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# The Authority of the Industrial Relations Court in Resolving Labour Disputes in Indonesia

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**ABSTRACT:** The Industrial Relations Court has the authority to resolve Industrial Relations Disputes by the Industrial Relations Dispute Settlement Law, namely Law Number 2 of 2004. This study aims to analyze the limitations of the authority of the Industrial Relations Court with the Supreme Court Circular (SEMA) Number 7 of 2012. The type of research used in this paper is normative juridical. The statutory approach and the conceptual approach are used. The analysis uses qualitative description. The results of this study show that the settlement of industrial relations disputes through the Industrial Relations Court can be carried out after settlement through non-litigation methods is unsuccessful. Disputes that can be resolved in the Industrial Relations Court are Industrial Relations Disputes, namely Rights Disputes, Interest Disputes, Termination of Employment Disputes and Disputes Between Trade Unions. The Industrial Relations Court can resolve disputes as long as other dispute cases do not accompany them, such as bankruptcy or criminal cases.

**KEYWORDS:** Law, Social, Court, Dispute, Industrial Relations.

## 1. INTRODUCTION

A state of law is a state that is subject to all applicable laws in the country to create justice for its people. Legal regulations are made so that there are no arbitrary actions by the Government against its people. In a state of law, everyone who lives in the state of law must be subject to the laws applicable in the state of law. A state of the law is also called resistant or the rule of law. Rechstaat is a concept of a state of law that is used and applied in Continental Europe. The principles of rechstaat are the certainty of law, equality before the law and the existence of a Government that provides for the welfare of its people (Ali, 2024). The rule of law is a statutory regulation that is the basis for running the country. The principle of the rule of law is supremacy; everyone is equal before the law, and human rights are upheld.

In ancient times, the concept of a state of law Rechstaat and the concept of a state of the law rule of law were debated and distinguished between the two, but today they are considered the same because they have the same goal. The Republic of Indonesia is a country that combines rechsstaat and the rule of law, so Pancasila emerged from this combination. The Republic of Indonesia is a country based on law (Rechstaat), not a country based on mere power (Machstaat) (Nurhayati et al., 2024). This is by Article 1 Paragraph (3) of the 1945 Constitution. The first characteristic of Indonesia as a country based on law is human rights that are recognized and protected.

The opening of the 1945 Constitution, paragraphs one to four, regulates human rights in Indonesia. The rights of every person are also regulated in Article 28, letters A to J of the 1945 Constitution. The second characteristic of Indonesia as a country based on law is a fair and impartial trial for anyone. This is regulated in Article 24 Paragraph (1) of the 1945 Constitution. The third characteristic of Indonesia as a country based on law is the law that underlies everything (Dinata & Sugianto, 2024). Therefore, for the laws in Indonesia to be enforced fairly, a legal institution is needed to enforce the law.

A *legal institution* is an institution that has the authority to enforce applicable laws. *Indonesia's leading law enforcement institutions* are the judiciary, which consists of the General Court, Religious Court, Military Court and State Administrative Court. The duties and authorities of the General Court are regulated in Law Number 49 of 2009 concerning the Second Amendment to Law Number 2 of 1986 concerning the General Court (from now on referred to as the General Court Law). The duties and authorities of the Religious Court are regulated in Law Number 50 of 2009 concerning the Second Amendment to Law Number 7 of 1989 concerning Religious Court (Sudrajat & Witro, 2022). The duties and authorities of the Military Court are regulated in Law Number 31 of 1997 concerning Military Court. The duties and authorities of the State Administrative Court are regulated in Law Number 51 of 2009 concerning the Second Amendment to Law Number 5 of 1986 concerning the State Administrative Court.

