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Settlement of Rights Disputes in Industrial Relations through Litigation and Non-Litigation Mechanisms

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ABSTRACT: This study examines the settlement of rights disputes in industrial relations through litigation and non-litigation mechanisms in Indonesia. Rights disputes arise from the non-fulfillment of workers' normative rights as regulated in labor laws, employment agreements, company regulations, and collective labor agreements. The research focuses on the mechanisms for resolving such disputes under Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, as well as the advantages and disadvantages of litigation and non-litigation procedures. The study employs a normative juridical method using statutory and conceptual approaches. The findings indicate that non-litigation mechanisms, including bipartite negotiations, mediation, conciliation, and arbitration, are prioritized as initial efforts to resolve disputes through deliberation and mutual agreement. These mechanisms offer advantages such as faster procedures, lower costs, flexibility, and the ability to maintain harmonious industrial relations. However, their effectiveness largely depends on the good faith of the parties. Meanwhile, litigation through the Industrial Relations Court provides stronger legal certainty, binding decisions, and executorial force, although the process is often lengthy, costly, and confrontational. Therefore, both mechanisms possess complementary roles in ensuring legal protection, justice, and balanced industrial relations between workers and employers in Indonesia.

KEYWORDS: Rights Disputes, Industrial Relations, Litigation, Non-Litigation.

I. INTRODUCTION

Industrial relations constitute a system of relationships established among the parties involved in the production process of goods and/or services, namely workers or laborers, employers, and the government. This system is founded upon values that reflect all the principles of Pancasila and the 1945 Constitution, and it develops in accordance with the national character and culture of Indonesia. [1]

Industrial relations represent a relationship of interests between workers or laborers and employers, which has the potential to give rise to differences in perspectives and disputes between the two parties [2] Industrial relations are relationships of interests between workers or laborers and employers that may lead to differing views or disputes between the parties in the process of producing goods and services. Industrial relations also constitute a process of fostering communication, consultation, deliberation, and negotiation supported by the capability and strong commitment of all elements within a company. Labor legislation has established fundamental principles that need to be developed within industrial relations in order to create an ideal system and institutional framework, thereby fostering productive, harmonious, dynamic, and just working conditions. [3]

In practice, industrial relations do not always run harmoniously due to differences in interests between workers and employers. These differences often give rise to disputes. Industrial relations disputes arise from differences of opinion that subsequently trigger conflicts or disagreements between the parties, namely employers and workers or labor unions. [4]

Industrial relations disputes consist of four types of disputes, namely disputes over rights, disputes over interests, disputes concerning termination of employment, and disputes between labor unions or trade unions within a single company. [5] One of the most common types of disputes occurring in Indonesia is disputes over rights.

Disputes over rights are related to the non-fulfillment of workers' normative rights as stipulated in laws and regulations, employment agreements, company regulations, and collective labor agreements. Disputes over rights have become one of the most common issues arising in industrial relations in Indonesia because they concern the certainty of fulfilling workers' rights and employers' obligations.

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Disputes over rights in industrial relations may take the form of delayed wage payments, unlawful deductions of entitlements, failure to provide social security, violations of working hours regulations, and the non-fulfillment of other workers' rights. These conditions indicate that there is still an imbalance of position between workers and employers within employment relationships. Workers are often placed in a weaker position and therefore require effective legal protection to ensure the fulfillment of their rights. Therefore, the settlement of disputes over rights constitutes an important aspect of maintaining the stability of industrial relations.

As a state governed by the rule of law, Indonesia guarantees the protection of workers' rights through various labor regulations. One of the important instruments in resolving industrial relations disputes is Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. This law regulates mechanisms for resolving industrial relations disputes, including disputes over rights, through both litigation and non-litigation procedures. These regulations aim to create a dispute resolution process that is fast, fair, and effective for all parties involved.

The litigation mechanism for resolving disputes over rights is carried out through the Industrial Relations Court. This court has the authority to examine, hear, and adjudicate industrial relations disputes in accordance with the applicable legal provisions. In essence, the Industrial Relations Court (PHI) was established and instituted to resolve problems or disputes arising in employment relationships between employers and workers. [6]

The existence of the Industrial Relations Court is expected to provide legal certainty and protection for the rights of both workers and employers. Court decisions also possess permanent legal force and may be enforced through execution mechanisms.

