

LEMBAR
HASIL PENILAIAN SEJAWAT SEBIDANG ATAU *PEER REVIEW*
KARYA ILMIAH : JURNAL ILMIAH

Judul Karya Ilmiah : "Critical Examination On The Mechanism Of Application Submission For Legal Assistance Budgeting In Industrial Relation Disputes"
Jumlah Penulis : **2 orang**
Status Pengusul : **Penulis ke- 2**
Identitas Jurnal Ilmiah :

- a. Nama Jurnal : Diponegoro Law Review (Sinta 2)
- b. Nomor ISSN : 2527-4031 (online)
- c. Volume, nomor, bulan, tahun : Vol. 6 No. 2 (Okt 2021)
- d. Penerbit : Fakultas Hukum Universitas Diponegoro
- e. DOI artiket (jika ada) :
- f. Alamat web Jurnal : <https://ejournal.undip.ac.id/index.php/dlr/article/view/31088>
Alamat Artikel : <https://ejournal.undip.ac.id/index.php/dlr/article/view/31088/20270>
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Komponen Yang Dinilai	Nilai Reviewer		Nilai Rata-rata
	Reviewer I	Reviewer II	
a. Kelengkapan unsur isi jurnal (10%)	2	2,5	2,25
b. Ruang lingkup dan kedalaman pembahasan (30%)	6	7,5	6,75
c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%)	6	7,5	6,75
d. Kelengkapan unsur dan kualitas penerbit (30%)	6,5	7,5	7
Total = (100%)	20,5	25	22,75
Nilai Pengusul = 40% x 22,75 = 9,1			

Reviewer 2



Sonhaji, S.H., M.S.
NIP 196210191988031003
Unit kerja : Fakultas Hukum Undip

Semarang,

Reviewer 1

02 JUN 2022



Solechan, S.H., M.H.
NIP 196709141993031002
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c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%)		7,5		6
d. Kelengkapan unsur dan kualitas penerbit (30%)		7,5		6,5
Total = (100%)		25		20,5
Nilai Pengusul = 40% x 20,5 = 8,2				

Catatan Penilaian Jurnal Oleh Reviewer :

- a. Kelengkapan unsur isi jurnal (10%) :
Artikel sudah memenuhi kelengkapan unsur isi jurnal yang terdiri dari abstract, introduction, methods, results and discussion, conclusions, acknowledgement
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Artikel ilmiah yang ditulis pengusul yang mengkritisi mekanisme pengajuan permohonan penganggaran bantuan hukum dalam perselisihan hubungan industrial. Pembahasan atas tema ini disajikan dengan telaah yang tajam, komprehensif dan sistematis, ide yang diusung sangat bagus.
- c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%):
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Semarang,
Reviewer 1

02 JUN 2022


Solechan, S.H., M.H.
NIP 196709141993031002
Unit kerja : Fakultas Hukum Undip

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a. Kelengkapan unsur isi jurnal (10%)		2,5		2,5
b. Ruang lingkup dan kedalaman pembahasan (30%)		7,5		7,5
c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%)		7,5		7,5
d. Kelengkapan unsur dan kualitas penerbit (30%)		7,5		7,5
Total = (100%)		25		25
Nilai Pengusul = 40% x 25 = 10				

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b. Ruang lingkup dan kedalaman pembahasan (30%):

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c. Kecukupan dan kemutakhiran data/informasi dan metodologi (30%):

Sesuai norma penulisan

d. Kelengkapan unsur dan kualitas penerbit (30%) :

Sesuai norma penulisan

Semarang,

Reviewer 2

02 JUN 2022

Sonraji, S.H., M.S.

NIP 196210191988031003

Unit Kerja : Fakultas Hukum Undip



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Nomor : B/3693/E5/E5.2.1/2019
Lampiran : 1 (satu) berkas
Perihal : **Pemberitahuan Hasil Akreditasi Jurnal Ilmiah
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Jakarta, 12 November 2019

Kepada Yth.
1. Pimpinan Perguruan Tinggi
2. Kepala LL Dikti I s.d. XIV
3. Pengelola Jurnal Ilmiah
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Dengan hormat,

Sehubungan dengan hasil Akreditasi Jurnal Ilmiah Periode VI Tahun 2019 dan telah diterbitkannya Surat Keputusan Direktur Jenderal Penguatan Riset dan Pengembangan Kementerian Riset, Teknologi, dan Pendidikan Tinggi Nomor 30/E/KPT/2019, tanggal 11 November 2019, dengan hormat bersama ini kami sampaikan hasil akreditasi sebagaimana terlampir. Adapun ketentuan penerbitan sertifikat akreditasi sebagai berikut:

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Atas perhatian dan kerja sama yang baik, kami ucapkan terima kasih.

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PERINGKAT AKREDITASI JURNAL ILMIAH PERIODE VI
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DIREKTUR JENDERAL PENGUATAN RISET DAN PENGEMBANGAN
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- Menimbang** : a. bahwa berdasarkan hasil akreditasi jurnal ilmiah yang ditetapkan oleh Tim Akreditasi Jurnal Ilmiah Kementerian Riset, Teknologi, dan Pendidikan Tinggi pada tanggal 8 Nopember 2019 dan dalam rangka melaksanakan ketentuan Pasal 6 ayat (5) Peraturan Menteri Riset, Teknologi dan Pendidikan Tinggi Nomor 9 Tahun 2018 tentang Akreditasi Jurnal Ilmiah, perlu menetapkan Peringkat Akreditasi Jurnal Ilmiah Periode VI Tahun 2019;
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- Mengingat** : 1. Undang-Undang Nomor 12 Tahun 2012 tentang Pendidikan Tinggi (Lembaran Negara Republik Indonesia Tahun 2012 Nomor 158, tambahan Lembaran Negara Republik Indonesia Nomor 5336);
2. Peraturan Pemerintah Nomor 4 Tahun 2014 tentang Penyelenggaraan Pendidikan dan Pengelolaan Perguruan Tinggi (Lembaran Negara Republik Indonesia Tahun 2014, Nomor 16, tambahan Lembaran Negara Republik Indonesia Nomor 5500);
3. Peraturan Presiden Nomor 13 Tahun 2015 tentang Kementerian Riset, Teknologi, dan Pendidikan Tinggi (Lembaran Negara Republik Indonesia Tahun 2015 Nomor 14);
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- Menetapkan : KEPUTUSAN DIREKTUR JENDERAL PENGUATAN RISET DAN PENGEMBANGAN KEMENTERIAN RISET, TEKNOLOGI, DAN PENDIDIKAN TINGGI TENTANG PERINGKAT AKREDITASI JURNAL ILMIAH PERIODE VI TAHUN 2019.
- KESATU : Menetapkan Peringkat Akreditasi Jurnal Ilmiah Periode VI Tahun 2019 sebagaimana tercantum dalam Lampiran yang merupakan bagian yang tidak terpisahkan dari Keputusan Direktur Jenderal ini.
- KEDUA : Akreditasi Jurnal Ilmiah sebagaimana dimaksud dalam Diktum KESATU berlaku selama 5 (lima) tahun mulai dari nomor yang ditetapkan dalam lampiran keputusan ini.
- KETIGA : Akreditasi Jurnal Ilmiah sebagaimana dimaksud dalam Diktum KESATU dapat mengajukan kembali kenaikan peringkat setelah menerbitkan minimal 1 (satu) nomor penerbitan.
- KEEMPAT : Setiap jurnal ilmiah wajib mencantumkan masa berlaku akreditasi dengan menuliskan tanggal penetapan dan tanggal akhir masa berlaku akreditasi.
- KELIMA : Apabila dikemudian hari ditemukan ketidaksesuaian dengan Pedoman Akreditasi Jurnal Ilmiah, maka status akreditasi jurnal ilmiah yang bersangkutan dapat dicabut atau diturunkan.

