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Comparative Analysis of the Process of Resolving Labor Disputes in the Russian Federation and the Republic of Indonesia

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Abstract

This research is motivated by the similarities in socio-economic conditions related to employment and the need for adequate labor law, particularly in resolving industrial relations disputes in both the Russian Federation and the Republic of Indonesia. This research further identifies various aspects of similarities and differences in labor dispute resolution in Indonesia. The purpose of this work is to study and comprehensively and comparably analyze, based on theory, empirical material, and judicial practice, the norms of labor legislation for the resolution of labor disputes in the Russian Federation and the Republic of Indonesia. The object of the research is the methods and mechanisms of the process of settlement of labor disputes used in the Russian Federation and the Republic of Indonesia, while the subject of the research is the system of labor law norms that regulate the methods and mechanisms of the process of resolving labor disputes in the Russian Federation and the Republic of Indonesia. The results of this study are a comprehensive, qualitative analysis of the labor dispute resolution systems in both the Republic of Indonesia and the Russian Federation, encompassing existing laws and regulations, legal institutions, and labor dispute resolution procedures. It is hoped that this research can serve as constructive evaluation material for each country concerned, allowing them to review and improve their established labor dispute resolution systems.

Keywords : *labor dispute resolution, comparative labor law, law of Russian Federation law, law of the Republic of Indonesia , effectiveness of alternate dispute resolution.*

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INTRODUCTION

Both the Russian Federation and the Republic of Indonesia are countries that can be classified as developing countries in terms of their economic indicators (Bakri *et al.*, 2018). This also means that both the Russian Federation and the Republic of Indonesia must continue their efforts to restructure their economies in order to improve the well-being of their citizens, including in the workforce sphere, although each faces different challenges such as demographic issues, human resource needs, availability of natural resources, socio-cultural factors, and others (Larionova, 2023; Abbassy, Alatas and Amrulloh, 2024). In this case, labor legislation certainly plays a role in establishing economic development policies in the field of human resources (Foghani, Mahadi and Omar, 2017). Any labor dispute must be properly resolved to maintain the stability of production in the industrial sphere (Klerck, 2018).

Basic labor rights are enshrined in Article 37 of the Constitution of the Russian Federation and are regulated in detail in the Labor Code of the Russian Federation (Belozerova *et al.*, 2018). In Indonesia, the fundamental rights of workers are enshrined in Article 27 (2) and Article 28 D (2) of the Constitution of the Republic of Indonesia and are further regulated by several special laws, such as Law No. 13 of 2003 on Manpower, Law No. 2 of 2004 on Settlement of Labor Disputes, Law No. 21 of 2000 on Trade Unions, Law No. 39 of 2004 on

the Employment and Labor Protection of Indonesian Workers Abroad, Law of December 18, 2017 on the Protection of Indonesian Migrant Workers, and a number of other derivative regulations at both the central and local levels of government. Both the Russian Federation and the Republic of Indonesia have labor standards that were adopted in close proximity (Bartley, 2018).

At first glance, the Republic of Indonesia does have more tools for resolving labor disputes than the Russian Federation (Zaitseva *et al.*, 2019). This is reflected in a number of regulations and the existence of a special labor court (Labor Relations Court) established in the Republic of Indonesia. However, in such a scenario, it can also be noted that the number of legal instruments does not always guarantee the effectiveness of solving legal problems that arise between employees and employers (Kraakman and Armour, 2017). The study is very important given that the Republic of Indonesia has many more workers than the Russian Federation. On the other hand, the Russian Federation itself also recognizes the need to improve the labor law tools at its disposal to resolve labor disputes, both in the form of institutions and legislation (Soloviov *et al.*, 2020).

This comparative study is motivated by the need to move beyond a mere descriptive analysis and instead critically evaluate the effectiveness, advantages, and limitations of these divergent systems (Soloviov *et al.*, 2020). The novelty of this research lies in its empirical and practical examination of how each system performs in reality, offering a clear lens for policymakers and legal practitioners to identify transferable best practices and common pitfalls. The primary objectives are to analyze the normative frameworks, institutional mechanisms, and practical outcomes of labor dispute resolution in both countries. It is intended to provide evidence-based recommendations for refining policies, optimizing resource allocation, and ultimately developing more efficient, equitable, and accessible justice systems for workers and employers in both jurisdictions (Burnett and Sandefur, 2023).

RESEARCH METHODS

The methodological basis of this research is the dialectical method of cognition. In the process of this dissertation research, the author also uses systems analysis and functional approaches inherent in general philosophical, general scientific, and private law methods. The use of the dialectical method is due to the differentiation of labor law norms from the perspective of differentiation and protection (provision) of interests that are governed by labor law. The methodology of the systems approach is determined by the state of the Russian legal system, which is characterized by the complexity of legal material organization, the internal unity and inconsistency of labor law norms, as well as their interconnection with norms of other legal areas. The application of this method enables clarification of the concept of legal structure and system, taking into account its existence, position, and development both in general and in particular contexts. In preparing this research, the method of formal logic is widely used, as well as private law scientific methods, namely comparative law.

