DISPUTE RESOLUTION OF INDUSTRIAL RELATION BETWEEN INDONESIAN COMPANY AND FOREIGN WORKFORCE IN THE CONTEXT OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

Author

I Gusti Ayu Suarniati
ayusuarniati@yahoo.co.id
Lecturers of Law Faculty, Mahasaraswati Denpasar University

I Gusti Bagus Hengki
igustibagushengki@gmail.com
Lecturers of Law Faculty, Mahasaraswati Denpasar University

ABSTRACT

In this globalization era, The Republic of Indonesia is a member of WTO, so they cannot elude from migration movement in form of foreign workforces and it is related to foreign investment to all over the world. Therefore, any issues as the logical consequences of it in form of industrial dispute between Indonesian company and foreign workforces should be well-resolved to maintain good bilateral relations with other countries. The Government of Indonesia should establish laws and regulations as the guidance for the law enforcement officers in handling dispute between Indonesian company and foreign workforces in all over The Republic of Indonesia territory. Dispute resolution of industrial relation between Indonesian company and foreign workforces can be done through court/litigation or outside of the court/non-litigation, in which this article will discuss about resolution in the context of Alternative Dispute Resolution (ADR) which is one of alternative resolution of cases/disputes arising by deliberation to reach consensus, in which all parties feel the same benefits and equally do not feel disadvantages.

Key Words: dispute, industrial, foreign workforces, Alternative Dispute Resolution (ADR)

I. INTRODUCTION

In this globalization era, there is no country which can be fully independent without international relation with other countries. One of the consequences is foreign investment to all over the world, as well as human migration or foreign workforce movement among the countries. This foreign workforce movement is done generally for direct supervision from the capital owner/investor as well as for maintaining the sustainability of the business or investment. To avoid law dispute and excessive use of foreign workforces, as well as to make sure the dispute resolution of industrial relation between Indonesian company and foreign workforces, the Government of Indonesia should be prudent in establishing laws and regulations concerning foreign investment and foreign workforce, in order to maintain the balance of foreign workforce (foreign capital) and domestic workforce.

Concerning the reality that Indonesia requires foreign investment as the effect of globalization, Indonesia as the member of WTO should open opportunity for foreign workforce. The total of foreign workforce in Indonesia according to work Permit (IMTA) issued by Ministry of Manpower, until the end of 2018 reaching 335 people. It is only 0.04% of total population 268.289
million people". Today, the issue of foreign workforce always becomes Indonesian political commodity, especially the raising number of Chinese workforces reaching 32 thousand people, and it is caused by Chinese investment which brings new technology to the projects in Indonesia. So, these workforces are needed before the technology transfer is established.

Besides that, Indonesia also declared that all of Indonesian territories starting from central until local government should trigger tourism industry which needs Indonesian workforces as well as foreign workforces in tourism fields, in various level of management starting from the highest level until the lowest level. It causes internal and external issues as the consequences of industrial relation dispute between Indonesian company and foreign workforces which requires resolution based on the laws and regulations of Indonesia both through legal route (court/litigation) or outside the court/non-litigation. Therefore, this article is limited only on dispute resolution of industrial relation between Indonesian company and foreign workforce in the context of Alternative Dispute Resolution (ADR).

II. LITERATURE REVIEW

Dispute Resolution.

Dispute resolution is commonly called as conflict resolution, or case resolution. As we know that any case/dispute/conflict which arises in civil, criminal, administration, arbitration, other issues, could be resolved though court/litigation process or through outside court/non-litigation. The term *penyelesaian sengketa* (dispute resolution) is derived from two words, i.e. *penyelesaian* (resolution) and *sengketa* (dispute) which has its own meaning. It can be described as follows:

a. Definition of *"penyelesaian"* (dispute).

The term "*penyelesaian"* in legal studies is identical to law enforcement/non-legal. As cited in internet site [https://jagokata.com/arti-kata-penyelesaian](https://jagokata.com/arti-kata-penyelesaian), “According to KBBI the meaning of *penyelesaian* (resolution): process, way, action to solve (in many meanings such as settlement, solving)”; the word *penyelesaian* in a case is identical to law enforcement and non-legal. According to General Attorney of The Republic of Indonesia, Hari Suaharto in his article delivered to the seminar Organizing the Materials of Police Law dated 10-11 December 1984 in PTIK Jakarta, said that law enforcement is:

A series of action in the context of implementing legal provisions in force, both in terms of enforcement and prevention, covering the whole activity both in terms of technique and administrative which are conducted by law enforcement officers, so it could create safe, peaceful and orderly atmosphere for the sake of establishing legal certainty in the society.