Nevertheless, dispute resolution through the courts often faces various obstacles. Litigation processes tend to require a considerable amount of time, substantial costs, and formal as well as complex procedures. These conditions may become barriers for workers in obtaining justice promptly. Furthermore, court proceedings, which are confrontational in nature, also have the potential to worsen the relationship between workers and employers, thereby reducing the possibility of creating harmonious industrial relations.

In addition to litigation procedures, Law Number 2 of 2004 also provides non-litigation dispute resolution mechanisms, including bipartite negotiations, mediation, conciliation, and arbitration. Non-litigation mechanisms are intended as efforts to resolve disputes through deliberation by prioritizing agreements between the parties. Settlement through non-litigation procedures is considered more flexible and simple, and is capable of maintaining good relations between workers and employers because it emphasizes the principles of dialogue and compromise.

Bipartite negotiation is regarded as the initial stage and must first be pursued as a means of resolving industrial relations disputes. [7] In this mechanism, workers and employers negotiate directly in order to reach a mutual agreement. If bipartite negotiations fail, the parties may continue the settlement process through mediation, conciliation, or arbitration depending on the type of dispute involved. This mechanism demonstrates that Indonesian labor law prioritizes amicable settlement before resorting to court proceedings.

However, in practice, non-litigation mechanisms do not always operate effectively. Many disputes fail to reach an agreement due to the lack of good faith from one of the parties, unequal bargaining positions, or weak implementation of settlement agreements. In addition, some workers still perceive court proceedings as providing greater legal certainty compared to non-litigation settlements. This situation reflects the challenges faced in implementing industrial relations dispute resolution mechanisms in Indonesia.

The differences in characteristics between litigation and non-litigation mechanisms have given rise to debates regarding the effectiveness of each mechanism in resolving disputes over rights. Court proceedings offer legal certainty through binding decisions, but they require longer and more formal processes. On the other hand, non-litigation mechanisms provide faster and more flexible resolutions, but their outcomes depend heavily on the agreement of the parties involved. Therefore, it is important to understand how both mechanisms are implemented in practice in resolving disputes over rights.

The study of dispute resolution concerning rights in industrial relations is important because it is directly related to the protection of workers' rights and legal certainty for employers. Ineffective dispute resolution may result in losses for both parties and even has the potential to disrupt economic stability and company productivity. On the other hand, effective dispute resolution mechanisms can create harmonious, fair, and sustainable industrial relations.

This research is also relevant in assessing the extent to which the industrial relations dispute resolution system in Indonesia has operated in accordance with its intended objectives. The existence of both litigation and non-litigation mechanisms demonstrates that the law provides various alternatives for dispute settlement. However, the effectiveness of their implementation still requires evaluation, particularly in relation to the speed of resolution, costs, legal certainty, and protection of workers' rights.

Based on the foregoing explanation, research entitled "Settlement of Rights Disputes in Industrial Relations through Court and Non-Litigation Mechanisms" is important to conduct. This study aims to analyze the mechanisms for resolving disputes over rights through litigation and non-litigation procedures, as well as to examine the strengths and weaknesses of each mechanism in resolving industrial relations disputes. Accordingly, this research is expected to provide both academic and practical contributions to the development of the industrial relations dispute resolution system in Indonesia.

II. RESEARCH METHODS

This research is a type of normative legal research, namely legal research that places law as a building system of norms consisting of principles, norms, rules and regulations, court decisions, agreements, and doctrine. The approach used in this research is the statute Approach, which is an approach that uses regulations. The data collection technique used is literature study. Data analysis is conducted descriptively. Descriptive analysis means that the author provides an explanation of the subject and object of the research based on the results obtained from the study.

III. RESULTS AND DISCUSSION

MECHANISMS FOR THE SETTLEMENT OF RIGHTS DISPUTES IN INDUSTRIAL RELATIONS THROUGH COURT AND NON-LITIGATION PROCEDURES IN INDONESIA

Disputes over rights are disputes that arise between employers or groups of employers and labor unions/trade unions as a result of one party in the employment relationship failing to fulfill the provisions of an employment agreement or collective labor agreement, or committing violations of the legal provisions governing the employment relationship that have been mutually agreed upon. [8] Disputes over rights in industrial relations constitute one of the most common forms of disputes occurring between workers and employers.