This study will discuss general courts. General courts are regulated in Article 1 Number 1 of the General Court Law, which states that the Court is a district court and a high court in the general court environment. Article 50 of the General Court Law regulates the duties and authorities of the Court, namely, to examine, decide, and resolve criminal and civil cases at the first level. Article 1 Number 5 of the General Court Law regulates special courts, namely courts with the authority to examine, try and decide certain cases that can only be formed in one of the judicial bodies under the Supreme Court as regulated by law. The special courts in Indonesia are the Juvenile Court, Commercial Court, Human Rights Court, Corruption Court, Industrial Relations Court, Tax Court, Sharia Court in Aceh, and Customary Court in Papua. Specifically, this paper will discuss the special Court, namely the Industrial Relations Court. The Industrial Relations Court is regulated in Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes (from now on referred to as the Industrial Relations Dispute Settlement Law) (Wijayanti et al., 2023).

The definition of the Industrial Relations Court is regulated in Article 1 Number 17 of the Industrial Relations Dispute Settlement Law, a special court established within the district court environment with the authority to examine, try and make decisions on industrial relations disputes. Therefore, the Industrial Relations Court only tries Industrial Relations Disputes. Article 1 Number 1 of the Industrial Relations Dispute Settlement Law defines an *Industrial Relations Dispute* as a difference of opinion that results in conflict between employers or a group of employers with workers/labourers or trade unions/labour unions due to disputes regarding rights, disputes of interest, disputes over the termination of employment and disputes between trade unions/labour unions in one company (Zamroni, 2018). Based on this Article, the Industrial Relations Court has the authority to try four Industrial Relations Disputes, namely Rights Disputes, Interest Disputes, Disputes Over Termination of Employment and Disputes Between Workers Unions. The definition of disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between labour unions are regulated by the Industrial Relations Dispute Settlement Law.

In 2012, the Supreme Court Circular Letter Number 7 of 2012 concerning the Formulation of Laws from the Results of the Plenary Meeting of the Supreme Court Chamber as a Guideline for the Implementation of Duties for the Courts came into effect, which limits the authority of the Industrial Relations Court (from now on referred to as SEMA Number 7 of 2012). This paper seeks to analyze the authority of the Industrial Relations Court in resolving labour disputes and to see the limitations of the authority of the Industrial Relations Court with the existence of SEMA Number 7 of 2012. In the Industrial Relations Court, there are Career Judges and Ad-Hoc Judges (Tamba et al., 2023). In the Industrial Relations Court, there are also Cassation Judges. The Industrial Relations Dispute Settlement Law also regulates career, ad-hoc, and cassation judges.

The profession of Judge is regulated in Law Number 48 of 2009 concerning Judicial Power (from now on referred to as the Judicial Power Law). Article 1 Number 1 of the Judicial Power Law defines *Judicial Power* as the power of an independent state to administer justice to uphold law and justice based on Pancasila and the 1945 Constitution for the sake of the implementation of the Republic of Indonesia's Constitutional State. Therefore, Judges have the power to administer justice and enforce the law fairly. Article 1 Number 5 of the Judicial Power Law explains the definition of Judges who are Judges at the Supreme Court and Judges at judicial bodies below them in the general judicial environment, religious judicial environment, military judicial environment, state administrative, judicial environment, and judges at special courts within the judicial environment (Prayitno et al., 2022). Therefore, Judges have the right to try cases in the Industrial Relations Court, where the Industrial Relations Court is a Special Court under the auspices of the General Court. The duties and authorities of Judges are also regulated in the Judicial Power Law. Judges' primary duty and authority is to uphold the law as somewhat as possible.