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pada tanggal 11 Nopember 2019

DIREKTUR JENDERAL
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TTD.

MUHAMMAD DIMYATI
NIP 195912171984041001

Salinan sesuai dengan aslinya,
Direktorat Jenderal Penguatan Riset dan Pengembangan
Kementerian Riset, Teknologi, dan Pendidikan Tinggi
Kepala Bagian Hukum, Kerjasama, dan Layanan Informasi,

Syarip Hidayat
NIP 197306101997031004

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PERINGKAT AKREDITASI JURNAL ILMIAH
PERIODE VI TAHUN 2019

PERINGKAT AKREDITASI JURNAL ILMIAH PERIODE VI TAHUN 2019

Peringkat	No	Nama Jurnal	E-ISSN	Penerbit	Keterangan
1	1	Jurnal Ilmu Sosial dan Ilmu Politik	25027883	Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Gadjah Mada	Reakreditasi naik peringkat dari peringkat 2 ke 1 mulai Volume 23 Nomor 1 Tahun 2019
2	1	Adbispreneur : Jurnal Pemikiran dan Penelitian Administrasi Bisnis dan Kewirausahaan	25499912	Departemen Ilmu Administrasi Bisnis, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Padjadjaran.	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 4 Nomor 1 Tahun 2018
	2	Agrointek: Jurnal Teknologi Industri Pertanian	25275410	Teknologi Industri Pertanian Universitas Trunojoyo Madura	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 13 Nomor 2 Tahun 2019
	3	Al Ibtida: Jurnal Pendidikan Guru MI	25277227	Jurusan PGMI Fakultas Ilmu Tarbiyah dan Keguruan IAIN Syekh Nurjati Cirebon dan Perkumpulan Dosen PGMI Indonesia	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 6 Nomor 1 Tahun 2019
	4	Al-Ihkam: Jurnal Hukum dan Pranata Sosial	24423084	Asosiasi Pengkaji Hukum Islam (APHI) bekerjasama dengan Fakultas Syariah IAIN Madura	Reakreditasi tetap di peringkat 2 mulai Volume 14 Nomor 1 Tahun 2019
	5	Buletin Ilmiah Marina : Sosial Ekonomi Kelautan dan Perikanan	25412930	Balai Besar Riset Sosial Ekonomi Kelautan dan Perikanan	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 5 Nomor 1 Tahun 2019

6	Bulletin of Social Informatics Theory and Application	26140047	Association for Scientific Computing Electrical and Engineering (ASCEE)	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 3 Nomor 1 Tahun 2019
7	Buloma (Buletin Oseanografi Marina)	25500015	Departemen Oseanografi, Fakultas Perikanan dan Ilmu Kelautan, Universitas Diponegoro	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 8 Nomor 7 Tahun 2019
8	De Jure: Jurnal Hukum dan Syar'iah	25281658	Fakultas Syariah UIN Maulana Malik Ibrahim Malang	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 11 Nomor 1 Tahun 2019
9	Depik Jurnal Ilmu-Ilmu Perairan, Pesisir dan Perikanan	25026194	Universitas Syiah Kuala	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 7 Nomor 3 Tahun 2018
10	Diponegoro Law Review	25274031	Universitas Diponegoro	Reakreditasi naik peringkat dari peringkat 3 ke 2 mulai Volume 4 Nomor 2 Tahun 2019
11	Eralingua : Jurnal Pendidikan Bahasa Asing dan Sastra	25794574	Jurusan Pendidikan Bahasa Asing Universitas Negeri Makassar	Reakreditasi naik peringkat dari peringkat 5 ke 2 mulai Volume 3 Nomor 2 Tahun 2019
12	Global Medical & Health Communication	24605441	Pusat Penerbitan Universitas- Lembaga Penelitian dan Pengembangan Masyarakat (P2U-LPPM), Universitas Islam Bandung	Reakreditasi tetap di peringkat 2 mulai Volume 7 Nomor 2 Tahun 2019
13	HIKMATUNA: Journal for Integrative Islamic Studies	25033042	Postgraduate Program (PPs), State Islamic Institute (IAIN) of Pekalongan	Reakreditasi naik peringkat dari peringkat 4 ke 2 mulai Volume 5 Nomor 1 Tahun 2019

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1

2

3

4

5

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<div>SHARIA GOVERNANCE ON ISLAMIC BANKING: SPIRITUAL RIGHTS PERSPECTIVE ON CONSUMER PROTECTION IN INDONESIA</div> <div>RSLAN Rodliah</div> <div>...</div>	19

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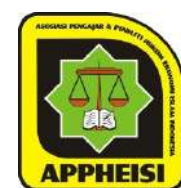


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Journal Content



DIPONEGORO LAW REVIEW

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[Home](https://ejournal.undip.ac.id/index.php/dlr/index/) (<https://ejournal.undip.ac.id/index.php/dlr/index/>) / [Archives](https://ejournal.undip.ac.id/index.php/dlr/issue/archive/) (<https://ejournal.undip.ac.id/index.php/dlr/issue/archive/>) / [Vol 6, No 2 \(2021\)](https://ejournal.undip.ac.id/index.php/dlr/issue/view/3118) (<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3118>)

Vol 6, No 2 (2021): Diponegoro Law Review October 2021



(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3118/showToc>)

Table of Contents

Articles

THE EUROPEAN UNION DISTINCTIVENESS: A CONCEPT OF THE RULE OF LAW

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/41456>)

Adnan Mahmutovic, Helza Nova Lita

Citations 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.157-171?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.157-171?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.157-171>)

Received: 17 Sep 2021; Published: 31 Oct 2021.

