Analyzing the Authority Relationship Between the Center and Regions in the Reconstruction of the Execution of Decisions in Industrial Relations Dispute Resolution Cases Based on Progressive Law

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Abstract

The enforcement of general civil procedural law in the execution process of Industrial Relations Dispute Resolution (PPHI) cases, as mandated by Article 57 of the PPHI Law, has resulted in a slow execution process. Based on this, there is a need for adequate political awareness among stakeholders to carry out the reconstruction of the legal execution of PPHI case decisions. In order for this legal reconstruction movement to arise from the nation's political will, it is necessary to implement political policies. Based on the above explanation, the issues in this research can be formulated as follows: 1) How is the current implementation of the execution of decisions in industrial relations dispute resolution cases?; 2) What are the weaknesses in its implementation?; 3) What is the ideal reconstruction of the execution of decisions in industrial relations dispute resolution cases based on progressive legal justice? This research is descriptive, using empirical legal research and a socio-legal juridical approach. The research data sources are obtained from primary and secondary data. To collect primary data, observations and interviews are conducted, while obtaining secondary data involves studying legislation, jurisprudence, research results, academic works, dictionaries, and other relevant materials. This research will ultimately result in an ideal reconstruction of the execution of PPHI case decisions based on progressive legal justice, which will be incorporated into articles in the amendment of the PPHI Law, including: regulating the direct seizure of immovable property without specifying a limit on the amount of seizure by reconstructing Article 197 paragraph (1) HIR/Article 208 paragraph (1) RBg, exempting execution fees for claims worth IDR 150,000,000 (one hundred and fifty million Indonesian

rupiahs) or more by reconstructing Article 58 of the PPHI Law, and prohibiting legal remedies such as Judicial Review by reconstructing Article 66 of the Supreme Court Law.

1. Introduction

Historically, Law No. 2 of 2004 concerning Industrial Relations Dispute Resolution, abbreviated as the IRR Law, emerged from the spirit of labor reform that demanded the dissolution of the institution called the Regional and Central Labor Dispute Resolution Committee (P4D and P4P). P4D and P4P, formed based on Law No. 22 of 1957 concerning Labor Dispute Resolution and Law No. 12 of 1964 concerning Termination of Employment in Private Companies, were considered to have failed to realize a fair, fast, accurate, and inexpensive labor dispute resolution system.[1]

In the labor dispute resolution system according to Law No. 22 of 1957 concerning Labor Dispute Resolution, there still appeared to be a strong government intervention with the authority to intervene in decisions issued by P4P by issuing a veto right vested in the Minister of Manpower. Decisions issued by P4P, which already had legal force, could still be canceled by the Minister of Manpower through the veto power held.[2]

Another fundamental issue is the implementation of P4P decisions as the subject of State Administrative Dispute as regulated in Law No. 5 of 1986 concerning State Administrative Courts, extending the process where parties can again file lawsuits against P4P or the Minister of Manpower to the State Administrative Court. This provision requires both workers and employers to take a longer path in seeking justice.[3]

After decades of the implementation of Law No. 22 of 1957 concerning Labor Dispute Resolution and Law No. 12 of 1964 concerning Termination of Employment in Private Companies in Indonesia, finally, in the era of reform in 2004, it was replaced by Law No. 2 of 2004 concerning Industrial Relations Dispute Resolution (PPHI) enacted on January 14, 2004, and became effective on January 14, 2006, with the issuance of Government Regulation in Lieu of Law

[1] Rai Mantili, 'Konsep Penyelesaian Perselisihan Hubungan Industrial Antara Serikat Pekerja Dengan Perusahaan Melalui Combined Process (Med-Arbitrase)', *Jurnal Bina Mulia Hukum*, 6.1 (2021), 47–65 <https://doi.org/10.23920/jbmh.v6i1.252>.