SEMA Number 7 of 2012 also regulates the Industrial Relations Court's authority regarding disputes over employment termination in companies that have been declared bankrupt by the Commercial District Court. So, this study wants to analyze the filing of lawsuits for disputes over termination of employment in companies declared bankrupt by the Commercial District Court with the existence of SEMA Number 7 of 2012. Based on data from the Ministry of Manpower, it is known that from 2010 to July 2020, there were 28,868 cases of industrial relations disputes. In 2020, there was an increase from the previous year in the same period, where in the previous year, there were 4,206 cases of industrial relations disputes. However, in 2020, there were 4,939 industrial relations disputes. The most industrial relations disputes in 2020 were disputes over termination of employment, and the least were disputes between trade unions. In July 2020, Riau Province contributed the most to industrial relations disputes, followed by North Maluku Province (Prayitno et al., 2022). So, based on the research problem, this study will discuss the authority of the Industrial Relations Court in resolving Worker disputes and the limitations of the authority of the Industrial Relations Court with the existence of SEMA Number 7 of 2012.

## 2. METHOD

The type of research used in this writing is normative juridical, meaning that writing uses legislation as primary legal material. The writing approach uses a statutory regulatory approach and a conceptual approach. The primary legal materials used include the 1945 Constitution, the Industrial Relations Dispute Settlement Law, the Manpower Law and SEMA Number 7 of 2012. The secondary legal materials used are books and journals related to this writing. The primary legal materials and secondary legal materials are analyzed descriptively and qualitatively so that they can produce conclusions as part of this writing.

## 3. RESULTS AND DISCUSSION

### 3.1. Settlement of Industrial Relations Disputes in Indonesia

Labour disputes can be resolved through litigation through the Industrial Relations Court or non-litigation methods conducted outside the Industrial Relations Court by the Industrial Relations Dispute Settlement Law. The method of resolving labour disputes through non-litigation is the Bipartite and Tripartite. The definition of bipartite in Article 1 Number 10 of the Industrial Relations Dispute Settlement Law is negotiations between workers/labourers or workers' unions/labour unions with employers to resolve industrial relations disputes.

The article that regulates Bipartite Negotiations is Article 3 Paragraph (1) of the Industrial Relations Dispute Settlement Law, which stipulates that industrial relations disputes must first be resolved through bipartite negotiations and deliberation to reach a consensus. This article explains that industrial relations disputes must be resolved through bipartite negotiations to reach deliberation and consensus. Article 4 of the Industrial Relations Dispute Settlement Law explains that if bipartite negotiations fail, conciliation or arbitration efforts must be attempted first. Article 5 of the Industrial Relations Dispute Settlement Law further explains that if conciliation or arbitration efforts fail, the parties involved can file a lawsuit with the Industrial Relations Court (Sarira, 2016). Article 6 Paragraph (1) of the Industrial Relations Dispute Settlement Law explains that every bipartite negotiation that is carried out must have minutes signed by the parties involved in the dispute. If the bipartite negotiations are agreed upon, then from the negotiations, a joint agreement is made, which is registered with the Industrial Relations Court so that if one party does

not carry out the contents of the agreement, the injured party can take legal action to the District Court as regulated in Article 7 of the Industrial Relations Dispute Settlement Law.

The definition of mediation in resolving industrial relations disputes is regulated in Article 1 Number 11 of the Industrial Relations Dispute Settlement Law, namely the resolution of disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between trade unions/labour unions in only one company through deliberation mediated by one or more neutral mediators. According to Pamungkas & Yurikosari (2023), mediation is a way to resolve a case or dispute between two or more parties accompanied by a neutral mediator through negotiation or deliberation to reach a consensus. In this mediation process, there is a mediator who acts as a mediator in resolving the industrial relations dispute; the definition of a mediator is regulated in Article 1 Number 12 of the Industrial Relations Dispute Settlement Law, namely an employee of a government agency responsible for the field of employment which meets the requirements as a mediator appointed by the Minister to be tasked with carrying out mediation and must provide written recommendations to the disputing parties to resolve disputes over rights, disputes over interests, disputes over the termination of employment, and disputes between trade unions/labour unions in only one company.