ASSESSING FISHERY LEGISLATION FOR GENDER EQUALITY AND EMPOWERMENT IN FISHERY COMMUNITIES IN INDONESIA

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/41631>)

Ani Purwanti, Dyah Wijaningsih, Muh. Afif Mahfud, Fajar Ahmad Setiawan

Citations 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.172-190?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.172-190?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.172-190>)

Received: 24 Sep 2021; Published: 31 Oct 2021.

SPACE-CENTRIC CONCEPT TO ANSWER TOMORROW SPACE CHALLENGE: A SMALL STEP FOR FUTURE SPACE LAW

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/31984>)

Taufik Rachmat Nugraha

Citations 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.191-202?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.191-202?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.191-202>)

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Issues list

- > **Vol 6, No 2 (2021):**
Diponegoro Law Review
October 2021
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3118>)
- > **Vol 6, No 1 (2021):**
Diponegoro Law Review
April 2021
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3117>)
- > **Vol 5, No 2 (2020):**
Diponegoro Law Review
October 2020
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3116>)
- > **Vol 5, No 1 (2020):**
Diponegoro Law Review
April 2020
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3115>)
- > **Vol 4, No 2 (2019):**
Diponegoro Law Review
October 2019
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3114>)
- > **Vol 4, No 1 (2019):**
Diponegoro Law Review
April 2019
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3113>)
- > **Vol 3, No 2 (2018):**
Diponegoro Law Review
October 2018
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3112>)
- > **Vol 3, No 1 (2018):**
Diponegoro Law Review
April 2018
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3111>)
- > **Vol 2, No 2 (2017):**
Diponegoro Law Review
October 2017
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3110>)
- > **Complete issues**
(<https://ejournal.undip.ac.id/index.php/dlr/issue/view/3109>)

d articles

ION AND

- REHABILITATION FOR WOMEN VICTIMS OF VIOLENCE ACCORDING TO INDONESIAN LAW (STUDY ON CENTRAL JAVA GOVERNMENT'S HANDLING THROUGH KPK2BGA)**
(<https://ejournal.undip.ac.id/index.php/dlr/article/view/41456>)
- > **JUSTICE A WARNING IN**

KNOWING COMPANY SECRETS THROUGH EMPLOYEE POSTS ON SOCIAL MEDIA

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/35291>)

👤 Suwinto Johan

 Citations { 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.203-216?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.203-216?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.203-216>)

🕒 Received: 25 Dec 2020; Published: 31 Oct 2021.

SAFEGUARD RE-INVESTIGATION BY MADAGASCAR GOVERNMENT ON PASTA PRODUCTS FROM INDONESIA BASED ON GATT/WTO FRAMEWORK

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/28846>)

👤 Tirza Gracia Shekinah Hutagaol, FX. Joko Priyono, Nanik
Trihastuti

 Citations { 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.217-230?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.217-230?domain=https://ejournal.undip.ac.id)
domain=<https://ejournal.undip.ac.id>)

| Language: **EN (#)** | DOI: **[10.14710/dilrev.6.2.2021.217-230](https://doi.org/10.14710/dilrev.6.2.2021.217-230)**

(<https://doi.org/10.14710/dilrev.6.2.2021.217-230>)

🕒 Received: 4 Mar 2020; Published: 31 Oct 2021.

INTERPRETATION OF OPEN LEGAL POLICY BY THE CONSTITUTIONAL JUDGES IN JUDICIAL REVIEW OF PARLIAMENTARY THRESHOLDS

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34082>)

👤 Sholahuddin Al-Fatih

 Citations { 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.231-246?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.231-246?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.231-246>)

🕒 Received: 11 Nov 2020; Published: 31 Oct 2021.

INCONSISTENCIES IN ICSID AWARDS ON DISPUTES RELATED TO MFN AND UMBRELLA CLAUSE

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34191>)

👤 Herliana Herliana

 Citations { 0

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(<https://doi.org/10.14710/dilrev.6.2.2021.247-264>)

🕒 Received: 16 Nov 2020; Published: 31 Oct 2021.

CRITICAL EXAMINATION ON THE MECHANISM OF APPLICATION SUBMISSION FOR LEGAL ASSISTANCE BUDGETING IN INDUSTRIAL RELATION DISPUTES

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/31088>)

👤 Agisa Tri Handias, **Nabitatus Sa'adah**

 Citations { 0

([https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.265-278?](https://badge.dimensions.ai/details/doi/10.14710/dilrev.6.2.2021.265-278?domain=https://ejournal.undip.ac.id)
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(<https://doi.org/10.14710/dilrev.6.2.2021.265-278>)

🕒 Received: 22 Jun 2020; Published: 31 Oct 2021.

TRANSPARENCY INFORMED CONSENT RELATED TO PATIENT DISHONESTY AMID COVID-19 PANDEMIC IN INDONESIA: IN LAW PERSPECTIVE

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34577>)

👤 Tiwuk Herawati, Fifik Wiryani, M. Nasser, Mokhammad
Najih

 Citations { 0

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(<https://doi.org/10.14710/dilrev.6.2.2021.279-288>)

🕒 Received: 28 Nov 2020; Published: 31 Oct 2021.