[2] Sherly Ayuna Putri Sherly, Agus Mulya Karsona, and Revi Inayatillah, 'Pembaharuan Penyelesaian Perselisihan Ketenagakerjaan Di Pengadilan Hubungan Industrial Berdasarkan Asas Sederhana, Cepat Dan Biaya Murah Sebagai Upaya Perwujudan Kepastian Hukum', *Jurnal Bina Mulia Hukum*, 5.2 (2021), 310–27 <https://doi.org/10.23920/jbmh.v5i2.307>.

[3] Umar Dani, 'Memahami Kedudukan Pengadilan Tata Usaha Negara Di Indonesia: Sistem Unity Of Jurisdiction Atau Duality Of Jurisdiction? Sebuah Studi Tentang Struktur Dan Karakteristiknya/Understanding Administrative Court In Indonesia: Unity Of Jurisdiction Or Duality', *Jurnal Hukum Dan Peradilan*, 7.3 (2018), 405–24 <https://doi.org/10.25216/jhp.7.3.2018.405-424>.

(Perppu) No. 1 of 2005 concerning the Postponement of the Implementation of Law No. 2 of 2004 concerning PPHI.

The enactment of the PPHI Law brought about many changes, both in terms of institutions, mechanisms, and the types or objects of industrial relations disputes. In early 2006, the labor community in Indonesia entered a new phase in the procedure for resolving industrial relations disputes with the establishment of a special court to handle, examine, adjudicate, and decide industrial relations disputes called the Industrial Relations Court (PHI).[4]

To ensure a quick, accurate, fair, and inexpensive resolution, the resolution of industrial relations disputes through PHI limits the process and stages without allowing the opportunity to appeal to the High Court. PHI decisions concerning rights disputes and termination of employment (PHK) disputes are the only ones that can be appealed to the Supreme Court. Meanwhile, decisions involving interest disputes and disputes between workers' unions in a company are the first and final level decisions that cannot be appealed to the Supreme Court.

The case handling process at PHI not only limits its legal remedies stages but also restricts the duration of the trial. The trial period at the first level of PHI is at most 50 (fifty) working days from the first hearing, while at the Supreme Court, it is determined to be a maximum of 30 (thirty) working days from the date of receiving the cassation petition.[5]

During the approximately 9 (nine) years of the Industrial Relations Court (PHI) operation in Indonesia, it is suspected that many sectors have identified numerous shortcomings in its implementation, especially in the execution process after the legally binding decisions. The PPHI Law does not regulate the execution process, so the implementation of execution follows the general civil procedural law applicable in the general court system, as mandated by Article 57 of the PPHI Law which states: "The procedural law applicable in the Industrial Relations Court is the Civil Procedural Law applicable in the Courts within the General Court environment, except as specifically regulated in this law." [6]

The enforcement of general civil procedural law in the execution process of PPHI case decisions has resulted in a slow and convoluted execution process, especially with the opening of the opportunity for legal remedies such as judicial review (PK) for employers, further prolonging the process of seeking justice. The hopes of workers for justice, legal certainty, and the benefits of the execution process become increasingly challenging.

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[4] I Ketut Simpen and Herry Indiyah Wismani, 'Penyelesaian Perselisihan Hubungan Industrial Menurut Undang-Undang Ketenagakerjaan', *Jurnal Ilmiah Raad Kertha*, 2.2 (2020), 82–97 <https://doi.org/10.47532/jirk.v2i2.164>.

[5] Ummie Tsabita Ananda Afiudi and others, 'Penyelesaian Kasus Pemutusan Hubungan Kerja (PHK) Akibat Pandemi Covid Berdasarkan Undang-Undang Penyelesaian Perselisihan Hubungan Industrial', *Repertorium: Jurnal Ilmiah Hukum Kenotariatan*, 12.1 (2023), 48–58 <https://doi.org/http://dx.doi.org/10.28946/rpt.v12i1.2441>.

