

MANAGERIAL APPROACH AS AN EFFORT TO AVOID INDUSTRIAL RELATIONS DISPUTES

Hari Sapto Adji

Tompotika University, Luwuk Banggai
hari.sapto@ymail.com

Abstraction

A company, for both employers and workers, basically has an interest in the continuity of the business being carried out. Furthermore, both parties, in turn, will result in the success of the company.

Even though both of them have an interest in the success of the company, along the way, it is not inevitable that at least there will be conflicts/disputes between employers and workers.

Of course, in reality the relationship between the two parties is not always harmonious. Entrepreneurs instinctively generally always want to reduce expenses to get the maximum profit. This is of course related to economic principles as the company's basis for implementing efficiency in achieving adequate profits.

On the other hand, workers are sometimes more concerned with rights than obligations that are a burden to them.

There are differences in perspective between employers and workers, of course, not only from the aspect of income but also other aspects, for example the rights and obligations between workers and companies.

Whether we realize it or not, usually in various disputes or conflicts, often those who disagree turn out to be both right. Because at least by understanding the difference, looking for the same view, looking for the same true side.

Without exception. Industrial relations disputes according to Law no. 2 of 2004 concerning Settlement of Industrial Relations Disputes are differences of opinion that result in conflict between employers or a combination of employers and workers/laborers or trade unions/labor unions because of disputes regarding rights, disputes over interests, disputes over termination of employment relations and disputes between trade unions/labor unions in one company.

If disputes arise between workers and employers, bipartite negotiations (both parties) can be the main solution in order to achieve harmonious industrial relations.

According to article 1 number 16 of Law Number 13 of 2003 concerning manpower, the notion of Industrial Relations is a system of relations formed between actors in the process of producing goods and/or services consisting of elements of entrepreneurs, workers/laborers and the government based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia. Unlike the employment relationship, which is only the relationship between employers and workers/labor, industrial relations involve the government in it.

Industrial relations are expected to be created in such a way as to be safe, harmonious, compatible and in line with the improvement of the nation's welfare.

On this occasion the author will offer an alternative to preventing disputes through a leadership management approach. At least this leadership approach also concerns managerial aspects of human resources related to labor law efforts and other applicable laws and regulations.

In the process of ongoing work relations, it is possible for disputes or disputes to arise between employers and workers, which inevitably must be sought for a settlement that is at least acceptable to all parties.

The government has prepared a means of resolving industrial relations in a formal juridical manner through positive law legislation. However, other efforts such as the leadership management approach can also be applied as an alternative means of resolving industrial relations disputes. This can be pursued in carrying out various managerial approaches such as the Communication Approach, the Conflict Approach and the Leadership Approach

Keywords: Industrial Relations, Dispute/Conflict, Communication, Leadership

Introduction

An employment relationship is a replacement term for the term labor relations. At the beginning of its development, work relations/labor relations discussed the relationship between workers and employers.

However, without us realizing it, the real relationship between workers and employers is not a stand-alone problem. However, it is highly influenced and influences other issues such as economic, social, political, cultural and so on. As a result, labor relations have been deemed inappropriate due to the complexity of the problems that follow. Thus began to develop a new term with what is called industrial relations. Which of course has a wider scope.

In accordance with Article 102 of Law Number 13 of 2003 concerning Manpower, the duties of each party in industrial relations are defined as follows:

1. The government: establishes policies, provides services, carries out supervision, and takes action against violations of labor laws and regulations.
2. Workers/laborers and their trade/labor unions: carry out work according to their obligations, maintain order for the continuity of production, channel aspirations democratically, develop their skills and expertise and participate in advancing the company and fighting for the welfare of its members and their families.
3. Entrepreneurs and their employers' organizations: create partnerships, develop businesses, expand employment opportunities, and provide workers/laborers' welfare in an open, democratic and fair manner.

