

# Implementation of Law no. 2 of 2004 concerning the Settlement of Industrial Relations Disputes Amid the Covid-19 Pandemic in North Sulawesi Province

*by* Sisca Kairupan

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**Submission date:** 16-May-2023 03:55PM (UTC+0700)

**Submission ID:** 2094494914

**File name:** nasional\_5\_Implementation\_of\_Law\_no.\_2\_of\_2004...\_compressed.pdf (1.61M)

**Word count:** 6187

**Character count:** 33647



**TECHNIUM**  
**SOCIAL SCIENCES JOURNAL**

**Vol. 22, 2021**

**A new decade  
for social changes**

[www.techniumscience.com](http://www.techniumscience.com)

ISSN 2668-7798



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## **Implementation of Law no. 2 of 2004 concerning the Settlement of Industrial Relations Disputes Amid the Covid-19 Pandemic in North Sulawesi Province**

**Maya Geil Theresia Berlian Ticoalu<sup>1</sup>, Sisca Beatrix Kairupan<sup>2</sup>, Marthinus Mandagi<sup>3</sup>**

<sup>1 2 3</sup>Public Administration Program of Magister Program of Manado State University

mayageil663@gmail.com<sup>1</sup>, siscakairupan@unima.ac.id<sup>2</sup>,  
marthinusmandagi@unima.ac.id<sup>3</sup>

**Abstract.** The COVID-19 outbreak at the beginning of 2020 shocked the world had a significant impact on the world community. The deadly virus, first discovered in Wuhan, China, killed thousands of people in various countries. Regulations or policies that the government has set are very influential in every sector and aspect of human life. Disputes or cases are possible in every human relationship. They were even considering that legal subjects have long known legal entities, the more parties involved in them. With the increasingly complex pattern of people's lives, the scope of the incident or dispute event covers a broader scope, which often gets the spotlight on industrial relations disputes. The purpose of this article is industrial solution disputes, especially disputes through mediation dismissed in the middle of a pandemic covid 19 North Sulawesi as mandated by Article 8 of law No. 2 of 2004. The research was conducted using a qualitative approach. Researchers will use the data collection techniques to study the literature, field studies, observations, interviews, and documentation. The results of the study concluded; 1. The implementation of Law Number 2 the Year 2004 has been very effective in resolving disputes through the mediation process carried out by the Manpower and Transmigration Office of North Sulawesi Province. 2. There are still obstacles in the dispute resolution process through mediation conducted by the Manpower and Transmigration Office Transmigration of North Sulawesi Province, based on Law Number 1 of 2004. 3. There are several inhibiting factors in optimizing the settlement of industrial relations disputes in North Sulawesi. Such as companies that do not want to pay compensation on time, disputes after layoffs occur in the process of mediation. Dispute resolution time is more than the time limit by Law no. 2 of 2004. The implementation of dispute resolution is not by the procedure because the disputing parties are not cooperative. Both parties do not accept the recommendation from the moderator in dispute.

**Keywords.** Implementation of Law, Settlement of Industrial Relations Disputes, Covid-19 Pandemic

### **A. Introduction**

Industrial relations disputes in Law Number 13 of 2003 concerning Manpower are differences of opinion which result in conflicts between employers or a combination of employers and workers/labor or trade/labor unions due to disputes regarding rights, disputes over interests, disputes over the termination of employment and trade union disputes/ workers



in only one company. According to Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, harmonious, dynamic, and just industrial relations need to be realized optimally by the values of Pancasila. In industrialization, industrial relations disputes are becoming increasingly complex, especially disputes over the termination of employment. Institutions and mechanisms for resolving industrial relations disputes are needed that are fast, precise, fair and inexpensive.