The requirements for becoming a mediator are regulated in Article 9 of the Industrial Relations Dispute Settlement Law that a mediator in the mediation process must provide written recommendations for the parties involved in the industrial relations dispute so that there is an agreement from the parties to do something. If the parties agree with the mediator's recommendation, the mediator will make a joint agreement approved by the parties involved in the dispute. When mediation efforts fail, the following process is to file a lawsuit with the Industrial Relations Court. Article 13 Paragraph (2) of the Industrial Relations Dispute Settlement Law also explains that if no agreement is reached to resolve the industrial relations dispute through mediation, then what the mediator must do is issue a written recommendation; the written recommendation as referred to in letter a must be submitted to the parties within a maximum of 10 (ten) working days from the first mediation session; the parties must have provided a written response to the mediator, the contents of which agree or reject the written recommendation within a maximum of 10 (ten) working days after receiving the written recommendation; a party who does not provide an opinion as referred to in letter c is deemed to have rejected the written recommendation; in the event that the parties agree to the written recommendation as referred to in letter a, then within a maximum of 3 (three) working days since the written recommendation is approved, the mediator must have completed helping the parties to make a Joint Agreement to then be registered at the Industrial Relations Court at the District Court in the jurisdiction of the parties entering into the Joint Agreement to obtain a deed of proof of registration (Widyastuti et al., 2024).

The settlement of industrial relations disputes through conciliation is regulated in Article 1 Number 13 of the Law on the Settlement of Industrial Relations Disputes, namely the settlement of disputes of interest, disputes over the termination of employment or disputes between trade unions/labour unions in only one company through deliberation mediated by one or more neutral conciliators. Conciliation is also a method of resolving disputes or cases submitted to the parties in dispute or litigation. In essence, mediation and conciliation have similarities in resolving disputes in industrial relations. However, according to Pramono (2020), the difference between the two is that conciliation is more of a consensus involving a third party, either active or passive. In this conciliation process, a conciliator acts as a mediator in the conciliation.

Article 19 Paragraph (1) of the Industrial Relations Dispute Settlement Law is an Article that regulates the requirements to become a conciliator. Conciliation has a mandatory task: conduct conciliation and provide written recommendations to the parties involved in an industrial relations dispute. The duties of a mediator and a conciliator are similar. Article 23 Paragraph (1) of the Industrial Relations Dispute Settlement Law stipulates that if an agreement is reached to resolve an industrial relations dispute through conciliation, a Joint Agreement is made, which is signed by the parties and witnessed by the conciliator and registered at the Industrial Relations Court at the District Court in the jurisdiction of the parties entering into the Joint Agreement to obtain a deed of proof of registration (Budiman, 2024). Therefore, if the conciliation process is successful, the conciliator makes a joint agreement agreed to by the disputing parties and is then registered with the Industrial Relations Court. Article 23 Paragraph (2) of the Industrial Relations Dispute Settlement Law explains that if an agreement is not reached in the conciliation, a lawsuit must be filed with the Industrial Relations Court by the time in the Article.

Settlement of industrial relations disputes through arbitration is regulated in Article 1 Number 15 of the Industrial Relations Dispute Settlement Law, namely the settlement of a dispute of interest and disputes between trade unions/labour unions in only one company outside the Industrial Relations Court through a written agreement from the disputing parties to submit the settlement of the dispute to an arbitrator whose decision is binding on the parties and is final. According to Ritonga et al., (2022), arbitration is an effort to reconcile the disputing parties by bringing the two parties together and not through the Court. In the arbitration process, an arbitrator acts as a mediator in resolving the industrial relations dispute. The arbitrator's task is to resolve industrial relations disputes quickly, independently and fairly and strive for peace with a win-win solution. The parties who agree to resolve their case through arbitration must first make a written agreement. After the written agreement is made, the agreement is submitted to the arbitration institution for resolution.

