



SIGn Journal of Social Science

E-ISSN: 2745-374X

jurnal.penerbitsign.com/index.php/sjss/article/view/v6n1-09

Vol. 6 Issue 1: June – November 2025

Published Online: November 29, 2025

Article Title

Ineffectiveness of Industrial Relations Court Decision Execution: A Critical Analysis of Procedural Law Vacuum and the Urgency of Establishing a Special Execution Institution

Author(s)

Dadan Herdiana

Universitas Pamulang, Indonesia || dosen02088@unpam.ac.id

Dian Ekawati*

Universitas Pamulang, Indonesia || dosen02090@unpam.ac.id

*Corresponding Author

Inawati Santini

Universitas Pamulang, Indonesia || dosen02196@unpam.ac.id

How to cite:

Herdiana, D., Ekawati, D., & Santini, I. (2025). Ineffectiveness of Industrial Relations Court Decision Execution: A Critical Analysis of Procedural Law Vacuum and the Urgency of Establishing a Special Execution Institution. *SIGn Journal of Social Science*, 6(1), 171-186. <https://doi.org/10.37276/sjss.v6i1.542>



This work is licensed under a CC BY-4.0 License

ABSTRACT

The development of labor law in Indonesia aims to achieve social justice by protecting workers' rights. However, the reality of law enforcement reveals a juridical anomaly in which Industrial Relations Court decisions that have obtained permanent legal force (inkracht van gewijsde) are frequently not executed (non-executable). Consequently, workers' normative rights, such as the right to severance pay and unpaid wages, remain unfulfilled. This study aims to analyze the root causes of such execution failures and to formulate effective institutional solutions. Utilizing a normative juridical research method with statutory, conceptual, and case approaches, this research examines the dependence of Law Number 2 of 2004 on the Civil Procedure Law—specifically the HIR/RBg—which is passive and formalistic in nature. The results indicate that execution failure is caused by the burden of asset proof being placed entirely on the worker. Furthermore, the absence of the court's investigative authority to conduct asset tracing, along with judges' weak application of Conservatory Attachment (Conservatoir Beslag) and Penalty Payments (Dwangsom), exacerbates the situation. Dependence on the archaic HIR/RBg procedures proves incompatible with the characteristics of labor disputes that demand speed. This is worsened by the dynamics of non-standard employment relationships in the gig economy, which are vulnerable to asset stripping. This study concludes that without procedural law reform, Industrial Relations Court decisions remain merely illusory judgments. Therefore, the establishment of a Special Execution Unit within the Industrial Relations Court, with autonomous authority to access integrated asset data, is recommended. Additionally, the issuance of regulations mandating the application of Dwangsom on an ex officio basis in every condemnatory (condemnatoir) decision is necessary to guarantee legal certainty and substantive justice for workers.

Keywords: Civil Procedure Law; Decision Execution; Dwangsom; Industrial Relations Court; Special Execution Institution.

INTRODUCTION

The development of labor law in Indonesia is fundamentally directed toward realizing social justice for all people (Herdiana & Hadi, 2021). This aligns with the mandate of Article 27 section (2) of the 1945 Constitution, which positions decent work and livelihood as fundamental human rights. Within the framework of a welfare state, the state intervenes through various regulatory instruments to balance the naturally unequal relationship between workers and employers. However, these noble ideals often collide with the harsh reality of rigid and formalistic law enforcement. Although material law substantively provides comprehensive guarantees for normative rights, the effectiveness of such legal protection collapses precisely when entering the execution phase of court decisions. This phenomenon creates a painful legal paradox for workers. A worker may win the legal battle on paper but suffer a total defeat in the actual realization of their rights. This condition confirms that a court victory is often merely symbolic, with no impact on restoring the worker's deprived welfare (Maulana et al., 2024).

The fundamental problem in resolving industrial relations disputes in Indonesia currently lies not in the absence of judicial institutions, but rather in the powerlessness of court decisions to force the losing party to comply with their obligations. The Industrial Relations Court, established with the spirit of fast, precise, fair, and low-

cost resolution, is, in reality, often trapped in convoluted, time-consuming procedures. When a decision has obtained permanent legal force (*inkracht van gewijsde*), there should be no further legal obstacles to workers obtaining their rights, such as severance pay, long service pay, or unpaid wages. However, empirical data and field facts demonstrate that the rate of non-executable decisions in the Industrial Relations Court remains remarkably high. Recent empirical findings on actual execution barriers across regions confirm this persistent issue (Gobel, 2025; Muzakkir & Husen, 2025).