[6] Ujang Charda, 'Model Penyelesaian Perselisihan Hubungan Industrial Dalam Hukum Ketenagakerjaan Setelah Lahirnya Undang-Undang Nomor 2 Tahun 2004', *Jurnal Wawasan Yuridika*, 1.1 (2017), 1 <https://doi.org/10.25072/jwy.v1i1.124>.

Recognizing the shortcomings in the implementation of PPHI case decision execution mentioned above, there is a need for political awareness to restructure the execution rules. To ensure that the legal reconstruction movement arises from the nation's political will, it is necessary to be implemented through policies based on progressive law or legal politics.[7]

2. Research Method

The type of research used in this study is empirical legal research, which is a type of research that analyzes and examines the functioning of law within society. The methodological approach employed in this research is a socio-legal approach, which involves an approach to law as a norm or rule, and an approach to society in the sense of observing the realities existing within the community.[8] The nature of this research is descriptive, meaning it is research that aims to describe or explain the existing and currently applicable legislative regulations as positive law. The research is conducted at the Industrial Relations Court of the Medan District Court located at Jalan Pengadilan No. 8, Medan. Empirical legal research data can be categorized into two types: primary data and secondary data. Primary data originates from field research, while secondary data is obtained from library research or literature. To collect primary data (field research), observations and interviews are conducted, involving direct question-and-answer sessions with respondents/sources. [9] Meanwhile, to collect secondary data (library research), the study involves examining legislation, jurisprudence, court decisions, especially PHI case decisions at the Medan District Court, research findings, and other materials related to the discussed subject. The data analysis in this research is conducted using qualitative descriptive analysis, which is an analysis that aims to explain or describe the applicable regulations, then relate them to the realities occurring in society, and ultimately draw conclusions.[10]

3. Results and Discussion

Implementation of the Execution of Industrial Relations Dispute Resolution (PPHI) Case Decisions at Present

[7] Rico Saputra Ginting, 'Penyelesaian Perselisihan Pemutusan Hubungan Kerja (PHK) Atas Kesalahan Berat', *DHARMASISYA: Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia*, 2.1 (2022), 495–512.
[8] Ani Purwati, *Metode Penelitian Hukum: Teori Dan Praktek* (Surabaya: CV. Jakad Media Publishing, 2020).
[9] Faisal Ananda Arfa and Watni Marpaung, *Metodologi Penelitian Hukum Islam: Edisi Revisi* (Jakarta: Prenada Media, 2018).
[10] Irwansyah, *Penelitian Hukum; Pilihan Metode Dan Praktik Penulisan Arikel* (Yogyakarta: Mitra Buana Media, 2020).

A court decision holds no significance if not enforced; therefore, a judge's decision has executive power, meaning the power to enforce what is stipulated in the decision forcibly with the assistance of state instruments. The executive power given to a judge's decision is indicated by the heading of the decision that reads "In the Name of Justice Based on the Almighty God."

The PPHI Law does not regulate the procedure for the implementation of Industrial Relations Court decision execution. Therefore, referring to Article 57 of the PPHI Law, the execution of PHI decisions is subject to the provisions of general civil procedural law applicable in the general courts. According to Article 57 of the PPHI Law, it is stated that "The procedural law applicable in the Industrial Relations Court is the Civil Procedural Law applicable in the Courts within the General Court environment, except as specifically regulated in this law."[11]

This means that the issue of executing PHI decisions refers to the provisions of civil procedural law. Execution provisions in civil procedural law are regulated in HIR (Het Herziene Indonesisch Reglement), applicable in Java and Madura, and RBg (Rechtsreglement voor de Buitengewesten), applicable in areas outside Java and Madura.

