



Construction of the Execution Arrangements of Labor Relations Court Decisions on Termination of Employment Relations in the Tourism Accommodation Field Based on Legal Protection

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Abstract - The absence of specific regulations governing the execution of Labor Relations Dispute decisions, including those outlined in the *PPHI* Law, leaves workers affected by layoffs vulnerable without guaranteed legal protection. This research seeks to address the legal uncertainties surrounding the application of Labor Relations Dispute Decisions, also known as *PHI* Decisions, in layoff disputes within the tourism accommodation sector. The study aims to analyze the nature of executing *PHI* decisions, assess the usefulness and legal certainty of such executions for affected workers, and propose arrangements to enhance legal protections in the layoff process. Utilizing normative legal research methodology, the findings underscore the importance of safeguarding workers' fundamental rights, ensuring equal treatment, and fostering welfare amidst advancements in the business landscape. The execution of *PHI* decisions, which carry permanent legal force, should provide tangible benefits to laid-off workers, mitigating unrest and chaos in their lives. However, the lack of legal certainty in execution procedures, compounded by the non-compliance of defeated parties, underscores the need for regulatory frameworks. Construction of such arrangements, in accordance with Article 57 of the *PPHI* Law, is essential to address the existing empty norms. These norms, stemming from the absence of civil procedural law, particularly in executing *PHI* decisions, necessitate legislative revisions and proactive measures to uphold workers' rights and ensure equitable outcomes in layoff disputes. Therefore, this research highlights the imperative of legal reform to strengthen protections for workers within the tourism accommodation sector.

Keywords: Execution, Labor Relations Dispute Decisions, Legal Protection, *PHI* Decisions, Tourism Accommodation Companies

I. INTRODUCTION

General Remarks Law Number 13 of 2003 concerning Employment, Chapter I, Article 1 number 25 states that "Termination of an employment relationship is the termination of an employment relationship due to certain matters which result at the end of the rights and obligations between the worker/laborer and the entrepreneur." (*Undang-undang (UU) Nomor 13 Tahun 2003 tentang Ketenagakerjaan, 2003*). This legislation is commonly referred to as the Employment Law. Whether or not the severance compensation provided by the employer is sufficient in terms of safeguarding the rights of workers and laborers. No issues will surface if the severance pay provision complies with all relevant laws and regulations. On the other hand, if you consider the matter from the standpoint of the employee, he or she will eventually

lose their job due to layoff. This illustrates that job security—the assurance that an employee won't be let go while they're employed—is more important than severance money in this situation. Here, the law plays a crucial role in providing workers with legal protection.

The legal challenge arising from this research relates to what happens when businesses ignore rulings from judges in the Industrial Relations Court, such as *PHI* rulings, which require employers to re-salary employees. Despite this, the decision to re-salarize the workers was ignored by the business owner. Similarly, in a judge's ruling, the judge ruled that the employer must provide severance pay to the worker. However, the employer did not comply with the decision to provide severance pay for various reasons, such as the company's lack of finances. One important aspect of this is how inconsistencies between legal decisions and practical actions on the ground can create injustice for workers who have relied on the legal system to protect their rights. In this case, when an employer decides not to follow a court ruling, it is not only breaking the law, but also harming the employees who are supposed to benefit from the ruling.

Furthermore, such non-compliance with court rulings can also undermine the integrity of the legal system as a whole. It creates a precedent where other business owners or employers may feel that they can ignore court rulings as they see fit, which in turn may reduce public confidence in the fairness of the legal system. In addition, if this kind of violation occurs repeatedly without strict consequences, it can create an environment where lawlessness is taken for granted and accepted, which can undermine legal security and stability in the business world. Therefore, consistent and effective enforcement of court rulings is essential to ensure fair protection for all parties involved.

The *PPHI* Law, while addressing certain legal issues within the realm of industrial relations, notably lacks comprehensive governance over procedural law and execution procedures. It primarily directs the Industrial Relations Court to adhere to procedural rules akin to civil procedural laws within the General Court, as stipulated in Article 57. However, when it comes to execution rules, the reference shifts to the *Rechtsreglemen voor de Buitengewesten (Rbg)* or *Herziene Inlandsch Reglemen (HIR)*, specifically Articles 206 through 258 Rbg or Articles 195 through 224 HIR.

