

## **Mediation Success Rate at the Karangasem Regency Employment Service**

**I Made Adiwidya Yowana<sup>1</sup>, Kadek Dwiatmika Benny Suputra<sup>2</sup>**

**STISPOL Wira Bhakti**

---

### **Article Info**

#### **Article history:**

Received: 17 February 2025

Publish: 1 March 2025

---

#### **Keywords:**

Success Rate;

Mediation;

Employment Office.

---

### **Abstract**

*The purpose of this study is to examine the level of mediation success at the Karangasem Regency Manpower Office. The selection of the research location was chosen deliberately, on the grounds that Karangasem Regency currently has quite good tourism development in Bali. So that it has an impact on the absorption of labor in the tourism sector. To answer the research objectives, the respondents determined were mediators at the Karangasem Regency Manpower Office and labor law practitioners. The data were analyzed using qualitative analysis, namely the data and facts found would be described. Furthermore, it will be reviewed based on existing references or based on logic. The results of the study showed that out of 13 industrial relations disputes, 11 of them were successfully reconciled. Only two disputes failed in mediation. So that the percentage of mediation success reached 84.62%. The fairly high level of success is driven by several factors, namely: compliance with mediation procedures by stakeholders; a massive and intense approach by the mediator to the parties; an approach from the mediator which is also carried out informally or outside the mediation schedule; and an explanation by the mediator to the parties regarding the benefits of peace.*

#### **Keywords:**

*This is an open access article under the [Lisensi Creative Commons Atribusi-BerbagiSerupa 4.0 Internasional](#)*



---

### **Corresponding Author:**

I Made Adiwidya Yowana

STISPOL Wira Bhakti

Email: [adiwidya@gmail.com](mailto:adiwidya@gmail.com)

---

## **1. INTRODUCTION**

Currently, disputes between workers and employers often occur. Nowadays, workers are increasingly sensitive to their rights. Easy access to information in the era of digitalization makes workers quickly aware of legal aspects related to employment. This certainly requires employers to be more careful in drafting contracts or work agreements. The employment relationship between workers and entrepreneurs is based on a work agreement which includes wages, salaries and work. This relationship does not always go well, for example differences of opinion between the employer and the employee cause disputes.

Juridically, disputes between workers and employers are called industrial relations disputes. Article 1 number 16 of Law Number 13 of 2003 concerning Manpower states that industrial relations is a system of relations formed between actors in the process of producing goods and/or services consisting of elements of entrepreneurs, workers/laborers and the government which is based on the values of Pancasila and the 1945 Constitution. Meanwhile, according to Law Number 2 of 2004, industrial relations disputes are differences of opinion that result in conflict between entrepreneurs or a combination of entrepreneurs and workers/laborers or unions. workers/labor unions due to disputes regarding rights, disputes over interests, and disputes over termination of employment as well as disputes between workers/labor unions in just one company.

From this understanding it can be concluded that industrial relations disputes can be divided into four types, namely rights disputes, interest disputes, layoff disputes, and disputes between labor unions within one company. Settlement of industrial relations disputes itself has special characteristics related to procedural law. If a dispute occurs, the parties must negotiate first. Either without a third party (bipartite) or with a third party (tripartite). After negotiations to reconcile fail, only then can the objecting party file a lawsuit at the industrial relations court. This is in accordance with the principles of Pancasila industrial relations which prioritize deliberation to reach consensus.

Mediation is one method of resolving industrial relations disputes at the tripartite stage. Mediation is part of alternative dispute resolution (ADR) with simpler processes and methods. The aim of mediation is to reconcile the disputing parties, thereby finding a win-win *solution*. Mediation is carried out at the local labor office where the company is domiciled. At this stage, dispute resolution will be assisted by a mediator who also has the status of a State Civil Apparatus (ASN) in the service. If the mediation is successful, the parties will register the minutes/results of the mediation with the industrial relations court. Thus, the results of the mediation have executorial power.

Mediation institutions play an important role in resolving disputes, so that cases do not pile up in court. Therefore, mediators must work professionally and strive for peace as much as possible. Apart from that, the success of mediation also has an impact on efficiency for the parties. So, mediation can actually be a solution in resolving disputes between workers and employers.