The procedures for carrying out a judge's decision or execution are governed in Chapter Ten of Part Five of HIR or Title Four of RBg. Part Five covers Articles 195 to 224 of HIR, or Stb. 1941 Number 44 applicable in Java and Madura, while for areas outside Java and Madura, Part Four of Articles 206 to 258 of RBg or Stb. 1927 Number 227 is used.[12]

After a court decision becomes legally binding, of course, the winning party hopes that the losing party is willing to voluntarily implement the contents of the decision. If, however, the losing party is unwilling to comply voluntarily, the first step taken by the winning party is to submit a request to the Chairman of the Industrial Relations Court (PHI) at the local District Court for the losing party to be given a warning. This warning letter is known as "aanmaning."

If, after being warned three times and not receiving a positive response from the executed party, the next step that can be taken is an executory seizure or "executoriale beslag," which is a legal action aimed at substituting and securing a sum of money that the execution defendant must pay to the execution applicant. The payment of this sum of money can be fulfilled after the seized goods are sold at an auction. The proceeds from the sale of the seized goods are then used for the payment. In this way, executory seizure in the payment execution process is essentially the 'confiscation' of the wealth of the execution

[11] Kadek Agus Sudiarawan and Nyoman Satyayudha Dananjaya, 'Konsep Penyelesaian Perselisihan Hubungan Industrial Berbasis Pemberdayaan Sebagai Upaya Peningkatan Perlindungan Hukum Terhadap Buruh Dalam Mencari Keadilan', *ADHAPER: Jurnal Hukum Acara Perdata*, 3.1 (2017), 17–37 <https://doi.org/https://doi.org/10.36913/jhaper.v3i1.42>.

[12] Phireri and others, 'Analisis Terhadap Pelaksanaan Putusan (Eksekusi) Perkara Perdata', *ADIL: Jurnal Hukum*, 10.1 (2022), 43–46.

defendant to provide funding for the sum of money that must be paid to the execution applicant by auctioning off the seized assets.[13]

Weaknesses in Implementation

The application of Dutch civil procedural law (HIR and RBg) created approximately 300 years ago in executing the execution process of Industrial Relations Dispute Resolution (PPHI) case decisions undoubtedly has weaknesses in its implementation, including philosophical, juridical, and sociological weaknesses.

The philosophical foundation of establishing the Industrial Relations Court (PHI) is essentially to carry out a judicial system that is fast, accurate, fair, and inexpensive in line with the era of industrialization and the advancement of knowledge and information technology. However, in practice, the execution process of PPHI case decisions at the Medan District Court is the opposite because the execution process, which should be swift, turns out to be slow and takes a considerable amount of time. The difficulty in the execution process can be understood because, formally and juridically, the regulations regarding execution have been stipulated in a restrictive manner in HIR and RBg.[14]

The most common juridical weakness in the execution of Industrial Relations Dispute Resolution (PPHI) case decisions is the difficulty in locating company assets that can be executed. Juridically, the assets prioritized for execution are movable assets. If movable assets are insufficient, the execution can then proceed to immovable assets. Movable assets include vehicles, jewelry, cash, fixed-term deposits, savings, current account balances, drafts, or other equivalent forms, bonds, stocks, or other securities, receivables, and capital contributions in other companies.[15]

To locate the movable assets of a company is very challenging because companies generally do not have vehicles registered in the company's name, whether they are goods transport vehicles or private cars registered under the company's name. Take, for example, the Industrial Relations Dispute Resolution (PHI) case in Medan Number 43/G/2012/PHI Mdn in conjunction with the Supreme Court Decision Number 7 K/Pdt.Sus/2013. In this case, the plaintiff could not find any movable assets of the defendant (the company) to be executed, leading to a prolonged delay in the case, approximately 2 years. It was only in 2015 that movable assets of the defendant, in the form of 1 (one) Kijang Kapsul car, were discovered. On September 14, 2015, an execution seizure was placed on the defendant's movable property, the Kijang Kapsul car, and on October 28, 2015, the execution was carried out.