In fact, according to the author, there is also the government as a party carrying out supervisory duties. Especially labor inspectors who have important duties, at least through their role of carrying out the supervisory function, as stated by Willy Farianto, that the Functions of Labor Inspectors: (Willy Farianto, 2019: H.70)

- a. Ensuring law enforcement regarding working conditions and labor protection as well as regulations concerning working conditions.
- b. Providing information on issues of a technical nature to employers and workers who are most effective in complying with laws and regulations.
- c. Notifying the government regarding the occurrence of deviations or abuses that are not specifically regulated in the applicable laws

Furthermore, related to the employment relationship, it is a legal relationship between the worker and the employer that originates from a relationship that is in the nature of an employment agreement in which there are elements of work, orders and wages.

Here the employment relationship is the essence of industrial relations. In the development of the discussion of working relations there are the following elements: (Whimbo Pitoyo, 2010: H.7)

1. There must be a job

The meaning here is that work is the object of the agreement so that it becomes an important element in the work agreement.

2. There must be an order

The meaning here is that an order is a right or more precisely the authority of an employer or employer to workers in carrying out work obligations.

3. There must be a wage

The meaning here is that wages are work rights received which are rewards which can be in the form of money or in other forms because of the work and or services performed by workers.

In the implementation of the employment relationship can occur with 2 types of types of time of implementation of the agreement, namely:

A. Fixed Time Work Agreement. The agreement determines when the employment relationship will end, also in relation to certain types of work

In fact, according to Zaeni Asyhadie, the Specific Time Work Agreement has conditions, which must be met, namely (Zaeni Asyhadie, 2015: H. 61)

- a. Have a certain period of time;
- b. There is a job that is completed within a certain time;
- c. There are no trial conditions.
- d. There are job requirements that are completed once or are temporary in nature,
- e. Work that is estimated to be completed in not too long time and no later than three years; seasonal work
- f. Jobs related to new products

B. Work Agreement for Unspecified Time. This agreement does not specify when the employment relationship will end, but is solely determined by the existence of a job that is terminated due to an employee's fault, because the worker retires, the worker resigns, the company stops operations (closes), or even the worker dies.

In a legal relationship such as an employment relationship it is necessary to also imply the principle of good faith for both parties. The principle of good faith must be the foundation of every legal relationship, including industrial relations. Good faith is the basis for the creation of a trust (trust) between the parties.

As stated by Asri Wijayanti, that between subjects (workers, trade unions, employers and the State) must have obligations based on good faith which can at least be reflected in negotiations in an effort to resolve problems, apart from other principles (Asri Wijayanti, 2018: H.78)

Of course, in the implementation of employment relations, both by the employer and by the worker, it is possible that a dispute or dispute may arise. Disputes or labor relations disputes or commonly called industrial relations disputes are a form of dispute between workers and employers.

Therefore industrial relations should reflect a harmonious atmosphere that can be a factor of work calm, comfort, security and national stability in general.

Industrial relations disputes or disputes must be resolved, so that the negative impacts of industrial relations disputes can be minimized or even eliminated.

The settlement of industrial relations disputes between employers and workers is necessary for the creation of harmonious and conducive industrial relations between the two parties. Sometimes, besides the word dispute, some people also mention the word dispute.

As for conflict, conflict is actually something normal in a social interaction, including in the work environment. In fact, it could be that the conflict shows that each party is a principled and opinionated person, not just working. However, if the conflict is caused by something bad, it means that the resolution requires good communication. Even a severe conflict, a solution can be obtained through good communication.

As expressed by Henry Campbell Black in his dictionary book Black's Law Dictionary "Conflict/dispute controversy: a conflict of claims or right, an assertion of right, claim or demand on one side, met by contrary claims or allegation on the other, The subject of litigation, etc (Henry Campbell Black, 1979:P.424)

The settlement of industrial relations disputes between employers and workers is necessary for the creation of harmonious and conducive industrial relations between the two parties. In a company, both employers and workers basically have an interest in the continuity of the business and the success of the company. Therefore, this can improve the welfare of workers/laborers and expand new job opportunities to tackle unemployment in a country.