Presently, none of the requirements outlined in these articles are operative, leaving a notable gap in the regulatory framework. Despite this, certain provisions within these legal documents remain applicable, including Articles 195 to 208 HIR, Articles 206 to 240, and Article 258 Rbg. Furthermore, the reliance on civil procedural law, which stems from the Dutch East Indies government era, fails to adequately address the evolving needs of contemporary society. This outdated framework contributes to challenges in decision execution processes, prolonged case resolutions, and the costly nature of dispute resolution within the initial court instance.

The absence of explicit regulations on execution procedures within the *PPHI* Law exacerbates these issues. While the law mandates adherence to procedural norms akin to civil procedural law, it fails to address the gaps within this domain. Consequently, Article 57 of the *PPHI* Law inadvertently highlights the existence of legal vacuums concerning the execution of Labor Relations Court decisions. It is evident from the above description that, as of right now, the *PPHI* Law (empty norm) has not regulated the execution of *PHI* decisions in layoff disputes. This means that no law, not even the *PPHI* Law, specifically regulates the execution of *PHI* decisions, which means that it is subject to uncertainty. workers who are laid off have legal protection. *PHI*'s presence ought to be able to raise worker standards and

safeguard employees and their families more thoroughly in a way that respects human dignity. Moreover, it ensures equal opportunity and treatment for all workers without regard to a person's race or gender, as well as their fundamental rights.

Building upon the existing discourse on the inadequacies of the current legal framework governing the execution of Labor Relations Court decisions, the researcher endeavors to delve deeper into this realm through a titled "Construction of Regulations for the Execution of Labor Relations Court Decisions on Termination of Employment Relations in the Tourism Accommodation Sector Based on Legal Protection". To address the gaps identified within the legal landscape, the research problem formulation is structured as follows:

1. What is the essence of executing Labor Relations Court decisions in the Termination of Employment Relations at Tourism Accommodation Companies?
2. What is the benefit and legal certainty of executing Industrial Relations Court decisions for workers at Tourism Accommodation Companies?
3. How is the construction of arrangements for the execution of Industrial Relations Court decisions to provide legal protection in the process of Terminating Employment Relations at Tourism Accommodation Companies?

By investigating these pivotal questions, the research aims to not only elucidate the fundamental principles underlying the execution of Labor Relations Court decisions but also to explore the tangible benefits and legal safeguards afforded to workers within the tourism accommodation sector. Additionally, the study seeks to propose viable solutions through the construction of regulatory frameworks aimed at enhancing legal protection throughout the termination of employment relations processes within this industry. This interdisciplinary approach bridges the gap between theoretical discourse and practical application, paving the way for informed policy recommendations and potential legislative reforms.

II. METHOD

The research conducted adopted a normative legal approach as its main methodology. The main focus in this approach is on the legal norms that govern the context relevant to the research topic. Normative legal analysis, as explained by Diantha (2016), is a process of internal analysis of the structure and substance of the applicable law. In the context of this research, the study approach applied can combine several methodologies, depending on the need to solve research problems. The two techniques used are the statutory technique, which emphasizes the analysis of relevant legal documents, and the conceptual technique, which allows the formulation of legal concepts and principles relevant to the research topic.

The sources used to formulate legal materials in this research are based on primary, secondary, and tertiary legal documents, as explained by Soekanto & Mamudji (2015). The technique of collecting legal materials applied in this writing is through literature study, which allows researchers to access various references relevant to the research topic. Analysis of the legal materials collected in this research will be carried out using descriptive, interpretative, evaluative, and argumentative approaches. This approach allows the researcher to not only present the data factually, but also to interpret the meaning and implications of the analyzed legal norms, evaluate their relevance to the research topic, and build arguments based on the findings of the analysis.