JUSTICE A LEARNING IN THE IMPLEMENTATION OF THE CONTRACT IN THE SOCIETY

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/35291>)

> **Index**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/35291>)

> SHARIA GOVERNANCE ON ISLAMIC BANKING: SPIRITUAL RIGHTS PERSPECTIVE ON CONSUMER PROTECTION IN

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217-230 (ejournal.undip.ac.id/index.php/dlr/article/view/28846/20267)

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 **PDF**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34082/20268>)

231-246

 **PDF**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34191/20269>)

247-264

 **PDF**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/31088/20270>)

265-278

 **PDF**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/34577/20271>)

279-288

**MARRIAGE UNDER AGE AND THEIR EFFECT ON THE
RATE OF DIVORCE IN ROKAN HILIR DISTRICT**
(<https://ejournal.undip.ac.id/index.php/dlr/article/view/36292>)

 **PDF**

(<https://ejournal.undip.ac.id/index.php/dlr/article/view/36292/20272>)


289-303

 Mardalena Hanifah

 Citations 0

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CRITICAL EXAMINATION ON THE MECHANISM OF APPLICATION SUBMISSION FOR LEGAL ASSISTANCE BUDGETING IN INDUSTRIAL RELATION DISPUTES

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Abstract

Imbalances and difficulties when workers experience industrial disputes bring out possibility of defeat in the trial. So the Government has an obligation to fight for justice by providing the budget for legal aid derived from the state budget and allocated to the budget of the Ministry of Law and Human rights. The research method used is normative, which is research that sees the effectiveness of prevailing laws. The results showed that the provision of legal aid budgets hasn't been able to run optimally because government hasn't provided a forum for applying legal aid budgets to legal remedies of cassation in Industrial disputes.

Keywords: *Industrial Disputes; The State Budget; Provision of Legal Aid; Cassation*

1. Introduction

Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that every person has the right to legal recognition, legal guarantees, legal protection and legal certainty that are just and equal treatment before the law. The elucidation explains that every citizen has the right to get equal treatment before the law and removes the stigma that the law is only sharp downward and blunt upward. So that the provision of legal aid is one way to realize access to law and justice for the poor people provided by the State on the mandate of the constitution.¹

As a consequence of having a legal state, the state must be able to implement regulations that are just and based on human rights for the entire community. Legal aid for the poor is a right guaranteed by the constitution, but practice is difficult.² Until now, the government felt that it had not succeeded in achieving the country's goals. The government has established various laws and regulations regarding the provision of legal assistance in the form of laws up to the Supreme Court Decision. The aforementioned statutory regulations that have to do with the regulation regarding protection before the law for the poor for free by providing free legal aid.

¹ Suyogi Imam Fauzi, and Inge Puspita Ningtyas, "Optimalisasi Pemberian Bantuan Hukum Demi Terwujudnya Access to Law and Justice Bagi Rakyat Miskin," *Jurnal Konstitusi* 15, No. 1 (2018): 50.

² Agus Raharjo, A Angkasa, and Rahadi Wasi Bintoro, "Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," *Jurnal Mimbar Hukum* 27, No. 3 (2016): 432.

THE EUROPEAN UNION DISTINCTIVENESS: A CONCEPT OF THE RULE OF LAW

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Abstract

This paper discusses the distinctiveness of the European Union with focus on the Rule of Law and its importance for the EU integration process. Rule of Law is a notion that is very frequently used, but at the same time quite controversial as it is not so easy always to reach generally accepted meaning. Therefore, this paper provides a analysis of the EU Rule of Law as multidimensional legal principle gravitating between values and principles. The paper acknowledges that a concept of the EU rule of law can be the subject of diverse interpretations and implementation. High-ranking government officials of a two EU member states, Poland and Hungary, have argued recently that a concept of the EU rule of law lacks well-defined rules and remains the subject of much debate. Therefore, the paper provides for better understanding of the concept itself within the specific supranational legal environment. Also, the paper argues that the future of the EU and its integrations depends largely on the respect of the rule of law that remains to be a core and the element of unity within Europe's legal space. The relationship between the principles and values upon which the EU is founded remain close and interrelated. The EU Rule of law with all its distinctiveness can be concluded with certainty that it reflects a specific character and nature of the EU legal system.

Keywords: Rule of Law; European Union; Fundamental Value; Principle; Distinctiveness; Supranational; Case Law

1. Introduction

European Union is the best to be described as a specific, sui generis structure¹. The specific structure, in general, can be attributed to the existence of a dualistic visionary concept of European integrations. From the beginning, the EU was developing itself with two opposing tendencies inside the core of European integrations: the dynamics which lead to the creation of supranational institutions on one hand, and the cooperation between states based on an intergovernmental model, on the other hand. Frequently, the modalities used in European treaties, that is, the modalities of constitutional-legal relevance, were a product of a compromise between the two tendencies and this was the reason, inter alia, for a gradual creation of the sui generis legal structure.

The consequent distinctiveness of the European Union legislation can be noticed in judgments of the ECJ in which the EU is defined as an autonomous legal system², but a legal

¹ William Phelan, "Analytical Essays: Evaluation, Synthesis, Reflection," *International Studies Review* 14, no. 3 (2012): 367–85.

² Judgment of the Court of 5 February 1963. NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration. Case 26-62. (1963).

SPACE-CENTRIC CONCEPT TO ANSWER TOMORROW SPACE CHALLENGE: A SMALL STEP FOR FUTURE SPACE LAW

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Abstract

Space activities have shown significant progress since they begin in the late '50s. Under current development, the U.S. with Artemis program and Luxembourg with its space mining program will enhance their outer space involvement. Most of those programs will elevate private sector involvement. Furthermore, the future space program will mainly intersect with the space environment as the primary consideration. It remains high-risk activities that could have catastrophic results if not regulated immediately. However, the current existing space law began obsolete because it was composed more than 50 years ago and too geocentric by putting the earth as the primary protection area. Consequently, existing space law could not govern future space programs properly, including protecting the space environment defense, Etc. Afterward, this paper will introduce the space-centric concept. Space-centric concepts create to answer future space challenges from legal perspectives. This concept emphasizes how future regulation and policy should cover all space objects equally, recalling outer space is vulnerable to such activities by humans, and how the best way to mitigate unforeseeable calamity on outer space.

Keywords: *Space Law; Moon-Mars Mission; Harmful Contamination; Space-Centric*

1. Introduction

Space activities were concurrently penetrating new age where non-government entities (private actors) are more involving. The author has three separations of the era to be explained as follows:



Figure 1 Global Space Activities Transition by Author.

At the first stage in 1957-1991 as the cold war era, where the space activities recent development of technologies by launching Sputnik and Ranger program to outer space, on the other hand, this time also marks the new space race between west-eastern bloc.¹ 2. Interregnum means the transition era after the cold war ceased in 1991; this time, private actors started raising

¹ Christopher J. Newman and Mark Williamson, "Space Sustainability: Reframing the Debate," *Space Policy* 46, no. May 2017 (2018): 30–37, <https://doi.org/10.1016/j.spacepol.2018.03.001>.

