulatory framework. According to Sari et al.,⁹ the quality of mediators has a significant influence on the success of peaceful dispute settlement through mediation. On the other hand, the implementation of mediation outcomes often does not run optimally due to the lack of monitoring and enforcement mechanisms for the agreements reached. In addition, administrative and bureaucratic barriers continue to slow down the dispute resolution process through ADR. In several cases, the disputing parties also demonstrate a lack of cooperation, thereby hindering the achievement of mutual agreement. Rakibah¹⁰ emphasizes that the success rate of mediation is strongly influenced by the good faith of the parties in implementing the agreed settlement. This demonstrates that the effectiveness of ADR is influenced not only by regulation, but also by human resources, legal culture, and the commitment of the parties. Therefore, a more comprehensive evaluation is needed to determine the extent to which ADR can serve as an effective solution in resolving labor disputes in Indonesia.¹¹

Furthermore, there is a research gap indicating that most studies still focus on the effectiveness of one ADR mechanism only in a partial manner, such as mediation or arbitration, without comprehensively examining the relationship among ADR mechanisms within the context of industrial relations. Some studies also tend to discuss only normative aspects without linking them to empirical implementation in practice. As a result, there remains a limitation in studies capable of explaining the overall effectiveness of ADR in the practical settlement of labor disputes. Tenggara¹² states that research on ADR in Indonesia still requires a more integrative approach in order to describe the effectiveness of its implementation comprehensively. In addition, few studies have examined the relationship between regulatory factors, mediator quality, legal culture, and the parties' compliance with dispute settlement outcomes. This condition demonstrates the need for more multidimensional research on ADR mechanisms. Thus, a study that combines normative and empirical approaches is important to fill the existing research gap.¹³

⁹ Dwi Julica Sari et al., "Efektivitas Mediasi dalam Penyelesaian Perselisihan Hubungan Industrial: Studi Kasus PT Panelindo Makmur Sentosa," *Judge: Jurnal Hukum* 6, no. 2 (2025): 109–118, <https://doi.org/10.54209/judge.v6i02.1334>.

¹⁰ Siti Rakibah, "Analisis Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan melalui Arbitrase (Studi Kasus pada PT Agro Sinergi Nusantara, Kebun Tanoh Makmue Kecamatan Woyla Barat)," *Jurnal Ilmu Sosial dan Humaniora* 1, no. 4 (2025): 1827–1839, <https://doi.org/10.63822/j5ytt072>.

¹¹ Frensiska Ardhiyaningrum and Diana Setiawati, "Hambatan dan Peluang Efektivitas Alternative Dispute Resolution (ADR) dalam Penyelesaian Sengketa Bisnis di Indonesia Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 4 (2024): 138–153, <https://doi.org/10.62383/jembatan.v1i4.1132>.

¹² Ananda Pradhitya Tenggara, "Kajian Normatif terhadap Kekosongan Hukum dalam Pengaturan Alternative Dispute Resolution (ADR) Non-Formal dalam Penyelesaian Perselisihan Hubungan Industrial di Indonesia," *Arus Jurnal Sosial dan Humaniora* 5, no. 3 (2025): 4737–4741, <https://doi.org/10.57250/ajsh.v5i3.1981>.

¹³ Frensiska Ardhiyaningrum and Diana Setiawati, "Hambatan dan Peluang Efektivitas Alternative Dispute Resolution (ADR) dalam Penyelesaian Sengketa Bisnis di Indonesia Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 4 (2024): 138–153, <https://doi.org/10.62383/jembatan.v1i4.1132>.

Therefore, this study is expected to provide a new perspective on the effectiveness of ADR mechanisms in the settlement of labor disputes in Indonesia.¹⁴

Based on the foregoing, the novelty of this study lies in its analytical approach, which integrates normative juridical analysis with a comprehensive evaluation of the implementation of ADR mechanisms in resolving labor disputes. This study does not merely assess the effectiveness of each ADR mechanism, but also examines the interrelationship among these mechanisms and the factors that influence their success in the practice of industrial relations. This approach is expected to provide a broader understanding of the implementation of ADR in resolving employment relationship disputes. Seniasih¹⁵ explains that the integration of normative and implementative approaches is important for assessing the actual effectiveness of law in labor practice. In addition, this study also seeks to identify the obstacles that affect the optimization of ADR use in Indonesia. This research is significant in contributing to the development of labor law, particularly in strengthening the role of ADR as an effective and just alternative dispute resolution mechanism. The findings of this study are expected to serve as consideration for policymakers, legal practitioners, mediators, and parties in industrial relations in improving the effectiveness of out-of-court dispute resolution.¹⁶ The limitation of this study lies in its use of a normative juridical approach with secondary data, so it does not fully reflect empirical conditions across all regions of Indonesia and is limited to the study of mediation, conciliation, and arbitration mechanisms within the national legal framework.¹⁷

The original manuscript correctly identifies mediation, conciliation, and arbitration as important mechanisms, but it often treats “effectiveness” as an empirical conclusion without empirical data. The revision reframes the contribution as a normative and institutional assessment of the capacity of Law Number 2 of 2004 to deliver accessible, timely, enforceable, and relationship-preserving dispute resolution, while clearly distinguishing legal design from measured outcomes.