In March 2020, to prevent industrial relations disputes during the covid pandemic, the government issued a circular letter from the Minister of Manpower number M/3/HK.04/III/2020 concerning the protection of workers/laborers and business continuity in the context of preventing and overcoming covid 19. In the second part of the circular letter, paragraph four, where companies that restrict business activities due to government policies in their respective regions for the prevention and control of covid 19, causing some or all of their workers/laborers to not come to work, taking into account business continuity, changes in the amount and method payment according to the worker/ laborer is made by the agreement between the entrepreneur and the worker/ laborer. However, disputes over the termination of employment are inevitable in the midst of the COVID-19 pandemic situation and conditions. Workers and laborers who feel aggrieved because of being dismissed unilaterally by employers report their dispute to the Office of Manpower and Transmigration in the province of North Sulawesi so that the dismissal dispute is resolved through mediation based on Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes in the chapter. II procedures for the settlement of industrial relations disputes, more specifically in Articles 8 to 16 of settlements through mediation and Regulation of the Minister of Manpower and Transmigration Number 17 of 2014 concerning Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures, in Article 11 letter b concerning the position of mediators and Article 12 paragraph 2 concerning the authority of a mediator who is domiciled in the Provincial Service.

In carrying out his duties as a Mediator to resolve Industrial Relations Disputes, the mediator takes the steps as referred to in Article 10 to Article 16. Based on the initial interview results, the authors found indications through the mediation settlement process at the Department of Manpower and Transmigration in the province of North Sulawesi. First, it is known that the settlement of industrial relations disputes through mediation is less than optimal. It can be seen from the number of cases that exist and have been resolved by producing legal products in the form of recommendations. However, settlements by producing Collective Agreements are often seen in the table of data on industrial relations disputes. North Sulawesi province. The legal product is in the form of a recommendation given by the mediator. In other words that the dispute is not resolved because there is no agreement between the worker and the entrepreneur in the mediation process, then it continues to the Industrial Relations Court. Second, that both employers and workers do not understand the applicable laws and regulations. The third, that one of the parties does not comply with the company regulations that have been made that have been mutually agreed upon.

The Covid-19 outbreak at the beginning of 2020, which shocked the world. It hugely impacted the world community. The deadly virus, first discovered in Wuhan, China, killed thousands of people in various countries. Common symptoms experienced include fever, cough, flu, shortness of breath until the victim dies to create great fear. Vigilance and cooperation from family, co-workers and the community are needed in activities both inside and outside the home, at work in other public places. Regulations or policies that the government has set are very influential in every sector and aspect of human life. As in the economic sector concerning social needs in society [1]. Nearly 50 million Indonesians are at

risk of losing their jobs due to being laid off or sent home without paying their rights or providing compensation. This will lead to industrial relations disputes and layoffs if existing rules and regulations do not regulate it.

Since announcing a positive case of the Covid-19 virus in Indonesia on March 2, 2020, the government has increased its steps in dealing with this global pandemic. Previously, the government had also increased alertness to the availability of facilities and infrastructure for handling COVID-19 by international standards, including refocusing the government budget allocated for efforts to prevent and transmit the Covid-19 virus. Central and regional government policies impose large-scale social restrictions, limit social relations (social distancing), work from home, and break the chain of the spread of the Covid-19 virus. With the central and regional government policies mentioned above, many agencies providing public services limit services, initiate online services and even eliminate temporary services, becoming a phenomenon that must be done [2]. However, the WFH system is not applied to all public service providers, such as the Manpower and Transmigration Office of North Sulawesi province, applying for 75% work from home to staff and freelancers a picket schedule. At the same time, structural officials are required to work from the office. However, the PSBB hinders the mediation process because many people cannot mediate where the disputing workers already have legal counsel such as lawyers or give trade/labor unions power to attend mediation hearings. They are not satisfied if they do not participate in the mediation trial process. To prevent things that are not desirable and subject to government policy, mediation was postponed until there was a government policy related to public services that many people could attend. With the government circular related to the New Normal, public services implement health protocols by requiring a reduction in people attending the mediation session, washing hands before entering the courtroom/using hand sanitizer, measuring body temperature and maintaining distance and must wear masks.