Critical Examination On The Mechanism Of Application Submission For Legal Assistance Budgeting In Industrial Relation Disputes

by Nabitatus Sa'adah

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CRITICAL EXAMINATION ON THE MECHANISM OF APPLICATION SUBMISSION FOR LEGAL ASSISTANCE BUDGETING IN INDUSTRIAL RELATION DISPUTES

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Abstract

Imbalances and difficulties when workers experience industrial disputes bring out possibility of defeat in the trial. So the Government has an obligation to fight for justice by providing the budget for legal aid derived from the state budget and allocated to the budget of the Ministry of Law and Human rights. The research method used is normative, which is research that sees the effectiveness of prevailing laws. The results showed that the provision of legal aid budgets hasn't been able to run optimally because government hasn't provided a forum for applying legal aid budgets to legal remedies of cassation in Industrial disputes.

Keywords: *Industrial Disputes; The State Budget; Provision of Legal Aid; Cassation*

1. Introduction

Article 28D Paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that every person has the right to legal recognition, legal guarantees, legal protection and legal certainty that are just and equal treatment before the law. The elucidation explains that every citizen has the right to get equal treatment before the law and removes the stigma that the law is only sharp downward and blunt upward. So that the ⁷provision of legal aid is one way to realize access to law and justice for the poor people provided by the State on the mandate of the constitution.¹

As a consequence of having a legal state, the state must be able to implement regulations that are just and based on human rights for the entire community. Legal aid for the poor is a right guaranteed by the constitution, but practice is difficult.² Until now, the government felt that it had not succeeded in achieving the country's goals. The government has established various laws and regulations regarding the provision of legal assistance in the form of laws up to the Supreme Court Decision. The aforementioned statutory regulations that have to do with the regulation regarding protection before the law for the poor for free by providing free legal aid.

¹ Suyogi Imam Fauzi, and Inge Puspita Ningtyas, "Optimalisasi Pemberian Bantuan Hukum Demi Terwujudnya Access to Law and Justice Bagi Rakyat Miskin," *Jurnal Konstitusi* 15, No. 1 (2018): 50.

² Agus Raharjo, A Angkasa, and Rahadi Wasi Bintoro, "Akses Keadilan Bagi Rakyat Miskin (Dilema Dalam Pemberian Bantuan Hukum Oleh Advokat)," *Jurnal Mimbar Hukum* 27, No. 3 (2016): 432.

The provision of legal aid can be given for civil law, criminal law, and state administrative law in both non-litigation and litigation dispute settlement. Requests for legal aid are intended for disadvantaged people as long as they meet the requirements in statutory regulations. If we pay attention to the requirements for providing legal assistance, workers / laborers can be categorized as poor people.

The program of providing legal assistance to disadvantaged people has been going on since 1980 until now. During this period, many things showed that the provision of legal assistance to poor people was needed, and it was hoped that there would be an increase or intensity in the implementation of legal aid from year to year. The policy direction of the legal aid program for the community is not able, in addition to empower the existence and equality of law for all levels of society, it also aims to raise awareness and legal compliance of the community, namely through the use of rights provided by the State in terms of defending its legal interests before the Court.

In the framework of equitable distribution of legal aid funds to the poor, at the beginning of its implementation in the fiscal year 1980/1981 to 1993/1994 it was only channeled through the District Court as the only institution in channeling legal aid funds, since the fiscal year 1994/1995 until now, the distribution of legal aid funds in addition to through the District Court is also done through ⁷ Legal Aid Institutions that are spread in the jurisdiction of the District Courts. Thus the legal aid funds for the poor can be channeled through Legal Aid Funds through the District Court or budget of Legal Aid provided at Legal Aid Institutions.

As is known, law enforcement through judicial institutions is not discriminatory. This means that every human being, whether he is capable or unable to be socio-economic, has the right to obtain legal defense before a court. For this reason, it is expected that the free defense in criminal and civil cases is not seen from the aspect of the degradation of one's dignity or self-esteem, but is seen as a form of respect for law and humanity which is solely to alleviate someone's legal case. Legal Aid Institutions or Advocates as legal aid providers in the Legal Aid Program for the Poor, are expected to be willing to always defend the legal interests of disadvantaged communities, even though the Supreme Court of Indonesia cq. The Directorate General of the General Judicial Body only provides limited funds. Beside the Supreme Court's budget, the Ministry of Law and Human Rights also allocates a budget to provide legal aid provided to recipient of legal aid though legal aid provider. Provision of legal aid budget by

Ministry of Law and Human Right uses the State Budget. This arrangement has been regulated in Law Number 16 of 2011 concerning Legal Aid.

According to the Article 1 number 1 of Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, it is explained that ² industrial relations disputes are differences of opinion which result in conflict between employers or employers' associations with workers / laborers or trade / labor unions due to disputes regarding rights, disputes interests, disputes regarding termination of employment and disputes between trade unions / labor unions in one company.

Actually labor regulations have been regulated in the Civil Code (KUHPer) in book III. However, the labor regulations in accordance with KUHPer is liberal philosophy that makes the country respects does not comply with the law of Indonesia.³ So that a regulation is made as a forum for legal protection for worker.

Entering the modern era, industrialization has inevitably caused industrial disputes. In order to increase national income as a whole, the government must provide protection for the implementation of manpower throughout the company. The settlement of industrial relations disputes is required in case of industrial relations disputes between employers and workers. According to Law Number 2 of 2004 concerning Settlement of Industrial Relations disputes requires that bipartite be resolved first and then if it fails, it will proceed with mediation, conciliation, or arbitration, until a lawsuit in the industrial relations court. So that industrial relations can realize an increase in productivity, togetherness, propriety and a sense of justice.⁴ The existence employment relationship is an implementation of a work agreement that has been jointly guaranteed by the worker / laborer with the employer where each party obtains his rights and must carry out his obligations.⁵

The rights of workers or workers who are often ignored by employers and do not heed Law No. 13 of 2003 on Employment make workers not get what they should be perfectly. Until now workers are in the losing position and often walk in such a way. While providing legal assistance to workers / laborers or trade unions / labor unions has not been given effectively.

Workers who have a lower educational background than employers often have difficulty dealing with justice. In addition, they lack understanding of the procedural law that exists, so

³ Lalu Husni, *Pengantar Hukum Ketenagakerjaan Indonesia* (Jakarta: PT Rajagrafindo Persada, 2000): 21.