III. RESULT AND DISCUSSION

3.1 The Essence of Execution of Labor Relations Court Decisions in Termination of Employment (PHK) in Tourism Accommodation Companies

Applying rulings from the Industrial Relations Court in Termination of Employment Relations (PHK) at Tourism Accommodation Companies is an extension or continuation of the foundations of employment law. The cornerstones of labor law have guided the creation of written constitutions and Basic Laws, which serve as the fundamental guidelines that constitute the basis of a country's order. The nation's statutes (gesetzesrecht), which are currently in force, are built around these fundamental ideas (Huda, 2005). Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that "The Indonesian state is a state of law," so the political direction of national employment law is based on the 1945 Indonesian Constitution. This is found in the Fourth Paragraph of the Preamble to the 1945 NRI Constitution, which reads, "... protect the entire Indonesian nation and all of Indonesia's blood, promote general welfare..." (*Undang-undang Dasar (UUD) Tahun 1945 dan Amandemen Nomor - tentang UUD 1945 dan Amandemen, 1945*).

Fundamentally, the 1945 Republic of Indonesian Constitution's Articles 27(2), 28D (2), and 28I (2) as well as Article 33(1), which governs the nation's economic foundation and was first proposed by Moch Hatta, must serve as the foundation for Indonesian labor law (Pamungkas, 1996). who gave the conceptualization of Article 33 in terms of economic democracy by putting the welfare of the people above the welfare of the individual, resulting in the Indonesian economy being set up as a cooperative endeavor founded on the kinship principle. Meanwhile, the Employment Law further regulates the direction of government policy in developing employment law, namely by involving elements of the business world and society, guiding all activities related to employment, the implementation of which is carried out in an integrated and coordinated manner. If we examine the essence of the Employment Law, it has a big name as the Employment Law, which is a law that protects workers. This can be seen from the *PHIlosoPHical* basis for the formation of the Employment Law which can be seen from the considerations considering letters a, b, and letter c of the Employment Law.

The existing limitations highlight that labor law in Indonesia does not make a clear separation between the individual rights of workers and the collective rights of workers. This can be seen from the mix of provisions governing both aspects in the Labor Law. The impact of this lack of separation is the possibility of difficulties in exercising legal remedies when rights violations occur. Problems in the field of employment are often the subject of debate related to the authority or competence of the relevant court. In practice, both workers and employers who feel their rights have been violated have the option to file a lawsuit with several judicial institutions, such as the District Court (PN), Industrial Relations Court (PHI), and even the State Administrative Court (PTUN). This creates complex legal dynamics and requires an in-depth understanding of the limits of authority of each judicial institution as well as the different dispute resolutions they offer.

Referring Pancasila as the theoretical foundation and the 1945 Indonesia's industrial relations laws must incorporate certain concepts, with the Republic of Indonesia's Constitution serving as their foundation: (1) The principle of benefit in the sense of providing benefits for workers, entrepreneurs, government and society, (2) Principles of joint business and kinship; (3) Principles of democracy; (4) Principle of openness; (5) The principle of fairness and equality; (6) Principle of balance; (7) Principle of working partnership. In order to achieve harmonious relations between workers and employers, or between employers and workers,

there are a set of labor law regulations, namely the Employment Law as material law and the *PPHI* Law as formal law. These regulations are intended to protect the rights of workers and laborers, who are typically in a weaker position than businessmen and employers, and to facilitate the realization of harmonious relations between parties in the industrial group of community. A combination of judicial (litigation) and non-judicial (non-litigation) institutions, including arbitration, mediation, conciliation, and bipartite, are used to resolve labor issues.

The *PPHI* Law served as the foundation for the establishment of the Labor Relations Court (*PHI*). *PHI* is a special court within the general legal system that acts as an adjudicator in cases involving rights disputes, conflicts of interest, termination of employment issues (*PHK*), and disputes between labor unions and worker unions. Civil procedural law, which is applicable in general courts as well, governs the procedures employed. The main cause of labor relations disputes is if there are parties who feel they have been treated unfairly, so a hypothesis can be formed, that: "if justice can be realized in every phase of the industrial relations process, an atmosphere of harmony in industrial society will be established." On the other hand, if injustice occurs at some point in the course of industrial relations, there will be disharmony in industrial society."