## **A. Literature Review**

### **1. Public policy**

Policy results from an in-depth analysis of various alternatives that lead to a decision about the best alternative. Meanwhile, wisdom always implies breaking everything that has been set for some reason. Wisdom is the embodiment of a rule that's already set to the local circumstances by the person authorized official. With the differences in the definition above, the implementation should also be different [1]. Public policy is often understood as an instrument used by the government to solve public is technocratic., in the sense that the government uses a *rational choice* approach to choose the best alternative to solve the problems faced by the community. Public policy k in the definition illustrious of Dye is *whatever Governments choose to do or not to do*. This means that Dye wants to state that any government activity, whether explicit or implicit, is a policy. According to Dye above, the interpretation of the policy must be interpreted in two critical ways. First, that government agencies must carry out the policy. Secondly, the policy contains a choice to be made or not carried out by the government of Indiahono (2009) [2]. As for another view, according to Harbani Pasolong (2007), there is a difference between the concept of policy and wisdom. The policy is a series of alternatives that are ready to be chosen based on certain principles. While discretion concerning a decision to allow some things, effectively prohibited because of specific reasons such as humanitarian considerations, an emergency and others [4].

According to William N. Dunn in Inu Kencana Syafiee (2006), public policy is a series of interrelated choices made by government agencies or officials in areas related to government tasks, such as defense, security, energy, health, education, public welfare, crime, urban and



others. The policy has a broad meaning and multiple interpretations. For example, James Anderson gives the meaning of policy as the behavior of actors in specific fields of activity. The above definition is comprehensive and can be interpreted in various ways. For example, the actor can be an individual or an organization; it can be government or non-government. Likewise, certain term activities can be interpreted as administrative, political, economic and other activities. In addition, the form of activities is also broad and has multiple interpretations. For example, it can be in the form of achieving goals, planning, programs, etc. Thus, policy studies are studies of the behavior of various actors in various fields of activity that have relevance to the actor [5].

The opinion conveyed by H. Ismail Nawawi in his book *Public Policy* (2009) states that various reviews of policy as an *Authoritative Choice*, namely the response of the authority owner to public issues or problems. Therefore, public policy should reflect the following points: (1) Aim: public policy means the pursuit of specific government goals through the application of identified public and private resources; (2) Concerned with making decisions and testing their consequences; (3) Structured with identifiable actors and identifiable sequential stages; (4) It is political by nature, expressing the results of elections and the priorities of the executive program [6].

A policy should be enriched with a decision-making frame of mind that expresses the response of considerations to policy issues, helps shape the philosophy of government and the framework of authority believed by the government, and leads to the policy area. In the life of society and the state, no society has ever been free from issues in any political society. Public policy issues never stop; he continues to develop dynamically, Seir ama with the development of society, culture poly tick applicable and character of the stem politics. From time to time, the only difference may be the *policy area* and the types of development issues. The more complex a society is, the more complex the problems it faces, the more complex and diverse the policy issues that develop and are faced by Solichin Wahab (2010). Public policy can be more easily understood if it is studied step by step. This is what makes public policy colorful, and its study is very dynamic. In this policy stage, a policy is seen as a cycle in which policy evolution can occur. A policy will go through a series of implementation processes, monitoring and evaluation [7].

Problems must go through political mechanisms to get the best solution. After public problems enter the government's plan, this phase is often referred to as the formulation and legitimacy stage. If policy problems constitute the whole system of problems, it means issues must be just as complex. Policy issues involve disagreements about actual or potential courses of action and reflect different views about the nature of William Dunn's problem. Based on the description above, the researcher concludes that public policy is everything that the government chooses to do or not do in the administration of its government in connection with the decision-making process and its implementation [8].

## **2. The Mechanism of Layoffs and Settlement of Layoff Disputes through Mediation**

Employees, employes and the government are obliged to make every effort to avoid layoffs. Suppose there is no agreement between the entrepreneur and the worker/laborer or the employer and the trade/labor union, which is carried out in a bipartite manner and reaches a tripartite, in this case, mediation. The entrepreneur can only carry out the termination of employment after obtaining the Industrial Relations Dispute Settlement Institution for the twelve reasons mentioned above. As long as there is no stipulation from LPP HI, employees and employers must continue to carry out all their obligations. While waiting for the determination, the employer can suspend while still paying the employee's rights [9].

