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Assessment And Intervention of New Learner Anxiety in Junior High School: A Group Case Study

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ABSTRACT
This study aims to compare and analyze the industrial relations dispute settlement processes in Indonesia and Singapore, two countries with differing legal systems: Indonesia follows the civil law system, while Singapore uses the common law system. Both countries share similarities in their dispute resolution methods but also exhibit notable differences. In Indonesia, the process starts with bipartite negotiations, followed by tripartite mediation, conciliation, arbitration, and ends in industrial relations courts. In contrast, Singapore begins with collective bargaining, moves to tripartite conciliation or mediation, and concludes with arbitration at the Industrial Arbitration Court. Peter de Cruz's work on labor law highlights the importance of understanding how different historical and cultural contexts shape legal systems. Despite both countries initiating the process with negotiations, Singapore's dispute resolution is generally faster, influenced by its dynamic societal changes and significant Chinese descendant population. The complexity and duration of dispute resolution in Indonesia suggest a need for reform to enhance efficiency and speed. This study employs a normative legal method with a comparative approach to evaluate these differences and similarities in the context of evolving societal and political influences.

Keywords: Comparison of Legal Systems, Industrial Relations, Indonesia, Singapore

INTRODUCTION
Workers and employers have a mutually dependent and complementary relationship in the workplace (Bhargava & Young, 2022). Industrial relations refer to the interactions among workers, employers, trade unions, and the government concerning employment issues. Maintaining industrial relations between workers, trade unions, and employers is crucial to prevent conflicts that may lead to workplace disputes (Alajmi & Lengyel, 2021). In both Indonesia and Singapore, the development of the discipline of industrial relations was preceded by issues related to worker-employer relationships in the workplace. Both countries have legal systems that regulate industrial relations, especially when disputes arise. In these countries, industrial relations conflicts can occur, including in Indonesia. Indonesia follows the civil law system (continental European legal tradition), which is different from Singapore, which follows the common law system (Anglo-Saxon legal tradition) (Wardhani, Noho, & Natalis, 2022).

Indonesia and Singapore are two countries with similar histories, but in terms of labor laws related to industrial relations and their resolution processes, they have both similarities and distinct characteristics. It is explained that there are two types of legal traditions within the legal system: the Anglo-Saxon legal culture (Common Law System) and the Continental European law (Civil Law System). In accordance with the Common Law tradition, the primary source of law is societal customs and agreements between

and among participants. Conversely, legislation enacted by the government is the primary source of law in countries adhering to civil law (Nurhardianto, 2015).

According to Michael Bogdan, comparative law is the study of various legal systems to identify their similarities and differences (Siems, 2019). This involves processing the similarities and differences obtained between various legal systems, such as explaining their historical origins, evaluating the solutions used or adopted, and categorizing various legal systems into families or legal traditions.

In Indonesia, the legal framework includes Law No. 13 of 2003, Government Regulation No. 35 of 2021, Law No. 6 of 2023, and Law No. 2 of 2004 on the settlement of industrial relations disputes. Meanwhile, in Singapore, the legal framework includes The Employment Act of 1968 and the Industrial Relations Act of 1960. The process of resolving industrial relations in Indonesia and Singapore has several differences and similarities despite the different legal systems employed. The elements of societal change influence Malay law and its political law because of changes in the societal structure and political dynamics, particularly due to the significant Chinese descent population in Singapore. The differing political law elements, historical backgrounds, and cultures are intriguing; both Indonesia and Singapore have negotiation processes first between employers and workers, progressing to arbitration or industrial relations court processes. Therefore, it is necessary to study this more deeply using the legal system theory, emphasizing the substance and legal culture elements related to the industrial relations dispute resolution process in both Indonesia and Singapore (Wiratraman, 2019).

The development of labor laws, particularly concerning the process of resolving industrial relations disputes in both Indonesia and Singapore, should be studied more deeply, especially since the similarities and differences can provide a more effective contribution to the existing legal system in Indonesia. In his book, Peter De Cruz explains the functions and purposes of comparative law as follows: comparative law as an academic discipline; comparative law as an aid to legislation and legal reform; comparative law as a construction tool; comparative law as a means to understand legal principles; and comparative law as a contribution to the systematic unification and harmonization of law. These functions and purposes are very interesting and must be investigated more deeply in quality studies. Therefore, comparative law can play an essential role in understanding legal culture (Lukito, 2022).

