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Gap between Functional Appointment and Authority Requirements for Industrial Relations Mediators: Legal Effectiveness of Mediation in Murung Raya Regency

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ABSTRACT

Mediation constitutes an important mechanism for industrial relations dispute settlement. Its legal effectiveness depends on the alignment among the administrative status of officials, competency, exercise of authority, procedural regularity, and settlement outcome documents. This study examines the gap between appointment to the Functional Position of Industrial Relations Mediator and fulfillment of the requirements for exercising mediators' authority in Murung Raya Regency, as well as its implications for the legal effectiveness of mediation. This empirical legal research employs a socio-legal approach and qualitative analysis based on interviews, written statements, institutional documents, and an in-depth examination of five cases supported by complete minutes or official records and related case-handling documents. The data were analyzed through source triangulation and assessment against primary legal materials using legal system theory and law enforcement factors. The findings show that functional appointment has established the administrative status of officials and supported their involvement in dispute handling. However, education and training, competency, understanding of authority, and performance of mediator functions reveal discrepancies in implementation. The findings include two cases that did not result in agreement and were referred to the provincial level without a written recommendation at the regency level; three Collective Agreements that did not identify the signatory's capacity as an Industrial Relations Mediator in the witnessing section; variations in documented case-handling periods; and incorrect legal bases in several documents. The legal effectiveness of mediation in Murung Raya Regency therefore depends on the alignment among functional status, competency, understanding of authority, procedural regularity, and settlement outcome documents.

Keywords: Functional Position; Industrial Relations Mediator; Legal Effectiveness; Mediation; Mediator Authority.

INTRODUCTION

Industrial relations dispute settlement constitutes an important component of employment protection because it provides an orderly and accessible procedure for workers and employers. Law Number 2 of 2004 regulates out-of-court settlement as part of the procedure that precedes submission of a dispute to the Industrial Relations Court. [Kasih et al. \(2022\)](#) demonstrate the importance of a clear, straightforward, and accessible dispute settlement structure. [Oktafien et al. \(2023\)](#) identify bipartite negotiations and non-litigation settlement as important components of the industrial relations dispute settlement system. Within this procedure, mediation involves a mediator from the government agency responsible for manpower affairs who facilitates settlement and carries out the necessary follow-up according to the outcome of mediation.

The status of a mediator affects the quality of mediation because the mediator's duties include examining disputes, facilitating deliberations, assisting in the preparation of a Collective Agreement when the parties reach an agreement, issuing a written recommendation when no agreement is reached, and carrying out follow-up measures arising from mediation. [Pradana and Raharjo \(2022\)](#) demonstrate the role of mediators in facilitating deliberations, issuing written recommendations, and

explaining the follow-up to a Collective Agreement. [Perdana \(2023\)](#) links written recommendations and mediation minutes to the continuation of dispute settlement before the Industrial Relations Court. [Pangestu et al. \(2025\)](#) associate the effectiveness of mediation with the structure of mediator authority, the quality of documentation, and the ability to apply legal provisions. The quality of mediation therefore depends on the status of the implementing officials, competency, dispute settlement procedures, and the performance of mediators' legal functions.

An Industrial Relations Mediator also holds a functional position within the government personnel system. Appointment to the Functional Position of Industrial Relations Mediator establishes the administrative status of the official concerned. The conduct of mediation is subsequently governed by provisions concerning mediator requirements, appointment as a mediator, duties, obligations, and mediation procedures in industrial relations dispute settlement. These two regulatory domains perform distinct but interrelated legal functions. [Handayani \(2021\)](#) links regulation of mediator status to the effectiveness of mediation. In a study addressing a different form of employment relationship, [Fransisco et al. \(2025\)](#) demonstrate the importance of accurately determining the legal consequences of a particular legal status. This distinction provides the basis for examining the relationship among functional appointment, competency, fulfillment of mediator requirements, and the exercise of authority in mediation practice.

Regulatory developments concerning the Functional Position of Industrial Relations Mediator and competency development clarify the relationship between position management and preparedness to perform the relevant functions. At the same time, Regulation of Minister of Manpower and Transmigration Number 17 of 2014 continues to regulate mediator requirements and mediation procedures. [Aditiarman et al. \(2026\)](#) show that the effectiveness of mediation is associated with normative, institutional, and professional aspects of mediators. [Alamsyah and Rahaju \(2022\)](#) explain the relationship among organizational capacity, the quality of human resources, and the performance of mediation functions by manpower agencies. Administrative status therefore needs to be accompanied by competency, competency development, and institutional capacity to perform mediator functions in accordance with applicable legal provisions.