Meanwhile, resolution through non-legal or non-litigation is dispute resolution outside the court though peace in which part of the task is dispute denial. Therefore, “dispute resolution or dispute denial through non-litigation; the point is legal dispute resolution, by legal and conscious ways, so the law can be won and someone’s consciousness could obey the agreement/peace voluntarily, without feeling disadvantages”.

In this article, it means the dispute resolution or dispute denial in industrial relation between Indonesian company and foreign workforce in the context of non-litigation or Alternative Dispute Resolution (ADR), i.e. law dispute resolution through law and consciousness.

b. Definition of *"sengketa"* (dispute).

The term *"sengketa"* (dispute) can be defined as the raising of conflict/case in a relation. As cited in internet site: [https://kbbi.web.id/sengketa.html](https://kbbi.web.id/sengketa.html), on 21-10-2019, according to KBBI the term *sengketa* has a meaning of: 1. Something that raises different opinion; fight, denial; small case which can be big, areas of fighting for (point for the fighting); 2. fight, dispute, 3. Case in the court.

Something that causes different opinion, perspectives, and this difference could raise dispute, fight, or conflict. In English, it is translated as conflict or dispute. According to Ronny Hanitijo, conflict is:

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“situation (condition) in which two or more parties fight for their goals which could not be united and each party convince other party about the truth of their goals”. Dispute/conflict can be differentiated into some kinds as follows:

1) Data conflict
2) Interest conflict
3) Relationship conflict
4) Structure conflict
5) Value conflict

In this article, the dispute/conflict/case is the difference among parties in industrial relation (relationship conflict) between Indonesian company and foreign workforce.

2. Industrial Relation.

“Industrial relation is not only a corporate organization management which is run by a manager who places a worker as a person who can be always ordered. However, industrial relations include phenomena both inside and outside of the workplace which is related to placement and work relation”. In developed country, industrial relation reflects some workers, worker organization, fabric, strike, company closing, or collective negotiation (working together agreement). Therefore, it is difficult to formulate industrial relation universally and accepted by all parties. “In Indonesia, industrial relation is defined as a relation which is formed by the actor in goods and/or service production including the company, labor, and government based on the values of Pancasila and Indonesian Constitution 1945”. It is regulated in Article 1 number 16 Indonesian Law No 13/2003 concerning Manpower, as well as in Article 1 number 15 which stated: “Work relation is relation between company and labor/worker based on working agreement which contain elements of work, salary and order”. So, the industrial relation of this article means the relation which is formed by the actor in actor in goods and/or service production including the Indonesian company and foreign workforce and Government of Indonesia based on the values of Pancasila and Indonesian Constitution 1945.

3. Indonesian company and foreign workforce
   a. Indonesian company

   Based on Article 1 number 7 of Indonesian Law No. 2 2004 concerning Dispute Settlement of Industrial Relation, stated that Company is:
   a. Any form of business that is in-law or not, belonging to a person, belonging to partnership, or belonging to legal entity, both private or state-owned which employs worker/labor by paying wages or rewards in other forms;
   b. Social business or other business which has management and employs other person by paying wages or rewards in other forms;

   While description of Article 1 number 6 Indonesian Law No.13 2003 concerning Manpower, which describes about company stated that “Entrepreneur should give rights and obligation to the worker/labor without concerning sex, ethnic, race, religion, skin color, and political perspective” In this article, Indonesian company is any form of business that is in-law or not which employs worker/labor both Indonesian or foreign workforce based on the laws and regulation in force in the territory of Republic of Indonesia.

   b. Foreign Workforce.