According to Law No. 2 of 2004 article 1 paragraph 4, a dispute over termination of employment is a dispute that arises because there is no conformity of opinion regarding the termination of the employment relationship by one of the parties. On chapter. II article 8 settlement through mediation and articles 10 to 16 concerning procedures for resolving industrial relations disputes through mediation and regulated in the Regulation of the Minister of Manpower and Transmigration Number 17 of 2014 concerning the Appointment and Dismissal of Industrial Relations Mediators and Mediation Work Procedures, in article 11 letter b concerning the position of the mediator and article 12 paragraph 2 concerning the authority of the mediator who is domiciled in the Provincial Service. In comparison, dispute resolution through mediation is conducted by a mediator responsible in the field of employment. It has the conditions laid down in article 9 and article 10 to article 16 of Law No. 2 of 2004. To carry out the work of mediators nature no later than 7 (seven ) working days after receiving the delegation of dispute resolution, the mediator must have researched the suitcases situation immediately held a mediation session. Witnesses or expert witnesses can be presented by the mediator to be asked and heard for their testimony.

The witness or expert witness is obliged to provide information and even show the necessary documents. The mediator, because of his position, is obliged to keep all information requested confidential. Suppose in settlement of a dispute through mediation. An agreement is reached between the two parties. In that case, the mediator helps make a Collective Agreement signed by both parties and witnessed by the mediator and registered at the Industrial Relations Court at the District Court in the jurisdiction of the party holding the contract. Joint agreement to obtain a certificate of registration proof. However, if an agreement is not reached through mediation, the mediator can issue a written recommendation. The written recommendation is limited to no later than 10 (ten) days from the first. It must be a session and must be submitted to the disputing parties. The parties must provide a written answer to the mediator whose contents agree or reject the written recommendation within a period of no later than ten days working days after receiving the written recommendation. The party who does not give his opinion is considered to have rejected the written recommendation. However, suppose the parties agree to the written recommendation within 3 (three) working days after the written recommendation is approved [10].

In that case, the mediator must have finished assisting the parties in making a collective agreement to be subsequently registered at the Industrial Relations Court on The District Court in the jurisdiction of the parties to enter into a Collective Agreement to obtain a registration certificate. In the event agreement s not implemented by one of the parties, the aggrieved party may submit a request for execution to the Industrial Relations Court at the District Court in the area where the Collective Agreement is registered to obtain an execution determination. The written recommendation is rejected by one of the parties or the parties. The parties or parties can continue the dispute resolution to the Industrial Relations Court at the local District Court. The dispute settlement is carried out by filing a lawsuit by one of the parties at the Industrial Relations Court at the local District Court. The mediator completes their duties within 30 (thirty) working days after receiving the delegation of dispute settlement. However, the provisions for mediation work are regulated separately by a Ministerial Decree.

## **B. Method**

This research was conducted using a qualitative approach because qualitative research emphasizes finding meaning, revealing meaning, behind the phenomena that arise in research, with the aim that the problems to be studied are more comprehensive, in-depth, natural and as they are and without much interference—the hands of the researcher to the facts that emerge.



The data collection techniques that researchers in this study will use are: Literature study, namely reading and searching for books related to industrial relations dispute settlement policies. Field Study, namely by observing and going directly to the field to evaluate industrial relations dispute resolution policies at the Regional Manpower and Transmigration Office of North Sulawesi Province. This field study consists of observation. The researcher observes and records the symptoms that occur and goes directly to the field to find out how to evaluate the industrial relations. Dispute resolution policy at the Regional Manpower and Transmigration Office of North Sulawesi Province. Interviews, in which researchers conducted questions and answers with resource persons who knew and understood more about the settlement of industrial relations disputes and layoffs through mediation at the Regional Manpower and Transmigration Office of North Sulawesi Province COVID-19 pandemic. The researchers conducted activities by taking pictures in the Department of Labor and Transmigration provincial North Sulawesi in the documentation.