Assessment of the legal effectiveness of mediation encompasses settlement outcomes, the exercise of authority, procedural regularity, and the accuracy of the resulting documents. [Widodo et al. \(2026\)](#) distinguish administrative outcomes from the substantive quality of mediation. [Puspasari and MoHa \(2024\)](#) identify variations in effectiveness across sectors and regions. [Ramdani and Syafril \(2024\)](#) demonstrate the relationship among procedural quality, mediation principles, the conduct of the parties, and settlement effectiveness. These findings indicate that the legal effectiveness of

mediation is associated with the exercise of authority, procedural regularity, and the accuracy of settlement outcome documents.

The conduct of mediation also involves successive stages of dispute settlement, including bipartite negotiations, filing of the dispute, document examination, summonses, mediation, formation of a Collective Agreement, issuance of a written recommendation, and subsequent settlement measures. [Huri et al. \(2023\)](#) demonstrate the relationship between the bipartite and mediation stages and the performance of mediator functions. [Pangestu et al. \(2025\)](#) find that documentation, attendance of the parties, and legal interpretation affect the quality of mediation. In the context of Central Kalimantan, [Fransisco et al. \(2026\)](#) emphasize the importance of implementing capacity and conformity of dispute settlement procedures with labor law standards. [Herdiana et al. \(2025\)](#), in examining the enforcement stage of Industrial Relations Court decisions, demonstrate the importance of institutional capacity for the effective implementation of legal outcomes. Murung Raya Regency therefore provides a relevant setting for examining the relationship among functional status, official competency, and mediation at the regency level.

Previous studies have examined the role and capacity of mediators, including [Alamsyah and Rahaju \(2022\)](#), [Pradana and Raharjo \(2022\)](#), [Huri et al. \(2023\)](#), and [Pangestu et al. \(2025\)](#). Regulatory and institutional design has been analyzed by [Handayani \(2021\)](#), [Herdiana et al. \(2025\)](#), and [Aditiarman et al. \(2026\)](#). The effectiveness of mediation and regional variations have been examined by [Puspasari and MoHa \(2024\)](#), [Ramdani and Syafril \(2024\)](#), and [Widodo et al. \(2026\)](#). [Fransisco et al. \(2026\)](#) contribute a regional analysis of pre-litigation dispute settlement in Central Kalimantan. These studies address authority, mediator capacity, institutional arrangements, procedures, and effectiveness. However, the relationship between appointment to the Functional Position of Industrial Relations Mediator and fulfillment of the requirements for exercising mediators' authority at the regency level has not been specifically examined.

The novelty of this study lies in its empirical examination of the relationship between functional appointment and the requirements for exercising mediators' authority through an analysis of competency, performance of functions, mediation procedures, and settlement outcome documents within a unified institutional analysis. The study examines the gap between appointment to the Functional Position of Industrial Relations Mediator and fulfillment of the requirements for exercising mediators' authority in Murung Raya Regency, as well as the implications of this gap for the legal effectiveness of mediation in industrial relations dispute settlement. Theoretically, the study analyzes the relationship among the institutional status of officials, competency, exercise of authority, and legal effectiveness of mediation. Practically, the findings may support strengthened fulfillment of competency

requirements, exercise of mediator authority, and mediation procedures at the regional level.

METHOD

This study constitutes empirical legal research employing a socio-legal approach and qualitative analysis. The research was conducted from April to July 2026 at the Transmigration and Manpower Office of Murung Raya Regency. The unit of analysis encompasses the exercise of authority by Industrial Relations Mediators in relation to functional appointment, competency, and mediation practice. The socio-legal approach is used to examine the relationship between legal provisions governing the status, requirements, and functions of mediators and their implementation in institutional practice (Qamar & Rezah, 2020).

Primary data were obtained through interviews guided by a set of questions, written statements, institutional documents, and industrial relations dispute-handling documents (Sampara & Husen, 2016). Six informants were selected based on their knowledge, official capacity, and involvement in industrial relations administration. An in-depth document analysis was conducted on five cases supported by complete minutes or official records together with their related case-handling documents. These cases were coded P1 through P5 to identify the type of dispute, stages of handling, involvement of officials, chronology, settlement outcome documents, and follow-up measures. Documents from other cases were used as supporting data for matters relevant to the object of analysis.

The documentary study covered appointment and official-status documents, minutes of bipartite negotiations, applications for filing disputes, summons letters, attendance lists, settlement minutes or official records, Collective Agreements, referral letters, written recommendations, and planning, performance, and budget documents. Each aspect was analyzed using documents relevant to the case and the specific matter under examination (Irwansyah, 2020). Primary legal materials, consisting of laws and regulations and judicial decisions, were used to determine the provisions governing mediator status, competency, appointment, mediation procedures, settlement outcome documents, time limits, and authority according to the relevant level of government. The analysis of temporal applicability distinguishes the provisions governing the equalization of positions in 2021 from those governing positions, competency, and mediation applicable in 2026.

