

Analysis of the Role of Advocates in Industrial Relations Dispute Resolution: The Case of the Medan Manpower Office

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Abstract. *Industrial relations dispute resolution is an important issue in the world of labor that requires the right legal approach. This study aims to analyze the role of advocates in resolving industrial relations disputes at the Medan City Manpower Office, especially in the mediation and litigation stages. The research method used is a qualitative approach with data collection through in-depth interviews, observations, and document studies. The data were analyzed descriptively by relating them to relevant theories and legal frameworks. The results of the study show that advocates have a strategic role in helping the parties to the dispute understand their rights and obligations, both through legal consultation, assistance in mediation, and legal representation in the litigation process at the Industrial Relations Court. In addition, advocates also contribute to the preparation of legal documents that support client claims. However, there are a number of obstacles faced by advocates, such as low legal understanding from the parties to the dispute, limited competence of mediators, and lack of supporting evidence. This obstacle often prolongs the duration of dispute resolution and reduces the effectiveness of mediation. This study concludes that the role of advocates is very important in creating a fair and efficient dispute resolution process. However, improvements are needed in the dispute resolution system, such as increasing legal literacy, training mediators, and optimizing mediation procedures. This finding is expected to contribute to the development of better industrial relations settlement practices, especially in the city of Medan.*

Keywords: Advocate, Industrial Relations, Mediation, Dispute Resolution, Manpower Office

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INTRODUCTION

Industrial relations are one of the important aspects in the world of work that involve the relationship between workers, employers, and the government (Mantili, 2021). In this context, the settlement of industrial relations disputes is an inseparable part in creating harmony and balance in the work environment. Disputes that arise are often caused by differences of interest, infringement of rights, or inconsistency with employment agreements (Muhajir et al., 2024). In dealing with this problem, advocates have a strategic role as law enforcers who provide legal assistance to the parties to the dispute.

The city of Medan, as one of the major cities in Indonesia, faces complex industrial relations dynamics. The existence of the Medan City Manpower Office as an authorized government institution is very important in resolving various industrial relations disputes (Immanuel, 2021). However, the resolution of this dispute cannot always run smoothly without adequate legal

assistance. In this regard, advocates have a great responsibility to assist their clients, both workers and employers, in understanding and enforcing their rights.

The role of advocates in the settlement of industrial relations disputes is not only limited to the litigation process in the Industrial Relations Court, but also includes mediation and negotiation (Charda, 2017). Advocates act as facilitators, mediators, and law enforcers who ensure that the dispute resolution process runs in accordance with the provisions of applicable laws. They also play a role in providing legal education to clients, so that clients can understand their rights and obligations in the employment relationship (Abqa et al., 2024).

However, the challenges faced by advocates in carrying out their roles are quite complex. Some of them are the lack of legal understanding from the parties to the dispute, non-compliance with applicable rules, and the existence of political or economic pressure that can affect the course of the dispute resolution process. In this context, a case study on the role of advocates in resolving industrial relations disputes at the Medan City Manpower Office is relevant to explore. This study aims to analyze the extent to which advocates can contribute to resolving industrial relations disputes in Medan City. In addition, this study also seeks to identify the obstacles faced by advocates in carrying out their roles. Thus, the results of this study are expected to provide practical recommendations to increase the effectiveness of industrial relations dispute resolution in the future.

The Medan City Manpower Office has the responsibility to supervise and facilitate the resolution of industrial relations disputes in accordance with applicable laws. However, in some cases, this process requires the presence of an advocate to ensure that the rights of the parties are protected. The role of advocates is important, especially in providing legal advice, representing clients in court, and assisting in the mediation process, which is often the first step in dispute resolution (Siregar et al., 2023).

Advocates also have a role in mitigating conflicts that have the potential to occur in the work environment. By providing clients with a better understanding of the applicable legal provisions, advocates can help reduce the risk of disputes. In addition, advocates can act as a communication bridge between workers and employers to reach mutually beneficial agreements (Nova, 2009).