   The term foreign workforce has become common phenomenon. Concerning the development, the background of using foreign workforce in Indonesia has changing based on the era. When the Dutch opened massive plantation in some areas of Indonesia, such as East Sumatera, the rareness of human resources as professional and skillful worker/labor in certain fields triggered the Dutch Government to import science and technology, so the reason of necessity became the main reason to use foreign workforce. Foreign workforce is defined in

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7 ibid page 16
8 ibid page 17
9 Wawan Zulmawan,2017,Panduan Praktis Pelaksanaan Hubungan Industrial, Jala Permata Aksara, Jakarta, page 2
10 Article 1 number 7 Indonesian Law No.2 of 2004 concerning Dispute Resolution of Industrial Relation
11 Description of Article 1 number 6 Indonesian Law No.13 of 2003 concerning Manpower.
Article 1 number 13 Indonesian Law No.13 of 2003 concerning Manpower which stated that “Foreign workforce is a foreigner who holds visa by the intention of working in Indonesia”.\(^{12}\) As for visa based on Article 1 number 18 Indonesian Law No. 6 of 2011 is defined as written description issued by authorized officer concerning agreement for foreigner to conduct a trip to Indonesian territory or the basis staying permit. “There are four kinds of visa admitted by Indonesian Law of Immigration, i.e. diplomatic visa, official visa, visit visa, and limited stay visa. Visa for worker is categorized into limited stay visa”\(^{13}\). According to Budiono, there are some purposes of employing foreign workforce in Indonesia as follows:

First, to fulfill the necessity of skillful and professional workforce in certain fields which cannot be done by domestic worker; second, to accelerate national development process by accelerating process of technology transfer or science transfer especially in industry field; third, to enlarge the opportunity for the Indonesian workforce; fourth, to improve foreign investment as the support of development capital in Indonesia.\(^{14}\)

Indonesian Law No. 13 of 2003 concerning Manpower, Article 42 to Article 49, has inserted foreign workforce as the part of manpower issue in Indonesia. Series of regulation in manpower field concerning foreign workforce has been established as guidance in technical level, such as Regulation of Minister of Manpower No.16 of 2015 concerning Procedures for the Use of Foreign Workforce, which have been amended by Regulation of Minister of Manpower No.35 of 2015, Decree of the Minister of Manpower and Transmigration No. 40 of 2012 concerning Certain Positions forbidden from Occupying Foreign Workers, and Presidential Regulation No.72 of 2014 concerning the Use of Foreign Workers and the Implementation of Education and Training of Assistance Workers. In Indonesian Law No 13 of 2003, the existence of foreign workforce is regulated tightly, i.e. prohibiting unskilled foreign workforce to work in Indonesia, except a skillful worker such as high-tech machine expert, international law expert, international accounting, etc. They are also should be able to communicate in Indonesian language, a foreign worker should be accompanied by 10 local workers, there is transfer of knowledge and transfer of job.

However, the establishment of Presidential Regulation No. 20 of 2018 ease the entrance of foreign workforce. Regulation offense by foreign workforce who works in Indonesia has not solved the complicated issue of work permit for foreign workforce in Indonesia. It is because the existence of foreign workforce has been related to some other laws and regulations, such as Indonesian Law concerning National Social Security System, Indonesian Law concerning Immigration, Indonesian Law concerning Population. The establishment of Presidential Regulation No. 20 of 2018 could not solve the problems caused by foreign workforce in Indonesian territory. By the inexistence of this Presidential Regulation, the foreign workforces have flooded Indonesia, so the local workers just became viewers in their own country, in other side many foreign workforces frequently have disputes with Indonesian company in which they worked, with many kinds of problems related to laws and regulations, technical and non-technical problems. It actually against Indonesian Law No. 13 of 2003 concerning Manpower in which the government should obey the regulation related to this Law, not making their own regulation.

4. Definition of Context and Alternative Dispute Resolution (ADR).
   a. Definition of Context.
   Definition of word konteks (context) based on KBBI\(^{15}\) :
   1) A part of description or sentence which could support or add description of meaning;
   2) A situation which has relation to an event example: the person should be considered as whole human in the context of personal life and society.
   Meanwhile, as cited in internet site https://id.m.wikipedia.org/wiki describes that “the meaning of konteks (context) is a condition in which an event happened”.\(^{16}\) There are

\(^{12}\) Article 1 No 13 LAW No.13 of 2003 concerning Manpower
\(^{13}\) Jurnal Lentera Hukum University Jember, Edition 31 December 2018,vol 5
\(^{14}\) Budiono, et.al, 1995, Hukum Perburuhan Di Indonesia , PT.Rajagraftindo Persada, Jakarta, page 115

\(^{15}\) https://jagokata.com/arti-kata/konteks, cited on 22-10-2019
\(^{16}\) https://jagokata.com/arti-kata/wiki, cited on 22-10-2019
some kinds of context. Physical context covers room, real object, views and so on. Context of socio-psychologist factor includes various factors such as status of people who are involved in communication relation, their roles and level of seriousness. Dimension of time selection or tempo of a context covering the result and series of events before the communication.