RESEARCH METHOD

This article uses normative juridical research with statutory, conceptual, and limited comparative approaches. Primary materials include the constitutional framework, labor legislation, and Law Number 2 of 2004 on Industrial Relations Dispute Settlement. The analysis maps the legal sequence from bipartite negotiation to mediation, conciliation, arbitration, and Industrial Relations Court proceedings, then evaluates each non-judicial mechanism against five criteria: accessibility,

¹⁴ Syamsir Syamsu et al., “Penyelesaian Perselisihan Hubungan Industrial melalui Pendekatan Alternative Dispute Resolution,” *Jurnal Education and Development* 13, no. 1 (2025): 234–247, <https://doi.org/10.37081/ed.v13i1.6591>.

¹⁵ Ni Wayan Seniasih, Komang Edy Dharmasaputra, and Kadek Mery Herawati, “Penyelesaian Sengketa Ketenagakerjaan di Industri Perhotelan melalui Arbitrase dan Mediasi,” *Nusantara Hasana Journal* 5, no. 4 (2025): 128–156, <https://doi.org/10.59003/nhj.v5i4.1678>.

¹⁶ Ale Dani Baskoro, Alya Puspita Juliasari, and Dhiva Aurora Pramhesta Dharma, “Mediasi sebagai Alternatif Non-Litigasi dalam Penyelesaian Sengketa Pemutusan Hubungan Kerja: Kajian terhadap Kepastian Hukum dan Keadilan,” *Media Hukum Indonesia* 3, no. 2 (2025), <https://doi.org/10.5281/zenodo.15758137>.

¹⁷ Dwi Julica Sari et al., “Efektivitas Mediasi dalam Penyelesaian Perselisihan Hubungan Industrial: Studi Kasus PT Panelindo Makmur Sentosa,” *Judge: Jurnal Hukum* 6, no. 2 (2025): 109–118, <https://doi.org/10.54209/judge.v6i02.1334>.

procedural time, party autonomy, enforceability, and suitability for preserving an ongoing employment relationship. Secondary empirical studies are used as external evidence about mediation and arbitration design; this article does not independently measure settlement rates, costs, mediator competence, or user satisfaction. Accordingly, claims of practical effectiveness are formulated as evidence-informed propositions rather than original empirical findings.

The type of data used in this study is secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations such as the Manpower Law and other regulations related to the settlement of industrial relations disputes. Secondary legal materials consist of legal literature, scientific journals, previous research findings, and expert doctrines relevant to the topic of ADR. Meanwhile, tertiary legal materials include legal dictionaries and encyclopedias that support the understanding of concepts. The data collection technique is conducted through library research, namely by tracing and examining various legal sources.¹⁸ Furthermore, the data analysis technique is carried out qualitatively using a descriptive-analytical method, namely by interpreting and constructing legal data systematically to answer the research problems and identify the gap between legal norms and practice in the field.¹⁹

RESULTS AND DISCUSSION

Mechanisms for Resolving Disputes Between Workers and Employers in Accordance with Applicable Legal Provisions

The process of resolving disputes between workers and employers essentially begins with bipartite negotiations, namely direct negotiations between the parties without involving a third party. This step constitutes an initial obligation that must be undertaken before proceeding to other dispute resolution mechanisms. In general, bipartite negotiations reflect the principles of kinship, negotiation, and compromise that underlie industrial relations in Indonesia. According to Ibrahim,²⁰ bipartite settlement aims to encourage the parties to resolve disputes independently without external intervention. In practice, this approach is expected to maintain harmonious employment relations because the settlement process is carried out through direct negotiation between workers and employers. However, many bipartite negotiations fail due to the unequal bargaining power between workers and employers. In addition, the lack of good faith and limited legal understanding among the parties often hinder the achievement of an agreement. Therefore, the effectiveness of bipartite negotiations is strongly influenced by the commitment of the parties to resolve disputes peacefully and openly.²¹

¹⁸ Bobby Christian Halim and Ida Nadirah, "Penyelesaian Sengketa dalam Permasalahan Fraud di dalam Hukum Ketenagakerjaan," *Unizar Law Review* 8, no. 1 (2025): 91–102, <https://doi.org/10.36679/ulr.v8i1.98>.

¹⁹ Samadi, 2025.

²⁰ Zulkarnain Ibrahim, "Alternative Dispute Resolution Bipartite and Mediation in Industrial Relations Disputes Settlement," *International Journal of Mechanical Engineering and Technology* 10, no. 7 (2019): 150–171.