RESULTS AND DISCUSSION

One of the most important points that should be noted in the similarity of the concepts of legal regulation of the settlement of labor disputes in the Russian Federation and the Republic

of Indonesia is the economic conditions and political situation against which the new labor legislation was born (although in this context there are very different problems). In the Republic of Indonesia, although there have also been changes in the economic and political situation, there has never been a fundamental change in the structure of government and the economic system that occurred at the birth of the Russian Federation after the collapse of the Soviet Union. That's why it is known that the Republic of Indonesia has more specific regulations regarding the organization of the process of settlement of labor disputes.

The Labor Code of the Russian Federation does not contain a general concept of "labor dispute" in principle. It can be formulated on the basis of an analysis of the articles of the Code that contain the concept of types of labor disputes - individual and collective (Articles 381 and 398 of the Labor Code of the Russian Federation). The following concept of a labor dispute may become quite widespread due to the fact that the Labor Code of the Russian Federation defines only a labor dispute as an unresolved dispute between an employee and an employer (landlord) on issues of labor relations and other directly related relations, relating to the consideration and resolution of bodies regulated by the Labor Code of the Russian Federation (Smirnov et al., 2015).

While The Law of the Republic of Indonesia No 2 of 2004 on the Settlement of Labor Disputes divides the types of labor disputes into 4 main forms, namely: rights disputes, interest disputes, disputes over termination of employment contract, disputes between trade unions/trade union organization, the difference in the meaning of labor disputes is to delineate the powers of the dispute resolution body in resolving disputes in the field of labor relations. Mediation is used in four types of employment disputes, including rights disputes, interest disputes, termination of employment contract disputes, and intra-company union/employee disputes. Meanwhile, conciliation resolves three types of disputes in the field of labor relations, namely interest disputes, disputes over termination of employment contract, and disputes between unions/employees within the company. Finally, the Labour Court and the Supreme Court of the Republic of Indonesia have been given the power to adjudicate four types of labour disputes (Uwiyono et al., 2014).

Articles 6, 7, 15, 17-19, 32, 37, 45, 46, 48 of the Constitution of the Russian Federation contain the basics of the procedure for the consideration of labor disputes, which are prescribed in other laws. Chapter 60 of the Labour Code of the Russian Federation (Articles 381-397) defines the procedure for the consideration and resolution of individual labour disputes, while the procedure for the consideration and resolution of collective labour disputes is regulated by Chapter 61 of the Labour Code of the Russian Federation, which is substantially supplemented by the provisions of the Federal Law. 334-FZ of November 22, 2011. When considering labor disputes, the court applies the relevant norms not only of labor legislation, but also of the Civil Procedure Code (Articles 5-16, 28-32, 35-37, 88-89, 121-130, 131, 134, 154, 211 of the Civil Procedure Code of the Russian Federation are of great importance for the judicial consideration of individual labor disputes). On 14 August 2002, the Ministry of Labour and Social Development of the Russian Federation approved three important acts:

1) Recommendations on the organization of work on the consideration of joint labor disputes by the Conciliation Commission (No 57);
2) recommendations on the organization of work on the consideration of labor disputes together with the participation of mediators (No 58);

3) Recommendations on the Organization of Work on the Consideration of Collective Labor Disputes in Labor Arbitration (No 59).

Resolutions of the Plenum of the Supreme Court of the Russian Federation can be considered sources of labor law, since various decisions of courts of general jurisdiction allow referring to them as a legal basis for the consideration and resolution of specific labor cases. By its nature, a resolution of the plenum of the Supreme Court of the Russian Federation is a guiding document of judicial practice. "The first place in this group of judicial acts is occupied by the Resolution of the Plenum of the Supreme Court of the Russian Federation of March 17, 2004 No. 128-FZ "On Amendments and Additions to Certain Legislative Acts of the Russian Federation". 2 "On the Application of the Labor Code of the Russian Federation by the Courts of the Russian Federation". Some other resolutions of the Plenum of the Supreme Court of the Russian Federation should also be taken into account when considering and resolving individual labor disputes (Gusov & Lyutov, 2023):

1) Decision No. 8 of 31 October 1995 "On Certain Questions of the Application of the Constitution of the Russian Federation by the Courts in the Administration of Justice";
2) Decision No. 5 of 10 October 2003 "On the Application by the Courts of General Jurisdiction of the Generally Recognized Principles and Norms of International Law and International Treaties of the Russian Federation"2;
3) Decision No. 10 of 20 December 1994 on the application of the law on compensation for moral damage;
4) Decision No. 52 of 16 November 2006 "On the Application by the Courts of the Legislation Regulating the Material Liability of Employees for Damage Caused to the Employer";
5) Decision No. 23 of 19 December 2003 "On the Court's Decision".