From the above definitions, the author defines context as a description which could support or add meaning clarity, a situation relates to the event, which is done in a room with the status of person engaged in communication relationship, their role, and level of seriousness in conducting series of event in the process of Alternative Dispute Resolution (ADR).

b. Definition of Alternative Dispute Resolution (ADR).

1) ADR in Indonesia.

ADR in most of rural Indonesian, when there is dispute among them, is rarely taken to the court for the solution. They prefer and willingly to take the dispute into the existing institution of customary community to be solved peacefully. In the customary community law, the dispute resolution is done in front of head village or the head of customary community.

It should be considered historically, that Indonesian culture highly respects consensus approach. Dispute resolution in Indonesia is in accordance with traditional decision taking mechanism and customary-based dispute resolution. The cultural reason for the existence of ADR development in Indonesia seems to be stronger than the reason of ineffectiveness process of court in handling the dispute.

“In Indonesia, resolution through ADR is not a new thing in our national culture values with the cooperative spirit. The values of cooperative and compromise in handling dispute resolution arise all over Indonesia”.

Moreover, in this globalization era Indonesia could not avoid the effect of global/international change as in the form of economy, social, culture, politics or even world people movement from one country to others in which foreign workforce is one of them. Therefore, many problems/disputes will arise in relation to any fields and related to the jobs. Government of Indonesia has established laws and regulations related to manpower for domestic workers or foreign workers in settling dispute both through court/litigation process or outside court/non-litigation in which one of them is Alternative Dispute Resolution (ADR).

2) Definition of ADR (Alternative Dispute Resolution).

ADR is a concept covering any kinds of dispute resolution outside court process. Theoretically, in manpower field, there has been regulation of dispute resolution ways which is a united series of action. The term bipartite and tripartite are used based on negotiation principle, mediation or consolidation regulated in Indonesian Law No. 13 of 2003 concerning Manpower.

“According to Takdir Rahmadi, alternative dispute resolution is a concept covering any form of dispute resolution outside court process through legal way, both based on consensus approach or not”.

Dispute Resolution is commonly stated as “Alternative Dispute Resolution” (ADR). ADR based on consensus are: (1) negotiation, (2) conciliation, (3) mediation, (4) facilitation, (5) consultation, and (6) coordination.

Meanwhile Philip D. Bostwick in Going Private with the Judicial System (1995) defined ADR as:

A set of practices and legal techniques that aims:

a) to permit legal disputes to be resolved outside the courts for the benefit of all disputants.

b) to reduce the cost of conventional litigation and the delay to which it is ordinarily subjected.

c) to prevent legal dispute that would otherwise likely be brought to the courts.

17 Sujud Margono, 2004, ADR Alternative Dispute Resolution & Arbitrase, Ghalia Indonesia, Bogor, page 38
18 I Made Widnyana, 2006, Alternatif Penyelesaian Sengketa (ADR ), Indonesia Business Law Center(IBLC), Jakarta, page 19
19 Ibid page 20
The main characteristic from the dispute resolution process is the disputants who decide the result of the dispute, i.e. the final decision. The process is through forms of alternative from the dispute resolution such as negotiation, i.e. direct resolution from the disputants or mediation, i.e. with third party (intervener) who does not establish a decision, yet using structured process to help the disputants to solve the dispute. The control of final resolution is still on the hand of the disputants. In ADR system, it is wherever possible done cooperatively (to operative solutions). This cooperative resolution is known as “win-win solutions”, i.e. a dispute resolution in which all disputants feel wining.

III. RESEARCH METHOD

This Research Is A Qualitative Study With A Review Method Of Dispute Resolution Of Industrial Relation Between Indonesian Company And Foreign Workforce In The Context Of Alternative Dispute Resolution (ADR).

IV. RESEARCH RESULT
Dispute Resolution of Industrial Relation Between Indonesian Company and Foreign Workforce in the Context of ADR based on Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation.