Based on the problem context description, the research issues that can be explored in this study are as follows:

1. How is the legal system regulated in the process of resolving industrial relations disputes between Indonesia and Singapore?
2. What causes the similarities and differences in the legal systems in the process of resolving industrial relations disputes between Indonesia and Singapore?

RESEARCH METHOD

The research method used is prescriptive legal research with a comparative approach. This study aims to analyze the comparison of the legal systems of Indonesia and Singapore related to the resolution of industrial relations disputes. This research is based on Law No. 13 of 2003 on Labor, Government Regulation No. 35 of 2021 on Specific Time Work Agreements, Outsourcing, Working Hours and Rest Times, and Termination of Employment, Law No. 6 of 2023 on Job Creation, and Law No. 2 of 2004 on the Settlement of Industrial Relations Disputes as positive law in Indonesia, compared with the Employment Act of 1968 (Singapore's Employment Law of 1968) and the

Industrial Relations Act of 1960 (the main law regulating Industrial Relations in Singapore) as positive law in Singapore. Secondary legal materials include quotations from books, journals listed in the bibliography. The legal materials are analyzed qualitatively, and the research findings are presented in the form of descriptive explanations based on the interpretation of the current applicable laws and regulations (Soekanto, 2007).

RESULTS AND DISCUSSION

Subekti argues that a system is an organized or orderly arrangement, a whole consisting of interrelated parts arranged according to a plan or pattern to achieve a goal. A good system has no duplication or overlap (Subekti, 1979).

In Peter De Cruz's book (De Cruz, 2010), several legal systems are discussed. For this topic, the focus is on the Continental European Legal System, also known as the Civil Law system, and the Anglo-Saxon Legal System, also known as the English Common Law system. In the civil law system, rules and norms encompass regulations, principles, and legal norms. Principles are formulations of views on behavior or attitudes that serve as benchmarks, measures, or guidelines for action or behavior in life. Indonesia's legal system is based on civil law.

In the civil law system, a legal state is a hierarchical system of legal rules with a very simplified structure as follows:

1. Rules from a constitution.
2. General rules in a law or customary law.
3. Individual rules from a legal executive body, especially the courts.

Therefore, in the civil law system, legal norms are emphasized as guides and benchmarks for societal behavior in their interactions, ensuring order and protection for both individual and collective interests. Thus, in the civil law system, legal norms or rules are deliberately formulated as rational, logical, and systematic products of authorized institutions. In this legal system, the creation of laws (Rechtsvorming) is the responsibility of the legislative body tasked with creating legal norms or rules that serve as guidelines or frameworks for judicial decision-making in pending cases or disputes. If the formation of law (Rechtsvorming) is the responsibility of the legislative body, then the discovery of law (Rechtsvinding) is primarily the jurisdiction of the judiciary.

Similar to the civil law system, the common law system in Singapore is based on the concept of legal rules/norms, the formulation of legal rules/norms, the function of legal rules, the structure of legal rules/norms, and sources of law. In the civil law system, legal rules are more emphasized for their preventive function, providing guidelines and standards for behavior by establishing general legal rules in legislation. In the common law system, legal rules are more emphasized for their repressive function, resolving conflicts of interest. Because of the focus on resolving conflicts of interest, the repressive function is limited to the task of eliminating these conflicts by formulating legal rules or norms for the current societal conditions to meet their needs and to be applied in specific circumstances. As a result of the emphasis on the repressive function, legal rules are formulated concretely. Thus, the legal state is specific and concrete, aimed at resolving particular cases to end conflicts of interest in society and enforce social order. In the common law system, such rules are created by court decisions, making the judiciary play a crucial role. In this system, incidental case-by-case legal norms or rules are products of tradition and evolve within the procedural law framework. Consequently, in this legal

system, legal norms consist of concrete judicial decisions. Therefore, when describing the emergence of legal norms, this phrase should be used.

Most common law is not codified, indicating that there is no complete collection of statutes. Common law relies on several laws resulting from legislative decisions but is primarily based on precedents, i.e., legal decisions made in identical past cases. These precedents are maintained over time by historical court records documented in annual reference volumes (almanacs) and reports. These precedents apply to all new cases where the chief judge appoints a judge. As a result, judges play a significant role in shaping the law in the United States and England. Civil law is based on statutes. A country with a comprehensive civil law system maintains up-to-date legal codification, including court rules, applicable procedures, and penalties for violations (De Cruz, 2010). Consequently, legal codification can prevent the emergence of ineffective legal rules in the decentralized litigation process characteristic of the common law system (Arruñada & Andonova, 2008).