Based on the *PHI*losophical objectives of the *PPHI* Law, the Industrial Relations Court was formed to create a fast, precise, and fair mechanism for workers. It's fast because at the Industrial Relations Court stage, the panel of judges must decide the case within 50 working days and if one of the parties files a cassation, the panel of cassation judges is obliged to decide the case within 30 working days from the registration of the cassation. However, another reality was found that the rate of filing for cassation and judicial review was quite high. If you pay attention, employers are far more likely to be applicants for cassation and judicial review than workers, even though the difference is not significant. However, in real cases that occur, entrepreneurs often take legal action even though the Industrial Relations Court judge's decision is in their favor. This is to delay the execution time which will be detrimental to employers and prevent workers from filing new lawsuits because cases with the same object are currently at the level of legal action.

However, the description above confirms that the legal remedies of the Industrial Relations Court at the final level are still used by both employers and workers. Even though workers initially strongly rejected the presence of the Industrial Relations Court, there is no longer a mechanism to accommodate workers to obtain their violated rights. So, an initial conclusion can be drawn that workers and employers still need and entrust industrial relations cases to be resolved through the mechanism of the Labor Relations Court because there is no other option to fight over each other's interests. Judging from the theory of legal objectives which mentions justice, benefit, and legal certainty as legal objectives or "three basic ideas of law" or "three basic values of law". The problem is, as a legal goal, both Gustav Radbruch and Achmad Ali said there were difficulties in realizing it simultaneously. Achmad Ali said, that if it is said that law aims to realize justice, benefit, and legal certainty, does that not cause problems? In reality, there are often conflicts between one goal and another. He gave an example, in certain legal cases if the judge wants his decision to be "fair" In his opinion, the outcome frequently works against the interests of the larger community, and vice versa.

Judging from progressive legal theory, it comes from the question of why the Industrial Relations Court cannot execute its decisions quickly, precisely, fairly, and cheaply. To answer this question, it is necessary to reconstruct the execution of court decisions in *PPHI* cases based on progressive legal justice. This description of the execution of decisions in *PPHI*

cases is at least able to fundamentally identify the problems of the Industrial Relations Court as well as provide alternative thinking to reformulate the basic conception for labor relations construction regarding the precise, fast, fair, and cheap execution of court decisions in *PPHI* cases in realizing progressive legal justice. Judging from the utilitarian theory or benefit theory, the execution arrangements for industrial relations court decisions in the process of terminating employment relations at tourism accommodation companies must be able to provide benefits for the greatest number of people (the greatest happiness for the greatest numbers). This can mean that the execution of industrial relations court decisions must be able to bring benefits to workers who are greater in number (the largest number) compared to employers who are fewer in number.

The values of Pancasila and the 1945 Constitution of the Republic of Indonesia are fundamental to the implementation of the Labor Relations Court decision in Termination of Employment Relations at Tourism Accommodation Companies. This is because both aim to achieve just and harmonious workplace relations as well as the prompt, accurate, equitable, and affordable resolution of labor relations disputes. This conclusion can be drawn from the above discussion. This is meant to protect workers' and laborers' fundamental rights, guarantee equality of opportunity and treatment without discrimination on any grounds, and realize the welfare of workers' and laborers' families while keeping an eye on developments in the business world, particularly in the lodging industry for tourists.

3.2 Benefit and Legal Certainty of Execution of Labor Relations Court Decisions on Workers at Tourism Accommodation Companies

Law is a device for regulating, organizing, and ordering society so that conflict does not occur in society. With the existence of this set of rules, it will guarantee the rights and obligations of each society. Law also aims to maintain balance and interests of both upper and lower society, therefore the function of law itself aims to regulate the order of state life so that arbitrariness does not occur. Satjipto Rahardjo stated (1) The law is a tool to regulate and bring order to society; (2) Law can be a tool for resolution if a dispute occurs; (3) Law is also coercive in making rules and regulations; and (4) Law can also change order in society (Rahardjo, 1991).

As stated above, it can be seen that the role and function of law aim at justice and legal certainty in the order of social life. The community is intended to be protected legally by this law. Given their vulnerable position, workers need legal protection more than ever. It is stated that legal protection from the authority of employers is put into effect if employment rules and regulations that compel business owners or entrepreneurs to operate in a certain way are genuinely put into effect by all parties due to the legality of the laws. Not only can it be assessed legally, but also in a sociological and *PHIlosoPHical* sense (Asikin et al., 2016).