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[13] Dwi Maryono, 'Eksekusi Putusan Pengadilan Hubungan Industrial: Beberapa CatatanMasukan RUU Hukum Acara Perdata', *Adminitrative Law & Governance Journal*, 1.3 (2018), 345–50.
[14] I Ketut Tjukup and others, 'Penerapan Teori Hukum Pembangunan Dalam Mewujudkan Peradilan Sederhana, Cepat Dan Biaya Murah', *ADHAPER: Jurnal Hukum Acara Perdata*, 1.1 (2015), 145–160.
[15] Yanuar Putra Erwin, 'Kajian Yuridis Mengenai Pelaksanaan Eksekusi Dalam Pengadilan Hubungan Industrial', *Legislasi Indonesia*, 12.4 (2015), 1–21.

Another easier way to search for company assets is through immovable assets such as office buildings, warehouses, or factories owned by the company. Almost every company possesses such immovable assets. However, the economic value or the price of these properties is likely to be far beyond the amount that the company needs to pay. The estimated value of office buildings, warehouses, or factories could reach billions of rupiahs, while the execution value that the company needs to pay is only in the tens of millions of rupiahs.

Such execution objects are usually rejected by the Court Chairman because they are considered to be in violation of Article 208 of RBg, which states that the limit on the amount of seizure has been clearly defined, namely, until it is deemed sufficient as a replacement for the amount to be paid, plus the cost of execution expenses.

Execution seizure beyond the legal limits is in violation of the law. Therefore, the Chairman of the Court cannot approve a significant difference in price between the items to be executed and the execution value, especially if it is too far from the actual value. This is a major weakness in the implementation of Industrial Relations Dispute Resolution (PPHI) case decision executions because of the difficulty in finding assets of the execution defendant that are reasonably valued or at least two or three times the execution value (Interview with Abdul Rahman, Clerk at the Medan District Court, 2016). This situation can hinder or completely halt the execution process because suitable company assets are not found according to the stipulations. This constraint often occurs in the execution process of PPHI case decisions at the Medan District Court.

Another weakness contributing to the slow litigation process in PHI can be seen from a sociological perspective, namely, the delayed notification of Supreme Court decisions to the parties involved. The process of notifying legally binding decisions from the Supreme Court to the parties can take up to 1 (one) year. This can be observed in the PHI case in Medan Number 120/G/2008/PHI. Mdn in conjunction with Supreme Court Decision Number 132 K/Pdt.Sus/2010, between Ricardo Simanjuntak as the plaintiff and PT. Carsurindo Era Mandiri Inspection Service as the defendant. Although the Supreme Court had ruled on July 22, 2010, the plaintiff was only informed of the decision on May 9, 2011.

The delayed notification of the decision to the plaintiff significantly affects the execution process because the plaintiff can only file an execution request after receiving the notification from the court. Without receiving notification from the court, the plaintiff cannot submit an execution request to the court. Even if the plaintiff has received the notification, it must also be ensured that the defendant has also received the notification, thus allowing the execution process to proceed. All of these are technical sociological weaknesses in the industrial relations dispute resolution process that should be a concern for all parties.

Furthermore, another crucial weakness in PPHI cases is the lack of a specific timeframe for executing decisions after the decision becomes legally binding.

This happens because the execution process of PPHI case decisions still uses civil procedural law applicable in general courts.[16]

Ideal Reconstruction of the Execution of Industrial Relations Dispute Resolution (PPHI) Case Decisions Based on Progressive Legal Justice

This legal reconstruction is the result of a construction of the execution of PPHI case decisions captured based on the previously outlined study. The findings of this study are then philosophically reflected upon the principles and theories of progressive law. The results of this philosophical reflection are offered as a reconstruction of the execution of PPHI case decisions characterized by progressive legal principles. There are at least two relevant forms of reconstruction to be discussed in this article: first, the reconstruction of values, and second, the juridical reconstruction.