Disputes over rights arise from the failure to fulfill workers' rights or employers' obligations as regulated in laws and regulations, employment agreements, company regulations, and collective labor agreements. Disputes over rights possess characteristics that distinguish them from other types of industrial relations disputes because they are directly related to the implementation of pre-existing normative rights.

Within the Indonesian labor system, the settlement of disputes over rights is regulated under Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. This law serves as the primary legal basis for resolving various industrial relations disputes, including disputes over rights. The existence of this regulation aims to establish a dispute resolution mechanism that is fast, accurate, fair, and low-cost.

Essentially, disputes over rights arise due to differences in interpretation or implementation of the applicable legal provisions. Examples include disputes concerning wages, allowances, social security, working hours, leave entitlements, and other normative rights. In practice, disputes over rights often create tensions between workers and employers because they involve the economic interests of both parties.

Law Number 2 of 2004 stipulates that industrial relations disputes must first be resolved through non-litigation procedures before being brought before the courts. This provision demonstrates that Indonesian labor law prioritizes peaceful settlement and deliberation. In essence, deliberation is a process or activity of mutually listening with an attitude of accepting each other's opinions and wishes, based on the voluntary consent of the parties involved. [9] This approach is considered more effective in maintaining harmonious industrial relations.

Non-litigation mechanisms consist of bipartite settlement, mediation, conciliation, and arbitration. All of these mechanisms share the same objective, namely to resolve disputes without going through court proceedings. However, each mechanism has different characteristics and procedures.

The first stage in resolving disputes over rights is bipartite negotiation. Bipartite negotiation may be understood as a mechanism in the form of a procedure or negotiation process conducted by two parties, namely employers and workers/laborers, when a dispute arises within a company. In essence, bipartite negotiation constitutes an effort of deliberation aimed at reaching a mutual agreement between employers and workers/laborers. [10] This stage is mandatory before the dispute may proceed to the subsequent stages.

Bipartite negotiations are conducted based on the principle of deliberation to achieve mutual consensus. The parties are given the opportunity to express their respective opinions and interests in order to seek a joint solution. Bipartite settlement is considered simpler because it does not involve a third party. Settlement efforts through bipartite negotiations are also known as negotiations, which constitute the most important stage in the process of resolving industrial relations disputes. [11] According to the view of Garry Goodpaster, there are several aspects that must be considered by the parties in conducting negotiations because

they may influence the course of the negotiation process, namely bargaining power, bargaining patterns, and bargaining strategies. [12]

Based on Law Number 2 of 2004, the time limit for bipartite settlement is a maximum of 30 working days from the commencement of negotiations. If an agreement is reached within that period, the parties are required to formulate a collective agreement.

The collective agreement resulting from the bipartite process must be registered with the Industrial Relations Court in order to obtain permanent legal force. Through such registration, the collective agreement may be enforced if one of the parties fails to comply with the terms of the agreement.

If bipartite negotiations fail to reach an agreement, either party may register the dispute with the institution responsible for labor affairs. Subsequently, the settlement process may proceed through mediation, conciliation, or arbitration.

Mediation is a dispute resolution mechanism conducted with the assistance of a mediator from the labor affairs institution. The mediator is tasked with assisting the parties in reaching an agreement through a deliberation process.

In the mediation process, the mediator does not possess the authority to unilaterally decide the dispute. The mediator merely provides suggestions and written recommendations to the parties regarding the settlement of the dispute.

The written recommendations provided by the mediator may be accepted or rejected by the parties. If accepted, the settlement outcome is set forth in a collective agreement. Conversely, if rejected, the dispute may be submitted to the Industrial Relations Court. Although mediation has been recognized as a formal instrument in resolving industrial relations disputes, the effectiveness of its implementation is often questioned. This condition arises because the success of the mediation process largely depends on the willingness and good faith of the parties to reach a mutual agreement. [13]

Mediation is considered a fairly effective mechanism because it involves a neutral third party. The presence of a mediator may help create better communication between workers and employers. Mediation, as one of the alternative dispute resolution mechanisms outside the court system, has long been applied in various types of disputes, such as business disputes, environmental disputes, land disputes, consumer disputes, intellectual property disputes, and other forms of disputes. The use of mediation reflects society's need for a dispute resolution mechanism that is rapid, effective, efficient, and capable of producing comprehensive settlements. [14]

In addition to mediation, there is also a conciliation mechanism. Conciliation is conducted by a conciliator appointed to assist in resolving certain industrial relations disputes. The conciliator has a function similar to that of a mediator, namely assisting the parties in reaching an agreement through a deliberation process. The difference lies in the scope of disputes that may be resolved. In practice, conciliation is used less frequently than mediation. This is because most industrial relations disputes are resolved through government-facilitated mediation.