This is also according to Article 52 of the Industrial Relations Dispute Settlement Law, which states that industrial relations disputes are resolved through arbitration, and an arbitration decision has been made; then, the decision is final and binding so that no legal action can be retaken. Only efforts to annul the decision can be made to the Supreme Court 30 days after the decision is issued, as stipulated in Article 52 of the Industrial Relations Dispute Settlement Law. Efforts to resolve industrial relations disputes, such as non-litigation, namely bipartite, mediation, conciliation, and arbitration, must be attempted first. If these efforts fail, the settlement of industrial relations disputes is carried out through litigation, namely through the Industrial Relations Court. The Industrial Relations Court is a special court to try industrial relations disputes as stipulated in Article 1 Number 17 of the Industrial Relations Dispute Settlement Law. Therefore, based on this Article, the Industrial Relations Court only has the right to process cases related to industrial relations disputes. The Industrial Relations Court is also interpreted as a place to resolve labour-related cases (Kusmayanti et al., 2023).

The definition of an industrial relations dispute is regulated in Article 1 Number 1 of the Industrial Relations Dispute Settlement Law, namely a difference of opinion that results in conflict between employers or a group of employers with workers/labourers or trade unions/labour unions due to disputes regarding rights, disputes of interest, disputes over the termination of employment and disputes between trade unions/labour unions in one company. Therefore, the Industrial Relations Court only has the authority to handle industrial relations dispute cases due to disputes over rights, disputes of interest, disputes over the termination of employment and disputes between trade unions/labour unions. Another definition of an *industrial relations dispute* is a case that occurs due to the existence of labour law, which requires the law to be enforced, and the perpetrators are industrial relations actors (Sudiarawan & Martana, 2022). Article 1 Number 2 of the Industrial Relations Dispute Settlement Law explains that the definition of a *rights dispute* is "a dispute that arises due to non-fulfilment of rights, due to differences in implementation or interpretation of provisions of laws and regulations, work agreements, company regulations, or collective work agreements."

The elements contained in a rights dispute are the first is the existence of a dispute, the second is the non-fulfilment of rights, and the third is the existence of differences in implementation or interpretation against the provisions of laws and regulations, work agreements, company regulations, or joint work agreements. Based on these elements, this rights dispute occurs because there is no adjustment to the legal aspects of a problem in the company. It is related to a breach of promise against the work agreement, company regulations and joint work agreements. The rights dispute that often occurs in Indonesia concerns the wages or salaries of workers. Article 56 Paragraph (1) letter a of the Industrial Relations Dispute Settlement Law explains that the Industrial Relations Court can adjudicate rights disputes at the first level.

Article 1 Number 3 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains the definition of a dispute of interest, which reads: “A dispute 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 a joint work agreement.” The elements contained in this dispute of interest are the existence of a dispute in an employment relationship, a lack of agreement regarding the creation and changes to the terms of employment and in an employment agreement, company regulations, or a joint work agreement (Samuel, 2020). Based on these elements, this dispute of interest occurs due to a lack of adjustment in understanding regarding the terms of employment, which are mainly related to the economy and accommodation of workers' lives.

The disputes of interest that often occur in Indonesia are related to the Joint Work Agreement (PKB) or Company Regulations. Article 56 Paragraph (1) letter b of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains that the Industrial Relations Court has the authority to adjudicate disputes of interest at the first and final level, which means that the decision of the Industrial Relations Court in a dispute of interest is final. Article 1 Number 4 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains the definition of a dispute over termination of employment, which reads: “A dispute over termination of employment is a dispute that arises due to a lack of agreement regarding the termination of employment carried out by one of the parties.” The elements contained in a dispute over termination of employment are the existence of a dispute arising due to a lack of agreement regarding the termination of employment and carried out by one of the parties. Based on these elements, this dispute over termination of employment occurs due to reasons for layoffs as regulated in Articles 154-168 of the Manpower Law (Dinata & Sugianto, 2024). Disputes over termination of employment that often occur in Indonesia are due to companies going bankrupt and workers violating company regulations.