²¹ Enny Kristiani and Faisal Santiago, "Legal Reform of Mediation Towards Fair Industrial Conflict Resolution," *Journal of Comprehensive Science* 3, no. 12 (2024): 5350–5358, <https://doi.org/10.59188/jcs.v3i12.2921>.

If bipartite negotiations fail to reach an agreement, the dispute may proceed to the tripartite level through conciliation, mediation, or arbitration. Mediation is one of the preferred methods for resolving labor disputes in Indonesia because it is considered flexible and accessible. In this process, mediators from the relevant external institution play an important role in assisting the parties to reach an agreement through negotiation. Kusuma and Asyhadie²² argue that mediation is highly effective because the process is simple and can produce mutually beneficial solutions. In addition, mediation is also considered faster and more efficient than litigation before the Industrial Relations Court. Through mediation, the employment relationship between employees and employers can be maintained because of the non-adversarial approach used. However, the success of mediation greatly depends on the mediator's ability to facilitate communication and build trust between the parties. Therefore, improving the quality of mediators is an important factor in supporting the effectiveness of mediation as a labor dispute resolution mechanism.²³

In addition to mediation, conciliation is also available as a dispute resolution process with similar characteristics, although it is often applied to certain types of disputes, such as conflicts of interest or disputes between labor unions within the same company. The conciliator plays an important role in providing settlement proposals to the parties based on an analysis of the underlying dispute. Sudiarawan²⁴ explains that conciliation has great potential to create peaceful and effective conflict resolution. However, the use of conciliation remains limited compared to mediation due to the lack of public understanding of the process. Furthermore, awareness of the role and procedures of conciliation remains low in many jurisdictions, resulting in limited utilization. This situation causes many parties to prefer mediation or even proceed directly to litigation before the Industrial Relations Court. In addition, the limited number of professional conciliators also contributes to the restricted use of conciliation within the industrial relations system. Therefore, institutional strengthening and the improvement of social cohesion are necessary so that conciliation can be used effectively in resolving labor disputes.

Meanwhile, arbitration is an out-of-court dispute resolution mechanism that produces a final and binding decision for the parties. Arbitration is generally chosen for disputes that require prompt legal certainty and do not seek lengthy court proceedings. Tobing et al.²⁵ explain that arbitration provides legal certainty because its decision is final and cannot be appealed. From the perspective of industrial

²² Rahmawati Kusuma and Zaeni Asyhadie, "Mechanism for Transferring the Resolution of Industrial Relations Disputes through Mediation from the North Lombok Regency Labor Office to the West Nusa Tenggara Provincial Labor Office," *JILPR Journal Indonesia Law and Policy Review* 6, no. 1 (2024): 74–82, <https://doi.org/10.56371/jirpl.v6i1.301>.

²³ Nicholas Sutrisman, Ida Hanifah, and Surya Perdana, "The Importance of Mediators' Recommendations After the Failure of Fair Industrial Relations Dispute Mediation, in Realizing the Resolution of Industrial Relations Disputes Quickly, Precisely, Fairly and Cheaply," *Pena Justisia* 24, no. 1 (2025), <https://doi.org/10.31941/pj.v24i2.6246>.

²⁴ Kadek Agus Sudiarawan et al., "Formulation of Online Dispute Resolution in Realizing Fair Industrial Relations Dispute Settlement: A Comparative Study," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 2 (2024): 227–248, <https://doi.org/10.29303/ius.v12i2.1308>.

²⁵ Gindo L. Tobing, "Pemberdayaan Arbitrase sebagai Lembaga Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan dalam Perspektif Politik Hukum," *to-ra* 1, no. 3 (2016): 167, <https://doi.org/10.33541/tora.v1i3.1138>.

relations, arbitration offers advantages in the form of confidentiality and flexibility in selecting an arbitrator considered to have expertise in a particular field. However, arbitration remains less popular in the settlement of labor disputes in Indonesia. One reason is that this mechanism requires the agreement of both parties before the dispute can be examined by an arbitrator. In addition, the relatively higher cost of arbitration compared to mediation becomes a separate consideration for both workers and employers. Thus, arbitration is more often used in certain disputes that require a swift settlement with final legal force.²⁶

From a legal perspective, the three ADR mechanisms reflect the principles of efficiency, restorative justice, and party autonomy in resolving industrial relations disputes. These principles are consistent with modern dispute resolution theory, which emphasizes the importance of a non-adversarial approach over a confrontational one. Megabriella and Karsona²⁷ state that dispute resolution through ADR allows the parties to maintain a more harmonious employment relationship compared to litigation. In addition, ADR provides space for workers and employers to participate actively in determining the solution to their dispute. This approach is considered more appropriate to the character of industrial relations, which requires a balance of interests between workers and employers. On the other hand, ADR mechanisms can reduce the burden on Industrial Relations Courts, which have long faced a high volume of cases. Nevertheless, the success of ADR still requires clear regulatory support and adequate human resources. Therefore, strengthening the ADR system is an important part of creating effective and just labor dispute resolution.²⁸

