

Jurnal

by Asri Wijayanti

Submission date: 21-Apr-2022 09:41AM (UTC+0700)

Submission ID: 1815979282

File name: JPSP-2022-607.pdf (172.38K)

Word count: 2977

Character count: 17060

The Utilization of Information and Communication Technology in Industrial Relations Disputes Resolution in Indonesia

¹Asri Wijayanti, ²Chamdani

10

¹University Muhammadiyah Surabaya, Surabaya, Indonesia, asri.wijayanti@fh.um-surabaya.ac.id

²Wijaya Putra University, Surabaya, Indonesia

Abstract

The existing industrial relations disputes in Indonesia are complex and wider than the objects of industrial relations disputes in accordance with Law number 2 of 2004. As a functional law of labor law must be on the basis of caution in the process of settling industrial relations disputes. The purpose of this study is to examine Indonesia's readiness in the use of information and communication technology in the process of resolving industrial relations disputes. This legal research is normative juridical using a conceptual and statute approach. The results of the study indicated that the readiness on the utilization of information and communication technology as an effort to resolve industrial relations disputes in Indonesia must be examined from the point of view of the legal system using the implementation of Friedman's theory. Readiness of legal substance, namely the unpreparedness of material and formal law that regulates artificial intelligence as an effort to resolve industrial relations disputes in Indonesia. Readiness of the structure, namely the unpreparedness of institutions and human resources who were capable in creating and implementing Artificial intelligence within the resolution process of flexible industrial relations dispute in the 4.0 revolution era towards society 5.0. The future structure should accommodate the implementation of the functional nature of labor law. The readiness of legal culture was far from reality considering that legal culture in Indonesia is non written classical in nature. The rapid strategy of changing the education system in the utilization of Artificial intelligence must be implemented immediately. The recommendation given is that the State must be present in the effort to construct a legal substance that combines the two interests of productivity and worker welfare both in material and formal law. The state must improve the adaptive justice system in the form of facilities and infrastructure using Artificial intelligence. Readiness to reform the education system that combines local wisdom so that the strategy of accelerating an adaptive legal culture to the industrial revolution 4.0 will be achieved.

Keywords: Industrial relations disputes, artificial intelligence, justice system.

INTRODUCTION

Industrial relations disputes in Indonesia are complex and wider than the objects of industrial relations disputes according to Law number 2 of 2004. The purpose of this study is to examine Indonesia's readiness in using information and communication technology in the process of resolving industrial relations disputes. Industrial relations disputes in Indonesia are complex (Zhou et al., 2016). Industrial relations disputes or labor disputes are disputes that occur between

workers/labor unions and employers (Varela et al., 2019). The definition of industrial relations disputes is broader than the objects of industrial relations disputes according to Law number 2 of 2004 concerning the settlement of industrial relations disputes. Law 2/2004 only limits industrial relations disputes in terms of industrial relations disputes (disputes on rights, interests, layoffs, between trade unions). Labor disputes must be resolved in order to create a harmonious industrial relationship (Servais,

2014). Harmonious industrial relations can be a factor for peace of mind, work comfort, national security and stability. Unfortunately, in practice, industrial relations do not always work well (A. Wijayanti, 2020a). Sometimes there are violations of the law (Siti & Wijayanti, 2021). There is an act of the parties or one of the parties that causes a loss (A. Wijayanti, 2017). Loss will not be obtained part or all of its rights. Sometimes industrial relations disputes occur which result in loss of life.

The existence of evidence is very significant as the efforts to resolve industrial relations disputes. The form of evidence ¹² civil procedural law has been expanded by Law No. 11/2008 concerning electronic information and transactions, including electronic information and electronic documents. Electronic information and electronic documents are forms of artificial intelligence. This is a positive response from the government for changes in society related to the industrial revolution 4.0 towards society 5.0. There is a change in the way of life of modern society which is more flexible (Doshi-Velez et al., 2017). This paper describes the process of using artificial intelligence as a form of ¹ information and communication technology in the settlement of industrial relations disputes in Indonesia and the challenges faced as a result of changes in the judicial system ¹ in the form of e-court, particularly the settlement of industrial relations disputes.