Within the framework of this composition, it is restricted to the implementation or enforcement of rulings concerning the payment of a certain amount of money. In this instance, the defendant (business/entrepreneur) was ordered by the Industrial Relations Court to make a payment of a certain amount of money to the plaintiff (employee). The individual is the applicant for execution at this point in the process, and the guilty party is the respondent for execution. The birth of the *PPHI* Law provides fresh air for workers/laborers to seek justice in West Kalimantan in general because Labor Relations Court decisions which already have legal force still have the same legal force as civil decisions in general, namely having the power of execution.

A court ruling is meaningless if it is not carried out, hence the judge's ruling has executorial legal force—that is, the authority to use state tools to compel compliance with the ruling's provisions. The statement at the top of the decision, "For the sake of justice based on belief in the Almighty God," grants the judge executorial authority" (Muhammad, 2014). Principally, the sole ruling that is enforceable indefinitely is that made by the judge. A judgment that creates a clear and permanent legal relationship between the parties to the case—one that the defendant is required to uphold and fulfill—is said to have permanent legal force (Harahap, 2006).

The execution process goes through several stages, namely starting with submitting a request for execution, determining the confiscation of execution, warning or summons to the respondent, auction, and required fees. The amount of free execution costs for Industrial Relations Court cases has been determined by the Supreme Court of the Republic of Indonesia. The execution costs are not borne by the respondents because the value of the lawsuit is less than Rp. 150,000,000, - (one hundred and fifty million rupiah). The District Court is prohibited from collecting execution costs from the applicant because the execution costs are borne by the government. Because the government budget through the Supreme Court has not yet come down, as a consequence the requested execution cannot be processed and we are waiting for the government budget to come down.

According to utilitarian theory or utility theory, something is beneficial if it helps individuals, but those advantages should affect society as a whole, not just a select few. Therefore, an egoistic understanding of utilitarianism is not appropriate. The greatest happiness of the greatest number of people serves as the standard under utilitarianism for judging whether a course of action is good or bad. It is important to take actions that make the greatest number of individuals feel content and joyful. Reasons why *PHI* decisions should help those who have been laid off. Utilitarianism answers because it brings the greatest benefits to workers who are laid off and not benefits to companies/entrepreneurs who are fewer in number (the greatest happiness for the greatest numbers).

A decision that has binding legal force (in kracht van gewijsde), then if the losing party does not want to carry out the contents of the decision voluntarily, it can proceed to the execution stage. M. Yahya Harahap, explained that execution is an effort or legal action carried out by the court, in this case directly led by the Chief Justice to reprimand and give the losing party time to carry out the decision. Execution is a follow-up examination of a case that has previously been decided, therefore execution cannot be separated from the previous case which is an inseparable unit.

Viewing from progressive legal theory, the question arises as to why *PHI* cannot execute its decisions quickly, precisely, fairly, and cheaply. To answer this question, it is necessary to reconstruct the execution of court decisions in *PPHI* cases based on progressive legal justice. This description of the execution of decisions in *PPHI* cases is at least able to identify fundamental *PHI* issues as well as provide alternative thinking to reformulate the basic conception for labor relations construction regarding the precise, fast, fair, and cheap execution of court decisions in *PPHI* cases in realizing progressive legal justice.

Viewing from the theory of legal certainty, the application of labor laws; workers and entrepreneurs occupy unequal positions; entrepreneurs enjoy a strong socioeconomic standing, while workers and laborers are in a weaker position because they rely on the entrepreneur or employer for their source of income. They both possess the dignity of human beings. It is imperative that laborers' weaker position not be a barrier to them seeking justice

before the Industrial Relations Court. Even though past labor procedural rules had weak substance, the advent of the Industrial Relations Court offers hope to anyone seeking justice, particularly workers and laborers. Public expectations The Industrial Relations Court is supposed to maintain justice, legal certainty, and authority (Tobing, 2018).

Based on the discussion above, according to the researcher, if the execution of the decision is carried out by the losing party voluntarily and then the rights of the winning party are fulfilled, then the element of legal certainty is fulfilled for one of the parties. Nevertheless, it frequently occurs that the losing party does not carry out the decision's terms voluntarily. As a result, there is often a lack of legal certainty regarding the fulfillment of workers' rights, including severance pay, gratuity pay, and compensation for medical housing and unused annual leave. As a result, the winning party, the workers, must request that the execution respondent's movable and immovable property be confiscated. Of course, in this case, it is difficult for workers to find documents relating to movable and immovable objects belonging to the defendant for execution.