Although both have an interest in the success of the company, it is possible that conflicts/disputes still frequently occur between employers and workers.

If there is a dispute between workers and employers, then at least as a first step bipartite negotiations can be the main solution in order to achieve harmonious industrial relations. Conducive industrial relations between employers and workers/labourers are the main key to avoiding Termination of Employment,

In a corporate organization, conflicts related to differences of opinion can sometimes be a guide in finding solutions, creativity and even innovation. In fact, on the contrary, organizations that avoid conflict are often stagnant, monotonous, do not develop and only carry out routines as they are.

Basically, the source of conflict stems from the existence of a certain desire that is conveyed incorrectly. In the work environment there are at least 3 (three) interactions, namely the relationship with superiors, with fellow co-workers and with subordinates.

The way to convey wishes to superiors is certainly different from how to convey wishes to subordinates, as well as colleagues.

Industrial relations disputes according to Law no. 2 of 2004 concerning the Settlement of Industrial Relations are differences of opinion that result in conflict between employers or groups of employers and workers/laborers or trade unions/labor unions because of disputes regarding rights, disputes over interests, disputes over the termination of employment relations and disputes between trade unions/labor unions in one company.

The mechanism for settling industrial relations disputes has been regulated in Law Number 2 of 2004 concerning Industrial Relations Dispute Settlement (UU PPHI) through several stages starting from bipartite, mediation (arbitration/conciliation), to the industrial relations court (PHI).

Meanwhile, according to Law No. 2 of 2004 concerning Settlement of Industrial Relations, there are various ways, viz

- a. Settlement of disputes through Mediation.
- b. Settlement of disputes through conciliation
- c. Settlement of disputes through Arbitration
- d. The litigation lawsuit can be taken if the parties do not agree on points a, b and c

In the author's opinion, the mechanism of the litigation process at the Industrial Relations Court, at least, contains weaknesses because the types of disputes regulated in Law No. 2 of 2004 concerning the Settlement of Industrial Relations are limited to only 4 types, namely rights disputes; interest; termination of employment (PHK); and disputes between trade unions/labor unions within one company.

In fact, many aspects of industrial relations disputes and disputes have not been included in Law No. 2 of 2004 concerning the Settlement of Industrial Relations. For example, conflicts between employers and employers'

associations; workers with trade unions; or involving third parties such as the community and the government.

Therefore, in the opinion of the author, the managerial approach is an effective effort without ignoring the rights and obligations of the parties in establishing industrial relations, which in turn is an effort to prevent conflicts or disputes.

Based on the above, the following problems may arise:

The managerial approach is a means of preventing labor conflicts without ignoring the rights and obligations between employers and workers in industrial relations.

Discussion

A. Conflict Approach.

Talking about conflict or dispute, traditionally the approach to conflict in an organization can be done in a simple and optimistic manner. According to Joe Kelly, this approach is based on assumptions such as: (Joe Kelly, 1974: H.555)

- a. Conflict can definitely be avoided
- b. Conflict arises because there are players who cause the conflict
- c. Legalistic forms of authority such as settlements are emphasized
- d. The scapegoat is accepted as something that cannot be avoided.

At least when we pay close attention to these 4 things, there are no sharp, protracted and prolonged organizational conflicts. In principle, when carrying out settlements, it is generally carried out by deliberation, which is the culture of the Indonesian nation as a reflection in carrying out loyal settlements of social problems. Of course, as long as both parties are aware of the assumption that the conflict can definitely be overcome (point a)

At least every conflict that exists must have a cause. Or in other words, if a conflict occurs, there must be an actor who ignites the dispute. If this source can be found, then it will also be easier to extinguish, so that the fire in turn does not start. Therefore, deliberation efforts are emphasized to bring conflict players together, as meant in point b.

Meanwhile, regarding the assumption of point c, the conflict is bureaucratic and legalistic in nature, with an emphasis on structure and formality. Where are the organizational formalities that need attention to be repaired. Therefore eliminating conflict by reviewing the ways that are done in the organization. Even though this method uses impersonal relationships (abandoning humane ways), it has been abandoned by many modern organizational theories that prefer personal relationships.