Data validity was assessed through triangulation and cross-checking according to the function of each source (Miles et al., 2014). Documents were used to identify recorded administrative circumstances, actions, dates, procedures, and outcomes. Interviews and written statements were used to explain the understanding,

experiences, reasons, and assessments of officials. Primary legal materials provided the normative basis, while academic literature was used to compare the findings with previous research. The analysis comprised data selection and classification, fact identification, cross-checking among sources, assessment against legal materials, theoretical analysis, comparison with previous studies, and formulation of conclusions. The bipartite stage, time limits, Collective Agreements, written recommendations, referrals, and accuracy of legal bases were analyzed using the documents relevant to each case.

Friedman (1975) provides the legal system theory used to analyze legal structure, legal substance, and internal legal culture. Soekanto (2019) provides the law enforcement factors used to analyze the legal factor, law enforcement personnel, facilities and resources, and the attendance of the parties as an aspect related to the societal factor. The legal effectiveness of mediation is analyzed based on the implementation of provisions governing mediator status, authority, and functions through the competency of the implementing officials, procedural regularity, accuracy of settlement outcome documents, and subsequent dispute settlement measures. Personal identities and personal data unrelated to the research objectives are not included in the presentation of the findings.

RESULTS AND DISCUSSION

A. Functional Status, Competency, and Requirements for Exercising the Authority of Industrial Relations Mediators

The status of Industrial Relations Mediators is governed by two interrelated legal domains: the functional position within the government personnel system and the provisions governing mediators in industrial relations dispute settlement. Article 1 point 12 of Law Number 2 of 2004 defines a mediator as an employee of a government agency responsible for manpower affairs who fulfills the applicable requirements, is appointed by the Minister, performs mediation, and has an obligation to issue a written recommendation. Article 2 section (1) of Regulation of Minister of Manpower and Transmigration Number 17 of 2014 includes a Competency Certificate and an appointment decision issued by the Minister among the requirements for serving as a mediator. Article 2 section (2) of the Regulation requires completion of education and training for Mediators as one of the requirements for obtaining the appointment decision. Education and training, the Competency Certificate, and the appointment decision issued by the Minister therefore perform distinct legal functions. Perdana (2023) links the status of a mediator appointed by the Minister to written recommendations and mediation minutes, while Handayani (2021) demonstrates the relationship between regulation of mediator status and the effectiveness of mediation.

Regulatory developments in 2021 and 2026 demonstrate the relationship between equalization of positions and fulfillment of competency requirements. The equalization of administrative positions in Murung Raya Regency was implemented in 2021, when the Functional Position of Industrial Relations Mediator was governed by Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 83 of 2020. The equalization mechanism followed Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 17 of 2021. Article 22 of the latter Regulation governs competency development following appointment and inauguration. The provision also requires completion of education and training and fulfillment of specified certification requirements no later than two years after appointment and inauguration for functional positions subject to such requirements. Appointment through equalization and fulfillment of competency requirements therefore constitute distinct administrative stages. As of December 31, 2025, Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 21 of 2025 repealed Regulation Number 83 of 2020 while continuing to regulate the Industrial Relations Mediator as a functional position in the manpower sector. Article 20 of Regulation Number 21 of 2025 requires fulfillment of technical, managerial, and sociocultural competency standards and continuous competency development. [Mahy \(2022\)](#) demonstrates the complexity of changes in labor regulation, while [Fransisco et al. \(2025\)](#) show the importance of accurately determining the legal consequences of a particular legal status.

The Transmigration and Manpower Office of Murung Raya Regency has two officials holding the Functional Position of Industrial Relations Mediator at the Junior Expert level. Personnel documents identify their appointment under Regent Decision of Murung Raya Number 821/265/2021, together with documents concerning inauguration and the taking of the oath of office. The Decision constitutes the administrative basis for appointment to the functional position. Appointment as a mediator by the Minister is separately governed by Regulation of Minister of Manpower and Transmigration Number 17 of 2014. A statement from one of the officials holding the functional position indicates that the required education and training for Mediators had not been completed. A staff member of the Industrial Relations Division also provided information regarding the status of competency certification. [Pangestu et al. \(2025\)](#) demonstrate the relationship among the structure of authority, legal interpretation, and mediator practice. [Huri et al. \(2023\)](#) similarly connect the performance of mediator duties to the legal basis of authority. Functional appointment, competency, appointment as a mediator by the Minister, and performance of mediator functions therefore have distinct legal bases and legal consequences.

The distinction between official status and performance of functions is evident in the officials' understanding of written recommendations. Article 13 section (2) of Law Number 2 of 2004 requires a mediator to issue a written recommendation where mediation does not result in an agreement. Constitutional Court Decision Number 68/PUU-XIII/2015 interprets the written recommendation in the form of minutes of settlement through mediation. Constitutional Court Decision Number 125/PUU-XXIV/2026 subsequently reaffirms the obligation to issue a written recommendation and the time limit for completion of mediator duties. Regulation of Minister of Manpower and Transmigration Number 17 of 2014 also governs the obligation to issue a written recommendation where no agreement is reached and distinguishes the area of responsibility of regency or municipal mediators from the authority of provincial mediators over referred cases. In practice in Murung Raya Regency, the understanding of the authority to issue a written recommendation was explained by an Industrial Relations Mediator at the Junior Expert level within the Transmigration and Manpower Office of Murung Raya Regency.