This study uses a qualitative approach with a case study method to gain a deep understanding of the role of advocates in resolving industrial relations disputes at the Medan City Manpower Office. The data used in this study came from interviews with advocates, the Manpower Office, workers, and employers involved in industrial relations disputes. In addition, analysis of related documents such as laws and regulations, case reports, and mediation notes is also carried out to enrich the research findings. Through this research, it is hoped that effective dispute resolution patterns and strategies that can be applied by advocates in helping their clients can be identified. This finding is also expected to contribute to the development of policies in the field of industrial relations, especially in strengthening the role of advocates as strategic partners in dispute resolution.

The resolution of industrial relations disputes requires a holistic and collaborative approach. The role of advocates in this process must be supported by good cooperation between the parties to the dispute, the Manpower Office, and other related institutions. In this case, advocates can be a liaison who integrates different interests to achieve equitable and sustainable solutions (Yunus, 2021). In addition, advocates can also play a role in policy advocacy aimed at improving the industrial relations dispute resolution system (Wijayanti, 2020). With first-hand experience in handling industrial relations cases, advocates can provide valuable input to policymakers on existing barriers and steps that need to be taken to address them.

In the context of the Medan City Manpower Office, advocates are often faced with situations that require high negotiation and mediation skills. They must be able to manage the emotions of the parties to the dispute and ensure that the dispute resolution process runs professionally and

in accordance with the rules. Therefore, interpersonal skills and in-depth legal knowledge are the main capital for advocates in carrying out their roles.

This research also aims to explore how advocates can utilize information technology in supporting the resolution of industrial relations disputes. In today's digital era, the use of technology can be an effective tool to increase efficiency and transparency in the dispute resolution process. For example, through the use of online mediation applications or web-based platforms for legal consultation.

By understanding the role of advocates in resolving industrial relations disputes, it is hoped that a more harmonious working relationship can be realized in the city of Medan. This will not only provide benefits for workers and entrepreneurs, but also for overall economic development. Therefore, advocates have a moral and professional responsibility to continuously improve the quality of their services in helping clients resolve disputes fairly and effectively (Sinaga, 2020).

In conclusion, the role of advocates in resolving industrial relations disputes is one of the key components in creating harmonious and productive working relationships. Through this research, it is hoped that a more comprehensive understanding of the challenges and opportunities faced by advocates in carrying out their duties, as well as their contribution in creating a better dispute resolution system in the future, can be produced.

METHODS

This study uses a qualitative approach with a descriptive method to analyze the role of advocates in resolving industrial relations disputes at the Medan Manpower Office (Rukajat, 2018). Here is a detailed description of the research method:

Research Approach

This study uses a qualitative approach because it aims to deeply understand the role of advocates in the process of resolving industrial relations disputes. This approach allows researchers to explore descriptive and interpretive data related to the experiences, views, and practices of advocates.

Location and Subject of Research

The location of the research is the Medan Manpower Office. Research subjects include: 1) Advocates involved in the settlement of industrial relations disputes; 2) Industrial relations mediator at the Medan Manpower Office; 3) Related parties, such as workers/laborers and entrepreneurs who have been involved in industrial relations disputes.

Data Collection Techniques

Data is collected through several methods, namely: 1) In-depth interviews. Interviews were conducted with advocates, mediators, and parties who have been involved in industrial relations disputes. The questions focused on the role of advocates in mediation, litigation, and non-litigation processes; 2) Observation. The researcher observed the dispute resolution process at the Medan Manpower Office to see how advocates played a role in each stage of settlement; 3) Document Study. The documents reviewed include laws and regulations related to industrial relations, case reports, advocate power of attorney, and relevant mediation documents (Miles & Huberman, 1992).

Data Analysis Techniques

The data that has been collected is analyzed using thematic analysis with the following stages (Jogiyanto Hartono, 2018): 1) Data Reduction. Select, simplify, and focus relevant data according to the research objectives; 2) Data Categorization. Segment the data into key themes such as the role of advocates in mediation, challenges faced, and the effectiveness of the role of advocates; 3) Data Interpretation. Analyze data based on theory, legal regulations, and industrial relations practices in Medan.

Research Instruments

The main instrument of this research is the researcher himself, who plays a role in collecting, analyzing, and interpreting data. In addition, supporting instruments include interview guidelines, observation sheets, and field notes.