Karangasem Regency is one of the districts in Bali. There are many tourist attractions in Karangasem Regency such as Virgin beach, Tirta Gangga, Amed beach, Bukit Asah Bugbug Village, Taman Ujung, and Tenganan Pegringsingan Village. The fairly good development of tourism in Karangasem Regency is also accompanied by the development of tourism support, for example accommodation, villas, spas, transportation rentals, etc. Of course, tourism development has a positive value related to employment. However, it is not uncommon for these workers to have disagreements with employers. So, a dispute resolution institution is needed.

The Karangasem Regency Employment Service, which has the authority to mediate industrial relations disputes, must always be ready to provide services. As has been stated, mediation has advantages in resolving disputes. It is hoped that this mediation institution can resolve disputes peacefully, so that disputes do not prolong and immediately receive legal certainty. The important role of mediation institutions encouraged researchers to conduct a study entitled "Mediation Success Level in the Karangasem Regency Employment Service".

## 2. RESEARCH METHOD

The research was carried out at the Karangasem Regency Employment Service. The research location was chosen deliberately, on the grounds that Karangasem Regency currently has quite good tourism development in Bali. So that it has an impact on employment in the tourism sector. The greater the number of workers, the more prone it is to disputes. Moreover, tourism workers are required to work professionally to maintain the image of tourism itself. To answer the research objectives, the respondents selected were mediators at the Karangasem Regency Employment Service and employment law practitioners. The data was analyzed using qualitative analysis, namely analyzing the main problems related to efforts to develop science in society by optimizing data examination techniques in scientific research.

### 3. RESEARCH RESULTS AND DISCUSSION

#### 3.1. Research result

The Karangasem Regency Employment Service is located at Jalan Achmad Yani No.29, Subagan, Kec. Karangasem, Karangasem Regency. In this department there are three implementing units, namely the Industrial Relations Division, the Workforce Planning and Placement Division, and the Job Training Center UPTD. The Industrial Relations Sector has duties and authorities relating to employee-employer relations. Services in this field include:

- a. Service Registration Joint Working Agreement (PKB);
- b. Company Regulation Ratification Services;
- c. Trade Union/Labour Union Ratification Services;
- d. Settlement of Industrial Relations Disputes;
- e. Bipartite Cooperation Institution Ratification Services; And
- f. Employment Agreement Registration Validation Services.

As an institution that has the authority to carry out mediation in accordance with the orders of Law Number 2 of 2004, the Karangasem Regency Manpower Service has two mediators, namely I Komang Artayasa, S.Sos and Ni Nyoman Suandani Ariani, S.E., both mediators serve as third parties in seeking peace between the parties. Mediators are employees of government agencies in the field of employment who meet the requirements as mediators appointed by the minister. The mediator's task is certainly not easy, because the law mandates that settlement through mediation must not take more than 30 days. The mediator must plan well and understand the substance of the dispute so that he can then formulate recommendations that can be accepted by the parties.

The success or failure of the mediator's role in mediation can be seen from the level of success of the mediation itself. The percentage between registered disputes and successfully reconciled disputes can be a benchmark for the success of a mediation. To see this, of course it must be processed from legal materials obtained directly from the research location. The following is legal material regarding the implementation of mediation at the Karangasem Regency Employment Service over the last nine years.

**Table 4.1.**  
**Mediation Success Rate in the Employment Service**  
**Karangasem Regency**

No	Year	Number of Disputes	Reconcilable disputes	Success Presentation
1	2016	1	1	100%
2	2017	2	2	100%
3	2018	1	1	100%
4	2019	1	1	100%
5	2020	2	2	100%
6	2021	3	3	100%
7	2022	1	-	0%
8	2023	1	1	100%
9	2024	1	-	0%
<b>TOTAL</b>		<b>13</b>	<b>11</b>	<b>84,62%</b>

Based on table 4.1, it can be seen that the number of disputes submitted to the Karangasem Regency Employment Service is relatively small. In the last nine years

only 13 disputes were mediated. Each year there is an average of only 1 dispute, only in 2017, 2020 and 2021 there was more than one dispute. This shows that differences of understanding between workers and entrepreneurs in Karangasem Regency are very rare and do not cause disputes.

Apart from the relatively low level of disputes, what is interesting is the mediation success rate which reached 84.62%. This percentage can be said to be quite high. Of the 13 disputes mediated, only 2 failed to be reconciled. The remaining 11 disputes were successfully resolved peacefully. According to one of the mediators at the Karangasem Regency Employment Service, I Nyoman Artayasa, S.Sos, the high level of mediation success was caused by several things, including: stakeholders complying with mediation procedures; massive and intense approach by the mediator to the parties; approaches from mediators that are carried out informally or outside the mediation schedule; and explanation by the mediator to the parties regarding the benefits of peace.