"For the issuance of a written recommendation, we do not issue one here. Because our position is as mediators at the regency level, we do not have the authority to issue a written recommendation." (Interview, July 15, 2026).

This statement reflects the official's understanding that a mediator's position at the regency level limits the authority to issue a written recommendation. The provisions governing the area of responsibility of regency or municipal mediators authorize them to conduct mediation of disputes occurring within their respective areas of responsibility. The obligation to issue a written recommendation forms part of the mediator's duties where mediation does not result in an agreement. Referral of a case to the provincial level, in turn, concerns the authority of a provincial mediator to handle a referred dispute. The difference between the official's understanding and the legal provisions governing the performance of mediator duties is also related to the competency of the officials performing mediation functions.

Information regarding competency further clarifies the relationship between the professional condition of the officials and their understanding of the issuance of written recommendations. An official holding the functional position stated that the required education and training for Mediators had not been completed. At the institutional level, a General Administration Staff member of the Industrial Relations Division at the Transmigration and Manpower Office of Murung Raya Regency provided information regarding the status of mediator competency certification.

“Yes, although we have mediators at the Murung Raya Manpower Office, the current constraint is that the existing mediators have not yet obtained the competency certification required to issue a written recommendation.” (Interview, July 16, 2026).

The statement shows that the officials associate competency certification with the issuance of a written recommendation. Regulation of Minister of Manpower Number 3 of 2024 defines a Competency Test as a process for assessing technical, managerial, and sociocultural competencies within the Functional Position of Industrial Relations Mediator. A Competency Certificate constitutes formal recognition of successful completion of the Competency Test. Decision of Minister of Manpower Number 427 of 2025 subsequently establishes the Indonesian National Work Competency Standards in the field of Industrial Relations. Within this legal framework, a Competency Certificate concerns recognition of competency, while the obligation to issue a written recommendation arises from the provisions governing mediator duties in disputes that do not result in agreement. [Aditiarman et al. \(2026\)](#) associate mediator professionalism with the effectiveness of mediation, while [Alamsyah and Rahaju \(2022\)](#) demonstrate the relationship among the quality of human resources, organizational capacity, and institutional ability to perform public functions.

Competency development is also related to the availability of facilities and resources. Statements from staff of the Industrial Relations Division and the Secretary of the Office indicate that proposals to participate in education and training had been submitted, opportunities for education and training were available from the central government, and the organization had allocated a budget. Article 20 of Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 21 of 2025 requires continuous competency development. [Soekanto \(2019\)](#) explains that facilities and resources support law enforcement duties through the availability of skilled personnel, organizational arrangements, equipment, and financial resources. In this study, the use of the available budget and education and training opportunities is associated with the improvement of competency required for the performance of mediator functions.

In P4 and P5, Totiana is identified as an Industrial Relations Mediator in the minutes prepared at the regency level. Both cases were subsequently referred to the Manpower and Transmigration Office of Central Kalimantan Province without a written recommendation at the regency level. Institutional data also show changes in staff assignments that resulted in two officials jointly handling disputes. [Friedman \(1975\)](#) explains legal structure through institutions and officials that implement the legal system. [Soekanto \(2019\)](#) identifies professional capability and conformity with prescribed roles as components of the law enforcement personnel

factor. [Herdiana et al. \(2025\)](#) demonstrate the importance of institutional capacity in implementing legal consequences, while [Widodo et al. \(2026\)](#) distinguish administrative success from the substantive quality of mediation. The findings in Murung Raya Regency show that functional appointment has established administrative status and supported the involvement of officials. The quality of the performance of mediator functions is associated with competency, fulfillment of mediator requirements, understanding of authority, and accuracy of mediation outcome documents. These conditions are further reflected in the handling of the five cases examined below.

B. Exercise of Mediator Authority in Mediation Proceedings and Outcome Documents

The exercise of mediator authority is examined through five cases supported by complete minutes or official records and related case-handling documents. P1 through P3 resulted in Collective Agreements. P4 and P5 were referred to the Manpower and Transmigration Office of Central Kalimantan Province after mediation at the regency level did not result in an agreement. These different outcomes demonstrate the performance of mediator functions under different dispute conditions. [Sudiarawan et al. \(2024\)](#) explain bipartite negotiations, out-of-court dispute settlement, and litigation as components of the industrial relations dispute settlement system. [Kasih et al. \(2022\)](#) emphasize the need for clear and accessible settlement stages. [Oktafien et al. \(2023\)](#) demonstrate the relationship among bipartite negotiations, non-litigation settlement, and litigation.