Data Validity

The validity of the data is guaranteed through method triangulation, which combines data from interviews, observations, and document studies. In addition, discussions were held with industrial relations experts to ensure the consistency of research results.

Research Procedure

The research was carried out through the following stages: 1) Planning: Drafting a research proposal, establishing a research subject, and applying for a research permit; 2) Data Collection: Conduct interviews, observations, and document studies at the research site; 3) Data Analysis: Processing the data obtained according to thematic analysis techniques; 4) Reporting: Compile research reports in the form of systematic narratives.

RESULTS AND DISCUSSION

Based on the results of research conducted through interviews, observations, and document studies, the following are the findings obtained regarding the role of advocates in resolving industrial relations disputes at the Medan City Manpower Office:

Legal Arrangements for Advocates According to Laws and Regulations

Advocates in Indonesia are comprehensively regulated in Law Number 18 of 2003 concerning Advocates. This law establishes advocates as a profession that is free, independent, and responsible in enforcing the law for justice based on the law and the law. In the context of industrial relations, advocates have the role of: 1) Legal advice (consultant) on behalf of workers or employers; 2) Companion in mediation, conciliation, and arbitration processes; 3) Legal counsel in the litigation process at the Industrial Relations Court (PHI).

In addition, Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes provides a legal basis for the role of advocates in assisting parties in disputes outside and inside the court.

Law Number 18 of 2003 concerning Advocates stipulates that advocates are a free and independent profession in helping the community get justice (Rozi, 2017). In the context of industrial relations, this role is strengthened by Law Number 2 of 2004 concerning Industrial Relations Dispute Resolution, which provides a legal framework for advocates to act as consultants, companions, and legal representatives in mediation, conciliation, arbitration, and litigation. The results of this study are in line with the view of the theory of access to justice, as stated by (Kern, 2016). This theory emphasizes that advocates have an important role to play in ensuring that the public, especially workers who lack understanding of the law, can access dispute resolution mechanisms effectively. This finding also supports research by Yusri (2019), which states that advocates play a strategic role in helping clients understand the legal framework and protect their interests at the negotiating table as well as in court (Achmad Ali & Wiwie Haryani, 2014).

The Role of Advocates in Resolving Industrial Relations at the Medan City Manpower Office

Advocates have a significant role in various stages of industrial relations dispute resolution at the Medan City Manpower Office. Based on interviews and observations, these roles include: a) Mediation. Advocates often act as client companions in mediations facilitated by mediators from the Manpower Office. They help clients understand their legal position and formulate arguments that support their interests; b) Legal Consultation. Advocates provide legal guidance to clients regarding the rights and obligations of each party in industrial relations disputes, including advice on reaching mutually beneficial agreements; c) Documentation and

Negotiation. Advocates help draft legal documents such as settlement agreements, lawsuits, or answers to the opposing party's claims. They are also involved in the negotiation process to reach a peace agreement; d) Litigation. When mediation does not achieve satisfactory results, advocates accompany clients to proceed with the process to the Industrial Relations Court.

Advocates have an integrated role in all stages of industrial relations dispute resolution. In mediation, advocates function as companions who provide legal arguments to strengthen the client's position. In the legal consultation stage, advocates help clients understand their rights based on labor law, as stipulated in Law Number 13 of 2003 concerning Manpower (Work & Transmigration, 2003). The role of advocates in negotiations is also very important. Advocates ensure that the negotiation process runs with the principles of fairness, mutual benefit, and in accordance with legal provisions. This supports the view (Arum et al., 2023), which states that advocates not only serve as defenders, but also as mediators who help clients reach a fair solution without having to go through a court process. The study also confirms previous findings by (SEPTIANI, 2016), which found that the presence of advocates in the settlement of industrial relations at the mediation level increases the likelihood of reaching an agreement between workers and employers.