1. Kinds of Industrial Relation Dispute.

   The principle of Pancasila industrial relation of Indonesia should be used as the guidance in solving any kinds of problem arising in manpower field, both for domestic and foreign workforce. In Pancasila industrial relation, any problems/disputes occurred in company level and other manpower disputes should be solved as family ways or deliberation to reach the consensus. However, not all problems/disputes between company, in this case Indonesian company and foreign workforce could be solved through deliberation to reach the consensus, because there is difference of culture, understanding or perception about many things related to work relation and or other working requirements, so the occurrence of industrial relation dispute could not be avoided.

   Based on Article 1 number 1 Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation, the kinds of problems/disputes are:
   a. Rights disputes.
   b. Interest disputes.
   c. Layoffs disputes.
   d. Disputes between labor unions only in a company.

   Based on the above description, kinds of disputes between Indonesian company and foreign workforce are rights disputes of the foreign workforce, interest disputes of the foreign workforce, layoffs disputes of foreign workforce, and disputes between labor unions of foreign workforce only in an Indonesian company.

2. Procedures of Industrial Relation Dispute Resolution between Indonesian Company and Foreign Workforce.

   a. Resolution through Bipartite.

      The best dispute resolution is a resolution by disputants through deliberation to reach consensus without other’s interference, so they could reach a result that is beneficial for both disputants. Besides that, deliberation save costs and time. That is the reason of Indonesian Law No. 2 of 2004 requires any disputes are solved through deliberation to reach consensus (Article 3)./ Bipartite Negotiation in the literature of Alternative Dispute Resolution (ADR) is called as negotiation which means consensus. “Bipartite is a negotiation among workers/labors or labor unions by organizing to solve industrial relation disputes”. Meanwhile, generally negotiation means “the effort of solving dispute by the disputants without involving other party which aims at finding agreement based on harmonious and creative cooperation.”

21 Ibid page 53
regulated in Article 6 and Article 7 Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation.

b. Resolution through Mediation.

Resolution through mediation is done by intervener who is called as mediator. “mediation is an interference of dispute by third party who is accepted, independent, neutral, and helping the disputants to reach agreement voluntarily upon the disputes”.22 Meanwhile based on Article 1 number 11 Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation stated that industrial relation mediation which is hereinafter stated as mediation is a resolution of rights disputes, interest disputes, layoffs disputes, and disputes between labor unions only in a company through consensus which is facilitated by one or more neutral mediators. Meanwhile industrial relation mediator who is hereinafter stated as mediator is a government institution officer who is responsible in manpower field who has requirements as a mediator and legalized by Minister to be on duty of mediating and has obligation to provide written suggestion for the disputants to solve rights disputes, interest disputes, layoffs disputes, and disputes between labor unions only in a company (Article 1 number 12 Indonesian Law No. 2 of 2004). The mediator who is assigned in maximum 30 days should organizes resolution, if it is success there should be written resolution and signed by the disputants, and this agreement is final and binding the disputants as well as should be registered in District Court, and if it is not success, it can be driven to arbitration institution as mentioned in Indonesian Law No 30 of 1999 which is typical procedure as regulated in Indonesian Law No. 2 of 2004.

c. Resolution through Conciliation

In Article 1 number 13 Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation it is stated that industrial relation conciliation which is hereinafter stated as conciliation is resolution of interest dispute, layoffs disputes, and disputes between labor unions only in a company through consensus which is facilitated by a neutral conciliator. Meanwhile industrial relation conciliator which is hereinafter stated as conciliator is one or more persons who have requirements as a conciliator and legalized by Minister to be on duty of conciliating and has obligation to provide written suggestion for the disputants to solve interest disputes, layoffs disputes, and disputes between labor unions only in a company (Article 1 number 14). Procedures of dispute resolution of industrial relation is clearly and comprehensively regulated in Articles of Indonesian Law No. 2 of 2004.

d. Resolution through Arbitration.

The democratic era in all life aspects, the people engagement should be accommodated in dispute resolution of industrial relation through conciliation or arbitration as regulated in Indonesian Law No.30 of 1999 concerning Arbitration & Dispute Settlement Alternatives existing in business disputes. Therefore, arbitration in industrial relation as regulated in Indonesian Law No. 2 of 2004 is special regulation with the law principle of *lex specialis derogat lex generali*.