In qualitative research, data analysis is carried out from the beginning and throughout the research process. In this study, Miles and Huberman (2009) will use qualitative data analysis with the following procedures, data reduction, data presentation, concluding, or verification. The data obtained at the research site (field data) are stated in a complete and detailed description or report. Field reports will be reduced, summarized, selected the main things, focused on the essential things and then look for themes and patterns. Data reduction takes place continuously during the research process. The following data reduction stage was carried out during data collection by making summaries, coding, tracing themes, and categorizing data. Data presentation or data display is intended to make it easier for researchers to see the overall picture or certain parts. Verification is carried out continuously throughout the research process, namely from entering the research location and during the data collection process. Researchers try to analyze and find meaning from the data collected, namely looking for patterns, themes, similarities, things that often arise, which are stated in conclusions that are still tentative. Still, with increasing data through a continuous verification process, a “grounded” conclusion will be obtained. In other words, every conclusion is always verified during the research.

### **C. Results and Discussion**

#### **1. Disputes on Industrial Relations Layoffs Amid the Covid-19 Pandemic in North Sulawesi Province**

The *Corona Virus Disease 2019 (COVID-19)* pandemic has affected various aspects of human life, including the industrial sector. The Covid-19 pandemic forced companies in North Sulawesi Province to adapt to existing conditions. Therefore, many companies in the provincial North Sulawesi disagreed with layoffs related to industrial relations amid a pandemic Covid-19. The impact of a pandemic Covid-19, namely the existence of several companies that then perform the termination of cooperation or termination of employment with worker or laborer his deteriorating due to the company's condition. The company is to reduce expenses from the company itself to survive during a pandemic. However, the layoffs carried out by the company are considered to be carried out unilaterally without conducting bipartite negotiations or entering into agreements as stated in the Circular Letter of the Minister of Manpower Number M/3/HK.04/III/2020 concerning protection of workers/laborers and business continuity in the context of prevention and handling of covid 19 in part two number four. Some do layoffs without going through the stages or mechanisms according to the applicable legislation. The four companies studied were later found to have experienced conflicts due to being judged to have unilaterally laid-off workers or workers, namely (1) workers at PT. Various Beton Informants M SP. Then the researchers conducted interviews with



the workers concerned with the questions; “What is the chronology of the layoffs that you experienced? MSP informants provide answers”.

“Previously, there were several incidents that I believe support my report regarding the unilateral layoffs carried out by the company. Because work has almost no rest hours, I often eat late, so I feel tired and start to feel sick, and on April 14, 2021, I was laid off because the equipment will be serviced. I worked for one year and two months.

Then the researcher asked: “Did the company call you first for negotiations or deliberation before you were finally laid off?” MSP informants provide answers:

“The company has never had initial talks or such negotiations. I was dismissed without a warning letter, did not get severance pay, did not get operational costs, and I was often assigned to out of town.”

The researcher found that employers did not understand the applicable laws and regulations. They unilaterally laid off MSP workers, and workers did not know the applicable company rules in the company where they worked because they were never conveyed or socialized by the company entrepreneur or the company management. The researcher conducted interviews with: (2) AA workers’ informants at PT. Matahari Inti Mighty with questions; “What is the chronology of the layoffs that you experienced? AA’s informants provide answers”.

“I started working at PT. Sun Inti Perkasa on 2 June 2015. The regulated working hours from 07.30 pm to 5.30 pm, but the reality is not like that with the work until after hours businessman not give overtime pay status as a driver. Still, doubles as a reward sales Seti a p month does not match the minimum wage for the city of Manado. I was dismissed because the goods requested by the consumer to be exchanged from invoice receipts to ply still receipts when I did this because it was in the company’s provisions that the goods could be withdrawn or exchanged as long as three months had not elapsed from the time the goods were sent to the consumer and I demanded my rights.”