Structural weaknesses in Indonesia's industrial relations justice system stem from procedural law's reliance on general civil law provisions, a legacy of the Dutch colonial era. Law Number 2 of 2004, despite its status as a *lex specialis* in labor law, does not independently regulate a specific and coercive execution mechanism. Instead, this law refers solely to the Civil Procedure Law applicable in the General Court. This reference points to the HIR for the Java-Madura region and the RBg for regions outside Java-Madura. Consequently, the execution procedure for labor decisions must follow the execution procedures of ordinary civil disputes, which are bureaucratic, rigid, and costly. This imposes a financial and psychological burden that workers often cannot bear. This condition reflects a systemic failure in both the substance and structure of the judiciary (Kasra, 2022; Wahyudi et al., 2023).

The absence of a special execution institution with autonomous authority in the realm of industrial relations exacerbates this legal uncertainty. In current judicial practice, the burden of searching for, identifying, and designating the employer's assets for execution confiscation is placed entirely on the applicant for execution, namely the worker. In reality, workers generally have limited access to information regarding company assets. This situation worsens if the company secretly commits asset stripping during the litigation process. This disparity in access to information and resources often leads to condemnatory decisions (*condemnatoires*)—ordering the payment of a sum of money—to end up hollow or illusory due to the absence of executable objects. This condition underscores the urgency of establishing a special institution for execution confiscation, a solution long advocated but not yet accommodated in current regulations (Herdiana, 2017; Yurikosari, 2022).

Furthermore, contemporary labor dynamics, which are increasingly complex due to the emergence of non-standard employment relationships and economic digitalization, add new layers of challenges to the execution of worker rights. When employment relationships are disguised as partnerships or flexible short-term contracts, identifying the liable legal subjects and executable assets becomes increasingly obscure. This vulnerability is not only experienced by formal workers but also extends to new sectors not fully covered by conventional legal protection. However, rather than responding to these challenges with progressive, adaptive procedural law reforms, the existing legal system appears stagnant. It continues to maintain archaic execution procedures that are no longer relevant to the speed of modern industrial dynamics (Fransisco et al., 2025).

Previous studies have largely focused on the substantive aspects of judicial decisions or on the effectiveness of dispute resolution. One such example is the research by [Permana and Saepudin \(2022\)](#), which focuses on casuistic analysis. However, there is still a scarcity of research specifically dissecting execution failures from the perspective of the systemic procedural law vacuum in Law Number 2 of 2004. Several prior studies tended to focus on the normative analysis of Law Number 13 of 2003¹ without deeply connecting it to the technical procedural obstacles contained in the HIR/RBg. This study aims to fill this research gap by offering a critical analysis of references to the old Civil Procedure Law. This reference has become a major *bottleneck* in the fulfillment of worker rights. There is an academic urgency to deconstruct the myth that Law Number 2 of 2004 is a complete solution, and to shift the discourse toward a more radical reform of execution procedural law oriented toward substantive justice ([Siddik, 2025](#)).

Against this background, this research is of urgent significance for addressing the recurring legal uncertainty in the execution of Industrial Relations Court decisions. This study aims to analyze in depth the juridical root causes that make Industrial Relations Court decisions difficult to execute. Furthermore, this research aims to test the effectiveness of the execution confiscation mechanism under the current Civil Procedure Law regime. Ultimately, this study aims to formulate concrete recommendations for establishing a more responsive and equitable execution mechanism. This mechanism is expected to ensure that every court decision has not only permanent legal force but also tangible and enforceable executive power.

Theoretically, this research is expected to contribute significantly to the development of labor and civil procedure law, particularly by enriching the discourse on the enforcement of special court decisions in Indonesia. In practice, the results of this study are expected to serve as valuable input and evaluation material for the government, legislators, and law enforcement officials in formulating policy reforms to industrial relations dispute settlement procedures. Thus, it is hoped that, in the future, no workers will have their rights neglected, despite a court decision with permanent legal force. Justice must not remain merely a constitutional promise on paper, but a reality palpable to every citizen seeking justice.

METHOD

This study constitutes normative legal research (doctrinal legal research) focused on examining norms or rules within the prevailing positive law ([Qamar & Rezah, 2020](#)). This approach is specifically selected to address the issues of the normative vacuum and the ineffectiveness of enforcement regulations in industrial relations disputes. Fundamentally, this problem is a matter of legal dogmatics. Within

¹Law Number 13 of 2003, as amended by Article 81 of Government Regulation in Lieu of Law Number 2 of 2022.

the framework of this research, law is conceptualized as what is written in regulations (law in books) or as norms that serve as standards for appropriate human behavior. Consequently, this research does not intend to test legal effectiveness through surveys or statistical field data (sociological). Instead, it aims to test the coherence, consistency, and validity of legal norms governing the execution mechanism of Industrial Relations Court decisions.