Reconstruction here is understood as the process of rebuilding, recreating, or reorganizing. In this context, what is rebuilt is values. There is a need to reconstruct these values so that legal reform is not only oriented towards a policy-oriented approach but also towards a value-oriented approach.[17]

The reconstruction of values must be done with an awareness of changing behavior and paradigms. The agenda for changing paradigms includes changing basic assumptions or philosophical-theoretical assumptions that serve as a source of values, frameworks, basic orientations, principles, benchmarks, parameters, as well as the direction and goals of a specific development, change, and process, including in the areas of development, reform movements, and education processes. Thus, paradigms occupy a strategic position and function in every activity process, including law enforcement activities. Planning, implementation processes, and their results can be measured by specific paradigms believed to be true.

The reconstruction of values is crucial in the legal reform of the execution of PPHI case decisions. Future revisions to the PPHI Law should ideally reflect the values and culture that exist and develop within society. This should be related to the worldview, ethical principles, religious morality, and the interests of the Indonesian nation itself. Legal reforms in the field of PPHI should also be based on or oriented towards the fundamental ideas of Pancasila, which contain a balance of values, ideas, and paradigms that include religious moral values (Belief in God), humanism, nationalism, democracy, and social justice.[18]

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[16] Gindo Nadapdap, 'Upaya Hukum Dan Eksekusi Terhadap Putusan Phi Yang Telah Mempunyai Kekuatan Hukum', *Jurnal Ekonomi Hukum & Humaniora*, 1.1 (2022), 1–10.
[17] Christina NM Tobing, 'Menggagas Pengadilan Hubungan Industrial Dalam Bingkai Ius Constituendum Sebagai Upaya Perwujudan Kepastian Hukum Dan Keadilan / Initiating An Industrial Relations Court In The Framework Of Ius Constituendum As An Effort To Realize Legal Certainty And Jus', *Jurnal Hukum Dan Peradilan*, 7.2 (2018), 297–326 <https://doi.org/10.25216/jhp.7.2.2018.297-326>.
[18] Hono Sejati, 'Penyelesaian Perselisihan Di Pengadilan Hubungan Industrial', *Jurnal Spektrum Hukum*, 15.1 (2018), 1–14.

If the fundamental values of Pancasila are implemented in a pure and consistent manner, containing humanistic values, cultural values, and religious moral values, the execution of PPHI case decisions should not be carried out through coercive measures. Coercive execution will only generate negative perceptions from various sectors of society and may degrade our dignity as a cultured nation. Coercive efforts do not reflect the cultured and humanitarian values of the nation. Therefore, there is a need for a high legal awareness from the executed party, in this case, the employers, to willingly implement the PPHI case decision without going through the execution process.

Implementing a court decision willingly reflects our distinctive character as a moral and dignified nation that respects the rights of others. Respecting the rights of others means giving them what is rightfully theirs. What belongs to others should be given willingly, upholding the cultural values of the nation and, at the same time, fostering a culture of shame. As a moral and cultured nation, we should feel ashamed if we have to give the rights of others under duress, especially when forced by the judicial institution.[19]

Juridical reconstruction is understood as an effort to recreate, rearrange, or update existing legal rules that have been in effect as positive law. The updated legal rules or legislation are not changed without reason. Apart from being incompatible with the development of society, it is also intended to address various societal issues that constantly change according to the times. If the condition of society changes with the changing times, the law must also change. The law must be able to adapt and balance with societal changes. The law is created for humans, and not the other way around where humans are forced to submit to the law.

Therefore, since most of the PPHI laws still use Dutch civil procedural law, especially regarding its execution, juridical reconstruction is a solution that this nation must take to address the legal issues in the field of PPHI, which are becoming more complex. The complexity of issues in the execution process of PPHI cases is inseparable from the influence of Dutch law that still exists in our country. This issue is a juridical consequence of our inability to reconstruct the law in the field of PPHI execution in a more progressive manner.[20]

After examining the weaknesses in the execution process of PPHI cases, including philosophical, juridical, and sociological weaknesses, a juridical reconstruction of the execution of PPHI case decisions based on progressive legal

[19] Minggu Saragih and Ida Nadirah, 'Problematika Upaya Hukum Peninjauan Kembali (PK) Pasca Putusan MK NO 34/PUU-XVII/2019 Dalam Penyelesaian Sengketa Perselisihan Hubungan Industrial', *Jurnal Pencerah Bangsa*, 3.1 (2023), 19–26.