Methods

This legal research uses legal research methods through a conceptual approach and legislation (Suhartono & Wijayanti, 2017). In addition, this study examines the use of information and communication technology which is a form of artificial intelligence as an effort to resolve industrial relations disputes descriptively. In addition, this study conducted unstructured interviews with officials from the Manpower Office, the Indonesian Employers' Association, Trade Unions and legal practitioners in the field of industrial relations based on the use of information and communication technology to reform the process of resolving industrial relations disputes in Indonesia. Finally, this study critically analyzes the issues of the recognition process for the use of artificial

intelligence in the industrial relations dispute resolution process in Indonesia based on the findings.

Result and Discussion

This part examines industrial relations disputes that must be resolved in general, the utilization of artificial intelligence in evidence as a form of information and communication technology in an effort to resolve industrial relations disputes and efforts to build a flexible legal system in the 4.0 revolution era towards society 5.0 as well as the effort to settlement of industrial relations disputes in order to improve work peace, work comfort, national security and stability.

³ Industrial Relations Disputes must be resolved

Industrial relations in the theoretical framework is included in the field of labor law. The nature as a functional law of labor law must be the basis of caution in the process of resolving industrial relations disputes (Lestari & Wijayanti, 2020). The functional legal nature of labor law also applies to the field of industrial relations. There are three sides to the nature of functional law, namely having elements of the civil, criminal and administrative fields. Each of them has different legal rules and requires the use of different evidence. Providing correct information is very important in the era of globalization and revolution 4.0, it is very important to overcome problems in society. The purpose of resolving industrial relations disputes is to achieve peace of mind, work comfort, and national stability. All of them are means to achieve a just Indonesian labor law system. The importance of labor-employer harmonization in industrial relations for the sake of the national interest. Various labor cases have not been able to provide a sense of justice for the parties.

Industrial relations disputes must be resolved (Van Ramberg, 2006). One of the settlements of industrial relations disputes can be overcome through advocacy based on formal truths (A. Wijayanti et al., 2017). The emphasis on formal truths because industrial relations disputes are part of the field of civil law (D. A. Wijayanti, 2018). The settlement of civil law is focused on formal truth. Formal truth is truth based on the evidence (A. Wijayanti, 2020b). The existence of evidence will determine the

level of settlement of industrial relations disputes (Sugiarti et al., 2020).

Many approaches can be taken as an effort to resolve industrial relations disputes, for example based on restorative justice or formal truth. Advocacy is an action that can be taken by a third party to workers/labor unions experiencing labor/industrial relations problems (A. Wijayanti et al., 2019). In practice, there are labor unions, for example the Confederation of Indonesian Trade Unions, which use a more political approach to cases that have a national scope. The advocacy strategy chosen can determine the success of the goal of achieving the settlement of industrial relations disputes. In contrast to the East Java region, industrial relations dispute resolution efforts are preferred non-litigation because it is more flexible, considering the lack of sufficient available formal evidence.

Industrial relations disputes are broader in scope than industrial relations disputes, given the various legal status conditions, both inside and outside of work relations in society. Negotiations or non-litigation settlements still occur in the community. (Wijayanti, 2012; Wijayanti et al., 2017)

The use of Artificial Intelligence on evidence as a form of information and communication technology in an effort to resolve industrial relations disputes

The use of Artificial Intelligence in evidence as a form of information and communication technology in an effort to resolve industrial relations disputes is constrained by the absence of legal substance that specifically regulates how AI is used as part of evidence in the industrial relations dispute settlement process (Mustapha, 2018).

In fact, Indonesia already has Law Number 11 of 2008 concerning Electronic Information and Transactions. It is stated that there are additional types of evidence in court, namely electronic information and/or electronic documents. In practice, there are no clear parameters for electronic information and/or electronic documents used as evidence.

Indonesia, until now, still limiting the scope only from an administrative point of view. E-court services only include e-Filing (Online Case Registration in Court); e-Payment (Online Case

Fee Payment); e-Summons (online summons of parties) and e-Litigation (online courts). The problem of an unstable internet connection is one of the most important obstacles that the use of e-court is not maximized.