Indonesia and Singapore are two countries with different legal systems. Singapore is influenced by the hegemony of British power, while Indonesia is influenced by the hegemony of Dutch power. Consequently, this impacts the legal systems of Indonesia and Singapore.

According to Lawrence M. Friedman, the functioning of a law can be determined by its legal structure, legal substance, and legal culture (Friedman, 1975). Thus, the scope of study materials includes substance, structure, and legal culture. The first component is the legal structure, institutionalized into legal bodies such as the structure of first-instance courts, appellate courts, and cassation courts, as well as the number of judges and the integrated judicial system. The first component of the legal system consists of the legal structure, institutional order, and institutional performance. Substance consists of the system of rules, norms, and patterns of human behavior, as well as legal culture. In fostering good industrial relations, the legal system in the aspect of labor legal culture can undertake preventive and legal protection efforts for workers who make mistakes. To minimize industrial relations disputes, both employers and workers must consider the legal culture itself. Friedman defines legal culture as attitudes and values related to law and the legal system, as well as attitudes and values that positively and negatively influence behavior related to law in the workplace. This legal culture is also understood as the social thinking environment and social forces that determine how law is used, avoided, and abused.

As a country that follows civil law, Indonesia bases its labor law on heteronomous rules (legislation). Thus, labor provisions and working conditions are regulated by laws and government regulations. In such a scenario, the dynamics (changes) of labor law greatly depend on the role of the government as the lawmaker and enforcer. Meanwhile, both trade unions and employer groups do not have significant influence in forming work terms and conditions, especially in regulations governing the process of resolving industrial relations disputes. Conversely, in Singapore, a judge must consider and/or apply previous court decisions issued by themselves or their predecessors in similar cases. This concept is embraced by courts with hierarchical authority, meaning lower courts must follow higher court decisions in identical cases.

Simply put, industrial relations are the ways of life and interactions in the workplace to create a harmonious, balanced, and dynamic atmosphere for peace in work and business, based on national ideology with socio-political and socio-economic

orientation. Industrial relations disputes arise from differing views that lead to conflict. Employers and workers must collaborate to establish harmonious industrial relations.

In labor law and the process of resolving industrial relations disputes, each country has different legal foundations and systems, but the mechanisms are almost similar. In Indonesia, there are foundations regulating labor law and mechanisms for resolving industrial relations disputes, including:

In Indonesia, the legal foundations regulating labor law and the mechanisms for resolving industrial relations disputes include:

1. Law Number 13 of 2003 concerning Manpower. ("Manpower Law")
2. Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Contracts, Outsourcing, Working Hours and Rest Periods, and Termination of Employment. ("PP35/2021").
3. Law Number 6 of 2023 concerning Job Creation. ("Law 6/2023").
4. Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. ("Law 2/2004").

In Singapore, the legal foundations regulating labor law and the mechanisms for handling industrial relations disputes include:

1. The Employment Act 1968 concerning labor law regulations.
2. Industrial Relations Act 1960 concerning the resolution of labor law disputes.

According to Dr. Yunus Shamad, M.M., industrial relations are a pattern or system of interactions or attitudes and behaviors formed among actors in the process of producing goods and/or services, including workers, employers, the government, and society (Shamad, 1995).

The process of resolving industrial relations disputes is well-regulated in both Indonesia and Singapore. However, despite regulating the same principles and essence, there are differences between the two countries. The regulation of industrial relations aims to foster harmonious relations between employers and workers. Harmony between employers and workers not only promotes increased productivity but also creates a comfortable atmosphere.

Legal Systems in The Process of Resolving Industrial Relations Disputes in Indonesia and Singapore

In Indonesia, which follows the civil law system, industrial relations are regulated in Law 13/2003, PP 31/2021, and Law 6/2023. Based on Pancasila and the 1945 Constitution of the Republic of Indonesia, industrial relations are a system of relationships formed among actors in the process of producing goods and/or services, including elements of employers, workers, and the government. Industrial relations, involving the government, differ from employment relations, which are limited to the relationship between employers and workers. Industrial relations are expected to be safe, harmonious, and conducive to national welfare development.