Another non-litigation mechanism is arbitration. Arbitration is a method of dispute resolution outside the courts based on a written agreement between the parties. Arbitration has several advantages, including a confidential process, decisions that are final and binding, and a definite settlement period, namely a maximum of 180 working days as regulated under Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. [15]

Arbitration awards are final and binding, and therefore cannot be appealed. Arbitration is considered advantageous because the process is faster and confidential. However, this mechanism is rarely used in disputes over rights because it requires the consent of both parties.

If all non-litigation mechanisms fail to resolve the dispute, disputes over rights may be brought before the Industrial Relations Court. The Industrial Relations Court is a special court within the general court system. It has the authority to examine, hear, and adjudicate industrial relations disputes. In disputes over rights, the court functions to provide legal certainty through binding decisions.

The filing of a lawsuit with the Industrial Relations Court may only be carried out after the parties have obtained proof that they have pursued non-litigation mechanisms. Such proof usually takes the form of mediation minutes or the mediator's written recommendation.

The process of examining cases in the Industrial Relations Court is conducted in accordance with civil procedural law, subject to several specific provisions. The court is obligated to examine and decide cases within a specified period of time. Decisions of the Industrial Relations Court possess binding legal force upon the parties. If one of the parties fails to comply voluntarily with the judgment, enforcement measures may be undertaken.

Within the industrial relations dispute resolution system, the existence of the Industrial Relations Court plays an important role in ensuring legal protection. The court serves as the final means of obtaining justice when amicable settlement efforts fail. Nevertheless, litigation processes often require a longer period of time compared to non-litigation mechanisms. Formal court proceedings may also impose additional costs upon the parties.

Furthermore, the relationship between workers and employers tends to become more strained when disputes are resolved through the courts. This is because litigation is confrontational in nature and places the parties in opposing positions. In contrast, non-litigation mechanisms emphasize dialogue and deliberation. Settlement through mutual agreement is considered more capable of maintaining harmonious industrial relations.

In practice, the effectiveness of resolving disputes over rights is greatly influenced by the good faith of the parties. If workers and employers are committed to resolving disputes amicably, non-litigation settlement mechanisms may function effectively. However, if one party lacks good faith, the dispute resolution process tends to become prolonged and eventually ends up before the court. This condition demonstrates that the success of dispute resolution mechanisms is determined not only by legal regulations, but also by the attitudes of the parties involved.

The government has an important role in ensuring the effectiveness of industrial relations dispute resolution. This role is realized through the provision of mediators, labor supervision, and the development of industrial relations. Through the existence of both litigation and non-litigation mechanisms, the Indonesian labor law system seeks to provide various alternative methods of dispute resolution that may be chosen according to the needs of the parties. Both mechanisms possess complementary functions in creating justice and legal certainty.

Based on the foregoing explanation, it may be understood that the settlement of disputes over rights in industrial relations is carried out through systematic stages, beginning with non-litigation efforts and ultimately proceeding to settlement through the Industrial Relations Court. These regulations demonstrate that Indonesian law prioritizes amicable settlement while still providing litigation as the final means of legal protection.

ADVANTAGES AND DISADVANTAGES OF RESOLVING RIGHTS DISPUTES THROUGH COURT MECHANISMS COMPARED TO NON-LITIGATION MECHANISMS IN INDUSTRIAL RELATIONS

Industrial relations dispute that frequently occur within society have been normatively regulated under Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes, which serves as the primary legal basis for resolving industrial relations disputes. The special judicial institution authorized to handle industrial relations disputes is the Industrial Relations Court, whose existence is juridically affirmed under Article 55 of the law. [16]

The settlement of disputes over rights in industrial relations may be carried out through two main mechanisms, namely court proceedings and non-litigation mechanisms. Both mechanisms share the same objective, namely resolving disputes between workers and employers concerning the fulfillment of normative rights. However, each mechanism possesses different characteristics, advantages, and disadvantages in its implementation.