3.3 Settlements for the Performance of Labor Relations Tribal Rules to Provide Legal Protection during the End of Employment Relations in Tourism Accommodation Companies

The Industrial Relations Court's procedural legislation, as well as other formal law, serves as a normative framework for structuring and using the judiciary. Legal procedural requirements must be upheld or applied to the Industrial Relations Court in order for it to perform its duties. Procedural law serves the purpose of material law, in essence. Labor law, being the material law, shall be served by the procedural law of the Industrial Relations Court. Between civil law and labor law, there are differences. The Civil Procedure Law, which is applicable to courts within the General Courts, is the procedural law that governs the Industrial Relations Court, unless otherwise specified under Article 57 of the *PPHI* Law. Understanding which general civil procedural rules apply and which procedural laws are particularly governed under the *PPHI* Law is therefore essential.

Procedural legislation and execution procedures are not closely regulated by the *PPHI* legislation. But as Article 57 of the *PPHI* Law states, the *PPHI* Law only affirms that the Industrial Relations Court follows the same procedural rules that apply to civil procedural laws inside the General Court. The fact that civil procedural law, which is a holdover from the Dutch East Indies government, has not been able to keep up with the rapidly changing requirements of society indicates that there is a gap in the field. Apart from that, several other problems found in judicial practice due to the vacuum in civil procedural law are the difficulty of the decision execution process, the long process of resolving cases with a certain lawsuit value, and the high-cost stages of dispute resolution in the first instance court. Article 2 paragraph (4) of the Judicial Power Law states that trials are carried out simply, quickly, and at low cost (*Kekuasaan Kehakiman, 1999*).

Based on the explanation above, it can be stated that the void in norms in civil procedural law can be filled with court decisions as jurisprudence, the doctrine of the Supreme Judges in the formulation of the results of the Civil Chamber Plenary Meeting and Supreme Court Regulations (PERMA). In this instance, legal construction entails fine-tuning the legislation—that is, either executing the law in accordance with the textual provisions already in place or applying it in a way that is so subtle as to imply that no party is at fault. Regarding the absence

of norms for executing *PHI* Decisions, Article 57 of the *PPHI* Law can be constructed as follows:

Table 1. Construction Results of Article 57 of the *PPHI* Law

Article 57 of the current <i>PPHI</i> Law	Except as otherwise specified by this legislation, the Civil Procedure legislation, which governs courts within the General Courts, is the procedural law that governs the Labor Relations Court.
Construction Results of Article 57 of the <i>PPHI</i> Law	<ol style="list-style-type: none">(1) With the exception of circumstances expressly specified by this legislation, the Civil Procedure legislation, which is applicable to courts housed within the General Courts, also governs the proceedings of the Labor Relations Court.(2) In the event that the Indonesian Civil Procedure Law is still in draft form, the Supreme Court shall promulgate a Supreme Court Regulation governing the Temporary Indonesian Civil Procedure Law. If one of the parties is dissatisfied with the Labor Relations Court's Decision, he may submit a Judicial Review with the following conditions:<ol style="list-style-type: none">a. If the decision clearly shows a judge's error or a blatant error.b. If something has been granted that was not demanded or more than what was demanded.c. If a part of the claim has not been decided without consideration of the reasons.d. If between the same parties regarding the same matter on the same basis by the same court or at the same level, decisions are given that are contradictory to each other.e. If in a court decision, there are provisions that conflict with each other.f. If the decision is based on a lie or deception from the opposing party which is discovered after the case is decided or on a witness statement or documents of evidence that the criminal judge later declares to be false.g. If, after the case has been decided, evidence of a decisive nature is found that cannot be found at the time the case is examined.(3) The Request for Review does not suspend or stop the execution of the Labor Relations Court Decision.

