

Analysis of Special Civil Cases on Industrial Relations Disputes: A Case Study of Supreme Court Decision Number 347 K/Rev. Sus-PHI/2020 in the Perspective of International Civil Law

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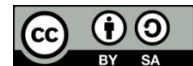
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ABSTRACT

The case of the industrial relations dispute between PT Hevilit Aviation Indonesia and Joel Raymundo Alviar illustrates the legal complexity faced by companies and workers, especially in the context of the involvement of foreign nationals. The Supreme Court's Decision Number 347/K/Pdt. Sus-PHI/2020 is the focal point for analyzing the application of international civil law in employment relations in Indonesia. This article aims to provide an in-depth understanding of the legal basis underlying the award, as well as explore how international civil law is applied in these disputes. In addition, this article also examines the impact of the ruling on labor policy in Indonesia, including its implications for the protection of workers' rights and the policies of companies that employ foreign workers. The results show that the Supreme Court's ruling not only sets an important precedent in the settlement of industrial disputes, but also highlights the need for harmonization between national and international law in the context of employment. As such, this article contributes to a broader understanding of the interaction between international civil law and employment relations, as well as its implications for more effective labor policy in Indonesia.

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1. INTRODUCTION

Industrial relations disputes are an inevitable phenomenon in the modern world of work. Along with globalization and the increasing complexity of economic relations between countries, these disputes often involve elements across national borders. This requires a deep understanding of not only national civil law, but also international civil law.

Industrial relations disputes in the international context often arise due to

differences in legal systems, work cultures, and economic interests between the country where the company originates and the country in which the company operates. These factors can trigger various types of disputes, ranging from different interpretations of employment contracts, differences in occupational safety and health standards, to differences in views on union rights.

In addition, globalization and technological developments have accelerated the pace of

cross-border business, so that more and more multinational companies are operating in different countries. This increases the complexity of industrial relations, as companies have to deal with different labor regulations in each country where they operate. These differences in the application of labor law are often a source of disputes between companies and workers.

Hevilift Aviation Indonesia is a company active in the field of air transportation with many foreign employees, one of which is Joel Raymundo Alviar a Filipino citizen. Disputes between the two parties are not new as they have long been debated both internally and externally. However, the existence of a specific Supreme Court decision discussing this dispute makes it even more interesting to discuss.

The Supreme Court's Decision Number 347/K/Pdt. Sus-PHI/2020 has major implications in the context of the application of international civil law. Issues such as the protection of workers' rights, jurisdiction, and labor regulation in Indonesia are the main focus of this analysis. The impact of industrial relations disputes in the international context is very broad and complex. In addition to impacting companies, workers, and countries, these disputes also have significant implications for the international legal system. For companies, disputes can result in financial losses, reputational damage, business instability, and increasing legal complexity. Workers also bear the brunt of disputes, such as job losses, decreased well-being, and psychological distress.

The country could experience stunted economic growth, social instability, and a decline in investment attractiveness. In the context of international law, these disputes can encourage the development of labor law, the unification of international law, and the strengthening of protection of workers' rights. To overcome these negative impacts, preventive measures such as the preparation of fair labor policy, social dialogue constructive, and effective dispute resolution mechanisms

Efforts to resolve industrial relations disputes (PHI) aim to find a peaceful solution to

disputes between workers and employers. Settlement can be done through various means, ranging from direct negotiations, mediation, arbitration, to through the courts. Direct negotiation is an initial effort involving both parties to reach an agreement. If the negotiation fails, then it can be continued with mediation involving a neutral third party as a facilitator. The arbitration involves a third party authorized to make a final and binding decision.

The court is the last option if previous settlement efforts have not been successful. The choice of dispute resolution method depends on the level of complexity of the problem, the wishes of both parties, and the provisions in the collective bargaining agreement. It is important to remember that conflict prevention is much better than resolution. By building harmonious industrial relations and increasing legal awareness, it is hoped that PHI disputes can be avoided.

2. LITERATURE REVIEW

2.1 *Manpower Law Number 13 of 2003 and Law Number 2 (2004)*

Industrial Relations Dispute Resolution (PPIH) is the main legal basis for resolving disputes related to termination of employment (PHK) in Indonesia. These two laws regulate layoff procedures, ranging from bipartite negotiations, mediation, to submission to the Industrial Relations Court (PHI) and the Supreme Court.

2.2 *Prof. Dr. Sudikno Mertokusumo (2020)*

As an expert in civil law, he has emphasized the importance of fairness in every legal decision, especially those related to industrial relations. In the context of Supreme Court Decision Number 347 K/Pdt. Sus-PHI/2020, Mertokusumo (2019) criticized that the decision must pay attention to the protection of workers' rights, especially foreign workers, as part of the principle of social justice. He argued that a fair verdict not only considers legal aspects, but also morality and workers' welfare.