The Industrial Relations Court (PHI) located in Denpasar is also one of the factors driving the success of mediation. As is known, PHI only exists in each provincial capital or one in each province (except PHI Gresik). The parties are well aware that if mediation fails, they will proceed to the litigation stage in Denpasar. The distance between Karangasem Regency and Denpasar City is certainly a consideration for the parties regarding time and cost efficiency.

One of the employment law practitioners, Made Bayu Parkasa Pradana Begruck, S.H. explains that sometimes the material value that one party (the worker) is fighting for is not that much. Thus, mediation is the most ideal instrument to resolve these disputes. If it continues to the litigation stage, especially if it takes distance and time, then the material value being demanded will become wasteful to fight for. Because operational costs at the litigation stage may be higher than the material value that is entitled to one of the parties (workers).

The factors driving the success of mediation that have been described show the importance of the parties' awareness of the benefits of peace. Settlement of disputes by means of peace is the embodiment of deliberation and consensus. Apart from that, what is no less important is the guarantee of legal certainty in a peace agreement or peace deed. So that the parties become confident in the substance and execution of a peace agreement.

Mediators at the Karangasem Regency Employment Service always make a Joint Agreement in the event that an agreement is reached to resolve industrial relations disputes through mediation. The Collective Agreement is signed by the parties and witnessed by the mediator and registered at the Denpasar Industrial Relations Court. A collective agreement is a product of consensus deliberation between the disputing parties. The results or substance of the agreement between the parties as outlined in the Collective Agreement applies as law and is binding on the parties (*agreements are to be kept*).

### 3.2. Discussion

Pancasila is essentially a value system (*value*) which is the crystallization of the noble values of Indonesian culture throughout history, and a culture that is rooted in appropriate external cultural elements so that as a whole it is integrated into the culture of the Indonesian nation. The fourth principle of Pancasila states "*Democracy led by wisdom in deliberation/representation*". The value of deliberation to reach consensus is clearly implied in these precepts. This means that deliberation has been known to the Indonesian people for a long time, including in resolving problems. Thus, it is natural

that the values contained in deliberation are crystallized in the foundations of the state. If you look closely, the meaning and significance of the fourth Precept can be explained as follows.

- a. The essence of this principle is democracy, namely government of the people, by the people, and for the people.
- b. Deliberation, that is, create decisions in a circular way, by doing together through the road of wisdom.
- c. Carry out decisions based on honesty. The decision is unanimous so that it brings consequences of mutual honesty. The value of identity is deliberation.
- d. It contains populist principles, namely a feeling of love for the people, fighting for the people's ideals, and having a people's spirit. The principle of deliberation for consensus, namely paying attention to and respecting the aspirations of all people through deliberative forums, respecting differences, prioritizing the interests of the people, nation and state.

In principle, this explanation holds the view that every person is given space for democracy through honest, wise deliberation and fighting for common interests.

The culture of deliberation and consensus has a philosophical and theological basis that leads to restoring the honor and dignity of all parties involved, replacing the atmosphere of conflict with peace (the principle of friendship), eliminating blasphemous insults with forgiveness, stopping lawsuits and wrong blaming (the principle of mutual forgiveness and asking God for forgiveness). Deliberation to reach consensus is based on Customary Law. In this case, it means a method of making decisions through deliberation based on tolerance, where collective interests take precedence over individual or group interests. Solving problems in this way focuses on discovering *win-win solutions*.

Mediation is an alternative dispute resolution characterized by deliberation and consensus. Mediation can be interpreted as a bridging activity between two disputing parties in order to produce an agreement. In mediation, the disputing parties can seek peace with the help of a mediator. Of course, this will have a positive impact if the parties find a peaceful way. The parties will avoid prolonged litigation procedures, which automatically also saves costs and time.

The importance of mediation in dispute resolution in Indonesia has been proven by the existence of statutory regulations governing mediation, for example Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution and Supreme Court Regulation (Perma) Number 1 of 2016 concerning Mediation Procedures in Court. These two rules indicate that mediation must take priority in resolving a civil case.