Although ADR has been normatively regulated as a primary stage in the settlement of industrial relations disputes, the findings show that there remains a gap between legal norms and implementation in practice. Normatively, the parties are required to pursue non-litigation mechanisms before bringing a dispute to the Industrial Relations Court. Empirically, however, many disputes still proceed to litigation due to the low level of trust in the effectiveness of ADR. Kristiani and Santiago²⁹ explain that some parties still doubt the enforceability of agreements reached through mediation or conciliation. In addition, the legal culture of society, which tends to regard court decisions as providing greater legal certainty, also becomes an obstacle to the optimization of ADR. In several cases, the losing party in the ADR process does not voluntarily implement the settlement agreement, thereby giving rise to new disputes. This condition shows that the success of ADR does not

²⁶ Roro Megabriella, Agus Mulya Karsona, and Sherly Ayuna Putri, "Implementing Combined Process (Mediation-Arbitration) in Industrial Relations Dispute Resolution: A Legal Justice Perspective," *Eduvest* 5, no. 12 (2025), <https://doi.org/10.59188/eduvest.v5i12.51801>.

²⁷ Roro Megabriella, Agus Mulya Karsona, and Sherly Ayuna Putri, "Implementing Combined Process (Mediation-Arbitration) in Industrial Relations Dispute Resolution: A Legal Justice Perspective," *Eduvest* 5, no. 12 (2025), <https://doi.org/10.59188/eduvest.v5i12.51801>.

²⁸ Sunarno, M. Iman Santoso, A. M. Tri Anggaraini, and Anwar Budiman, "Resolution of Employment Termination Disputes in the Industrial Relations Court Concerning Workers' Rights," *Indonesian Journal of Multidisciplinary Science* 4, no. 1 (2024): 16–26, <https://doi.org/10.55324/ijoms.v4i1.1012>.

²⁹ Enny Kristiani and Faisal Santiago, "Legal Reform of Mediation Towards Fair Industrial Conflict Resolution," *Journal of Comprehensive Science* 3, no. 12 (2024): 5350–5358, <https://doi.org/10.59188/jcs.v3i12.2921>.

depend solely on regulation, but is also influenced by legal culture and the level of awareness among the parties. Thus, it is necessary to increase public trust in ADR mechanisms so that they can function optimally in the practice of industrial relations.³⁰

Another obstacle found in the implementation of ADR is the limited quality and quantity of mediators, as well as the lack of professionalism in the dispute resolution process. Sutrisman et al.³¹ explain that mediators play an important role in building communication and creating a conducive atmosphere for reaching an agreement. However, in practice, some mediators still lack adequate negotiation skills and legal understanding. This condition causes the mediation process to run ineffectively and fail to produce an agreement. In addition, the number of available mediators in several regions remains very limited compared to the number of disputes that must be resolved. These obstacles affect the slow settlement of industrial relations disputes through mediation. On the other hand, the lack of training and competency development for mediators also becomes a factor affecting the quality of dispute resolution. Therefore, improving human resource capacity within dispute resolution institutions is an important step in strengthening the effectiveness of ADR in Indonesia.³²

From the regulatory perspective, several weaknesses remain in the regulation of ADR, such as the lack of monitoring mechanisms for the implementation of mediation outcomes and the absence of firm sanctions against parties that fail to carry out agreements. Arpangi and Laksana³³ emphasize that the weak executorial force of mediation outcomes is one of the factors reducing the effectiveness of ADR in the practice of industrial relations. This condition causes dispute settlement outcomes to lack optimal legal certainty. Nevertheless, in several cases, ADR has proven capable of resolving disputes more quickly and efficiently than litigation. Sunarno and Santoso³⁴ note that dispute resolution through mediation can save time and costs while reducing the caseload of the Industrial Relations Court. In addition, technological development also opens opportunities for the implementation of Online Dispute Resolution (ODR) as part of modern ADR. ODR is considered capable

³⁰ Arpangi, Andri Winjaya Laksana, Hendro Widodo, Toni Triyanto, and Akhmad Suparmin, "Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers' Rights in Indonesia: An Islamic Legal Perspective," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 51–62, <https://doi.org/10.31958/juris.v24i1.13423>.

³¹ Nicholas Sutrisman, Ida Hanifah, and Surya Perdana, "The Importance of Mediators' Recommendations After the Failure of Fair Industrial Relations Dispute Mediation, in Realizing the Resolution of Industrial Relations Disputes Quickly, Precisely, Fairly and Cheaply," *Pena Justisia* 24, no. 1 (2025), <https://doi.org/10.31941/pj.v24i2.6246>.

³² Rahmawati Kusuma and Zaeni Asyhadie, "Mechanism for Transferring the Resolution of Industrial Relations Disputes through Mediation from the North Lombok Regency Labor Office to the West Nusa Tenggara Provincial Labor Office," *JILPR Journal Indonesia Law and Policy Review* 6, no. 1 (2024): 74–82, <https://doi.org/10.56371/jirpl.v6i1.301>.