In a conflict, if a scapegoat is accepted as a fact that causes conflict, then inevitably the scapegoat must be slaughtered. But what is meant here is to look for the scapegoat first, then efforts are made to reconcile. Whether the goats don't eat enough grass or sometimes it's too cramped, the black-haired goats are invited to deliberations so that the problem is clear. This is the intent contained in point d.

B. Communication Approach

The success of every organization, including companies, does not only depend on the quality of its people. But also from the communication skills of its leaders. Whatever competition a leader has, if the person concerned is not good at communicating it will be difficult to achieve productive, effective and efficient cooperation.

As Abdul Khakim stated, it is not uncommon for the involvement of company management in efforts to resolve labor disputes within a company, this is not an intervention, but is intended to be faster and more efficient in efforts to resolve these

disputes. So that this cannot be separated from the elements of company management in charge of human resources (Abdul Khakim, 2022: H.161)

The author believes that every human interaction requires good communication. This is reflected in verbal communication activities such as group discussions, work meetings, negotiations, counseling, technical guidance and so on. All of that requires oral or verbal communication. Communication is an integral part of human life, but often not a few people think that it is less important to deepen communication skills.

Whereas with poor communication it often leads to debates, disputes, conflicts, disagreements, demanding each other and no agreement.

The existence of various conflicts, including industrial relations disputes, often occurs because the message is delivered as it is, without paying attention to and observing the situation and condition of the recipient of the message. In various cases of industrial relations disputes, from the submission of reasonable policies to difficult and critical situations such as termination of employment, employee conflicts to the issuance of a strong warning letter (SP3), the principle of the approach at least needs to pay attention to the interests of the interlocutor.

A persuasive communication skill can be applied by conveying a message in such a way as to obtain benefits for the recipient of the message. This is a communication strategy that will not be rejected or opposed by the recipient of the message.

The existence of most of the communication problems that occur due to the use of inappropriate words in an inappropriate manner in inappropriate situations. For effective communication, the key is to use the right words in the right way in the right situations. Various problems that arise in industrial relations disputes are caused by poor leader communication. Of course, with good communication skills from a leader, various solutions and problem solving can be achieved.

As the author stated above, good communication begins with understanding the situation and conditions that are happening. For example giving a warning to employees who make mistakes. This inevitably creates an uncomfortable situation for both parties. There are times when a boss who feels he has authority and feels that he doesn't need to bother choosing the right words to convey the reprimand. We can imagine it will certainly cause an uncomfortable situation for the recipient of the reprimand. Especially if the recipient of the warning has refutations or arguments against the warning, then the existing communication can become contentious. And in turn, the intent and purpose of the warning did not reach the expected target.

If we realize that the purpose of the reprimand is more directed at making the wrong party aware and then it can generate a commitment to make improvements. Therefore, good communication skills are needed to achieve this.

The basis for achieving good communication is the existence of a desire to achieve mutual understanding until an agreement is reached which can result in good cooperation between the employer and the worker. What needs to be considered is that conveying a message as it is is not communication, but just delivering a sober message. Therefore the message as it is does not require communication skills because there is no thinking process, no processing process, no filtering process and no concern for the situation and condition of the other person.

Once again, communication has the meaning of making common (make to common), namely as conveying a message to achieve a common understanding with the person receiving the message. In short the purpose of communication is to achieve understanding and understanding.

In the writer's opinion, the ability to communicate means the ability to clarify what is not clear, clarify what is not yet understood, to the point of mutual

understanding. Thus, when a superior reprimands a subordinate for making a mistake, the first thing that needs to be communicated is not a reprimand but an explanation of the problem.

What can be done in an effort to clarify the problem is to explain the rules that apply or the correct ways that should be done. After explaining the rules, then the next step is to explain the consequences that can occur, such as losses that arise and the danger of violating if a violation occurs.