Table 1. Profile of Cases Supported by Complete Minutes or Official Records

Code	Parties	Type of Dispute	Outcome
P1	One worker employed by a forest-products processing company	Dispute over rights arising from a workplace accident	Collective Agreement
P2	One worker employed by a mining services company	Dispute over termination of employment on urgent grounds	Collective Agreement
P3	One worker employed by a mining company	Dispute over termination of employment and calculation of severance pay	Collective Agreement
P4	One worker employed by a mining services company	Dispute over termination of employment while subject to a warning letter	Referred to the Manpower and Transmigration Office of Central Kalimantan Province
P5	120 workers employed by two mining companies	Dispute over rights to wages for March 2026	Referred to the Manpower and Transmigration Office of Central Kalimantan Province

Source: Compiled from case files at the Transmigration and Manpower Office of Murung Raya Regency.

The case documents record receipt of applications or reports, document examination, summonses, meetings between the parties, and determination of

case-handling outcome documents. P1 began with a company letter requesting facilitation of settlement. P3 originated from a company application requesting mediation until either an agreement was reached or a written recommendation was issued. Minutes of bipartite negotiations were identified in P2, P4, and P5. Supporting data concerning X also contain minutes of bipartite negotiations in which the worker's signature field was left blank because the worker did not attend the first summons. [Huri et al. \(2023\)](#) explain the mediator's role following bipartite settlement efforts. [Pangestu et al. \(2025\)](#) emphasize document examination and clarification of the parties. [Kadroni \(2022\)](#) identifies bipartite negotiations as the initial stage of settlement, while [Dermawan and Sarnawa \(2021\)](#) explain the function of documentary evidence of bipartite negotiations when a dispute proceeds to mediation. The documents identified in each case show variations in the documentation of settlement stages before and during mediation.

The duration of case handling also varies according to the case documents. The application in P3 was submitted on February 26, 2026, and the Collective Agreement was signed on March 6, 2026. The documented period was eight calendar days. In P2, the period between the first summons letter dated February 19, 2025, and the Collective Agreement dated June 2, 2025, exceeded 30 working days. In P4, the period between the summons dated February 25, 2026, and the regency-level document issued in April 2026 also exceeded 30 working days. Article 15 of Law Number 2 of 2004 provides that a mediator must complete the assigned duties no later than 30 working days after receiving the referral of the dispute for settlement. Constitutional Court Decision Number 125/PUU-XXIV/2026 affirms that receipt of the referral constitutes the starting point for calculating that time limit. The P2 and P4 documents record the dates of summonses as part of the chronology, while assessment of the time limit under Article 15 of the Law is determined by the date on which the referral was received. [Pangestu et al. \(2025\)](#) identify the absence of parties as a condition affecting the process. [Widodo et al. \(2026\)](#) likewise distinguish administrative outcomes from the procedural quality of mediation.

Article 13 section (1) of Law Number 2 of 2004 provides that a Collective Agreement resulting from mediation must be signed by the parties and witnessed by the mediator. P1, P2, and P3 identify structural officials or other officials in the witnessing section without identifying their capacity as Industrial Relations Mediators. Other documents in P2 record mediator involvement throughout the handling process. The documentary findings show that the capacity of an Industrial Relations Mediator is not clearly identified in the witnessing section of the Collective Agreements. [Mantili \(2021\)](#) explains the mediator's witnessing role as part of a Collective Agreement resulting from mediation. [Dermawan](#)

and Sarnawa (2021) associate a Collective Agreement with the achievement of agreement between the parties. Pradana and Raharjo (2022) emphasize follow-up to the resulting agreement. Through their discussion of the settlement agreement (*acte van dading*), Kusmayanti et al. (2023) demonstrate the importance of clarity regarding the form and legal force of a settlement agreement.

Article 13 section (2) of Law Number 2 of 2004 requires a mediator to issue a written recommendation where mediation does not result in an agreement. Constitutional Court Decision Number 68/PUU-XIII/2015 interprets the written recommendation in the form of minutes of settlement through mediation. Constitutional Court Decision Number 125/PUU-XXIV/2026 reaffirms that obligation. P4 resulted in regency-level minutes containing the identities of the parties, the subject matter of the dispute, the parties' respective positions, and a conclusion referring the case. P5 resulted in minutes with a similar structure dated April 20, 2026. Neither set of minutes contains a written recommendation. Dermawan and Sarnawa (2021) explain a written recommendation as an outcome issued by a mediator where mediation does not result in an agreement. Perdana (2023) connects mediation minutes and written recommendations to the continuation of dispute settlement before the Industrial Relations Court. In P4 and P5, no written recommendation appears in the regency-level mediation outcome documents before referral of the cases.