³³ Arpangi, Andri Winjaya Laksana, Hendro Widodo, Toni Triyanto, and Akhmad Suparmin, "Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers' Rights in Indonesia: An Islamic Legal Perspective," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 51–62, <https://doi.org/10.31958/juris.v24i1.13423>.

³⁴ Sunarno, M. Iman Santoso, A. M. Tri Anggaraini, and Anwar Budiman, "Resolution of Employment Termination Disputes in the Industrial Relations Court Concerning Workers' Rights," *Indonesian Journal of Multidisciplinary Science* 4, no. 1 (2024): 16–26, <https://doi.org/10.55324/ijoms.v4i1.1012>.

of improving access to justice, particularly for parties facing geographical limitations or mobility constraints. However, the implementation of ODR still requires a stronger legal basis, as well as adequate infrastructure and human resources.³⁵

Within the conceptual framework, the effectiveness of dispute resolution mechanisms is influenced by three main factors, namely legal substance, legal structure, and legal culture. These three factors must operate synergistically so that ADR mechanisms can function optimally in resolving industrial relations disputes. Legal substance relates to the clarity of regulation and legal certainty in the implementation of ADR. Meanwhile, legal structure includes the quality of dispute resolution institutions and the professionalism of mediators, conciliators, and arbitrators in performing their duties. On the other hand, legal culture relates to the level of awareness and compliance of the parties with both the dispute resolution process and its outcomes. Ibrahim³⁶ explains that the legal culture of society greatly influences the successful implementation of out-of-court dispute resolution mechanisms. Therefore, strengthening these three aspects is important to improve the effectiveness of ADR in the practice of industrial relations. Thus, it can be concluded that the mechanisms for resolving disputes between workers and employers have been comprehensively regulated within the Indonesian legal system, although their implementation still faces various challenges requiring regulatory improvement, institutional strengthening, and increased legal awareness among the parties.³⁷

Alternative Out-of-Court Dispute Resolution Can Be Applied in Disputes Between Workers and Employers

Alternative out-of-court dispute resolution is a legal instrument designed to provide solutions to disputes between workers and employers without going through litigation. In the Indonesian legal system, ADR includes mediation, conciliation, and arbitration, each of which has its own characteristics and procedures in resolving industrial relations disputes. The existence of ADR demonstrates the state's commitment to providing a dispute resolution mechanism that is faster, simpler, and less costly than judicial proceedings.³⁸ Normatively, these mechanisms are regulated under labor laws and regulations as stages that must be undertaken before a dispute is brought before the Industrial Relations Court. The existence of ADR also reflects the application of the principle of deliberation and

³⁵ Kadek Agus Sudiarawan et al., "Formulation of Online Dispute Resolution in Realizing Fair Industrial Relations Dispute Settlement: A Comparative Study," *Jurnal IUS Kajian Hukum dan Keadilan* 12, no. 2 (2024): 227–248, <https://doi.org/10.29303/ius.v12i2.1308>.

³⁶ Zulkarnain Ibrahim, "Alternative Dispute Resolution Bipartite and Mediation in Industrial Relations Disputes Settlement," *International Journal of Mechanical Engineering and Technology* 10, no. 7 (2019): 150–171.

³⁷ Nicholas Sutrisman, Ida Hanifah, and Surya Perdana, "The Importance of Mediators' Recommendations After the Failure of Fair Industrial Relations Dispute Mediation, in Realizing the Resolution of Industrial Relations Disputes Quickly, Precisely, Fairly and Cheaply," *Pena Justisia* 24, no. 1 (2025), <https://doi.org/10.31941/pj.v24i2.6246>.

³⁸ Yeti Kurniati et al., "Pembaharuan Penyelesaian Perselisihan Ketenagakerjaan di Pengadilan Hubungan Industrial Berdasarkan Asas Sederhana, Cepat dan Biaya Murah sebagai Upaya Pelaksanaan Kepastian Hukum dan Keadilan," *Yurisprudencia: Jurnal Hukum Ekonomi* 11, no. 2 (2025).

consensus, which serves as the foundation of industrial relations in Indonesia. In addition to providing legal protection for workers and employers, ADR aims to maintain harmonious employment relations after a dispute has occurred. In practice, dispute resolution through ADR prioritizes dialogue and mutual agreement over a confrontational approach. Therefore, ADR is regarded as an important instrument in creating effective and just settlement of industrial relations disputes, while also supporting the concept of modern dispute resolution that is more restorative in nature.³⁹

In practice, the application of ADR begins after the failure of bipartite negotiations between workers and employers. Mediation becomes the primary option because it is directly facilitated by the government through the Manpower Office in each region. Most labor disputes in Indonesia are resolved through mediation because the procedure is simple and easily accessible to the public.⁴⁰ In addition, mediation does not require substantial costs, making it more effective for workers with limited economic capacity. The mediation process also provides broader space for dialogue, allowing the parties to express their interests and demands openly. This approach enables the creation of a win-win solution without causing prolonged hostility between workers and employers. However, the success of mediation is strongly influenced by the mediator's ability to build effective communication and maintain neutrality throughout the dispute resolution process. Therefore, the quality of mediators is an important factor in determining the effectiveness of mediation as a mechanism for resolving industrial relations disputes.⁴¹