To dissect this legal issue comprehensively, this research employs three main approaches simultaneously: the statute approach, the conceptual approach, and the case approach. The statute approach involves examining all laws and regulations relevant to the legal issue at hand. The objective is to discover the logical reason (*ratio legis*) and the ontology behind the enactment of these laws. The conceptual approach is used to understand legal concepts such as “execution confiscation,” “industrial relations,” and “legal certainty.” Meanwhile, the case approach is utilized to analyze court decisions with permanent legal force to observe the application of legal norms in judicial practice.

The data source used in this research is secondary data consisting of primary, secondary, and tertiary legal materials (Sampara & Husen, 2016). The primary legal materials serving as the main basis of analysis include the 1945 Constitution as the constitutional foundation, Law Number 13 of 2003, and Law Number 2 of 2004. Specifically, this research also positions the HIR and the RBg as crucial primary legal materials. These two regulations serve as the reference for civil procedure law in the execution process of Industrial Relations Court decisions, as mandated by Article 57 of Law Number 2 of 2004. The absence of analysis of HIR/RBg in previous similar studies has often led to a failure to identify the root of technical execution problems.

In addition to primary legal materials, this research is supported by secondary legal materials that provide explanations regarding the primary materials. These secondary materials include draft bills, research results, legal textbooks, and academic journal articles relevant to dispute resolution and execution. These materials serve as an analytical lens for dissecting emerging legal doctrines and offer theoretical perspectives on justice and legal expediency. Meanwhile, tertiary legal materials, such as legal dictionaries and encyclopedias, provide guidance and clarification on primary and secondary materials. It aims to ensure the precise use of legal terminology within the manuscript.

Data collection techniques are conducted through library research by inventorying, classifying, and systematizing relevant legal materials. The collected legal materials are then analyzed qualitatively using the deductive syllogism method. The analysis process begins by establishing the major premise, consisting of positive legal rules regarding execution (HIR/RBg and Law Number 2 of 2004). Then, the major premise is juxtaposed with the minor premise, which consists of legal facts regarding the obstacles to the decision’s implementation in the field. From this juxtaposition,

a prescriptive conclusion is drawn regarding what ought to be done (*das sollen*) to address the existing legal gap.

In conducting data analysis, the author employs legal interpretation methods (legal hermeneutics), specifically systematic interpretation and teleological interpretation (Irwansyah, 2020). Systematic interpretation is used to connect the articles in Law Number 2 of 2004 with the provisions in the HIR/RBg. The goal is to observe the interrelation and potential conflict between the two norms. Meanwhile, a teleological interpretation is used to understand the societal purpose or objective of Law Number 2 of 2004, namely, to provide fast and affordable justice for workers. By using these analysis techniques, the research is expected to reveal that the execution stagnation is not merely a technical problem. This stagnation is a consequence of the misalignment between modern labor law objectives and the colonial-era instruments of civil procedure law that are still in place.

RESULTS AND DISCUSSION

A. Characteristics of *Condemnatoir* Decisions in the Industrial Relations Court and the Urgency of *Conservatoir Beslag*

In the Indonesian industrial relations dispute settlement regime, decisions rendered by the Industrial Relations Court can be categorized into three types: declaratory (*declaratoire*), constitutive (*constitutief*), and condemnatory (*condemnatoir*). Of these three types, the most crucial yet simultaneously the most vulnerable to execution failure is the *condemnatoir* decision. Specifically, this refers to decisions ordering the employer to pay a sum of money, whether in the form of severance pay, long service pay, compensation for rights, or wages during the dispute process (Ekawati & Herdiana, 2023). This vulnerability arises because the effectiveness of executing a *condemnatoir* decision relies heavily on the availability of the defendant's (employer's) assets at the time the decision obtains permanent legal force (*inkracht van gewijsde*). If, at the moment execution is to be carried out, the employer's assets have been destroyed, transferred, or concealed, the court's decision favoring the worker instantly loses its executory force. The decision transforms into an illusory judgment, a decision that is beautiful on paper but hollow in reality (Herdiana, 2018).

To anticipate the risk of such asset vacancy, civil procedure law actually provides a preventive instrument known as Conservatory Attachment (*Conservatoir Beslag*). Provisions regarding *Conservatoir Beslag* are explicitly regulated in Article 227 section (1) of the HIR or Article 261 section (1) of the RBg. These articles grant authority to the judge to order the seizure of movable or immovable property belonging to the defendant. The objective is to guarantee that the plaintiff's lawsuit does not become futile (illusory) if granted subsequently. In the context of industrial relations disputes, *Conservatoir Beslag* has a far higher

urgency than ordinary civil disputes. This is due to the position of workers who are economically very vulnerable; the disputed wages and severance pay are often the sole source of livelihood for workers and their families. Therefore, the failure to secure employer assets early on is not merely a technical legal issue. Such failure constitutes a humanitarian issue that directly affects workers' survival (Prabawa & Sulaiman, 2023).