Then the researcher asked: “Did the company call you first for negotiations or deliberation before you were finally laid off?” AA informants provide answers:

“I was summoned to be told that I had been laid off from work and that I had not received severance pay for four years and three months of work.”

In the results of the interview above, it was found that the entrepreneur violated the applicable laws and regulations related to wages and working hours.

Furthermore, the researchers conducted interviews with: (3) Informants YP workers at PT. Bank Artha Graha with the question: “What is the chronology of the layoffs that you experienced?. YP informants provide answers”:

“That I am working as a collection (collection of bad debts). During this time, the user NPLs resolved properly handled. I transferred to other regions mutation letter i given to me when I was sick. I have informed the management and evidence of laboratory results. During this covid pandemic, I could not go to the branch office in Lampung. I once applied for early retirement because I was often sick at work until I was rushed to the hospital, and the early retirement letter was never approved.”

Then the researcher asked: “Did the company call you first for negotiations or deliberation before you were finally laid off?” YP informants provide answers:

“The bipartite process was deadlocked. Instead, I was transferred, and my application for early retirement was not approved.”

In the results of the interview above, the researchers found that there was a demotion by employers towards their workers.

Then, the following interview with: (4) Informant JM workers at PT. Pilar Gas Industri with the question: "What is the chronology of the layoffs that you experienced?. Informant JM answered":

"When I came to work on January 4, 2021, I received information in the form of a notification letter, and then I went to the Manpower Office to consult regarding the notification letter from the company. As suggested by the mediator to return to the company to negotiate, I come to the workplace the next day. However, I am not given another job for no apparent reason.

Following this, the researcher asked: "Has the company ever called you in advance for negotiations or deliberation before you were finally laid off?" Informant JM answered:

"Since then, the employer has never called me, but it was I who took the initiative to meet and when I met with the manager to ask about my status. The manager said I was laid off. I demand severance pay and gratuity during my work in the amount of Rp. 60,000,000 because I have been working for 11 years and two months".

Researchers found arbitrary actions from the company that was not based on the laws and regulations that apply to their workers.

## **2. Implementation of Law Number 2 of 2004 Regarding Settlement of Industrial Relations Disputes Amid the Covid-19 Pandemic in North Sulawesi Province, especially Disputes of Layoffs Through Mediation**

Implementation can be considered a process of interaction between a device of interest to actions expected to form a connection further in a series of cause and effect that connects them with the objectives to be achieved. The implementation stage is usually associated with a policy because, as we know, the implementation itself is implementing a made policy [11]. The implementation stage is critical and decisive in the policy process. Without implementation, a policy cannot run. Likewise, suppose the optimal implementation does not accompany a good policy. In that case, it will result in or show the failure of a leader regarding the implementation of the policy. Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes. In this case, an understanding of the implementation of Law No. 2 of 2004 amid a pandemic Covid-19 in North Sulawesi province in particular layoff dispute through mediation was analyzed by the researchers based on the facts of observation the Department of Labor and Transmigration area provincial North Sulawesi. In-Law Number 2 of 2004, it is known that there are three methods or ways to settle industrial relations disputes, including settlement of disputes through mediation. The Department of Manpower and Transmigration in the province of North Sulawesi assists the settlement of industrial relations disputes through mediation. The Dinas acts as a mediator.

Based on the results of observations and interviews conducted by researchers, it is known that the Department of Manpower and Transmigration in the province of North Sulawesi settles industrial relations disputes. Especially disputes over layoffs through mediation between companies and employees based on Law No. 2 of 2004 article 8, in its implementation, other regulations under it regulate the settlement of industrial relations disputes and layoffs through mediation. According to the research results, the implementation of Law no. 2 of 2004 article 8 and article 10 to article 16 are considered less effective in resolving disputes over layoffs that occur through mediation. However, there are still some things that need to be evaluated, such as the lack of socialization to the company regarding the initial dispute resolution mechanism, which should be carried out in a bipartite manner first as stated in Law no. 2 of 2004, because, in reality, many companies are "ignorant" regarding the implementation of the initial dispute resolution mechanism.