Meanwhile, Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes explains that industrial relations disputes are conflicts that arise between employers or associations of employers and workers or trade unions due to rights disputes, interest disputes, termination disputes, and disputes between trade unions in one company. Industrial relations conflicts in Indonesia are described as follows (Pradima, 2013):

a. Rights disputes are disputes arising from unfulfilled rights due to differences in the implementation or interpretation of laws, employment agreements, company regulations, or collective labor agreements (Article 1, point 2 of Law 2/2004).
b. Interest disputes are disputes arising in the workplace due to disagreements on the formation and/or changes in working conditions as stipulated in employment agreements, company regulations, or collective labor agreements (Article 1, point 3 of Law 2/2004).
c. Termination disputes arise from disagreements between the parties regarding employment termination (Article 1, point 4 of Law 2/2004).
d. Disputes between trade unions are conflicts between one trade union and another within the same company due to differences in understanding regarding membership, and the implementation of rights and obligations of the trade unions (Article 1, point 5 of Law 2/2004).

The dispute resolution process includes:

a. Settlement Through Bipartite: Deliberation for consensus; if an agreement is reached between the worker and the employer or between the trade union and the employer, it can be outlined in an agreement between the two parties (Kusuma, Wirasila, & Keperdataan, 2013).
b. Settlement Through Mediation: The government can appoint a mediator responsible for mediating and can act as a mediator in resolving disputes between workers and employers, resulting in a mutual agreement to form a Joint Agreement (Mantili, 2021).
c. Settlement Through Conciliation: Resolution through a conciliator appointed and dismissed by the Minister of Manpower upon the proposal of trade union organizations. Article 19 of Law No. 2 of 2004 outlines all the requirements to become an official conciliator, where the primary responsibility of the conciliator is to call witnesses or related parties within seven days of receiving the proposal from the conciliator (Ujang Charda, 2017).
d. Settlement Through Arbitration: Resolving interest disputes and disputes within a company between trade unions and employers (Paparang, 2015). The appointment of an arbitrator is determined by the Minister of Manpower. As stipulated by the Minister of Manpower, the disputing parties can choose the arbitrator they prefer. If a mutual agreement is reached, it must be signed by both parties, witnessed by the arbitrator or arbitration panel, and submitted to the Industrial Relations Court. Article 32, paragraphs (1) and (2) of Law 2/2004 state that the agreement on the procedure for resolving industrial relations disputes must be a written agreement in an arbitration agreement, made in triplicate, with each party receiving one copy, all having the same legal effect. The parties choose or appoint an arbitrator from the list compiled by the Minister of Manpower. Article 30 of Law 2/2004 states that the jurisdiction of the arbitrator covers the entire territory of the Republic of Indonesia.
e. Settlement of Disputes Through the Industrial Relations Court to the Supreme Court Cassation Level: Article 56 of Law No. 2 of 2004 states that the Industrial Relations Court has the duty and authority to examine and decide at the first level for interest disputes, at the first and last levels for termination disputes, and at the first and last levels for disputes between trade unions within one company.

In Singapore, which uses the common law system, labor law regulations are governed by The Employment Act 1968, which regulates employment contracts, wage payments, working hours, third-party involvement, part-time workers, domestic workers,

child labor, worker protection and benefits, inspections/investigations, claims, complaints, investigations of violations, administrative penalties, and their regulations.

In Singapore, the resolution of labor/industrial relations disputes is based on the Industrial Relations Act and through processes regulated by the Ministry of Manpower. The dispute resolution process starts with informal efforts through collective bargaining between employers, workers, or trade unions. If unsuccessful, the disputing parties can submit a request to the Ministry of Manpower for conciliation (tripartite mediation). The conciliator, appointed by the department, is responsible for mediating. If mediation fails, the dispute can be referred to the Industrial Arbitration Court. The president directly appoints the chairperson and vice-chairperson of the arbitration body on the prime minister's advice. This position shows that the Industrial Arbitration Court has significant power and a strong position to adjudicate disputes between companies and workers. The commission will hear both sides and make binding decisions. In Singapore, the process of resolving industrial relations disputes is conducted quickly and efficiently due to the government's policy of encouraging informal resolutions to address disputes promptly.

The role of the government is crucial in both Indonesia and Singapore. Therefore, regulations governing the rights and obligations of employers and workers are needed to create harmonious industrial relations. Consequently, the government's function as a regulator can be demanded to make regulations that not only regulate the behavior, rights, and obligations of employers and workers but also represent the interests of both parties equally.

Causes of Similarities and Differences in the Legal System for Industrial Relation Dispute Resolution Between Indonesia and Singapore

According to Michael Bogdan, some of the hundreds of existing legal systems exhibit striking similarities. These similarities result from similar types of societies, historical development/evolution, religion, and several other common aspects. This creates issues of legal genealogy (classifying the world's legal systems into different legal lineages) (Bogdan, 1994).