Table 1. Stages and Roles of Advocates

Stages of Completion	The Role of Advocates	Expected Results
Mediation	Mentoring, submission of arguments	Win-win
Legal Consultation	Legal advice and analysis	Client's understanding of his rights
Negotiation	Negotiation with the opposing party	Peaceful settlement
Litigation	Drafting lawsuits, legal defenses	Fair court rulings

Obstacles Faced by Advocates in Resolving Industrial Relations at the Medan City Manpower Office

The results of interviews and observations show that advocates face several obstacles in resolving industrial relations disputes, including: 1) Lack of Legal Understanding by Clients. Many workers and employers do not fully understand their rights and obligations under the law, making the settlement process more difficult; 2) Protracted Mediation Process. The mediation process often takes a long time due to a lack of commitment from one or both parties to resolve the dispute quickly; 3) Limitations of Mediator Competence. In some cases, the mediator does not have a deep understanding of the law of industrial relations, so the settlement does not go optimally; 4) Lack of Supporting Evidence. Clients often do not have strong enough documents or evidence to support their claims, which makes it difficult for advocates to fight their cases.

Although advocates have an important role, this study found several obstacles that hinder their effectiveness in resolving disputes. The main obstacle is the low understanding of the law by clients, both workers and entrepreneurs. This makes advocates have to allocate additional time to provide legal education to clients before the mediation or litigation process begins. Another obstacle is the length of the mediation process caused by a lack of commitment from one of the parties to the dispute. In this context, the game theory developed by (Owen, 2013) relevant. This theory suggests that in negotiations, success depends largely on the readiness of both parties to compromise. This unpreparedness prolongs the duration of dispute resolution and often harms weaker parties. In addition, the limited competence of mediators at the Medan City Manpower Office is also a challenge. Mediators often do not have a strong enough legal background to understand the complexity of the case they are handling. These findings support research by (Indriasari & Takarini, 2024) which identifies that the quality of mediators is one of the main factors for the success of mediation in industrial relations disputes. Finally, the lack of evidence to support the client's claims is a major obstacle for advocates. Important documents such as employment contracts or evidence of violations are often unavailable or missing. This

weakens the legal arguments of advocates and reduces the chances of success in the mediation and litigation process.

Table 2. Obstacles and Their Impact on Dispute Resolution

Constraints	Impact on Dispute Resolution
Lack of legal understanding	Clients find it difficult to follow mediation procedures
The mediation process is protracted	Completion becomes ineffective
Limitations of mediator competence	Mediation results are not satisfactory
Lack of supporting evidence	Advocates' legal arguments become weak

CONCLUSION

This research reveals that advocates have a very important role in resolving industrial relations disputes at the Medan City Manpower Office. Based on the analysis conducted, it was found that the role of advocates is not only limited to legal assistance, but also includes providing legal advice, drafting legal documents, and representing clients in mediation and litigation processes. This role is very relevant in helping workers and employers understand their rights and obligations, thereby increasing the chances of peaceful dispute resolution. In terms of legal arrangements, advocates have gained full legitimacy based on Law Number 18 of 2003 concerning Advocates and Law Number 2 of 2004 concerning Industrial Relations Dispute Resolution. This legal framework provides a strong foundation for advocates to play an active role in assisting the parties to the dispute. However, its implementation in the field still faces a number of obstacles. The main obstacles faced by advocates are the low understanding of the law by the parties to the dispute, the length of the mediation process due to the lack of commitment of the parties involved, the limited competence of the mediator, and the lack of evidence to support the claim. These constraints hinder the effectiveness of dispute resolution and often extend the duration of resolution, especially in complex cases. The results of this study emphasize the relevance of the theory of access to justice, which emphasizes the importance of the role of advocates as a link between society and the legal system. In addition, the theory of social conflict also helps to understand that industrial relations disputes often arise from imbalances of power and access to legal information. Overall, despite various challenges, advocates still have a strategic role in creating fair and effective industrial relations dispute resolution. The success of advocates in this role is highly dependent on the synergy between clients, mediators, and related institutions, as well as improvements in the dispute resolution system itself. As a follow-up, concrete steps are needed such as increasing legal literacy for workers and employers, regular training for mediators, and simplifying mediation procedures. With this effort, it is hoped that the settlement of industrial relations disputes in Medan City can run more optimally and provide benefits for all parties involved.

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