The court mechanism is conducted through the Industrial Relations Court as the institution authorized to resolve industrial relations disputes. This avenue is generally pursued when settlement through non-litigation mechanisms fails to achieve an agreement. The court functions to issue decisions that possess binding legal force upon the parties.

One of the primary advantages of settlement through the courts is the existence of legal certainty. Judicial decisions are based on statutory regulations, evidence, and facts revealed during court proceedings. Therefore, the outcome of the settlement has a clear legal basis and may be held legally accountable.

Legal certainty is highly important in disputes over rights because such disputes are directly related to the fulfillment of workers' rights. Through court decisions, workers may obtain legal protection for rights that have not been fulfilled by employers. Philosophically, the Industrial Relations Court was established as a breakthrough in the resolution of industrial disputes by emphasizing a process that is rapid, accurate, fair, and low-cost. [17]

Another advantage is that court decisions possess executorial force. This means that if the losing party does not voluntarily comply with the judgment, its implementation may be enforced through state execution mechanisms. Executorial force constitutes one of the principal advantages of litigation compared to non-litigation mechanisms. In practice, the outcomes of non-litigation settlements are often difficult to enforce when one of the parties lacks good faith.

Court mechanisms also provide a more comprehensive evidentiary process. The parties may present witnesses, letters, documents, and other forms of evidence to strengthen their arguments before the judge. The existence of the judge as a neutral party constitutes a distinct advantage of court settlement. Judges possess the authority to objectively assess evidence and render decisions based on the principles of justice.

In certain cases, court proceedings become the most appropriate option when the dispute involves serious violations of rights. For example, an employer may fail to pay workers' wages for a prolonged period or fail to fulfill workers' rights following termination of employment. Through the courts, workers have a greater opportunity to obtain a more certain restoration of their rights. Judges may order employers to pay wages, severance pay, and other rights that have not been fulfilled.

Despite its various advantages, court mechanisms also possess several disadvantages. One of the primary weaknesses is the relatively lengthy settlement process compared to non-litigation mechanisms. Litigation must proceed through various stages, including the registration of claims, summons of the parties, examination of the case, evidentiary proceedings, and the pronouncement of judgment. Furthermore, the case may continue to the cassation level if one of the parties does not accept the judgment.

The lengthy settlement process may disadvantage workers because the disputed rights are not immediately obtained. Such conditions may affect the economic well-being of workers and their families. In addition to requiring a long period of time, court mechanisms also involve relatively high costs. The parties must bear administrative expenses, transportation costs, and sometimes legal counsel fees. For workers, litigation costs may constitute an obstacle to obtaining justice. Not all workers possess the financial capability to undergo lengthy court proceedings.

Another weakness is the formal and procedural nature of court proceedings. The parties are required to understand procedural law in order to properly participate in the litigation process. Such formalities often create difficulties for workers who do not possess adequate legal knowledge. Therefore, workers generally require legal representation to assist them during court proceedings.

Litigation processes also tend to be confrontational in nature. During the proceedings, workers and employers each defend their respective opinions and interests. Such conditions may worsen industrial relations between workers and employers. After the dispute has been resolved, the employment relationship often becomes less harmonious.

In contrast to court mechanisms, non-litigation settlement places greater emphasis on deliberation and mutual agreement. This avenue aims to achieve agreements between disputing parties through mechanisms that are more flexible and efficient.[18] These mechanisms include bipartite negotiation, mediation, conciliation, and arbitration. One of the primary advantages of non-litigation mechanisms is the faster settlement process. Disputes are resolved through direct dialogue without complicated court procedures.

The speed of settlement is highly important in industrial relations because prolonged disputes may disrupt company productivity and workers' welfare. Another advantage is that the cost of settlement is relatively lower compared to litigation. The parties do not need to incur substantial expenses in order to participate in the dispute resolution process.

Non-litigation mechanisms are also simpler and more flexible. The parties may independently determine the form of settlement considered most suitable for their interests. In bipartite settlement, workers and employers may negotiate directly without involving a third party. This allows for more open communication.