Indonesia and Singapore are two countries with different legal systems. The differences are due to Indonesia being a former Dutch colony adhering to the Continental European legal system, while Singapore is a former British colony following the Anglo-Saxon legal system. Consequently, this impacts each country's legal system.

In terms of similarities, both Indonesia and Singapore prioritize initial negotiations in the form of deliberations/negotiations between the parties in the industrial relations dispute resolution process to achieve a mutually agreeable solution and the involvement of tripartite processes, either through conciliation or mediation.

Both Indonesia and Singapore aim for quick, efficient, and straightforward mechanisms for resolving industrial relations disputes without lengthy processes. The geographical conditions of Indonesia and Singapore are similar and close to each other. Singapore's socio-cultural conditions are a combination of various ethnic groups, predominantly Chinese and Malay, with a blend of Eastern cultures similar to Indonesia.

The differences can be analyzed in the context of dispute resolution processes. In Singapore, the process is relatively faster compared to Indonesia, where disputes may proceed to the Supreme Court if parties opt for mediation and conciliation in the tripartite negotiation stage. This difference arises from the legal systems used: Indonesia follows civil law, while Singapore follows common law. The legal foundations in Indonesia

include the Manpower Act No. 13/2003, Government Regulation No. 35/2021 on Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment, Job Creation Act No. 6/2023, and Industrial Relations Dispute Settlement Act No. 2/2004. Singapore's legal foundations include the Employment Act 1968 and the Industrial Relations Act 1960.

In Indonesia, the industrial relations dispute resolution process starts with bipartite negotiations, followed by tripartite processes (mediation, conciliation, arbitration), and proceeds to the Industrial Relations Court up to the Supreme Court. In Singapore, the process starts with collective bargaining, followed by tripartite processes (conciliation/mediation), and proceeds to the Industrial Arbitration Court (IAC). The President appoints the chairman and vice-chairman of the arbitration body based on the Prime Minister's recommendation. The IAC has significant power and a strong position to adjudicate disputes between workers and employers.

One of the key factors causing differences between Indonesia and Singapore is their historical background. Indonesia's legal system is derived from European, particularly Dutch, Continental European law or civil law. Historically, Indonesia was a Dutch colony. The Continental European legal system is characterized by numerous codified legal provisions automatically interpreted by judges in their application, rooted in the codification of Roman Empire laws. In the Continental European system, written laws (legislation) are binding, so judicial decisions in a case only bind the parties involved.

Conversely, Singapore's legal system follows the Anglo-Saxon or common law system. Since the 11th century, England has developed common law, known as the "unwritten law" system. However, the common law system is not exclusively unwritten, as there are also written statutes within the common law system. In the common law system, court decisions and customary law serve as supplementary sources of law.

Another significant factor is societal changes that influence Malay law and its political dynamics, particularly with many Chinese descendants in Singapore holding citizenship.

CONCLUSION

The purpose of industrial relations dispute resolution is to settle disputes between workers and employers. The legal foundations used in Indonesia are the Manpower Act No. 13/2003, Government Regulation No. 35/2021 on Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment, Job Creation Act No. 6/2023, and Industrial Relations Dispute Settlement Act No. 2/2004. The dispute resolution process in Indonesia includes bipartite negotiations, mediation, conciliation, arbitration, and the Industrial Relations Court up to the Supreme Court. Singapore's legal foundations include the Employment Act 1968 and the Industrial Relations Act 1960. Dispute resolution processes in Singapore begin with collective bargaining, followed by tripartite (conciliation/mediation), and the Industrial Arbitration Court (IAC). The President appoints the chairman and vice-chairman of the arbitration body based on the Prime Minister's recommendation. The IAC has significant power and a strong position to adjudicate disputes between workers and employers.

Both countries have similarities and differences in industrial relations dispute resolution processes. These similarities and differences stem from societal changes affecting Malay law and its political dynamics, historical and cultural factors, with

Indonesia following civil law due to its Dutch colonial history and Singapore following common law due to its British colonial history. The focus should be on how to achieve a quick, efficient, and effective industrial relations dispute resolution process. Legal reforms may be necessary in both Indonesia and Singapore if the current processes are deemed inefficient. Legal culture should also be considered, as the substance of law must align with legal culture to ensure effective and successful implementation of industrial relations dispute resolution mechanisms.

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