However, a striking anomaly exists in the practice of industrial relations justice in Indonesia. The panel of judges tends to be reluctant or highly restrictive in granting *Conservatoir Beslag* applications submitted by workers. This phenomenon can be categorized as a form of judicial diagnostic failure, in which judges fail to identify the real risk of asset stripping, often committed by rogue employers, during the protracted litigation process (Siddik, 2025). Judges frequently hide behind the pretext of complicated formalities for proving asset ownership, or assume that *Conservatoir Beslag* will disrupt the company's operational continuity. In reality, such legal logic is flawed because it ignores the fact that without asset security, a *condemnatoir* decision possesses no coercive power whatsoever. A decision ordering the payment of hundreds of millions of rupiah in severance will be futile if the company is suddenly declared bankrupt or if its assets are transferred to a third party before execution.

The absence of *Conservatoir Beslag* is exacerbated by the length of the dispute settlement process, ranging from bipartite negotiations, mediation, and trials in the Industrial Relations Court, to cassation in the Supreme Court. This lengthy process provides a very loose time window for bad-faith employers to undertake asset-salvage efforts. When the decision finally becomes *inkracht van gewijsde*, and the worker files for execution, often what remains is a corporate legal entity that is already insolvent or assets that have been pledged to secured creditors (banks). Consequently, even workers as preferential creditors no longer have assets to execute on. In such conditions, the principle of "fast, precise, fair, and cheap" which serves as the spirit of Law Number 2 of 2004 is completely negated by a procedural reality that is sluggish and unprotective (Wahyudi et al., 2023).

Furthermore, the failure of this *Conservatoir Beslag* mechanism demonstrates the inability of the colonial legacy civil procedure law (HIR/RBg) to respond to modern industrial relations dynamics. The HIR/RBg is built upon the assumption of equality of arms, where the plaintiff is considered to possess the capability equal to the defendant in tracing and proving assets. This assumption is clearly erroneous in the labor context, where extreme information asymmetry exists between workers and employers. Workers generally lack access to financial data or company asset lists. Consequently, it is nearly impossible for them to submit a *Conservatoir Beslag* application that meets the specificity requirements demanded by the HIR/RBg. Applications are often rejected for being considered obscure

(*obscur*), whereas such obscurity is the result of the company's own information secrecy (Gobel, 2025).

Therefore, it can be concluded that the protection of worker rights in *condemnatoir* decisions is insufficient if limited only to winning the verdict. Protection must commence from the beginning of the process through progressive *Conservatoir Beslag* instruments. A paradigm shift toward judicial activism is required among Industrial Relations Court judges to be bolder in applying *Conservatoir Beslag* on an *ex officio* basis or with a lighter burden of proof for workers. This step is crucial to guarantee the certainty of future execution. Without this breakthrough, Industrial Relations Court decisions will remain trapped in a cycle of pseudo-victory. Worker rights are recognized legally but denied factually due to the absence of execution objects that have “evaporated” during the judicial process (Permana & Saepudin, 2022).

B. Juridical Anomalies in Execution Procedures: A Critique of the Dependence on HIR/RBg

The most fundamental weakness in the legal construction of industrial relations dispute settlement in Indonesia lies in the absence of an independent, specific procedural law for execution within Law Number 2 of 2004. Article 57 of Law Number 2 of 2004 normatively delegates the execution procedure back to the general civil procedure law provisions applicable in the General Court environment. This reference automatically makes the HIR for the Java and Madura regions, and the RBg for regions outside Java and Madura, the sole procedural guidelines. However, the application of these colonial legal instruments in modern labor disputes creates serious juridical anomalies. Procedures designed for civil disputes between equal individuals (such as commercial default) are forced to resolve structural disputes that are inherently unequal between workers and employers. Consequently, the principle of a “fast, precise, fair, and cheap” resolution championed by Law Number 2 of 2004 is negated by a slow, expensive, and bureaucratic execution process (Kasra, 2022).

The first stage in the execution procedure, serving as the starting point of stagnation, is the mechanism of Admonition (*Aanmaning*). Based on Article 196 of the HIR or Article 207 of the RBg, before real execution can be carried out, the Chairperson of the District Court must summon the losing party (the execution respondent) to be admonished to voluntarily execute the decision within a grace period of 8 (eight) days. Theoretically, this stage is intended to provide the respondent with a final opportunity. However, in industrial relations practice, this 8-day grace period often becomes a fatal loophole exploited by bad-faith employers. They can utilize this time to move, conceal, or transfer company assets (asset stripping) before execution confiscation is imposed. Since at the *Aanmaning* stage there is no forced asset security measure (unless a Conservatory Attachment

was previously placed), the worker is in a highly vulnerable position. When the bailiff arrives to execute the confiscation after the *Aanmaning* period has elapsed, what often remains is an empty office or dilapidated machinery that lacks sufficient economic value to cover severance payment obligations (Wahyudi et al., 2023).