In addition to mediation, conciliation can also be applied, particularly in disputes of interest or disputes between labor unions within the same company. Conciliation allows a third party to provide non-binding settlement recommendations, while still having persuasive value for the parties. This mechanism has the advantage of providing broader space for a third party to offer objective solutions to disputes.⁴² Nevertheless, the use of conciliation remains relatively low compared to mediation in the practice of industrial relations in Indonesia. One of the reasons is the lack of public understanding regarding the function and procedure of conciliation. In addition, the limited number of professional conciliators also becomes an obstacle to optimizing this mechanism. In several cases, the parties tend to choose mediation or directly file a lawsuit in court because it is considered to provide greater legal certainty. Therefore, increased

³⁹ Malik, 2025.

⁴⁰ Syamsir Syamsu et al., "Penyelesaian Perselisihan Hubungan Industrial melalui Pendekatan Alternative Dispute Resolution," *Jurnal Education and Development* 13, no. 1 (2025): 234–247, <https://doi.org/10.37081/ed.v13i1.6591>.

⁴¹ Muhammad Raquel Elang Pangestu, Rocky Putra Maya Padaloka, and Arraya Rambun Rambuni, "Optimizing the Role of Mediators in Resolving Workers' Rights Disputes," *Mendapo: Journal of Administrative Law* 6, no. 3 (2025): 228–251, <https://doi.org/10.22437/mendapo.v6i3.50692>.

⁴² Ananda Pradhitya Tenggara, "Kajian Normatif terhadap Kekosongan Hukum dalam Pengaturan Alternative Dispute Resolution (ADR) Non-Formal dalam Penyelesaian Perselisihan Hubungan Industrial di Indonesia," *Arus Jurnal Sosial dan Humaniora* 5, no. 3 (2025): 4737–4741, <https://doi.org/10.57250/ajsh.v5i3.1981>.

dissemination and institutional strengthening are needed so that conciliation can function more effectively in resolving industrial relations disputes.⁴³

Arbitration, as part of ADR, has an advantage in terms of legal certainty because it produces a final and binding decision. In the context of industrial relations, arbitration is usually used for certain disputes that require prompt resolution and do not seek lengthy court proceedings. Arbitration provides stronger legal certainty because its decision cannot be challenged through further legal remedies such as appeal or cassation.⁴⁴ In addition, arbitration also guarantees the confidentiality of the process, making it more beneficial for certain parties. However, arbitration is still rarely used in labor disputes in Indonesia. One of the reasons is that this mechanism requires the agreement of both parties from the outset before the dispute can be examined by an arbitrator. On the other hand, the relatively higher cost of arbitration compared to mediation causes both workers and employers to prefer other more economical mechanisms. Thus, arbitration is more often applied to certain disputes that require swift settlement and permanent legal certainty.⁴⁵

The findings of this study show that the application of ADR generally has the capacity to reduce the caseload of the Industrial Relations Court. This condition is in line with the theory of efficiency in dispute resolution, which emphasizes the importance of a process that is fast, simple, and low-cost. ADR plays a strategic role in creating a more effective dispute resolution system compared to conventional litigation.⁴⁶ In addition, ADR also supports the concept of restorative justice because its settlement process focuses on restoring the relationship between workers and employers. A restorative approach enables the parties to reach an agreement without creating prolonged conflict that could harm future employment relations. In practice, dispute resolution through ADR can also save time and costs while reducing the accumulation of cases in court.⁴⁷ Nevertheless, the effectiveness of ADR still depends on the legal awareness and good faith of the parties in implementing the agreement that has been reached. Therefore, the success of ADR is determined not only by regulation, but also by the legal culture of society.⁴⁸

Although ADR has various advantages, its effectiveness in practice still faces several obstacles. One of the main obstacles is the low level of compliance with mediation agreements that have been reached by the parties. In several cases, either

⁴³ Malik, 2025; Juwenie, Lisma Lumentut, and Asni, "Efektivitas Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi di Kota Makassar," *Paulus Legal Research* 3, no. 1 (2025): 24–31.

⁴⁴ Siti Rakibah, "Analisis Penyelesaian Perselisihan Hubungan Industrial di Luar Pengadilan melalui Arbitrase (Studi Kasus pada PT Agro Sinergi Nusantara, Kebun Tanoh Makmue Kecamatan Woyla Barat)," *Jurnal Ilmu Sosial dan Humaniora* 1, no. 4 (2025): 1827–1839, <https://doi.org/10.63822/j5ytt072>.

⁴⁵ Rudi Margono, *Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi dan Konsiliasi (Studi Undang-Undang Nomor 2 Tahun 2004)* (2026).