Industrial relations disputes are one of the civil cases that prioritize peace efforts. In resolving industrial relations disputes, the principles of fast, precise, fair and cheap are known. In principle, these principles encourage dispute resolution to be carried out by prioritizing efficiency and effectiveness. For this reason, industrial relations dispute resolution has special procedures, especially at the peace stage.

Mediation is a procedure that parties in a dispute must go through before proceeding to the litigation stage. Although normative mediation is only one of the instruments at the tripartite stage, empirical facts show that mediation is the option most often used by the parties. Thus, mediation has an important role in resolving a dispute.

As a form of consensus deliberation, mediation should be a promising solution. Para *stakeholder* Moreover, the mediator must understand philosophically the meaning and purpose of mediation. Pancasila, which is the crystallization of the cultural values

oIndonesian society, has outlined that deliberation and consensus must be used as a guideline in resolving a problem. There is no exception for disputes or cases that have legal implications. Therefore, it is best if industrial relations disputes are resolved peacefully.

#### 4. CONCLUSION

Mediation is a culture of Indonesian society that is crystallized in the fourth principle of Pancasila. As an embodiment of consensus deliberation, mediation is mandatory as a mechanism for resolving industrial relations disputes. The Karangasem Regency Manpower Service, which has the authority to mediate between workers and employers in Karangasem Regency, has mediated 13 industrial relations disputes over the last nine years. Of the 13 disputes, 11 of them were successfully reconciled. Only two disputes failed mediation. So, the percentage of mediation success reached 84.62%. The fairly high success rate is driven by several factors, namely: compliance with mediation procedures by *stakeholder*; massive and intense approach by the mediator to the parties; approaches from mediators which are also carried out informally or outside the mediation schedule; and explanation by the mediator to the parties regarding the benefits of peace.

#### 5. ACKNOWLEDGEMENT

We convey our appreciation and thanks to the Institute for Research and Community Service (LPPM) and the leadership of STISPOL Wira Bhakti. This research was possible because of a grant provided by the institution through the LPPM policy. We also express our thanks to the Karangasem Regency Employment Service and the respondents who have cooperatively collaborated in this research activity.

#### 6. BIBLIOGRAPHY

- [1] D. Agnes Widiana Putri, “Penerapan Mediasi Pada Penyelesaian Perselisihan Hubungan Industrial’,” *Compr. J. Law, Vol. 1 Nomor 2, hlm. 14, 2023.*
- [2] Ambar Murtiah dan Adi Sulistyono, “Pembadanan Nilai Musyawarah Pada Penyelesaian Sengketa Perdata,” *Priv. Law Journal, Vol. 10, Nomor 2, hlm.279.*
- [3] Dessi Permatasari dan Cahyo Seftyono, “Musyawarah Mufakat Atau Pemilihan Dengan Suara Mayoritas? Diskursus Pola Demokrasi Di Indonesia’,” *J. Ilm. Mimb. Demokrasi*, vol. Volume 13, 2014.
- [4] D. O. Dkk., “Analisis penyelesaian Perselisihan Hubungan Industrial Secara Litigasi maupun non Litigaasi’, Rechtenstudent,” *Journal, V, vol. olume 5 nu, 2023.*
- [5] Dian Maris Rahmah, “Optimalisasi Penyelesaian Sengketa Melalui Mediasi Di Pengadilan’,” *J. Bina Mulia Hukum*, vol. Volume 4 N.
- [6] Herlambang, “Perwuhjudan Sila Ke Empat Pancasila Setelah Perubahan Undang-Undang Dasar 1945’,” *J. Supremasi Hukum*, vol. Vol. 26, N.
- [7] C. S. de Almeida *et al.*, “Panduan Kegiatan Kemahasiswaan,” *Rev. Bras. Linguística Apl.*, vol. 5, no. 1, pp. 1689–1699, 2016.
- [8] D. Sofwatillah, “Teknik Analisis Data Kuantitatif Dan Kualitatif Dalam Penelitian Ilmiah’,” *J. Genta Mulia*, vol. Volume 15.
- [9] Sri Puspitaningrum, “Mediasi Sebagai Upaya Penyelesaian Sengketa Perdata Di Pengadilan’,” *J. Spektrum Hukum*, vol. Vo. 15 No..
- [10] Yusuf Randi, “Penerapan Perjanjian Bersama Berupa Pemberian kompensasi Pemutusan hubungan Kerja Yang bertentangan Dengan Undang-Undang Ketenagakerjaan’,” *J. Huk. De’rechtsstaat*, vol. Volume 6 N.