Furthermore, a more complex juridical obstacle exists at the stage of imposing Execution Confiscation (*Executorial Beslag*). Article 197 of the HIR and Article 208 of the RBg provide that confiscation is implemented upon the order of the Chairperson of the District Court. However, Indonesian civil procedure law adheres to the passive principle, under which the court (including the bailiff) acts solely on the initiative and instructions of the execution applicant. It means the burden of proving the existence of the execution respondent's assets is placed entirely on the worker's shoulders. The worker is required to specifically designate which goods are to be confiscated, their location, and proof of ownership. This legal construction is profoundly unfair to workers who, as previously mentioned, have limited access to internal company data. Without investigative capabilities and data access, execution applications submitted by workers are often rejected or declared non-executable because the object of confiscation is considered obscure (*obsuur*) or cannot be found (Permana & Saepudin, 2022).

This situation is exacerbated by the court's lack of coercive authority to order employers to open their asset data. Unlike systems in several other countries that recognize the concept of asset discovery or the debtor's post-judgment obligation to disclose assets, the HIR/RBg does not provide judges or bailiffs with tools to actively trace assets. The bailiff is merely an administrative executor who visits the location designated by the applicant. If no assets are found at the location, or if the assets are claimed to belong to a third party, the bailiff will draft an official report of non-execution. In many field study cases, such as those found in Gobel (2025) research in Gorontalo, execution obstacles are due not only to employer noncompliance. Obstacles also arise because the legal system does not facilitate asset searching, leaving workers who already hold an *inkracht* decision unable to obtain their rights because "there is nothing to confiscate."

In addition to procedural obstacles, execution costs also constitute a significant barrier. Although Article 58 of Law Number 2 of 2004 waives court fees for lawsuits valued at Rp150 million or less, this provision is often interpreted narrowly to apply only to registration and trial fees. Operational costs for actual execution (such as transportation costs for confiscated goods, police security fees, auction announcement costs, and appraisal fees) are often not covered. In the practice of civil procedure law (HIR/RBg), these costs are charged to the execution applicant in advance. For workers who have lost income due to the termination of employment, the obligation to pay this advance payment (*voorschot*) is often the primary reason they abandon their intention to petition for execution, even

though they legally stand on the winning side. This inability to pay execution costs effectively closes access to justice for impoverished workers (Yurikosari, 2022).

This problematic situation becomes increasingly complex when confronted with the reality of modern corporate structures and non-standard employment relationships, such as in the gig economy. Digital platform companies often hold intangible assets, such as algorithms, user data, and intellectual property rights. These types of assets are difficult to reach by the concept of “movable/immovable goods” in the archaic HIR/RBg. Moreover, pseudo-partnership relationships often obscure which entity is actually responsible for compensation payments. When online motorcycle taxi drivers win lawsuits over their labor rights, for instance, the execution challenge multiplies due to the fluid, often cross-jurisdictional structure of technology companies’ assets. It demonstrates that the HIR/RBg has experienced acute obsolescence in the face of the dynamics of the digital economy (Fransisco et al., 2025).

The condition of contract workers (Fixed-Term Employment Contract/PKWT) also vividly illustrates how vulnerable the worker’s position is when faced with sluggish execution procedures. Contract workers whose contracts are unilaterally terminated often have short tenures and relatively low compensation. If they must pursue the HIR/RBg execution path, which can take months or even years, the cost-benefit analysis becomes irrational. The costs and energy expended to manage execution are often greater than the compensation value being fought for. Consequently, many contract workers choose to relinquish their rights (forced settlement) rather than be trapped in the dark labyrinth of uncertain execution procedures (Deviona et al., 2024).

Thus, the absolute dependence of Law Number 2 of 2004 on the HIR/RBg regarding execution constitutes a legislative design flaw. Instead of creating a fast-track special procedure, Law Number 2 of 2004 plunges labor disputes into the maze of slow and expensive general civil procedure. The absence of special rules (*lex specialis*) governing progressive execution procedures—such as the reversal of the burden of proof or the court’s authority to investigate assets—has led Industrial Relations Court decisions to lose their authority. Without radical reform of this procedural law governing execution, the promise of legal protection for workers is merely rhetoric grounded in nothingness.

C. Legal Reconstruction of Execution: Towards the Establishment of a Special Execution Institution and the Application of *Dwangsom*

The systemic failure to execute Industrial Relations Court decisions demands radical reform that is not merely patchwork but addresses the institutional and procedural aspects. The most urgent solution to resolve execution stagnation is the establishment of a special execution unit or institution under the Industrial

Relations Court possessing autonomous and proactive authority. Unlike general civil bailiffs who work passively, awaiting orders and instructions from the applicant, this special execution institution must be designed with investigative authority to conduct asset tracing. With this authority, the burden of proving the existence of assets is no longer placed entirely on the worker, who has limited access, but is taken over by the state as part of its constitutional responsibility to provide legal protection. This concept aligns with the idea of establishing an autonomous execution institution capable of bypassing the district court bureaucracy, which has long been a *bottleneck* in dispute resolution (Yurikosari, 2022).