Article 12 section (2) letter b of Regulation of Minister of Manpower and Transmigration Number 17 of 2014 provides authority for provincial mediators to conduct mediation of cases referred by a Regency or Municipal Office. P4 and P5 were referred to the Manpower and Transmigration Office of Central Kalimantan Province and were subsequently handled by provincial mediators within their authority. The referral documents for P4 and P5 cite Article 4 section (1) of Law Number 2 of 2004, which regulates the filing of a dispute after bipartite efforts have been undertaken. Incorrect legal bases are also found in the Collective Agreements for P1 through P3. Those documents cite Article 7 section (1) of the Law, although their contents state that the agreements were reached through mediation. Article 7 section (1) regulates a Collective Agreement resulting from bipartite negotiations, whereas a Collective Agreement resulting from mediation is governed by Article 13 section (1). The summons letter in P2 also relies on a legal basis concerning bipartite negotiations. Pangestu et al. (2025) associate legal interpretation and documentation with the quality of mediation. Siddik (2025) emphasizes the importance of accurate legal diagnosis and legal bases in disputes concerning termination of employment. These findings demonstrate inconsistencies among the actions taken, the case-handling documents, and the legal bases cited.

Table 2. Consolidated Documentary Findings on the Conduct of Mediation

Aspect Analyzed	Documentary Finding	Legal Analysis
Bipartite stage	Minutes were identified in P2, P4, and P5; supporting data concerning X also contain minutes of bipartite negotiations	The bipartite stage is documented with variations in form and completeness of signatures
Time limit	P3 has a documented period of eight calendar days; the period from the first summons to the final document in P2 and P4 exceeded 30 working days	Assessment under Article 15 of Law Number 2 of 2004 is determined by the date on which the referral was received
Witnessing of Collective Agreements	P1, P2, and P3 identify structural officials or other officials in the witnessing section without identifying their capacity as Industrial Relations Mediators	Collective Agreements resulting from mediation do not identify the capacity of an Industrial Relations Mediator in the witnessing section
Written recommendation in cases without agreement	The minutes in P4 and P5 conclude with referral and contain no written recommendation	The written recommendation required by Article 13 section (2) of Law Number 2 of 2004 is not contained in the regency-level mediation outcome documents
Referral to the provincial level	P4 and P5 were referred to the Manpower and Transmigration Office of Central Kalimantan Province	Provincial mediators are authorized to conduct mediation upon referral under Article 12 section (2) letter b of Regulation of Minister of Manpower and Transmigration Number 17 of 2014
Accuracy of legal basis	Incorrect legal bases appear in the Collective Agreements for P1 through P3, the summons letter in P2, and the referral documents for P4 and P5	The cited legal bases do not correspond to the actions or documents they purport to govern

Source: Compiled from case files at the Transmigration and Manpower Office of Murung Raya Regency.

A comparison of the handling of P4 at the regency and provincial levels shows differences in the mediation outcome documents. At the regency level, the handling resulted in minutes and a referral letter following a series of meetings from February to April 2026. At the provincial level, mediation was conducted on April 28, May 7, and May 13, 2026, and a written recommendation was issued on June 3, 2026. The written recommendation identifies the documents examined, the legal issues, legal facts, considerations, conclusions, and a recommendation that the worker be reinstated. [Siddik \(2025\)](#) emphasizes the importance of legal diagnosis of the grounds for termination of employment. [Wibowo and Herawati \(2021\)](#) explain procedural protection in termination-of-employment disputes. The different documents produced in P4 at the two levels of government demonstrate the role of a written recommendation in the continuation of dispute settlement after mediation does not result in an agreement.

Table 3. Comparison of the Handling of P4 at the Regency and Provincial Levels

Aspect	Regency Level	Provincial Level
Stages of handling	Filing on February 23, 2026; meetings on February 27, March 4, March 27, and April 14, 2026; referral on April 16, 2026	Summons on April 23, 2026; mediation on April 28, May 7, and May 13, 2026
Final document	Industrial Relations Dispute Settlement Minutes and referral letter	Written recommendation dated June 3, 2026
Contents of document	Identities of the parties, subject matter of the dispute, worker's position, employer's position, and conclusion on referral	Statements of the parties, documents examined, identification of issues, legal facts, legal considerations, conclusions, and recommendation
Follow-up	The case was referred to the provincial level	The recommendation proposed reinstatement of the worker and set out provisions concerning continuation of the dispute before the Industrial Relations Court

Source: Compiled from the regency-level Industrial Relations Dispute Settlement Minutes and the Written Recommendation of the Manpower and Transmigration Office of Central Kalimantan Province dated June 3, 2026.