The use of electronic information and/or electronic documents is only interpreted in criminal cases. Supreme Court Circular Number 1 of 2014 concerning Electronic Documents as a complete application for Cassation and Review. The Supreme Court Circular Number 1 of 2014 recognizes that electronic documents are for the completeness of the Application for Cassation and Review, not for trial evidence and the submission of documents by the court of first instance is carried out through the data communication feature and not through flash/compact disk devices except in special circumstances. It has not been regulated on how to submit electronic documents as legal evidence in court.

The submission procedure is significant since it concerns whether or not the civil procedural law is applied and in the context of fulfilling the "guaranteed integrity" element in Article 6 of the Electronic Information and Transactions Act. Guaranteed integrity means that the form has not been changed since the electronic document was ratified. If the opposing party wants to see an electronic document that will be submitted as evidence, a technological device in the form of a laptop or projector is needed to be able to display/show electronic documents. Unfortunately this has not been regulated.

The letter or deed occupies the highest level as evidence in civil procedural law. In accordance with the law on the settlement of industrial relations disputes. The electronic signature must meet the requirements for certification and can be accounted for because it functions as an authentication and verification tool for the identity of the signer, the integrity and authenticity of electronic information and is made using the services of an electronic certification provider.

One of the agencies of digital or electronic certificates which contain a digital signature and the identity of the owner of the certificate that has been running is the National Cyber and Crypto Agency which can serve the needs of government and non-government institutions. To ensure standardization of services for

providing electronic certification, the Ministry of Communication and Information is currently drafting regulations.

Building a Flexible Legal System in the Revolutionary Era 4.0 Towards Society 5.0 In Efforts to Settle Industrial Relations Disputes to improve work peace, work comfort, national security and stability

Labor disputes must be resolved in order to create a harmonious industrial relationship. Harmonious industrial relations can be a factor for peace of mind, work comfort, national security and stability. Building a Flexible Legal System in the Revolutionary Era 4.0 (Cozmiuc & Petrisor, 2018) towards Society 5.0 in Efforts to Settle Industrial Relations Disputes is very important (Lele, 2019) (Colotla et al., 2016). A review of the readiness to use information and communication technology in an effort to resolve industrial relations disputes in Indonesia, using the implementation of Friedman's legal system theory, namely that a legal system would be perfect if the substance, structure and legal culture were more flexible.

Readiness of legal substance, namely the unpreparedness of material and formal law that regulates artificial intelligence in an effort to resolve industrial relations disputes in Indonesia. Readiness of the structure, namely the unpreparedness of institutions and human resources capable of creating and implementing Artificial intelligence in the process of flexible industrial relations dispute resolution in the 4.0 revolution era towards society 5.0. Future structures must accommodate the implementation of the functional nature of labor law. The readiness of legal culture is far from reality considering the legal culture in Indonesia is more conventional, classical and non-written. The prompt strategy of changing the education system in the use of Artificial intelligence must be implemented immediately.

Conclusion

Readiness of legal substance, namely the unpreparedness of material and formal law that regulates related to artificial intelligence in an effort to resolve industrial relations disputes in Indonesia. Readiness of the structure, namely the unpreparedness of institutions and human resources who are capable of creating and

implementing Artificial intelligence in the process of flexible industrial relations dispute resolution in the 4.0 revolution era towards society 5.0. Future structures must accommodate the implementation of the functional nature of labor law. The readiness of legal culture is far from reality considering the legal culture in Indonesia is more conventional, non-written classics. The immediate strategy of changing the education system in the use of Artificial intelligence must be implemented immediately.

The recommendation given is that the government must be present in the effort to create a legal substance that combines the two interests of productivity and worker welfare both in material law and formal law. They must improve the adaptive justice system in the form of facilities and infrastructure using Artificial intelligence. Readiness to reform the education system that combines local wisdom so that the strategy of accelerating a legal culture that is adaptive to the industrial revolution 4.0 is achieved.

9

Acknowledgement

This research received no specific grants from any funding agency.