“Arbitration is a dispute resolution outside of the court based on agreement of the disputants which is done by third party who is called as arbitrer and the disputants stated to obey the final decision of the arbitrer.”23 Indonesian Law No.30 of 1999 defined arbitration as the resolution of a civil case outside the court which is based on arbitration agreement made in written form by the disputants (Article 1 number 1). Since this resolution through arbitration is based on agreement made by the disputants, so this arbitration resolution is called as Contractual Process. As a special Law, Indonesian Law No.2 of 2004 defined industrial relation arbitration which is hereinafter stated as arbitration is resolution of interest dispute, layoffs disputes, and disputes between labor unions only in a company, outside of the court. Industrial Relation Dispute through written agreement from the disputants to hand over the dispute resolution to arbitrer in which the decision is binding and final for the disputants (Article 1 number 15).

22 Ibid page 60
23 Ibid page 71
From the discussion about procedures of dispute resolution of the industrial relation outside the court starting from level of bipartite, mediation, conciliation and arbitration, it is clear that resolution through arbitration cause high cost for the disputants, especially for the cost of calling witnesses, expert witness including the accommodation. Meanwhile, resolution through bipartite, mediation, and conciliation, the costs are borne by country that has been established by the Minister.

V. CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Based on the above description in Chapter I and Chapter II entitled: “Dispute Resolution of Industrial Relation Between Indonesian Company and Foreign Workforce in the Context of Alternative Dispute Resolution (ADR)” the author could conclude as follows:

a. Regulation of manpower requirement and industrial relation dispute resolution between Indonesian Company and Foreign Workforce as well as for Indonesian Workforce is done through requirements and procedures as regulated in Indonesian Law No.13 of 2003 concerning Manpower, Indonesian Law No 21 of 2000 concerning Labor Union and Indonesian Law No 2 of 2004 concerning Dispute Resolution of Industrial Relation.

b. Indonesian Law No.13 of 2003 concerning Manpower, Article 42 until Article 49, have inserted foreign workforce as the part of manpower issue in Indonesia. Series of regulation in manpower field concerning foreign workforce has been established as guidance in technical level, such as Regulation of Minister of Manpower No.16 of 2015 concerning Procedures for the Use of Foreign Workforce, which have been amended by Regulation of Minister of Manpower No.35 of 2015, Decree of the Minister of Manpower and Transmigration No. 40 of 2012 concerning Certain Positions forbidden from Occupying Foreign Workers, and Presidential Regulation No.72 of 2014 concerning the Use of Foreign Workers and the Implementation of Education and Training of Assistance Workers. In Indonesian Law No 13 of 2003, the existence of foreign workforce is regulated tightly, i.e. prohibiting unskilled foreign workforce to work in Indonesia, except a skillful worker such as high-tech machine expert, international law expert, international accounting, etc. They are also should be able to communicate in Indonesian language, a foreign worker should be accompanied by 10 local workers, there is transfer of knowledge and transfer of job. Indonesian Law concerning National Social Security System, Indonesian Law concerning Immigration, Indonesian Law concerning Population and the last is Presidential Regulation No. 20 of 2018.

c. Based on Article 1 number 1 Indonesian Law No. 2 of 2004 concerning Dispute Resolution of Industrial Relation, the kinds of problems/disputes are rights disputes, interest disputes, layoffs disputes, and disputes between labor unions only in a company. So, based on the above description, kinds of disputes between Indonesian company and foreign workforce are rights disputes of the foreign workforce, interest disputes of the foreign workforce, layoffs disputes of foreign workforce, and disputes between labor unions of foreign workforce only in an Indonesian company.

d. The procedures of industrial relation dispute resolution between Indonesian Company and Foreign Workforce is regulated in Indonesian Law No.2 of 2004 concerning Dispute Resolution of Industrial Relation through: bipartite/negotiation, mediation, conciliation, dan arbitration.

Recommendation

a. The Government should be consistent and obey all laws and regulations related to foreign workforces who work or stay in Indonesia and the Government should not establish new Presidential Regulation which against the existing laws and regulations.

b. The Government should be firm upon the foreign workforce who works in Indonesia should have skill in certain fields such as international law expert, international accounting expert, high-tech machine expert, and so on as well as be able to communicate in Indonesian language. The foreign workforce should not be a lower level worker so the Indonesian workforce just become a viewer in their own country.
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