

KARAKTERISTIK DAN UPAYA HUKUM PENYELESAIAN SENGKETA ALTERNATIF DALAM PERSELISIHAN PERBURUHAN

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DISPUTE RESOLUTION ALTERNATIVE

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In the UU PPHI, it is introduced some mechanisms in alternative problem resolution, which has special characteristics: conciliation, mediation and arbitration. These three regulations of alternative problem resolution in industrial relationship dispute have been alternative forums that have been trusted by industrialization doers in solving their lawsuit out of court. What are the characteristics and law efforts that can be run by industrial doers toward those three ways of the alternative dispute resolution in solving any dispute? By using normative and doctrinal research methods, the data accumulation of this research is done through document research and book investigations which has something to do with manpower and industrial relationship dispute resolution. The analysis was done deductively. From the data accumulation it is known that reconciliation and mediation are a process of alternative dispute resolution that involves one or more of the third party. Although conciliator and mediator has rights and obligations to give their opinion openly and does not take side to one of the party in a dispute, the conciliator and mediator do not have any right to make a decision in a dispute for and on behalf of each of the party. All the end result in reconciliation and mediation processes will be taken fully by the disputing parties, which are written down on a form of agreement (Joint Agreement), which has a certain law guarantee in the implementation, through forced effort (*flat execution*) if one of the party does not run the Joint Agreement. While on another hand, arbitration is a form of alternative dispute resolution, which involves the taking of decision by one or more arbiters. In arbitration process, the third party or all the neutral parties will have a role as *adjudicator* or *decision-maker* of a case. If one of the party does not implement the Deed Peace, thus the party which gets any compensat could set forward execution request. Yet, from the result of the research it is also known that the law efforts of those three ways of alternative dispute resolution in an industrial dispute, through conciliation or mediation could be reached by one of the disputing party by request accusation to the PHI if one or more parties reject the written suggestion from the conciliator or mediator which jurisdictionally is not final and tied up just like in arbiter decision. While for the arbitration decision which has a final characteristic and tied up characteristic, one party or more could ask for arbitration cancellation decision request to the Supreme Court.

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