⁴ Adrian Sutedi, *Hukum Perburuhan* (Jakarta: Sinar Grafika, 2009): 24.

⁵ Judiantoro, and Hartono W., *Segi Hukum Penyelesaian Perselisihan Perburuhan*, (Jakarta: CV Rajawali, 1989): 10.

they also find it difficult to postulate a lawsuit, while employers are able to postulate because they have broader knowledge and experience.⁶ That cause can then lead to the violation of the principle of equality before the law (equality before the law).

Law in the State of Indonesia has also applied this principle since the Dutch colonial period, namely ³that every citizen has the right to get the same treatment before the law. So that there is a need for assistance through legal assistance so that justice can be delivered to the community without exception.

Since beginning of the independent start of Indonesia, Indonesia has embraced the ⁸concept of a welfare state, where the government is obligated to intervene in various affairs of its people in order to achieve a prosperous society. The welfare state means that the state provides protection for basic needs as an essence in humans. The governance is obliged to uphold the establishment of the state as stated in the Preamble of ⁸Constitution of the Republic of Indonesia, namely protecting the entire Indonesian nation and all Indonesian bloodshed, advancing public welfare, educating the nation's life, and creating lasting peace and social justice. According to these standards, law is implemented in Indonesia, namely to assist community order, fulfill obligations and in particular to fulfill people's rights in gaining access to justice.

Based on research conducted by the Jakarta Legal Aid Institute regarding the Research of the Supreme Court's Decision in the Industrial Relations Court Scope 2006-2013 that there have been frequent judges making decisions that are not in line with existing laws. The researcher found patterns of considerations that were various and inconsistent even though there were still judges upholding the laws and regulations which ultimately guaranteed the interests of workers.⁷ So that the provision of legal assistance has an important role in preventing the loss of workers in obtaining justice. Thus, the judge must always follow the developments that exist in the community because of the duties they carry out in the court must be able to provide a sense of community justice.⁸

The government has provided a budget for carrying out free legal assistance aimed at people who cannot afford it. This is one of the ways in which the government provides protection for disadvantaged people, including the provision of legal assistance in industrial

⁶ LBH Jakarta: Upaya Mengukur Pengadilan Hubungan Industrial, 19 Agustus 2014, <https://www.bantuanhukum.or.id/web/upaya-mengukur-kinerja-pengadilan-hubungan-industrial/>, accessed Oktober 14, 2019.

⁷ Muhamad Isnu et al., "Membangun Pengadilan Hubungan Industrial di Indonesia, Penelitian Putusan Mahkamah Agung pada Lingkup Pengadilan Hubungan Industrial 2006-2013" (Jakarta, 2014): vii.

⁸ Siti Malikhatun Badriyah, *Sistem Penemuan Hukum dalam Masyarakat Prismatic* (Jakarta: Sinar Grafika, 2016): 75.

relations disputes. So that the workforce is prioritized in its development to obtain and fulfill rights and fair and fair treatment in employment relations. Considering that the workforce domiciled as a development agent has a role in increasing national productivity and community welfare.⁹

The budget for providing legal aid by the government is allocated by the Regional ³Office of the Ministry of Justice and Human Rights using the state budget, and the local government uses the regional budgets. So that the Regional ³Office of the Ministry of Law and Human Rights is one of the parties in the implementation of legal assistance as a technical implementation unit in the area.

The state budget for legal aid is judged to have not been able to access all workers facing industrial relations disputes, especially for those who wish to submit legal remedies at the cassation level. This has become an obstacle to the process of providing justice for workers in need.

Based on the description above, the author intends to examine the problems that have been prepared, namely: 1) What is the mechanism for submitting budget requests for legal aid in industrial relations disputes with the Ministry of Law and Human Rights?; 2) Why is the legal aid budget still not accessible in the process of creating justice for workers who want to file legal proceedings in industrial disputes disputes?

2. Methods

This article is based on a research which used the normative juridical approach, which is research that looks at the effectiveness of the law that is in force. This research identifies the values of justice that must be realized (*ius constituendum*), as norms that have clearly been realized as positive laws that have been formulated clearly (*ius constitutum*) in order to guarantee certainty.¹⁰

The research specifications used in this study are descriptive analytic, the intention is to compare between positive law and related to the implementation in the field relating to the problems taken, as well as legal theories. The author uses technique of data collection, it is the study of literature derived from primary, secondary and tertiary legal materials, such as

⁹ Ujang Chandra S., "Model Penyelesaian Perselisihan Hubungan Industrial dalam Hukum Ketenagakerjaan Setelah Lahirnya Undang-Undang Nomor 2 Tahun 2004," *Jurnal Wawasan Yuridika* 1, no. 1 (2017): 2.

¹⁰ Suteki dan Galang Taufani, *Metode Penelitian Hukum (Filsafat, Teori, dan Praktik)* (Depok: PT Rajagrafindo Persada, 2018): 153.

legislation, scientific work, and bibliography,¹¹ than interviews with Division of Legal and Human Right, Regional Office Central Java of the Ministry of Law and Human Rights. The analysis methods used is qualitative, which describes by describing and analyzing.

3. Results and Discussion

3.1 Mechanism for Submitting Budget Requests for Providing Legal Aid in Industrial Relations Disputes to the Ministry of Law and Human Rights

Industrial Relations Disputes are differences of opinion which result in conflict between employers or employers' associations with workers / laborers or trade / labor unions due to disputes regarding rights, disputes of interest, disputes about termination of employment and disputes between trade unions / labor unions in one company. In the case of conflict between workers and employers, there will be an imbalance in the employment relationship, so that it can ultimately disturb the stability of production development and even the stability of people's lives.¹² For this reason the government has an important role to play in how to resolve conflicts or tensions that occur between the two.

If the relationship between workers and employers is still left entirely to the parties, then the purpose of labor law to create social justice in the field of labor will be very difficult to achieve, because the strong will always want to control the weak.¹³

For workers that the termination of employment means the beginning of the unemployment period with all its consequences, so as to ensure the certainty and peace of life of the workers, there should be no termination of employment.¹⁴ Although the theory shows that the increase in work for the entire workforce should be increasing in number.¹⁵

The state recognizes the economic, social, cultural, civil and political rights of the poor, constitutionally the poor have the right to be represented and defended both inside and outside the court.¹⁶ Justice received by the community will give birth to calmness, prosperity, and prosperity.¹⁷

¹¹ Ronny Hanitijo Soemitro, *Metode Penelitian Hukum dan Jurimetri* (Jakarta: Ghalia Indonesia, 1990): 11-12.