References

- [1] Colotla, I., Fæste, A., Heidemann, A., Winther, A., Andersen, P. H., Duvold, T., & Hansen, M. (2016). Winning the Industry 4.0 Race - How ready are danish manufacturers? The Boston Consulting Group.
- [2] Cozmiuc, D., & Petrisor, I. (2018). Industrie 4.0 by siemens: Steps made today. *Journal of Cases on Information Technology*. <https://doi.org/10.4018/JCIT.2018040103>
- [3] Doshi-Velez, F., Kortz, M., Budish, R., Bavitz, C., Gershman, S. J., O'Brien, D., Shieber, S., Waldo, J., Weinberger, D., & Wood, A. (2017). Accountability of AI Under the Law: The Role of Explanation. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.3064761>
- [4] Lele, A. (2019). Industry 4.0. In *Smart Innovation, Systems and Technologies*.

- https://doi.org/10.1007/978-981-13-3384-2_13
- [5] Lestari, E., & Wijayanti, A. (2020). Shopping Forum as an Alternative of Settlement Disputes on Worker Status in Pt Bank Danamon TBK. SSRN Electronic Journal, 2. <https://doi.org/10.2139/ssrn.3665496>
- [6] Mustapha, R. (2018). The Impact of Industrial Revolution 4.0 on Educational Technology, Digital Innovation and Future Learning. International Conference on Learning Innovation in Science and Technology.
- [7] Servais, J.-M. (2014). Comparative Labour Law and Industrial Relations in Industrialized Market Economies. In Comparative Labour Law and Industrial Relations in Industrialized Market Economy.
- [8] Siti, M., & Wijayanti, A. (2021). Critical Analysis of Violation of Work Agreement Clause. SSRN Electronic Journal, 1–11. <https://doi.org/10.2139/ssrn.3665485>
- [9] Sugiarti, Y., Wijayanti, A., Rahayu, L. P., & Indradewi, A. A. S. N. (2020). Legal Protection for Freelance Daily Employee in Salt Pond Madura. 499(Icolgas), 113–118. <https://doi.org/10.2991/assehr.k.201209.274>
- [10] Suhartono, S., & Wijayanti, A. (2017). Recognition and protection of religious sects in Indonesia. Man in India, 97(18).
- [11] Van Gramberg, B. (2006). Managing neutrality and impartiality in workplace conflict resolution: The dilemma of the HR manager. Asia Pacific Journal of Human Resources. <https://doi.org/10.1177/1038411106066396>
- [12] Varela, L., Araújo, A., Ávila, P., Castro, H., & Putnik, G. (2019). Evaluation of the relation between lean manufacturing, industry 4.0, and sustainability. Sustainability (Switzerland). <https://doi.org/10.3390/su11051439>
- [13] Wijayanti, A. (2017). Rights to the freedom of trade unions in the constitution and its implementation. International Journal of Applied Business and Economic Research.
- [14] Wijayanti, A. (2020a). Al Ujroh as an Alternative of a Fair Wage Setting Solution. <https://doi.org/10.2991/icss-18.2018.263>
- [15] Wijayanti, A. (2020b). Critical Analysis On Legal Aid Regulation For Marginal Community Based On Legal Language. Test Engineering And Management, 82, 2807–2814.
- [16] Wijayanti, A., Hidayat, N. A., Hariri, A., Sudarto, & Sholahuddin, U. (2017). Framework of child laborers legal protection in marginal communities. Man in India.
- [17] Wijayanti, A., Subagyono, B. S. A., Hernoko, A. Y., Chumaida, Z. V., & Sugiarti, Y. (2019). Technological advocacy of migrant workers in the pre placement based on personal legal assistance. International Journal of Recent Technology and Engineering, 8(2 Special Issue 11), 2815–2818. <https://doi.org/10.35940/ijrte.B1347.0982S1119>
- [18] Wijayanti, D. A. (2018). Implementation of Sharia Industrial Relationship Concepts as Alternative Solutions of Non Litigation Legal Assistance in the Legal Pluralism in Indonesia. International Journal of Management and Economics Inventions. <https://doi.org/10.31142/ijmei/v4i9.02>
- [19] Zhou, K., Liu, T., & Zhou, L. (2016). Industry 4.0: Towards future industrial opportunities and challenges. 2015 12th International Conference on Fuzzy Systems and Knowledge Discovery, FSKD 2015. <https://doi.org/10.1109/FSKD.2015.7382284>