In this way, generally parties who violate or who make mistakes can understand the problem. This is where the meaning of clarifying the problem is half of solving the problem (a problem well put is half solved).

Ways of communication that can clarify the problem is half of solving the problem. So then a complete solution is needed in solving the problem. An effective communication such as reprimanding from superiors to subordinates is to provide awareness of the mistakes made by the violator to make corrections and improvements. Of course, it is at this stage that the purpose of communication is directed at finding the best solution in taking the best corrective action, namely by using cooperative and constructive communication.

The way of communication in conflict situations is to avoid subjectivity. The need for discussion is directed at objectivity so that problems can be seen objectively. Of course, this is aimed at mutual understanding that disputes that occur are caused by differences of opinion, not personal or individual problems. Many disputes are protracted, even worse, because the essence of the problem is not being looked for objectively and specifically. Actually the solution to defuse conflict is to find common ground about the core of the problem.

If the issues or core issues being debated are identified, the clearer the steps for solving them will be clearer. The more specific and narrower the core of the problem, the easier it is to solve the problem. two arguing parties.

Conflicts generally occur because of differences in opinion or point of view. Something that is different cannot be equated or united. Therefore the best solution is to understand the differences, namely by looking for the same point of view and looking for the right side of both parties. It is necessary to find a positive side and find good intentions from both parties. This is what it means to be on the side of both parties.

Listening with full attention and focus can make us find the right side of conflicting opinions, look for things that can be agreed upon, so that in turn will produce solutions in resolving conflicts. Like listening with full attention and focus can make us find the right side of a conflict of opinion, look for things that can be agreed upon. In the end produce a solution in resolving the conflict. This is generally referred to as Positive Conflict Management

C. Leadership Approach

In the leadership approach, there are at least a number of things that can be stated regarding efforts to prevent conflict

That leadership is the behavior of an individual who leads the activities of a group to a goal to be achieved together (shared goal). It is here that a leader can at least serve as an example in every activity for his subordinates, so as to provide a sense of optimism for his subordinates in carrying out the activities outlined in the company's organization.

Furthermore, a leader must try to process the meaning (meaningful direction) of the collective effort, and that results in a willingness to make the desired effort to achieve the goal. And the leader must decide what to do and how to do it.

Each step of the activity with the way it is implemented at any time is determined by the leader so that the next step provides certainty that is directed and clear in its implementation.

The tendency of a leader to be more personal in giving awards and criticism to each member of the group needs to be avoided in order to support objectivity in implementation in the field

The thing that is democratic, that all policies are formulated through deliberations and decided by the group, while the leader seeks to encourage, set activities jointly to achieve group goals.

If technical advice is needed, the leader proposes several alternatives to choose from. Each member is free to cooperate with anyone and the division of tasks is left to the group. In addition, there is a strategy used to resolve conflicts with a model of bargaining or bargaining to reach a common ground in reaching a solution.

If conflicts occur due to the existence of a control from superiors to subordinates, while subordinates refuse control, then the strategy made by replacing impersonal bureaucratic rules is carried out massively to audiences by using mass media as a tool to convey messages as a whole. Usually the message conveyed lacks feedback, so the message is only one way. So it would be better to be more personal, that is, subordinates will better understand what is conveyed by superiors. This is useful for increasing the abilities and achievements of subordinates, although it is possible that there are advantages and disadvantages.

Conclusion

The managerial approach has an important meaning in efforts to avoid industrial relations disputes or conflicts in an organization in a company, both for employers and workers. It can be realized, if in an industrial relations conflict or dispute the effort is made at a complicated level, of course it will greatly impact both parties. Like losing to ashes, winning to charcoal. Which at least will have a significantly less beneficial impact in a more positive way.

Therefore by using managerial approaches such as the Conflict approach, the Communication Approach and the Leadership Approach, industrial relations disputes can be better avoided. Which in turn can provide a positive influence in every course of business activities within the company organization carried out by employers and workers, so that they can run in harmony.

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