⁴⁶ Rudi Margono, *Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi dan Konsiliasi (Studi Undang-Undang Nomor 2 Tahun 2004)* (2026).

⁴⁷ Frensiska Ardhiyaningrum and Diana Setiawati, "Hambatan dan Peluang Efektivitas Alternative Dispute Resolution (ADR) dalam Penyelesaian Sengketa Bisnis di Indonesia Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 4 (2024): 138–153, <https://doi.org/10.62383/jembatan.v1i4.1132>.

⁴⁸ Malik, 2025.

workers or employers fail to implement the contents of the agreement, causing the dispute to proceed again to court.⁴⁹ This condition indicates that mediation outcomes do not yet fully possess effective executorial force in the practice of industrial relations. In addition, low legal awareness and the lack of good faith also become factors that affect the implementation of ADR settlement outcomes. In several cases, parties who feel disadvantaged prefer to pursue litigation because they consider court decisions to provide greater legal certainty. This situation demonstrates a gap between the normative regulation of ADR and its implementation in practice. Therefore, regulatory strengthening and monitoring mechanisms are needed so that dispute settlement outcomes through ADR can be implemented optimally.⁵⁰

In addition to compliance with settlement outcomes, the quality of mediators is also a determining factor in the success of ADR in resolving labor disputes. Mediators who lack competence tend to fail in building effective communication between the disputing parties.⁵¹ In practice, mediators are required to possess negotiation skills, an understanding of labor law, and psychological capacity in managing conflict. However, there are still mediators who do not have adequate competence, causing the mediation process to run less optimally. This condition affects the low success rate of mediation in achieving mutual agreement. In addition, the number of mediators in several regions remains limited compared to the number of disputes that must be resolved. These limitations cause the dispute resolution process to become slow and less effective. Therefore, improving both the quality and quantity of mediators is an important step in strengthening the effectiveness of ADR.⁵²

From the perspective of legal structure, dispute resolution institutions such as the Manpower Office have a strategic role in implementing ADR in Indonesia. The success of ADR implementation is strongly influenced by institutional capacity and the quality of services provided to the public.⁵³ However, limitations in human resources and facilities often become obstacles to providing optimal dispute resolution services. In addition, differences in service quality among regions cause the effectiveness of ADR to be uneven across Indonesia. In several cases, budget constraints also affect the ability of dispute resolution institutions to provide adequate mediators and facilities. On the other hand, coordination among relevant

⁴⁹ Frensiska Ardhiyaningrum and Diana Setiawati, "Hambatan dan Peluang Efektivitas Alternative Dispute Resolution (ADR) dalam Penyelesaian Sengketa Bisnis di Indonesia Berdasarkan Undang-Undang Nomor 30 Tahun 1999," *Jembatan Hukum: Kajian Ilmu Hukum, Sosial dan Administrasi Negara* 1, no. 4 (2024): 138–153, <https://doi.org/10.62383/jembatan.v1i4.1132>.

⁵⁰ Muhammad Raquel Elang Pangestu, Rocky Putra Maya Padaloka, and Arraya Rambuni, "Optimizing the Role of Mediators in Resolving Workers' Rights Disputes," *Mendapo: Journal of Administrative Law* 6, no. 3 (2025): 228–251, <https://doi.org/10.22437/mendapo.v6i3.50692>.

⁵¹ Muhammad Raquel Elang Pangestu, Rocky Putra Maya Padaloka, and Arraya Rambuni, "Optimizing the Role of Mediators in Resolving Workers' Rights Disputes," *Mendapo: Journal of Administrative Law* 6, no. 3 (2025): 228–251, <https://doi.org/10.22437/mendapo.v6i3.50692>.

⁵² Juwenie, Lisma Lumentut, and Asni, "Efektivitas Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi di Kota Makassar," *Paulus Legal Research* 3, no. 1 (2025): 24–31.

⁵³ Juwenie, Lisma Lumentut, and Asni, "Efektivitas Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi di Kota Makassar," *Paulus Legal Research* 3, no. 1 (2025): 24–31.

institutions in resolving industrial relations disputes still needs to be strengthened. This condition shows that strengthening the legal structure is an important factor in improving the effectiveness of ADR implementation. Therefore, institutional reform and the improvement of public service quality are strategic steps in supporting the effective settlement of industrial relations disputes.⁵⁴

In the context of legal culture, there remains a tendency among parties to choose litigation because it is considered to provide greater legal certainty than ADR. Indonesian legal culture still tends to place court decisions as the most legitimate and binding form of dispute resolution.⁵⁵ As a result, trust in out-of-court dispute resolution mechanisms remains relatively low. In addition, the lack of understanding of the benefits of ADR also causes many parties to underutilize these mechanisms. Technological development has actually begun to open opportunities for the implementation of Online Dispute Resolution (ODR) as part of modern ADR. ODR enables disputes to be resolved online, making the process more efficient and capable of reaching wider geographical areas.⁵⁶ However, the implementation of ODR still faces various challenges, such as limited digital infrastructure, human resource readiness, and the lack of optimal supporting regulations. Therefore, improving legal literacy and strengthening technological systems are important so that ADR, including ODR, can be applied more effectively in resolving labor disputes.