The fundamental rights and protection of workers in the Republic of Indonesia are enshrined in Article 27 (2), Article 28 (1) (d) and Article 28 (1) (d) and Paragraph 2 of the 1945 Constitution of the Republic of Indonesia. In addition, the Protection of Workers in the Settlement of Disputes is regulated by the Law of the Republic of Indonesia No. 13 of 2003 on Employment, the Law of the Republic of Indonesia No. 2 of 2004 on the Settlement of Labor Disputes, and the Law of the Republic of Indonesia No. 21 of 2000 on Labor Protection. Trade unions. The Government and the Ministry of Manpower of the Republic of Indonesia have also enacted several important regulations related to the settlement of labor disputes, such as the Decree of the Government of the Republic of Indonesia No 8 of 2005 on the Operation and Organizational Structure of the Triangular Cooperation Institution, as well as the Decree of the Minister of Manpower of the Republic of Indonesia of 2005. Law of the Republic of Indonesia No. 232 of 2003 on the Legal Consequences of Unauthorized Strikes.

In Indonesia, the Supreme Court's decision regarding the settlement of labour disputes is Supreme Court Circular No 3 of 2015 on Remuneration in the Settlement of Labour Disputes. Meanwhile, the Constitutional Court of the Republic of Indonesia has made several decisions related to the Labor Regulation Law itself, namely:

1) Decision No 49 of 2016 on the terms of office of judges of the Ad Hoc Labour Relations Court
2) Decision No 68 of 2015 on written consultations in the mediation of labor disputes

3) Decision No 114 /PUU-XIII/2015 on the consideration of an employment claim in the Labor Relations Court

Both the Labour Code of the Russian Federation and the Law of the Republic of Indonesia No. 2 of 2004 on the Settlement of Labour Disputes equally enshrine the competence to resolve labour disputes for specialized agencies. In this context, the labour dispute resolution agencies in the Russian Federation and the Republic of Indonesia have different legal options and also different legal standards. In general, the structure and status of such institutions generally reflects how the state views existing labor relations.

The jurisdictional bodies dealing with individual labour disputes in the Russian Federation are the labour dispute commission (LDC) and the civil courts. The commission for the settlement of labor disputes is formed at the initiative of the employee and (or) the employer. Representatives of employees are elected by the General Meeting (Conference) of employees of the organization or delegated by the representative body of employees with subsequent approval at the general meeting. The representative of the employer is appointed by the labor arbitration committee by the head of the organization (Article 384 of the Labor Code). By decision of the general meeting, the Labor Dispute Commission may be formed into a separate organizational unit. These Labor Disputes Committees are elected by labor collectives from structural subdivisions and operate on the same basis as the organization of the Labor Dispute Commission.

Each of the types of proceedings on labor disputes is independent. The same dispute can take place in two types of proceedings in a row: in the Labor Dispute Commission and in court (if the party to the dispute dissatisfied with the decision of the Labor Dispute Commission so wishes). Such a sequential procedure (starting with the LDC as the main binding body) is usually called general, in contrast to other cases when disputes are resolved either directly in court or in a higher body. All bodies for the settlement of labor disputes are vested with state powers. Therefore, their decision is binding and does not require special approval, that is, it is final (if not appealed). In accordance with the Federal Law "On the Procedure for the Settlement of Collective Labour Disputes" and chapter 61 of the Labour Code, the bodies that consider these disputes are conciliation commissions established for each such dispute.

Unlike the Russian Federation, where the institution of the process of resolving individual labor disputes is completely separated from the institution of the process of resolving collective labor disputes, in principle, the classification of institutions for resolving labor disputes in Indonesia describes a level of legal force that differs from the level of formality of the object of law. The mechanism for resolving labour disputes in Indonesia is mediation by tripartite employment equity agencies and then through the labour dispute process of the Labour Relations Court. In the Labour Court, labour disputes will be heard and resolved by judges composed of professional and ad hoc judges, who are appointed at the suggestion of trade unions and employers' organizations. As a prerequisite for proceedings before the Employment Relations Court, the employment case must first be resolved through mediation or conciliation (Simanjuntak, 2019).

The Labour Court is attached to the District Court and the Supreme Court, which are empowered to hear and adjudicate any disputes relating to labour relations. For the first time, the Labour Relations Court was established in the District Court located in the provincial

capital. Gradually, labour courts will be established in district courts located in areas or cities with intensive industrial development. The District Court's Labour Court is composed of judges, ad hoc judges, associate clerks and substitute clerks (Charda S., 2017).