[20] Abdul Hakim Sori Muda, M Yamin Lubis, and Mustamam Mustamam, 'Analisis Yuridis Pemalsuan Dokumen Tanah Di Deli Serdang (Studi Putusan Pengadilan Negeri Lubuk Pakam Nomor 1871/Pid.B/2022/PN. Lbp)', *Jurnal Ilmiah METADATA*, 5.3 (2023), 19–33 <https://doi.org/10.47652/metadata.v5i3.391>.

justice can be formulated. This reconstruction can potentially be incorporated into the articles of the future revision of the PPHI Law, as outlined in Table 1.

Table 1: Juridical Reconstruction of Execution Articles in the PPHI Law

No	Construction		Issues	Reconstructions
	HIR/RBg	UU		
1	Prioritize the seizure of movable assets {Article 197 (1) HIR/Article 208 (1) RBg}		Hard to find movable assets in the company	Non-movable assets can be seized directly
2	The benchmark limit for seizures has been determined {Article 197 (1) HIR/Article 208 (1) RBg}		Very difficult to find company assets that are proportionate to the obligation amount to be paid	The benchmark limit for seizures is not specified
3		Incurs litigation/execution costs for claims valued at Rp. 150,000,000 or more (Article 58 of Law No. 2 of 2004 concerning PPHI)	For mass layoffs cases, they are usually filed cumulatively, resulting in a large claim value or above Rp. 150,000,000	No litigation/execution costs for all claims, including those valued at Rp. 150,000,000 or more
4		Regulation of cassation (PK) legal remedies (Article 66 of Law No. 14 of 1985 jo Law No. 5 of 2005 jo Law No. 3 of 2009 concerning the	PK legal remedies are used by employers only to delay the execution process	There is a rule prohibiting the filing of cassation (PK) legal remedies

		Supreme Court)		

4. Conclusion

The legal provisions for the execution of PPHI case decisions used in Indonesia until now still adopt Dutch civil procedural law, namely HIR (Het Herziene Indonesisch Reglement), which applies to Java and Madura, and RBg (Rechtsreglement voor de Buitengewesten), which applies to areas outside Java and Madura. The application of HIR and RBg in Indonesia can be understood because the PPHI law has not fully regulated the execution of decisions. Therefore, the execution process still relies on HIR and RBg. The implementation of Dutch civil procedural law (HIR and RBg) in the execution process of PPHI cases undoubtedly has weaknesses, including philosophical, juridical, and sociological weaknesses. The philosophical foundation for establishing the Industrial Relations Court is to achieve the resolution of disputes quickly, accurately, fairly, and inexpensively. In practice, the execution process of PPHI case decisions in the Industrial Relations Court in Medan is the opposite; the execution process, which should be swift, turns out to be slow and time-consuming. To realize a fast, accurate, fair, and inexpensive execution process, a reconstruction of the regulation of PPHI case execution based on progressive legal justice is needed. Progressive legal justice refers to justice derived from laws that live within society. This reconstruction can be incorporated into the articles of the revised PPHI law, which is being prepared, as follows: Regulating the direct execution of immovable property and not setting a limit on the amount of seizure by reconstructing Article 197 paragraph (1) HIR and/or Article 208 paragraph (1) RBg. Regulating the non-imposition of legal fees, including execution costs, for claims of Rp. 150,000,000 or more by reconstructing Article 58 of the PPHI Law. Regulating the prohibition of cassation legal remedies by reconstructing Article 66 of the Supreme Court Law.

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