The case findings demonstrate two principal aspects. The first concerns the performance of mediator functions, particularly the obligation to issue written recommendations in P4 and P5 and the identification of the capacity of an Industrial Relations Mediator in the witnessing section of the Collective Agreements for P1 through P3. The second concerns the administration of case handling, particularly the periods recorded in the documents and the accuracy of the legal bases cited. [Friedman \(1975\)](#) explains legal structure through institutions and officials and legal substance through rules and patterns of conduct. [Soekanto \(2019\)](#) emphasizes conformity between legally prescribed roles and the conduct of law enforcement personnel. [Widodo et al. \(2026\)](#) distinguish administrative outcomes from the substantive quality of mediation. The findings in P1 through P5 demonstrate the relationship among implementing competency, exercise of authority, case administration, and mediation outcome documents. This relationship provides the basis for assessing the legal effectiveness of mediation in Murung Raya Regency.

C. Legal Effectiveness of Mediation Based on Structure, Substance, and Exercise of Authority

The legal effectiveness of mediation in Murung Raya Regency is analyzed according to the requirements for exercising mediators' authority, performance of functions, procedural regularity, settlement outcome documents, and subsequent dispute settlement measures. [Friedman \(1975\)](#) explains the legal system through the relationship among legal structure, legal substance, and legal culture. Three Collective Agreements and two referrals show that the administrative procedures for dispute settlement were implemented. Assessment of effectiveness further encompasses the conformity of the officials' status and competency, the actions performed, and the documents issued in each case.

From the perspective of legal structure, Murung Raya Regency has an organizational unit and officials holding the Functional Position of Industrial Relations Mediator. These officials participated in case handling and were identified as mediators in the minutes for P4 and P5. Data concerning education and training and competency certification demonstrate a difference between holding the functional position and fulfilling competency requirements. Article 22 of Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 17 of 2021 regulates competency development and fulfillment as part of the follow-up to the equalization of positions. Article 20 of Regulation of Minister of State Apparatus Empowerment and Bureaucratic Reform Number 21 of 2025 requires the fulfillment and development of competency during the research period. [Aditjarman et al. \(2026\)](#) associate mediator professionalism with the effectiveness of mediation. [Alamsyah and Rahaju \(2022\)](#) show that the quality of human resources and organizational capacity affect the performance of public functions. These findings demonstrate a discrepancy between functional-position status and fulfillment of the competency requirements necessary for the performance of mediator functions.

Facilities and resources include funding, personnel, organizational arrangements, and opportunities for competency development. The 2025 Government Agency Performance Accountability Report of the Transmigration and Manpower Office of Murung Raya Regency records a budget ceiling of IDR 280,650,800 for the Industrial Relations Program, with actual expenditure of IDR 278,226,800. The 2026 Budget Implementation Document records an allocation of approximately IDR 780,637,800. The organization also provides opportunities for competency development. Changes in personnel assignments resulted in two officials jointly handling disputes. [Soekanto \(2019\)](#) identifies skilled personnel, organizational arrangements, equipment, and financial resources as components of facilities and resources for law enforcement. The use of funding and opportunities for competency development is associated with improvement of official competency, continuity of case handling, and orderly administration.

From the perspective of legal substance, provisions concerning mediator requirements, Collective Agreements, written recommendations, time limits, and the authority of provincial mediators provide the legal basis for the conduct of mediation. Constitutional Court Decision Number 125/PUU-XXIV/2026 affirms the starting point for calculating the time limit for completion of mediator duties and the obligation to issue a written recommendation. The findings identify three implementation inaccuracies. First, the Collective Agreements in P1 through P3 do not identify the capacity of an Industrial Relations Mediator in the witnessing section. Second, the minutes in P4 and P5 do not contain a written recommendation before the cases were referred to the provincial level. Third, several documents cite

legal bases that do not correspond to the actions or documents governed by those provisions. [Handayani \(2021\)](#) associates mediation regulation with the quality of legal protection. [Mahy \(2022\)](#) demonstrates the complexity of developments in labor regulation. [Kunarti et al. \(2024\)](#) and [Yitawati et al. \(2024\)](#) emphasize the need for legal protection of workers amid changes in labor policy. The findings in Murung Raya Regency identify inaccuracies in the implementation of provisions concerning mediator functions and the administration of mediation documents.

Internal legal culture is reflected in the officials' understanding of levels of government, competency, and the obligation to issue a written recommendation. A mediator's statement reflects an understanding that a regency-level mediator lacks authority to issue a written recommendation. The handling of P4 and P5 involved referral to the provincial level without a written recommendation at the regency level. Information concerning the Competency Certificate also associates the certificate with the issuance of a written recommendation, while the legal provisions assign distinct functions to the Competency Certificate and the obligation to issue a written recommendation. In case administration, information concerning bipartite requirements can be compared with the variations in bipartite documentation and the accuracy of the legal bases identified. [Friedman \(1975\)](#) explains internal legal culture through the orientations, habits, and patterns of reasoning of legal actors. [Pangestu et al. \(2025\)](#) demonstrate that legal interpretation and documentation affect the quality of mediation. [Pradana and Raharjo \(2022\)](#) emphasize the importance of mediator understanding of subsequent settlement measures. In this study, the officials' understanding is associated with the actions recorded in case handling and the form of the resulting mediation documents.