If bipartite negotiations fail, the parties may proceed through mediation with the assistance of a mediator from the labor affairs institution. The mediator assists the parties in seeking a solution that is mutually acceptable. The presence of a neutral mediator constitutes one of the advantages of mediation. Mediators help reduce tensions and create a more conducive negotiation atmosphere.

Non-litigation mechanisms are also more capable of maintaining good relations between workers and employers. Settlement is conducted through a dialogue-based approach so that it does not create deep hostility. Harmonious industrial relations are highly important because workers and employers fundamentally depend on one another in production activities. Therefore, amicable settlement is given priority.

In addition, non-litigation mechanisms are more confidential than court proceedings. Disputes are not publicly disclosed, thereby helping to maintain the company's reputation. This confidentiality constitutes one of the advantages of non-litigation mechanisms, namely that the process remains private and not widely known to the public. [19]

Arbitration, as one form of non-litigation mechanism, also possesses the advantage of producing decisions that are final and binding. Accordingly, disputes may be resolved more quickly without undergoing an appeal process. Nevertheless, non-litigation mechanisms also have certain weaknesses. One of their primary weaknesses is that the settlement outcome depends heavily on the good faith of the parties. If one of the parties is unwilling to cooperate or lacks the intention to resolve the dispute amicably, non-litigation settlement mechanisms will face difficulties in reaching an agreement.

Another weakness is that not all non-litigation settlement outcomes possess strong legal enforceability. In certain cases, agreements that have been reached are still not implemented by one of the parties.

Furthermore, non-litigation mechanisms are often influenced by imbalances in bargaining positions between workers and employers. Employers, who possess greater economic power, may dominate the negotiation process. Under certain conditions, workers accept settlement outcomes not because they genuinely agree, but because they fear losing their jobs or have no other alternatives.

Arbitration also has weaknesses because it may only be conducted upon the agreement of both parties. If one party

refuses arbitration, the mechanism cannot be utilized. In some cases, arbitration costs are also relatively high because the process involves professional arbitrators. Therefore, arbitration is more frequently used by large companies.

A comparison between court mechanisms and non-litigation mechanisms demonstrates that both possess different functions. Court proceedings place greater emphasis on legal certainty and binding force, whereas non-litigation mechanisms prioritize efficiency and the maintenance of harmonious industrial relations.

In practice, non-litigation mechanisms are more appropriately used when disputes can still be resolved through deliberation. Conversely, court proceedings are more effective when one of the parties lacks good faith. Therefore, both court and non-litigation mechanisms possess their respective advantages and disadvantages in resolving disputes over rights in industrial relations. These two mechanisms complement one another in providing legal protection and maintaining the balance of industrial relations between workers and employers

IV. CONCLUSIONS

1. The settlement of disputes over rights in industrial relations in Indonesia is conducted through non-litigation and litigation mechanisms as regulated under Law Number 2 of 2004 concerning the Settlement of Industrial Relations Disputes. Non-litigation settlement is carried out through bipartite negotiations, mediation, conciliation, and arbitration, which prioritize deliberation and mutual agreement between the parties as the initial effort in resolving disputes. If non-litigation mechanisms fail to achieve an agreement, the dispute may be submitted to the Industrial Relations Court through litigation procedures in order to obtain a binding decision with permanent legal force. Accordingly, the industrial relations dispute resolution system in Indonesia places peaceful settlement as the primary priority, while the court functions as the final means of providing legal certainty and protection for the rights of both workers and employers.
2. Court mechanisms in resolving disputes over rights in industrial relations possess advantages in the form of legal certainty, executorial force, and stronger legal protection through binding judicial decisions. However, these mechanisms also have weaknesses because the settlement process tends to require a long period of time, higher costs, and formal as well as confrontational procedures that may worsen relations between workers and employers. On the other hand, non-litigation mechanisms possess advantages in the form of faster procedures, lower costs, flexibility, and the ability to maintain harmonious industrial relations through approaches based on deliberation and mutual agreement. Nevertheless, non-litigation mechanisms also have weaknesses because they depend heavily on the good faith of the parties and possess limitations in enforcing settlement agreements when one of the parties fails to comply. Therefore, court and non-litigation mechanisms possess complementary advantages and disadvantages in the settlement of disputes over rights in industrial relations.

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