¹² Brunet, I., Pizzi, A., & Moral, D., "Industrial relations and financial globalization: Analysis of national experiences in Europe, America and Asia", *Jurnal Universitas Rovira i Virgili* Vol. 43(2019): 35.

¹³ Lalu Husni, *Op.cit.*, : 21-22.

¹⁴ Djumialdji, *Pemutusan Hubungan Kerja* (Jakarta: Bina Aksara, 1986): 9.

¹⁵ Ronny Hanitijo Soemitro, *Permasalahan Hukum di dalam Masyarakat* (Bandung: Alumni, 1980): 31.

¹⁶ Lalu Muhammad Taufik et al., "Implementasi Bantuan Hukum Bagi Masyarakat Miskin (Studi Kasus Di Pengadilan Agama Mataram)," *IUS* 5, no. 3, Desember (2017): 467.

¹⁷ Alzikri Fakhruddin, "Implementasi Perundang-undangan Ketenagakerjaan terhadap Buruh Pasar Ditinjau dari Perspektif Keadilan" *Jurnal Hukum RESAM* 4, no. 1, April (2018): 32.

There are various settlement procedures in industrial relations disputes. These disputes cannot be directly submitted to an industrial relations court but must go through a previous stage. First, if there is a dispute between the worker and the employer, it must first be resolved by bipartite settlement, namely settlement through negotiations or deliberations between workers and employers.

Furthermore, it is regulated in Law Number 2 of 2004 concerning Settlement of Industrial Relations Disputes, if the industrial relations disputes have not yet been reached, the industrial relations disputes shall be continued and resolved at the government office responsible for labor affairs or if in the City of Semarang it is called the Department of Manpower and Transmigration. Settlement at this stage will be settled by conciliation, arbitration or mediation.

If it still does not find a bright spot, then the parties can submit to the first industrial relations court. In industrial relations disputes there is no appeal against the law, but directly on appeal. Only disputes over rights and disputes over termination of employment can be filed for legal remedies.

⁵ Law Number 16 of 2016 concerning Legal Aid has mandated that ~~the~~ State is responsible for providing legal assistance to the poor as a manifestation of access to justice. So the government provides a budget ⁶ for the implementation of providing legal assistance where ~~the~~ budget is given to legal aid recipients through legal aid providers.

Understanding the state budget is a plan needed by the state to finance all its activities, as well as the costs required to run the government accompanied by an estimate of the amount of revenue obtained to spend the revenue.¹⁸

Legal aid providers consist of Community Organizations or Legal Aid Institutions that have been incorporated, accredited and verified in the Ministry of Law and Human Rights. Providers of legal aid that have been registered can get their rights after providing legal aid services as budgeted by the Ministry of Law and Human Rights.

⁶ Pursuant to Article 16 Paragraph (1) of Law Number 16 of 2011 concerning Legal Aid, ~~it is~~ explained ~~that~~ funding for legal aid needed and used for carrying out legal aid is borne by the State Budget. Article 16 Paragraph (1) also explains the sources of funding for legal aid derived from: 1) Grants or donations; 2) Other legal and non-binding funding sources.

Article 19 Paragraph (1) ⁵ of Law Number 16 of 2011 explains ~~that~~ regions can allocate budgets for the implementation of legal aid in the Regional Budget. The budget for legal aid

¹⁸ M. Subagio, *Hukum Keuangan Negara RI* (Jakarta: CV Rajawali, 1988): 13.

originating from the State Revenue and Expenditure Budget is allocated to the budget of the Ministry which ³ carries out government affairs in the field of law and human rights. Whereas the allocation of the legal aid budget to the regional budget is carried out by the Regional Government. The two budgets do indeed provide budgets for carrying out legal aid.

Applicants for legal assistance can submit requests ⁶ for legal assistance in writing or verbally to legal aid providers. Article 6 Paragraph ⁵ (3) Government Regulation Number 42 of 2013 concerning Terms and Procedures for Providing Legal Aid and Distribution of Legal Aid Funds explains that the application must attach: 1) Poverty certificate from the village head, village head, or official at the level of residence of the applicant or one of the applicants for legal assistance; 2) Documents relating to the case to be submitted.

In administering legal assistance using the State Revenue and Expenditure Budget, the ³ Ministry of Law and Human Rights is the organizer of the mechanism for providing legal assistance by legal aid providers, which includes: 1) Request/Application for providing legal assistance; 2) Application for budget disbursement.

Before providing legal aid, the legal aid provider must first submit a request for implementation ³ to the Ministry of Law and Human Rights through an application provided called Legal Aid Database Information System. After verification is received, ⁶ the legal aid provider can carry out the provision of ⁶ legal assistance to legal aid recipients experiencing legal problems. So that legal aid providers can only collect their rights by submitting requests for disbursement of the implementation of legal aid budget after carrying out their obligations to the recipient of legal aid.

Legal aid providers carry out their obligations related to the settlement of Industrial Relations Disputes in both litigation and non-litigation. Obligations undertaken include the provision of legal assistance on a non-litigation basis in mediation, conciliation, or arbitration activities at the completion stage at the Office of the Agency responsible for the Regency / City Manpower field (in this case referred to as the Manpower Office). In addition to the litigation stage, assistance is also carried out and / or exercise power in the process at the Industrial Relations Court.

The Ministry of Law and Human Rights has budgeted for the implementation of legal aid in accordance with its stages, which consists of non-litigation and litigation. After the request for budget disbursement is received, the treasurer of the agency will immediately disburse the

budget through the account of the legal aid provider. So in the process there is no more nominal money paid in cash.

The current mechanism for requesting a legal aid budget for litigation can only be submitted if it is in accordance with the stage of settlement in court. The point is that the submission must be carried out in a phased manner in accordance with the law of the general trial process, that is, after the verdict of the first court, then the level of appeal, cassation, and reconsideration. So that in practice it is considered less effective, because in Indonesia there is a judicial system that has a different legal system than other justice systems.