Based on the results of the regulatory construction of Article 57 of the *PPHI* Law mentioned above, which essentially includes the provisions of (a) the Civil Procedure Law which is used by the Indonesian Civil Procedure Law; (b) Before the Civil Procedure Law is formed, it can be replaced by Supreme Court Regulations; (c) This Supreme Court Regulation provides an opportunity for dissatisfied parties to submit a judicial review application with the requirements stated in Article 57 paragraph (3) of the *PPHI* Law on construction results; and (d) The judicial review application does not suspend or stop the execution of the *PHI* decision.

The application of industrial relations court decisions places workers and entrepreneurs in unequal positions, with the former depending on their source of income and the latter on their

socioeconomic standing. This is seen when considering the theories of legal certainty and justice. work for an employer or businessman. They are both human beings with inherent dignity. The weaker position of laborers/workers must not be a barrier to them seeking justice in the Industrial Relations Court. Despite the inadequate content of earlier labor procedural rules, the creation of the Industrial Relations Court offers hope to those seeking justice, particularly workers and laborers. Public expectations of the Labor Relations Court are expected to be able to uphold legal authority, legal certainty, and justice.

The execution of the *PHI* decision should provide legal certainty for both parties. For entrepreneurs, there is certainty of ending layoff cases which usually drag on until the *PHI* decision. Meanwhile, workers will receive certainty regarding payment or fulfillment of their rights which have not been obtained due to layoffs. Apart from that, workers also have the opportunity to work elsewhere. Viewing from the theory of legal discovery, the *PPHI* Law does not strictly regulate procedural law and execution procedures so the regulations must be discovered, either by interpretation or by analogy, *rechtsverwijning* (refining/concreting the law), or by legal construction methods. This legal construction is needed to face the legal vacuum (Ali, 2012).

law cannot possibly cover all the countless number and types of human activities, as stated by Mertokusumo in his book "There are no statutory regulations that can cover the entirety of human life, so that no statutory regulations are as complete as completely and clearly. Because the law is incomplete and unclear and can give rise to multiple interpretations and uncertainty, it must be sought and found (Mertokusumo, 2006). The activity of searching for and discovering the law is called legal discovery. According to Mertokusumo and Pitlo, legal discovery is "... the process of forming law by judges or other legal officers who are given the task of implementing the law or applying general legal regulations to concrete legal events (Mertokusumo & A, 1993). Furthermore, Mertokusumo simply describes that legal discovery is "... the process of concretization and individualization of general legal regulations by remembering certain concrete events".

Based on the explanation above, to resolve the empty norms in the *PPHI* Law which do not strictly regulate procedural law and execution procedures, it is necessary to construct regulations for the execution of industrial relations court decisions to provide legal protection in the process of terminating employment relations at tourism accommodation companies whose results have been stated above. This construction is part of the Theory of Legal Discovery. This construction was carried out to complete the empty norms in the *PPHI* Law. The empty norms are due to Article 57 of the *PPHI* Law which refers to the absence of civil procedural law, especially regarding the execution of Industrial Relations Court decisions. So far, when we talk about Civil Procedure Law, we still refer to the provisions in the *HIR/RBG* articles. However, *HIR/RBG* is far behind and no longer in line with Pancasila values. Apart from that, the Civil Procedure Law should concern the execution of Industrial Relations Court decisions, the law can provide legal protection to workers. Thus, this research novelty proposes the publication of the Civil Procedure Law, especially regarding the execution of Industrial Relations Court decisions so that the lacuna in norms in Article 57 of the *PPHI* Law can be resolved and have legal certainty.

IV. CONCLUSION

In striving for just industrial relations and a swift, accurate, fair, and accessible resolution of industrial disputes, the preamble of the Republic of Indonesia's 1945 Constitution enshrines

the Pancasila values, which are pivotal for the implementation of Labor Relations Court decisions, especially in cases of Termination of Employment Relations within the tourism accommodation sector. This commitment aims to ensure that workers enjoy fundamental rights, equal opportunities, and non-discriminatory treatment, fostering the welfare of workers and their families while remaining attuned to the dynamics of the business world, particularly in the travel and lodging industry.

The execution of Industrial Relations Court decisions, which carry permanent legal weight, holds significant potential benefits for workers affected by layoffs. It seeks to prevent unrest and upheaval in the lives of individuals seeking justice, particularly those within laid-off worker groups. However, the current landscape of executing such decisions lacks legal certainty, primarily because companies, as the losing party, frequently fail to comply with the court's directives voluntarily. Furthermore, the absence of regulatory norms compounds this uncertainty.