The establishment of this special execution institution is not without precedent. In practice in several countries with advanced labor justice systems, courts are equipped with enforcement officers who have direct access to state asset databases, such as land, banking, and vehicle ownership data. In Indonesia, a similar model can be applied by granting special authority to the Industrial Relations Court to access data from the Directorate General of General Legal Administration (AHU) to track legal entity status, the National Land Agency (BPN) for land assets, and the One-Stop Administration Services (Samsat) for vehicles. Transparency and the integration of asset data are key to breaking the asset-stripping *modus operandi* frequently committed by rogue employers. Without the ability to track assets in real time, court decisions will remain mere legal documents (Gobel, 2025).

In addition to institutional reform, procedural law instruments also need to be strengthened by the automatic imposition of Penalty Payments (*Dwangsom*) in every condemnatory decision of the Industrial Relations Court. Currently, *Dwangsom* is imposed only upon the plaintiff's request, and judges are often reluctant to grant it due to procedural formalities. Moving forward, the procedural law of the Industrial Relations Court must be revised to make *Dwangsom* an inherent part of the decision. Consequently, employers who delay payment of workers' rights after the *inkracht* decision will be subject to a daily fine that accumulates progressively. This mechanism will create an economic deterrent, forcing employers to immediately implement the decision voluntarily without waiting for the convoluted execution confiscation process. The strict application of *Dwangsom* is a vital instrument for altering employers' business calculations, who have thus far felt it "cheaper" to ignore court decisions than to obey them (Herdiana, 2017).

In the context of corporate restructuring or crisis conditions, which are often grounds for mass layoffs, the role of the special execution institution is crucial to ensure that workers' rights are prioritized over other concurrent creditors. In current practice, when a company goes bankrupt or is restructured, workers' positions are often displaced by creditors (banks). It occurs because

the Industrial Relations Court's execution process is slower than that for mortgage rights. With an agile execution institution, execution confiscation can be carried out more rapidly to secure the Bankruptcy Estate (*Boedel*), serving as the guarantee for severance payments. This is highly relevant to the dynamics in Regionally Owned Enterprises or private companies implementing efficiency measures, where managerial decisions often sacrifice workers' rights when no legal instrument exists to compel compliance (Muzakkir & Husen, 2025).

Furthermore, this reform must also encompass protection for workers bound by employment agreements with complex restrictive clauses, such as non-competition clauses, which often conflict with workers' human right to work. In practice, such clauses are frequently used by employers as a shield to delay or refuse post-termination compensation payments under the pretext of trade secret violations (Purnamasari et al., 2023). Therefore, the special execution institution should provide a simple, cost-free small-claims execution mechanism. This procedure would cut through the repetitive admonition bureaucracy and allow for direct execution against company account balances or other liquid assets. Through the authority to assess the validity of obstructive clauses quickly via a Summary Judgment mechanism or simple execution, the lengthy ordinary civil proof process can be avoided. Without a mechanism responsive to the complexity of these modern contracts, workers, including those in the gig economy, will continue to be marginalized from access to substantive justice (Fransisco et al., 2025).

In conclusion, this legal reconstruction of execution is an absolute prerequisite for the realization of substantive justice in industrial relations. The government and legislators must no longer allow Law Number 2 of 2004 to limp along without strong execution legs. The synergy among establishing a special execution institution, integrating asset data, and the automatic application of *Dwangsom* will restore the authority of the industrial relations judiciary as the last bastion of justice for workers. Only in this way can labor legal protection transform from mere normative promises in statutes into a reality of welfare enjoyed by every worker in Indonesia (Maulana et al., 2024).

CONCLUSIONS AND SUGGESTIONS

Based on an in-depth analysis of the legal problems regarding the execution of Industrial Relations Court decisions, this study concludes that the failure to enforce workers' rights following a decision with permanent legal force (*inkracht van gewijsde*) is not merely a residue of employer non-compliance. This failure is a direct consequence of a legislative design flaw in Law Number 2 of 2004. The root of the problem lies in Article 57 of Law Number 2 of 2004, which forces the application of the general civil procedure law (HIR/RBg) to resolve labor disputes possessing specific characteristics. The application of the passive judge principle and the burden of asset proof placed entirely on the execution applicant within the HIR/RBg regime has proven

to be a major barrier to justice for workers with limited access to information and financial resources. Consequently, condemnatory (*condemnatoir*) decisions, which should provide substantive justice, are frequently degraded into illusory judgments or mere paper victories. This occurs because executable objects are absent due to asset-stripping practices that the obsolete procedural law did not anticipate.