In addition, the implementation of Law no. 2 of 2004 article 8 in implementing the settlement through mediation by the Department of Manpower and Transmigration of the North Sulawesi Province has been carried out by the procedures contained in the law, namely conducting a mediation process based on complaints that have gone through the mechanism. Before making a summons for a mediation session, the agency will return the related issue to the company for bipartite negotiations to produce minutes of negotiations. The minutes of negotiations became one of the conditions for the mediation process to be carried out. If the requirements have been met, then the office can issue a summons for a mediation session to both parties.

### **3. Inhibiting Factors in the Implementation of Industrial Relations Dispute Settlement Termination of Employment Through Mediation Amid the Covid-19 Pandemic in North Sulawesi Province**

The Department of Manpower and Transmigration in the province of North Sulawesi conducts resolving disputes over layoffs through mediation based on quick, precise, fair, and inexpensive settlement principles. In this case, Dinas believes that the most straightforward settlement process is the bipartite settlement process and mediation. Both can be carried out quickly depending on the coordination and cooperation between the two parties. In addition, the two processes also do not require many costs or are cheap because there is no need to pay court fees. This is different from the settlement by trial, which tends to take a long time and costs money to pay court fees.

However, the mediation process based on Law no. 2 of 2004 article 8 by the mediator at the Department of Manpower and Transmigration in the province of North Sulawesi, there are still inhibiting factors such as, one party does not come to the summons for the mediation session, because the summons has not yet reached the person concerned, so he does not know there is a summons for a mediation trial, or the absence of one of the disputing parties due to intentional factors or ignorance because there are no legal sanctions. This caused the trial to be postponed. In fact, in Law no. 2 of 2004, the settlement of disputes through mediation is carried out no later than 30 working days. In addition, there are several inhibiting factors in the implementation of the settlement of industrial relations disputes based on Law No. 2 of 2004 article 8 by mediators, such as the lack of human resources as mediators, limited facilities and infrastructure to carry out mediation sessions during this covid pandemic. The implementation of large-scale social restrictions and not agreeing with employers and their workers or laborers as mandated by the circular letter of the Minister of Manpower regarding the protection of workers/labor and business continuity in the context of preventing and overcoming covid 19. Thus, the dispute resolution process is not timely beyond the time stipulated in Law no. 2 of 2004, 30 working days.

However, the dispute resolution process will be completed quickly if the disputing parties cooperate and an agreement is reached until a collective agreement is signed. Meanwhile, the legal product is a recommendation issued by the mediator of the Department of Manpower and Transmigration of the North Sulawesi province. Even though it has been registered in the District Court, one party or both parties can be rejected in dispute. The recommendation is by Law no. 2 of 2004, and its nature is only as a "ticket" so that it can then be continued in the industrial relations trial process. The judge can consider the recommendation in giving a decision. The researcher concluded that the mediator's mediation process at the Department of Manpower and Transmigration in the province of North Sulawesi was by Law no. 2 of 2004. However, there are still inhibiting factors in resolving industrial relations disputes and layoffs through mediation in North Sulawesi. This is mainly because the company and employees

are not cooperative with all existing procedures and do not heed the calls or suggestions given by the Manpower and Transmigration Office. The process of resolving industrial relations disputes that have occurred has not run optimally.

#### **D. Conclusion**

The implementation of Law Number 2 of 2004 has been implemented. Still, it is less effective in resolving layoff disputes through a mediation process carried out by mediators from the North Sulawesi Provincial Manpower and Transmigration Office during the covid 19 pandemic. There are still obstacles in resolving layoff disputes through mediation carried out by the Department of Manpower and Transmigration of North Sulawesi Province during the covid 19 pandemic, concerning Law Number 2 of 2004. Several inhibiting factors in implementing industrial relations dispute settlement layoffs in North Sulawesi amid the covid 19 pandemics. Such as the implementation of settlements disputes that are not by procedures. Because the disputing parties are not cooperative, the dispute resolution time is more than the time limit determined by Law no. 2 of 2004. There was a large-scale social restriction (PSBB).

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