3.2 The Cause of Legal Aid Budget Is Still Unaccessible in the Process of Creating Justice for Workers Who Want to File a Cassation Legal Effort in Industrial Relations Disputes Disputes

The Elucidation of Law Number 2 of 2004 concerning Settlement of Industrial relations number 10, explains in more detail that ¹ in order to guarantee a fast, precise, fair and cheap settlement, the settlement of industrial relations disputes through the Industrial Relations Court within the general court environment is limited by the process and stages by not opening the opportunity to submit an appeal. Decisions of ¹ the Industrial Relations Court at the first instance court involving a dispute ¹ over rights and disputes over termination of employment can be cassation to the Supreme Court. Whereas ¹ the decision of the Industrial Relations Court in the first instance court involving a dispute of ¹ interests and disputes between trade unions / labor unions in a company is the first and final court decision which cannot be appealed to the High Court.

On one hand, the government has provided a budget for providing legal aid intended to provide facilities for economically disadvantaged people. It turned out that it had not been able to run optimally because the application system provided by the government had not yet provided a forum for submitting a budget request for legal aid for cassation efforts at the Industrial Relations Dispute. This is because if there is a different judicial process in the event, then a budget request cannot be submitted to the process.

Indeed, in practice, the mechanism for submitting an application for a legal aid budget must be in accordance with the legal procedure for general court proceedings, namely from the court of first instance, then to appeal, then to the cassation level. So for industrial relations courts who are not familiar with appeals, they cannot apply for the budget.

Article 4 of Law Number 11 Year 2008 concerning Information and Electronic Transactions states that the use of information technology and electronic transactions is carried out with one of the objectives being to increase the effectiveness and efficiency of public services. With the use of information technology, it must be carried out on the basis of the principle of benefits, namely to support the information process so that ⁴ it can improve the welfare of the community. Public welfare is not only seen from the individual use by the community, but also how the government uses technology as an intermediary to communicate from and / or to the community to meet the welfare of the community through the public services provided.

Based on this article, the government has not been maximally able to provide public services to the public through information technology, especially on this issue. So that development and management partially or impartially must always be done in order to achieve harmony and usefulness.

Legal Aid Institutions after providing legal assistance for criminal, civil, or state administrative matters to legal aid recipients have the right to request the budget from the Ministry of Justice and Human Rights for services that have been performed in accordance with assistance in the stages of non-litigation and / or litigation settlement by Providers of Legal Aid, namely the first level, appeal, cassation, until the Reconsideration. Because the Ministry of Justice and Human Rights is a government agency that allocates legal aid budget using the State Budget for the people who are unable and needy.

However, according to the procedural law, Industrial Relations Disputes have their own distinctions from other procedural laws which do not pass appeals, but go directly to appeal. Whereas the computer system that was provided turned out to only be able to verify the provision of legal assistance to legal problems if the settlement was in accordance with the stage or process of general justice, namely the first court, appeal, and cassation. So that, the legal aid provider cannot submit a request for disbursement of the budget that is his right to provide legal aid. Therefore, the provision of legal assistance to Industrial Relations Disputes is hampered.

Although legal services can still be provided at the cassation level, the state budget as a service for the settlement of Industrial Relations Disputes by legal aid providers cannot be provided because it does not pass appeal appeal efforts. In other words, budget requests that can be verified are only for granting legal assistance to non-litigation and litigation Industrial Relations Disputes at the first court level. So that the legal aid budget should be used as well as

possible for the community to be less than perfect if there are parties whose rights to the budget are not fulfilled.

As a result, such a system has an impact on workers. Workers find it difficult to get legal assistance in disputes of rights and termination of employment in the appeal process. So that their rights are violated to get justice.

Based on the ³Welfare State theory of Krenenburg, the goals of the State is not only to maintain the lawful order, but also to actively pursue the prosperity and happiness of its people and to organize righteous and prosperous society.¹⁹ It is also stated that the effort to achieve the goals of the State are based on equitable and balances justice.²⁰

Justice is one of the legal goals that is always echoed by legal experts. In the source of Indonesian law, Pancasila, it has also been explicitly mentioned about social justice, but until now the community still seems difficult to obtain justice. So that even now Pancasila is still a law that is aspired or constitutes the *Ius Constituendum*.

Workers also often experience difficulties when facing law in court. That is because their knowledge of the layman of the process of law, so that it is also an obstacle to postulating a lawsuit. When compared with employers who with experience and knowledge can more easily postulate. It is understood that workers / laborers are weak, both in economic terms and in terms of their position and influence on employers.²¹ The imbalance in position as explained causes the possibility of losing the trial. So that, the Government should be able to become a way out in these problems. In addition, the government also must identify about the problems, needs, wants, and interests of the society.

Therefore, improvements must be made immediately on the application of the Legal Aid Database Information System which is made by the relevant authorities in accordance with the procedural law applicable to the Industrial Relations Court. The importance of a technology must be used as much as possible and in accordance with the needs in the community. So that way, able to realize the benefits and benefits for people in need.

¹⁹ Sonhaji, "The Position of the Workers' or Laborers' Severance Pay and Other Rights in the Bankruptcy of a Company", *Jurnal Diponegoro Law Review* 3, no. 2 (2018):175.

²⁰ *Ibid.*

²¹ Zaeni Asyhadie, *Hukum Kerja: Hukum Ketenagakerjaan Bidang Hubungan Kerja* (Jakarta: PT Rajagrafindo Persada, 2007): 22.

4. Conclusions

Based on ⁵ Law Number 16 of 2011 concerning Legal Aid, The government provides a budget for the implementation of providing legal assistance in which the budget is given to legal aid recipients through legal aid providers. In relation to the legal aid system, The Industrial Relations Court is not open up the opportunity to appeal. Decisions ¹ of the Industrial Relations Court at the first instance court involving a dispute over rights and disputes over termination of employment can be appealed to the Supreme Court. Whereas the computer system provided by the government apparently can only verify the provision of legal assistance to legal matters in which the settlement is in accordance with the stage or process of general justice, namely the first level of court, appeal, then cassation, and review. So the legal aid provider cannot submit a request for disbursement of the budget that is his right to provide legal assistance. It turned out that it had not been able to run optimally because the application system provided by the government had not yet provided a forum for submitting a budget request for legal aid for cassation efforts at the Industrial Relations Dispute. This is not in line with Article 4 of Law Number 11 Year 2008 concerning Information and Electronic Transactions, which states that the use of information technology and electronic transactions is carried out with one of the objectives being to increase the effectiveness and efficiency of public services. So that their rights are violated to get justice in cassation level. Therefore, it should be immediately possible to make corrections to the related application system, namely Legal Aid Database Information System.

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