Specifically, this study finds that the admonition (*aanmaning*) mechanism and conventional execution confiscation procedures are no longer relevant to respond to modern industrial relations dynamics that demand speed. The absence of automatic coercive instruments, such as progressive conservatory attachment (*Conservatoir Beslag*) and imperative penalty payments (*dwangsom*), creates a gap too wide for the losing party to evade their obligations. Furthermore, the absence of an execution institution with autonomous and investigative authority to conduct asset tracing results in the state failing to provide complete legal protection. This is exacerbated by the emergence of non-standard employment relationships in the gig economy and contract work systems, which increasingly obscure legal subjects and executable assets. This condition leaves workers in an extreme position of vulnerability, without an adequate executive legal safety net.

As an implication of these conclusions, urgent and fundamental legal reconstruction measures are recommended. *First*, the Government and the House of Representatives must immediately revise Law Number 2 of 2004 or draft a special industrial relations civil procedure law that detaches itself from the HIR/RBg regime. This revision must mandate the establishment of a Special Execution Unit under the Industrial Relations Court, equipped with asset-tracing authority, integrated with banking, land, and general legal administration data, to shift the burden of asset proof from the worker to the state. *Second*, the Supreme Court is advised to issue a Supreme Court Regulation (PERMA) requiring Industrial Relations Court judges to apply *dwangsom* on an *ex officio* basis in every *condemnatoir* decision and to simplify the requirements for granting *Conservatoir Beslag* at the beginning of the trial as a preventive asset salvage step.

Finally, for stakeholders, particularly trade unions and legal practitioners, a more comprehensive litigation strategy is required. This strategy should not only focus on the material victory in the lawsuit, but also aggressively seek conservatory attachment (*beslag*) and a *dwangsom* from the outset. On the other hand, employers are encouraged to establish good corporate governance by voluntarily complying with court decisions to maintain a conducive and equitable investment climate. The synergy between regulatory reform, strengthened executive institutions, and a culture of legal compliance will ultimately restore the authority of the industrial relations judiciary. This synergy will also ensure that the worker's constitutional right to a decent livelihood no longer ends in the courtroom but is realized in tangible ways in life.

REFERENCES

- The 1945 Constitution of the Republic of Indonesia. <https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar>
- Colonial Regulations, *Staatsblad* Number 496 of 1926 on the *Herzien Inlandsch Reglement*. <https://jdih.mahkamahagung.go.id/legal-product/herzien-inlandsch-reglement-hir/detail>
- Colonial Regulations, *Staatsblad* Number 227 of 1927 on *Reglement tot Regeling van het Rechtswezen in de Gewesten Buiten Java en Madura*. <https://putusan3.mahkamahagung.go.id/peraturan/detail/11e9da0a8acb021e8439313835303432.html>
- Deviona, A. A., Sriono, S., & Siahaan, N. (2024). Social Security and Compensation: Analyzing the Protection of Fixed-Term Employment Contract Workers under the Omnibus Law on Job Creation. *SIGn Jurnal Hukum*, 6(2), 85-96. <https://doi.org/10.37276/sjh.v6i2.369>
- Ekawati, D., & Herdiana, D. (2023). Pengaturan Pemberian Hak Upah dalam Proses Pemutusan Hubungan Kerja dan Implementasinya dalam Putusan Hakim. *Jurnal Kewarganegaraan*, 7(2), 2044-2050. Retrieved from <https://journal.upy.ac.id/index.php/pkn/article/view/5586>
- Fransisco, F., Nugroho, A., & Natania, E. B. R. (2025). Non-Standard Employment Relationships in the Digital Era: A Normative Study on the Regulatory Void in Protecting Ride-Hailing Drivers. *SIGn Jurnal Hukum*, 7(1), 580-597. <https://doi.org/10.37276/sjh.v7i1.503>
- Gobel, A. P. A. (2025). Hambatan Eksekusi Putusan PHI terhadap Perkara Pemutusan Hubungan Kerja Gorontalo. *Judge: Jurnal Hukum*, 6(3), 615-630. <https://doi.org/10.54209/judge.v6i03.1595>
- Government Regulation in Lieu of Law of the Republic of Indonesia Number 2 of 2022 on Job Creation (State Gazette of the Republic of Indonesia of 2022 Number 238, Supplement to the State Gazette of the Republic of Indonesia Number 6841). <https://peraturan.go.id/id/perppu-no-2-tahun-2022>
- Herdiana, D. (2017). Perlindungan Hukum Terhadap Pekerja yang Diputus Dipekerjakan Kembali Melalui Putusan Pengadilan Hubungan Industrial yang Eksekusinya Tidak Dijalankan Ditinjau dari Het Herziene Indonesisch Reglement (HIR) dan Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial (PPHI). *Prosiding Seminar Ilmiah Nasional: Membangun Paradigma Kehidupan Melalui Multidisiplin Ilmu*, 2(1), 407-426. Retrieved from <https://openjournal.unpam.ac.id/index.php/proceedings/article/view/1388>
- Herdiana, D. (2018). Pemutusan Hubungan Kerja Karena Kesalahan Berat Ditinjau dari Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan dan Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial. *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, 5(1), 394-410. Retrieved from <https://openjournal.unpam.ac.id/index.php/skd/article/view/1540>