As a result, laid-off employees, despite prevailing in court, often face challenges in realizing their entitled rights, such as severance pay, gratuity, housing replacements, medical benefits, annual leave, and a sense of justice. Consequently, to enforce these rights, laid-off employees, as the prevailing party, are compelled to pursue execution through the confiscation of the respondent company's assets, both movable and immovable. Yet, this endeavor is fraught with difficulties, especially in identifying and accessing pertinent documents relating to the company's assets.

The development of regulations governing the execution of Industrial Relations Court decisions to safeguard legal protections throughout the termination of employment relations process within tourism accommodation companies aims to address the regulatory gaps within the *PPHI* Law. These regulatory gaps stem from the provisions outlined in Article 57 of the *PPHI* Law, which notably fail to provide explicit guidance on civil procedural law, particularly concerning the execution of Industrial Relations Court decisions.

In response to this regulatory vacuum, the construction of regulatory arrangements under Article 57 of the *PPHI* Law is pivotal. This construction essentially encompasses several key provisions, including:

- (a) Incorporating elements of the Civil Procedure Law as utilized within the Indonesian legal framework;
- (b) In instances where the Civil Procedure Law is not yet formulated, Supreme Court Regulations serve as viable alternatives;
- (c) Offering dissatisfied parties, the avenue to submit a PK (Judicial Review) application, subject to the requirements stipulated in Article 57, paragraph (3) of the *PPHI* Law, based on the outcomes of the construction process;
- (d) Ensuring that the submission of a PK application does not halt or impede the execution of Industrial Relations Court decisions.

This research unveils the innovative transformation of Article 57 of the *PPHI* Law, reshaping it into a comprehensive framework spanning from paragraph (1) to paragraph (4). This transformation is achieved through meticulous adherence to the procedures governing the drafting of statutory regulations, thereby enhancing clarity and efficacy within the legal landscape. Such developments mark a significant contribution to legal scholarship, offering practical solutions to address the complexities surrounding the execution of Industrial Relations Court decisions within the context of termination of employment relations at tourism accommodation companies.

In light of the findings of this research, several recommendations can be proposed to address the challenges surrounding the execution of Industrial Relations Court decisions in the context of termination of employment relations within the tourism accommodation sector. Firstly, it is imperative for legislative bodies, namely the President and House of Representatives, to prioritize the revision of Article 57 of the *PPHI* Law in alignment with the insights gleaned from this study. This revision should aim to incorporate clear and comprehensive provisions specifically addressing the execution of such court decisions. Secondly, upon obtaining a favorable decision from the Industrial Relations Court, the winning party, namely the laid-off workers, should promptly submit a request for execution to the local District Court. This step is essential to ensure the realization of workers' rights, including severance pay, long service pay, compensation for housing, medical treatment, annual leave, and a sense of justice.

Furthermore, labor unions are encouraged to scrutinize *PHI* decisions that pose challenges in execution and collaborate with the judiciary to compel non-compliant companies or entrepreneurs to adhere to court directives. Additionally, enhancing enforcement mechanisms is crucial to ensure compliance with court directives by companies found violating labor laws. This may involve establishing specialized enforcement agencies and implementing monitoring and reporting mechanisms to track compliance effectively. Moreover, capacity-building initiatives should be undertaken to equip judiciary officials, legal practitioners, and labor inspectors with the requisite skills and knowledge to navigate the intricacies of labor dispute resolution and execution procedures. This may entail organizing training programs, workshops, and seminars focused on civil procedural law, execution techniques, and conflict resolution strategies. Lastly, raising awareness among workers about their rights and available legal remedies is paramount to empowering them to assert their rights effectively.

Collaborative efforts through educational campaigns, outreach programs, and the dissemination of informative materials in partnership with labor unions, community organizations, and government agencies can facilitate this awareness-raising endeavor. Through the implementation of these recommendations, stakeholders can work towards ensuring the swift, accurate, and fair resolution of industrial disputes and the effective enforcement of labor rights within the tourism accommodation sector and beyond.

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