According to the data collected by the Jakarta Legal Aid Institute, employees and employers in the Republic of Indonesia have no alternative to resolving labor disputes other than resolving disputes in a special labor court in Indonesia called the Labor Relations Court. A total of 2978 decisions were reviewed in cassation, it was found that 1645 employers or 55.24% were applicants in cassation. Out of 1645 applications at the cassation level, 387, or 23.53%, were satisfied, 1063, or 64.62, were rejected, 195, or 11.85%, were rejected. At the same time, the employee who was the applicant at the cassation level received 1332 decisions (1 decision was not read out in the data processing program). Of these, 286 cassation appeals of employees, or 21.47%, were satisfied, 865, or 64.94%, were rejected; Applications could not be accepted (no) at 181, or 13.59%. The number of applications for judicial review of labor cases amounted to 378 verdicts, 11 of which could not be read during data processing. 226 applications from employers were accepted for reconsideration. Of these, 34 applications, or 15.04%, were granted: 192 applications, or 84.96%, were rejected; 0 or 0% of inappropriate applications. 141 employees filed an application for the review of cases on labor disputes. Of these, 19, or 13.48% of employee applications, were satisfied; 121 refusals to hire, or 85.82%; 1, or 0.71% of employee requests, were unacceptable (Isnur et al., 2014). According to data collected by Daria Chernyaeva of the Civil Chamber of the Supreme Court of the Russian Federation, social and labour disputes accounted for 9% of all appeals considered in 2007, which is 3.5% more than in 2005. considered by Russian courts, amounted to 7,564,000, of which 558,000 (i.e. more than 7%) were labor disputes, most of which (93.3%) ended in satisfaction of claims.

It can be said that the Russian Federation also has a very long tradition of introducing various structures and systems of labor law, including mechanisms for resolving labor disputes, both during the Russian Empire and in the Soviet Union (where working class rule was the core of the legal and political system of the Soviet government at the time). But this cannot be considered the only determining factor in the effectiveness of resolving labor disputes.

Based on the statistical data collected by the Center for Scientific Monitoring "Labor Conflicts" of the St. Petersburg University for the Humanities for trade unions, the number of labor disputes in the Russian Federation in recent years is as follows (Scientific Monitoring Center "Labor Conflicts", 2023).

Meanwhile, in the Republic of Indonesia, the Ministry of Labour has recorded the number of labour disputes that have been successfully resolved by mediators over the past few years (Ministry of Manpower of the Republic of Indonesia, 2024).

These data cannot be compared due to various data variables, but, at first glance, we can conclude that the percentage of labor disputes that exist in the Russian Federation is much lower than in the Republic of Indonesia. According to Rosstat statistics, the labor force in the Russian Federation in 2023 amounted to 75.8 million people, while the Central Bureau of Statistics of the Republic of Indonesia stated that the number of the labor force of the Republic of Indonesia in 2023 will be 147.7 million people. Thus, it can be concluded that the number of labor in the Russian Federation in 2023 is 51% less than in the Republic of Indonesia, and in 2022 the

number of labor disputes in the Russian Federation was only 2.7% of the number of labor disputes in the Republic of Indonesia.

CONCLUSION

Based on a comprehensive comparative analysis, it can be concluded that while the Russian Federation and the Republic of Indonesia share the common goal of providing a framework for labor dispute resolution, their chosen paths reflect fundamental differences in legal tradition, institutional design, and practical outcomes. The Russian system, characterized by its simplicity and integration within the civil court system, offers a potentially faster and more accessible process for individual disputes through Labor Dispute Commissions (LDCs). However, this very simplicity translates into a lack of specialized expertise and weaker legal guarantees for workers, often failing to provide adequate protection. Conversely, the Indonesian system boasts a highly specialized and formalized structure with dedicated Labor Courts, offering greater legal certainty and stronger enforcement mechanisms, particularly for financial claims. Yet, this specialization comes at the cost of increased complexity, longer resolution times, and higher procedural burdens, which can ironically disadvantage workers seeking swift justice. The core trade-off is thus between efficiency and specialization, accessibility and legal certainty. Neither system is without its critics; Russia's system is seen as providing insufficient protection, while Indonesia's is often criticized for being slow and bureaucratic. For policymakers, this comparison highlights that a higher number of regulations and institutions does not automatically equate to greater effectiveness. The key lesson is that the ideal system must strive to balance these competing values—incorporating specialized knowledge to ensure fair outcomes while streamlining procedures to make justice truly accessible and timely for all parties involved. This study provides a foundational evaluation for legal practitioners and reformers in both countries to critically assess their systems, identify transferable best practices, and ultimately work toward developing more effective, equitable, and efficient models for labor justice.

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