2.3 *Dr. M. Fauzan (2021)*

Employment law experts, discussed the implications of Supreme Court Decision

Number 347 K/Pdt. Sus-PHI/2020 in the context of worker protection. In his research, Fauzan (2021) shows that this decision has the potential to encourage significant changes in labor policy, by prioritizing the rights of foreign workers as part of broader protection. He also emphasized the need for periodic evaluations to ensure that the implementation of this decision can have a real impact on the welfare of workers.

3. METHODS

The research method used is an analytical descriptive method. This article uses primary data in the form of the Supreme Court's decision No.347/K/Pdt.Sus-PHI/2020 along with relevant legal references such as the Manpower Law No.13/Year 2003 and the International Treaty Law No.24/Year 2000. The analysis was carried out comprehensively to digest the main issues discussed in the decision.

4. RESULTS AND DISCUSSION

Supreme Court (MA) Decision Number 347 K/Pdt.Sus-PHI/2020 is one of the important decisions in the context of labor law in Indonesia. This decision not only provides legal certainty for workers, but also reflects the application of international civil law principles in resolving industrial relations disputes. The following is an analysis of the legal basis, the application of international civil law, and an evaluation of the impact of the ruling on labor policy in Indonesia.

4.1 Legal Implications

The Supreme Court's Decision No.347/K/Pdt.Sus-PHI/2020 refers to the Law of the Republic of Indonesia No.13 of 2003 concerning Manpower and the Law of the Republic of Indonesia No.24 of 2000 concerning International Agreements. In this context, international civil law is used to resolve problems arising from the interaction between transnational articles. This ruling shows that the Supreme Court has an important role to play in enforcing labor laws, especially in situations where there is involvement of foreign nationals. Drawing on the principles of international law, the

Supreme Court affirmed that the protection of workers' rights is not only limited to citizens, but also includes foreign workers.

Protection of Workers' Rights article 92 paragraph (1) of the Law mandates protection of the rights of foreign workers is the same as that of domestic citizens. However, its practical implementation is still a challenge because there are certain limitations related to the legal status of the parties involved and Jurisdiction is one of the important factors in determining which law applies in a case. In this decision, the Supreme Court emphasized the importance of legal certainty to avoid legal dualism that can disrupt industrial stability.

4.2 The Role of International Civil Law

In the context of industrial relations disputes, Principles

- 1) Lex loci contractus (law of the place of agreement) and lex fori (law of the forum) are very relevant.
- 2) Lex loci contractus means the law where the employment agreement is signed must be enforced.
- 3) Lex fori means the law where the court has the authority to resolve the dispute must be enforced.

In the Supreme Court's decision No. 347/K/Pdt. Sus-PHI/2020, the Supreme Court applies these principles to resolve disputes involving parties from different countries.

Supreme Court Decision No. 347/K/Pdt. Sus-PHI/2020 emphasizes the importance of strong regulations to protect the rights of foreign workers in order to improve the integrity of the national industry. Therefore, the government and institutions it is necessary to improve more comprehensive regulations to protect the rights of foreign workers and increase national economic integration with higher international standards.

4.3 Implementation of New Policies

A new, more inclusive policy will make the work environment more stable and prosperous for all parties involved. This includes raising awareness and education about workers' rights, as well as improving coordination between governments, workers' organizations, and companies to create a

harmonious and productive working environment. Alternative dispute resolution (ADR) such as mediation, arbitration, and conciliation can be used as an effective and efficient dispute resolution mechanism. ADR can help reduce the cost and time required to resolve disputes, as well as increase the likelihood of achieving a fair settlement for all parties involved.

4.4 Impact of the Decision

The impact of the Supreme Court decision No.347/K/PDT Sus PHI in 2020 on labor policy in Indonesia is relatively significant. First of all, the ruling emphasizes the importance of strong regulations to protect the rights of foreign workers in order to improve the integrity of the national industry. Second, the implementation of new policies that are more inclusive will make the work environment more stable and prosperous for all parties involved.

5. CONCLUSION

The industrial relations dispute case of PT Hevilift Aviation Indonesia vs Joel Raymundo Alviar provides a clear picture of the legal complexity faced by companies and workers in the era of globalization. The

Supreme Court's Decision No. 347 KP DT SUS PHI in 2020 is a clear example of how international civil law can be used as a tool for resolving transnational disputes. This ruling not only protects the rights of foreign workers but also encourages the improvement of labor policies in Indonesia. This is the basis for continuing to develop fair and sustainable regulations in the context of international labor.

Thus, this article contributes positively in understand more about the theory and practice of the application of international civil law in the context of cross-border labor relations. The suggestion for the government and related institutions is to improve more comprehensive regulations to protect the rights of foreign workers and to increase national economic integration with higher international standards.

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