Article 56 Paragraph (1) letter c of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains that the Industrial Relations Court has the authority to adjudicate disputes over Termination of Employment at the first level. Article 1 Number 5 of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains the definition of disputes between labour unions, which reads: “Disputes between labor unions/labor unions are disputes between labor unions/labor unions and other labor unions/labor unions in only one company, due to the lack of agreement regarding membership, implementation of rights, and obligations of the labor union.” The elements contained in this dispute are the existence of a dispute between labour unions/labour unions and other labour unions/labour unions in only one company and the lack of agreement regarding membership, implementation of rights, and obligations of the labour union (Zamroni, 2018). Based on these elements, disputes between labour unions occur due to differences of opinion between one labour union and another in one company. This dispute occurs due to misunderstandings regarding membership and the implementation of rights and obligations of labour unions. Article 56 Paragraph (1) letter d of Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains that the Industrial Relations Court has the authority to adjudicate disputes between labour unions at the first and final levels, which means that the decision of the Industrial Relations Court regarding disputes between labour unions is final (Widyastuti et al., 2024).

The above matters are the authority of the Industrial Relations Court in resolving labour disputes. In resolving labour disputes, bipartite and tripartite negotiations (mediation, conciliation and arbitration) are first attempted. If these negotiations cannot resolve the dispute, then a lawsuit is filed with the Industrial Relations Court by the provisions in force in the Law on the Settlement of Industrial Relations Disputes.

### 3.2. Limitations of the Authority of the Industrial Relations Court Based on SEMA Number 7 of 2012

The definition of SEMA is a form of circular issued by the leadership of the Supreme Court to the courts in Indonesia, which functions as guidance in implementing and organizing the Court so that it can be more administrative. SEMA also fills legal gaps with legal updates related to procedural law in Indonesia. Article 7 Paragraph (1) of Law Number 12 of 2011 concerning the Formation of Legislation determines the types and hierarchy of Legislation consisting of a. The 1945 Constitution of the Republic of Indonesia; b. Decrees of the People's Consultative Assembly; c. Laws/Government Regulations instead of Laws; d. Government Regulations; e. Presidential Regulations; f. Provincial Regional Regulations; and g. Regency/City Regional Regulations (Kusmayanti et al., 2023).

Article 8 paragraph (1) of Law Number 12 of 2011 concerning the Establishment of Legislation determines that the types of Legislation other than those referred to in Article 7 paragraph (1) include regulations stipulated by the People's Consultative

Assembly, People's Representative Council, Regional Representative Council, Supreme Court, Constitutional Court, Audit Board, Judicial Commission, Bank Indonesia, Minister, agency, institution, or commission of the same level established by Law or Government on the order of Law, Provincial People's Representative Council, Governor, Regency/City People's Representative Council, Regent/Mayor, Village Head or the equivalent (Prayitno et al., 2022).

Furthermore, paragraph (2) determines that the Legislation, as referred to in paragraph (1), is recognized and has binding legal force as long as it is ordered by a higher Legislation or is established based on authority. Based on the Article above, the position of SEMA is equal to that of statutory regulations. SEMA Number 7 of 2012 regulates the authority of the Industrial Relations Court. The purpose of SEMA No. 7 of 2012 is to implement the chamber system so that legal unity and differences of opinion regarding legal issues can be resolved and consistency of decisions can be created. Another purpose of SEMA No. 7 of 2012 is to be a guideline for handling cases in the Supreme Court and to be a guideline for the implementation of duties in the process of handling cases in the first and appeal courts as long as the substance of the formulation relates to the authority of the first and appeal courts (Sudrajat & Witro, 2022).