The framework developed by [Soekanto \(2019\)](#) demonstrates the relationship among the legal factor, law enforcement personnel, facilities and resources, and the societal factor. The legal factor is reflected in the accuracy of the legal bases cited in the documents. The law enforcement personnel factor encompasses competency, understanding of authority, and performance of mediator functions. The facilities and resources factor encompasses personnel, funding, organizational arrangements, and opportunities for competency development. Attendance of the parties during case handling is analyzed as part of the societal factor because absence from several meetings affected the conduct of mediation. [Arpangi and Sanni \(2025\)](#) demonstrate that normative protection requires enforcement capacity. [Deviona et al. \(2024\)](#) emphasize institutional involvement in implementing worker protection. [Herdiana et al. \(2025\)](#) show that institutional capacity is necessary for implementation of legal outcomes within the industrial relations dispute settlement system. Legal provisions and implementing capacity are therefore interrelated elements of effective dispute settlement.

The comparison of P4 at the regency and provincial levels demonstrates the relationship between institutional capacity and mediation outcome documents. The regency level produced minutes and a referral letter. The provincial level produced a written recommendation containing identification of issues, legal facts, considerations, conclusions, and a recommendation for settlement. The findings from P4 and P5, the three Collective Agreements, the competency status of officials, their understanding of authority, and available facilities and resources show that mediation effectiveness encompasses both the implementation of administrative procedures and the accurate performance of mediator functions. [Fransisco et al. \(2026\)](#) emphasize implementing capacity and conformity of procedures with legal standards in the context of Central Kalimantan. [Puspasari and MoHa \(2024\)](#) demonstrate variations in effectiveness across sectors and regions. [Ramdani and Syafril \(2024\)](#) associate effectiveness with procedural quality, while [Widodo et al. \(2026\)](#) distinguish administrative outcomes from substantive quality. The legal effectiveness of mediation in Murung Raya Regency is therefore determined by the alignment among functional status, competency, fulfillment of mediator requirements, understanding of authority, procedural regularity, and settlement outcome documents.

CONCLUSIONS AND SUGGESTIONS

Appointment to the Functional Position of Industrial Relations Mediator and fulfillment of the requirements for exercising mediators' authority are two interrelated legal aspects with distinct functions. In Murung Raya Regency, functional appointment has established administrative status and supported the involvement of officials in dispute handling. Data concerning education and training, competency, appointment as a mediator by the Minister, and understanding of authority reveal a discrepancy between functional-position status and the performance of mediation functions. The discrepancy primarily concerns understanding of the obligation to issue written recommendations, the competency status of officials, and the relationship between mediator requirements and mediation outcome documents.

The implications for legal effectiveness are evident in the procedures and settlement outcome documents. P1 through P3 resulted in Collective Agreements that do not identify the signatory's capacity as an Industrial Relations Mediator in the witnessing section. P4 and P5 resulted in minutes and referral to the provincial level without a written recommendation at the regency level. The case documents show variations in case-handling periods. Assessment of the time limit under Article 15 of Law Number 2 of 2004 is determined by the time at which the referral was received. Several documents also cite legal bases that do not correspond to the actions or documents governed by those provisions. The effectiveness of mediation is therefore

associated with implementing competency, understanding of authority, procedural regularity, and accuracy of settlement outcome documents.

Strengthening mediation at the regional level should include mapping fulfillment of education and training requirements, Competency Certificates, appointment decisions issued by the Minister, and mediator functions performed by each official holding the functional position. Competency development should be conducted according to a defined schedule and accompanied by an assessment of personnel requirements based on caseload and allocation of duties. Coordination with the Manpower and Transmigration Office of Central Kalimantan Province and the Ministry of Manpower should focus on fulfillment of mediator requirements and strengthened exercise of mediator authority. Case administration requires standardized document types and contents, systematic recording of chronology, accurate legal bases, clear identification of the capacity of signatories or witnesses, and examination of document completeness and accuracy before documents are determined or issued.

At the policy level, development of the Functional Position of Industrial Relations Mediator should be aligned with the fulfillment and development of competency and the requirements for appointment as a mediator in industrial relations dispute settlement. Functional appointment, competency development, career development, and mediation should be administered in an integrated manner. Comparative research across several regions and provinces may be used to examine whether similar empirical patterns exist in the relationship among functional appointment, competency, institutional capacity, mediation outcome documents, and legal effectiveness. Comparative findings may support the development of a mediator development model that connects functional-position status with the quality of the exercise of authority in industrial relations dispute settlement.

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