Within the conceptual framework, the application of ADR can be analyzed using Lawrence M. Friedman's legal system theory, which consists of legal substance, legal structure, and legal culture. These three elements are interrelated and determine the effectiveness of out-of-court dispute resolution. Legal substance relates to the clarity of regulations and legal certainty regarding the implementation of ADR in industrial relations. Meanwhile, legal structure includes the quality of dispute resolution institutions, mediators, conciliators, and arbitrators who carry out dispute resolution functions. On the other hand, legal culture relates to the level of awareness, compliance, and public trust in ADR mechanisms. The success of a dispute resolution system is greatly influenced by the integration of these three elements in legal practice.⁵⁷ Therefore, strengthening legal substance, improving institutional structure, and enhancing the legal culture of society must be carried out simultaneously so that ADR can operate optimally. Thus, it can be concluded that ADR can be effectively applied in disputes between workers and employers in accordance with applicable legal provisions, although it still requires regulatory strengthening, improvement in the quality of mediators, and a shift in the legal culture of society toward prioritizing peaceful dispute resolution.

Comparative and Doctrinal Calibration

Comparative workplace-dispute research shows that ADR is not automatically fairer or more effective than adjudication. Design matters: voluntariness, neutrality, access to representation, procedural justice, quality of mediators, enforceability,

⁵⁴ Malik, 2025.

⁵⁵ Malik, 2025.

⁵⁶ Sherly Ayuna Putri, Rai Mantili, and Efa Laela Fakhriah, "Reforming the Settlement of Labor Disputes in Achieving the Integration of National Digital Services," *Jurnal Magister Hukum Udayana* 14, no. 4 (2025), <https://doi.org/10.24843/JMHU.2025.v14.i04.p08>.

⁵⁷ Rudi Margono, *Penyelesaian Perselisihan Hubungan Industrial melalui Mediasi dan Konsiliasi (Studi Undang-Undang Nomor 2 Tahun 2004)* (2026).

and the power imbalance between worker and employer can materially shape outcomes. The Indonesian framework should therefore be evaluated not only by speed but also by whether parties receive meaningful voice and an enforceable route to resolution.

Digital and hybrid mechanisms can increase access, but online mediation should not simply reproduce face-to-face procedure on a screen. A future Indonesian ODR model should address identity verification, confidentiality, secure document exchange, digital signatures, accessibility for users with limited connectivity, human support, and a clear legal pathway for registration and enforcement of settlement agreements.

Table 1. Functional Comparison of ADR Mechanisms in Indonesian Industrial Relations

Mechanism	Primary legal function	Strength	Key limitation / safeguard
Bipartite negotiation	Direct mandatory first-stage negotiation	Low cost and preserves party control	Power imbalance and weak bargaining capacity require representation safeguards
Mediation	Government-facilitated consensual settlement	Broad accessibility and relationship-preserving potential	Quality depends on mediator competence, neutrality, and follow-through
Conciliation	Third-party consensual settlement for statutory categories	Specialized and flexible	Low utilization and awareness may limit practical accessibility
Arbitration	Private adjudicative settlement within statutory scope	Finality and enforceability	Consent, cost, and statutory subject-matter limits must be clear
Online/hybrid ADR	Technology-enabled access and case management	Potential reduction of geographic and transaction barriers	Requires secure identity, confidentiality, digital literacy, and enforceable e-settlements

Table 1 compares legal functions rather than claiming national settlement rates. It shows that no single ADR mechanism is universally superior; suitability depends on dispute type, consent, enforceability needs, power balance, and the parties' interest in preserving the employment relationship.

CONCLUSION

Law Number 2 of 2004 establishes a structured pathway for industrial-relations disputes, beginning with bipartite negotiation and followed by mediation, conciliation, arbitration, or adjudication depending on the type of dispute and the parties' choices. From a normative perspective, mediation has broad institutional accessibility, conciliation offers a specialized consensual route for designated dispute categories, and arbitration offers finality for disputes within its statutory scope. This study does not independently establish which mechanism is empirically

“most effective.” Rather, it concludes that the effectiveness of ADR depends on mediator and conciliator competence, party trust, procedural fairness, enforceability of outcomes, institutional capacity, and the management of worker-employer power imbalances. Reform should prioritize professional accreditation, clearer enforcement pathways, consistent service standards, better data publication, and a carefully designed ODR option that complements rather than weakens access to justice.

Limitation and future research: because this article is normative, claims about implementation, prevalence, user behavior, institutional performance, or causal effectiveness require separate empirical study. Future research should test the proposed framework through systematic case-law coding, institutional data, stakeholder interviews, or comparative regulatory evaluation.

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