ORIGINALITY REPORT

10%

SIMILARITY INDEX

%

INTERNET SOURCES

9%

PUBLICATIONS

2%

STUDENT PAPERS

PRIMARY SOURCES

- 1 I Putu Rasmadi Arsha Putra, I Ketut Tjukup, Dewa Gede Pradya Yustiawan. "Legal Protection of Labor in Employment for Termination of Employment Due to the Acquisition of the Company", Substantive Justice International Journal of Law, 2020
Publication 3%
- 2 Murshal Senjaya. "The Technology Revolution of The Criminal Jurisdiction Process Without Paper", International Journal of Culture and History, 2021
Publication 1%
- 3 Ananta Prayoga Hutama Syam. "Effectiveness of Sela's Decision in Article 96 Law Number 2 of 2004 on the Resolution of Industrial Relations Disputes", KnE Social Sciences, 2022
Publication 1%
- 4 Elpidio Oscar Benitez Nara, Matheus Becker da Costa, Ismael Cristofer Baierle, Jones Luis Schaefer et al. "Expected impact of industry 4.0 technologies on sustainable development:

A study in the context of Brazil's plastic industry", Sustainable Production and Consumption, 2021

Publication

5

Submitted to Universitas Negeri Semarang

Student Paper

1 %

6

Iryana Anwar, Muslim Lobubun. "The Role and Function of Legal Aid Posts (Posbakum) at Biak's Religious Court Class IIB", Volksgeist: Jurnal Ilmu Hukum dan Konstitusi, 2021

Publication

1 %

7

Salahuddin Gaffar, Agus Mulya Karsona, Yani Pujiwati, Indra Perwira. "The concept of procedural law regarding the implementation of collective agreements with legal certainty in termination of employment in Indonesia", Heliyon, 2021

Publication

1 %

8

Submitted to Universitas Negeri Medan

Student Paper

1 %

9

Saeed Rasekhi, Nasim Nabavi. "Do Derivatives Hinder the Financial Contagion? A Case Study of Developed Countries' Stock Markets", Journal of Business Strategy Finance and Management, 2020

Publication

<1 %

10

Satria Unggul Wicaksana Prakasa, Noviandi Nur P.E.. "ANALYSIST OF CYBER ESPIONAGE IN INTERNATIONAL LAW AND INDONESIAN LAW", Humanities & Social Sciences Reviews, 2019

Publication

<1 %

11

"Technological Advocacy of Migrant Workers in The Pre Placement Based on Personal Legal Assistance", International Journal of Recent Technology and Engineering, 2019

Publication

<1 %

12

Edmon Makarim. "Chapter 6 Privacy and Personal Data Protection in Indonesia: The Hybrid Paradigm of the Subjective and Objective Approach", Springer Science and Business Media LLC, 2021

Publication

<1 %

13

Submitted to Universitas Islam Indonesia

Student Paper

<1 %

14

Arnis Setiani Isma, Sakka Pati, Marwah Marwah. "Legal Protection for Workers for Late Payment of Wages: The Principles of Justice Perspective", Al-'Adl, 2022

Publication

<1 %

15

Zaka Firma Aditya, Sholahuddin Al-Fatih. "Indonesian constitutional rights: expressing

<1 %

and purposing opinions on the internet", The International Journal of Human Rights, 2020

Publication

16

Sreenivasan Jayashree, Mohammad Nurul Hassan Reza, Chinnasamy Agamudai Nambi Malarvizhi, Muhammad Mohiuddin. "Industry 4.0 implementation and Triple Bottom Line sustainability: An empirical study on small and medium manufacturing firms", Heliyon, 2021

Publication

<1 %

Exclude quotes On

Exclude matches Off

Exclude bibliography On