Point 2 of the Special Civil Sub-Chamber of the SEMA Decision Number 7 of 2012 states the Industrial Relations Court's authority in examining employment termination against companies declared bankrupt by the Commercial Court. It is agreed that if the debtor has been declared bankrupt, the Industrial Relations Court does not have the authority to decide on employment termination cases. Therefore, based on this point, if a company has been declared bankrupt by the Commercial Court and there is a dispute over termination of employment, the Industrial Relations Court does not have the authority to try the dispute (Tamba et al., 2023). The reason for the layoffs is that the company experienced a drastic decline in sales turnover. Another reason for layoffs is force majeure, which follows Article 164 Paragraph (1) of the Manpower Law. Other reasons are workers who make mistakes while working, whether light or heavy, the company goes bankrupt, and there is a reduction in workers' efficiency.

The Manpower Law also explains the reasons for layoffs are workers who resign of their own accord, workers who resign in writing of their own accord due to the end of the employment relationship, workers who resign because they have reached retirement age, workers who commit serious violations, workers who make mistakes so that the authorities detain them, companies that suffer losses, workers who are continuously absent from work, workers die, changes in company status and companies that carry out efficiency (Widyastuti et al., 2024).

The terminating employment procedure differs between workers bound by a Fixed Term Employment Agreement (from now on referred to as PKWT) and workers bound by an Indefinite Term Employment Agreement (from now on referred to as PKWTT). PKWT is an employment agreement between workers and employers for a certain period only. PKWTT is an employment agreement between workers and employers with a fixed period or no time limit. In PKWT, the company must first prepare the reasons for terminating the employment relationship. Second, submit a letter of termination to the worker bound by PKWT. Third, the company discusses with the worker bound by PKWT, who will be subject to termination of employment. Fourth, the company and the worker bound by PKWT, who will be terminated, conduct mediation. Fifth, the company prepares compensation for the worker. For workers bound by PKWTT, if termination of employment is to be carried out, the company and the worker bound by PKWTT conduct bipartite first to find the best way. If bipartite is unsuccessful, proceed to tripartite. If tripartite is also unsuccessful, a lawsuit can be filed with the Industrial Relations Court (Budiman, 2024). The procedure for terminating employment for workers who make mistakes is that the company must first give a verbal warning. If the worker has been given a verbal warning but still commits a violation, then it is given in writing. If the worker has been given a written warning but still commits a violation, then warning letters I, II and III are given in stages. Companies that lay off workers must also provide severance pay.

Point 4 of the Special Civil Sub-Chamber of the SEMA Decision Number 7 of 2012 states that the authority of the Industrial Relations Court to examine cases of termination of employment whose reasons are still in the process of being examined by the criminal court must be postponed until there is a criminal decision that has permanent legal force. Therefore, if there is a dispute over termination of employment but in the dispute, there is a criminal case, and the criminal case is still in the process of being examined by the trial, then the Industrial Relations Court also does not have the authority to examine the dispute over termination of employment.

## 4. CONCLUSION

Resolving industrial relations disputes can be done in non-litigation and litigation. Settlement through litigation is carried out through the Industrial Relations Court, regulated by the Industrial Relations Dispute Settlement Law. The Industrial Relations Court also only has the authority to resolve industrial relations disputes, namely in the event of a dispute over rights, interests, termination of employment, and a dispute between labour unions. SEMA Number 7 of 2012 concerning the Legal Formulation of the Results of the Plenary Meeting of the Supreme Court Chamber as a Guideline for the Implementation of Duties for the Court also regulates the authority of the Industrial Relations Court contained in Point 2 of the Special Civil Sub-Chamber and Point 4 of the Special Civil Sub-Chamber. In these points, the point explains that the Industrial Relations Court does not have the authority to adjudicate disputes over termination of employment if a company has been declared bankrupt by the Commercial Court and the Industrial Relations Court if there is a dispute over termination of employment for criminal reasons and is in the process of a criminal examination. The Industrial Relations Court does not have the authority to examine and try it until a Criminal Decision has permanent legal force. SEMA Number 7 of 2012 is a guideline for handling cases in the Supreme Court and the Courts. The advantage of having SEMA Number 7 of 2012 is to create legal unity so that differences of opinion on a legal problem can be resolved and consistent decisions can be made.

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