- Herdiana, D., & Hadi, A. (2021). Tinjauan Yuridis Normatif tentang Penetapan Upah Minimum (Studi Komparatif Penetapan Upah Minimum Sebelum dan Setelah Terbitnya Peraturan Pemerintah Nomor 78 Tahun 2015 tentang Pengupahan). *Prosiding Senantias: Seminar Nasional Hasil Penelitian dan Pengabdian Kepada Masyarakat*, 1(1), 317-326. Retrieved from <https://openjournal.unpam.ac.id/index.php/Senan/article/view/8224>
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.
- Kasra, H. (2022). Kritik Terhadap Sistem Penyelesaian Perselisihan Hubungan Industrial di Indonesia: Studi UU No 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial Perspektif Teori Sistem Hukum. *Sol Justicia*, 5(1), 97-112. <https://doi.org/10.54816/sj.v5i1.484>
- Law of the Republic of Indonesia Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/196>
- Law of the Republic of Indonesia Number 2 of 2004 on the Settlement of Industrial Relations Disputes (State Gazette of the Republic of Indonesia of 2004 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 4356). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/2>
- Law of the Republic of Indonesia Number 6 of 2023 on Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation Into Law (State Gazette of the Republic of Indonesia of 2023 Number 41, Supplement to the State Gazette of the Republic of Indonesia Number 6856). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1825>
- Maulana, M. H., Manurung, D. A., Alfahrizi, A., & Agil, S. (2024). Analisis Hukum Ketenagakerjaan di Indonesia. *Jurnal Cendikia ISNU SU*, 1(2), 139-146. Retrieved from <https://journal.isnu-sumut.org/index.php/jcisnu/article/view/252>
- Muzakkir, A. K., & Husen, L. O. (2025). The Legal Status and Authority of the Interim President Director of the Regional Public Corporation for Water Utility of Makassar City. *Al-Ishlah: Jurnal Ilmiah Hukum*, 28(1), 62-81. <https://doi.org/10.56087/aijih.v28i1.1028>
- Permana, Y. S., & Saepudin, A. (2022). Industrial Relations Dispute Claims Termination by Workers (Case Study of Case Number 972K/Pdt.Sus-PHI/2018). *Journal Evidence of Law*, 1(1), 84-111. <https://doi.org/10.59066/jel.v1i1.29>
- Prabawa, S. Y., & Sulaiman, S. (2023). Implementasi Penyelesaian Sengketa Industrial dalam Perspektif Bipartit Menurut Undang-Undang Nomor 2 Tahun 2004 tentang Penyelesaian Perselisihan Hubungan Industrial. *As-Shahifah: Journal of Constitutional Law and Governance*, 3(2), 96-120. <https://doi.org/10.19105/assshahifah.v3i2.10149>

- Purnamasari, W., Syarief, E., & Shahrullah, R. S. (2023). The Conflict of Trade Secret Protection and Workers' Rights in Non-Competition Clauses. *SIGn Jurnal Hukum*, 5(1), 168-181. <https://doi.org/10.37276/sjh.v5i1.273>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGn). <https://books.google.co.id/books?id=TAQHEAAAQBAJ>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Siddik, M. (2025). Judicial Diagnostic Failure: A Deconstruction of Disharmony as a Rationale in Employment Termination Rulings. *SIGn Jurnal Hukum*, 7(1), 598-613. <https://doi.org/10.37276/sjh.v7i1.512>
- Wahyudi, H., Nurlaily, N., & Seroja, T. D. (2023). Kepastian Hukum Terhadap Pemenuhan Hak-Hak Normatif Pekerjapasca Putusan Pengadilan Hubungan Industrial. *Jurnal Hukum Samudra Keadilan*, 18(1), 142-157. <https://doi.org/10.33059/jhsk.v18i1.7467>
- Yurikosari, A. (2022). Perlunya Lembaga Sita Eksekusi pada Pengadilan Hubungan Industrial di Indonesia. *Jurnal Hukum Prioris*, 10(2), 125-138. <https://doi.org/10.25105/prio.v10i2.17016>