PRESIDEN
REPUBLIK INDONESIA

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA NUMBER 10 OF 2020 ON PROCEDURES FOR PLACEMENT OF INDONESIAN MIGRANT WORKERS BY INDONESIAN MIGRANT WORKERS PROTECTION BOARD

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : a. that in order to implement the provision of Article 50 section (2) of Law Number 18 of 2017 on Protection of Indonesian Migrant Workers, it is necessary to issue a Government Regulation on Procedures for Placement of Indonesian Migrant Workers by Indonesian Migrant Workers Protection Board;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 18 of 2017 on Protection of Indonesian Migrant Workers (State Gazette of the Republic of Indonesia of 2017 Number 242, Supplement to the State Gazette of the Republic of Indonesia Number 6141);

HAS DECIDED:

To issue : GOVERNMENT REGULATION ON PROCEDURES FOR PLACEMENT OF INDONESIAN MIGRANT WORKERS BY INDONESIAN MIGRANT WORKERS PROTECTION BOARD.

CHAPTER I
GENERAL PROVISIONS
Article 1

In this Government Regulation:

1. Prospective Indonesian Migrant Worker means any Indonesian worker who fulfills the criteria as a job seeker who will work abroad and is registered in regency/municipal government institution responsible for manpower affairs.
2. Indonesian Migrant Worker means any Indonesian citizen who will work, currently works, or has done a work for wage outside the territory of the Republic of Indonesia.
3. Employer means a government institution, a government legal entity, a private legal entity, and/or individual in the destination country that employs Indonesian Migrant Workers.
4. Placement Cooperation Agreement means a written agreement between Indonesian Migrant Workers Placement Agency and Business Partner or Employer that contains the rights and the obligations of each party in the placement and Protection of Indonesian Migrant Workers in the destination country.
5. Employment Contract means the written agreement between Indonesian Migrant Worker and Employer that contains terms of employment, rights, and obligations of each party, as well as security and safety assurance during working in accordance with the legislation.
6. Social Security means one of the social protection forms to ensure that all citizens can fulfill their basic needs appropriately.
7. Pre-Departure Orientation (*Orientasi Pra Pemberangkatan*), hereinafter referred to as OPP, means

the activity of debriefing and disseminating information to prospective Indonesian Migrant Workers who will go to work abroad so that Indonesian Migrant Workers will have mental and knowledge readiness to work abroad, understand their rights and obligations and be able to overcome problems that will possibly be faced.

8. Integrated One-Stop Service for Placement and Protection of Indonesian Migrant Workers (*Layanan Terpadu Satu Atap Penempatan dan Perlindungan Pekerja Migran Indonesia*), hereinafter referred to as Indonesian Migrant Workers' LTSA, means a service system for information dissemination, fulfilling requirements, and dealing with issues of Indonesian Migrant Workers integrated in public services that are cheap, easy and fast without any discrimination
9. Computerized System for the Protection of Indonesian Migrant Workers (*Sistem Komputerisasi Perlindungan Pekerja Migran Indonesia),* hereinafter referred to as Sisko P2MI, means an administrative service system for the placement of Indonesian Migrant Workers.
10. Integrated Employment Information System (*Sistem Informasi Ketenagakerjaan Terpadu),* hereinafter referred to as Sisnaker, means a unit component consisting of institutions, human resources, hardware, software, and substances related to each other in an integrated work mechanism for data and information management in the field of labor.
11. Indonesian Citizen Protection Portal, hereinafter referred to as Citizen Protection Portal, means an information and communication technology system that aims to facilitate all services and protections for Indonesian citizens abroad carried out by Indonesian Missions abroad.
12. Labour Attaché means a civil servant in the ministry who organizes government affairs in the field of labour that is placed in certain diplomatic representatives whose -5- assignment process is based on the provisions of legislation to carry out tasks in the field of manpower.

13. Indonesian Missions Abroad, hereinafter referred to as Indonesian Missions means the diplomatic and consular representatives of the Republic of Indonesia who officially represents and strives for the interests of nation, country, and government of the Republic of Indonesia in the destination country or in international organization.
14. Indonesian Migrant Workers Protection Board (Badan Pelindungan Pekerja Migran Indonesia), hereinafter referred to as BP2MI, means a non-ministerial government institution that has the duty of implementing policies in the service and protection of Indonesian Migrant Workers in an integrated manner.
15. Minister means the Minister administering government affairs in the field of manpower.

Article 2

The placement of Indonesian Migrant Workers by BP2MI is based on:

a. government demand; and
b. a request from the government of the Indonesian Migrant Workers' employer country or a request for a legal entity Employer in the destination country.

Article 3

(1) The placement of Indonesian Migrant Workers by BP2MI as referred to in Article 2 is carried out based on a written agreement between the government and the government of the Indonesian Migrant Workers' Employer country or the legal entity Employer in the destination country.
(2) If the written agreement as referred to in section (1) originates from a ministry/institution, the relevant ministry/institution must coordinate with the Minister.

Article 4

(1) A written agreement making regarding the placement of Indonesian Migrant Workers by BP2MI as referred to in Article 3 is carried out in accordance with legislation on international agreements.

(2) A written agreement making regarding the placement of Indonesian Migrant Workers as referred to in section (1) is carried out by involving the relevant ministries/institutions.

(3) The written agreement as referred to in section (2) is signed by the Minister or an official appointed by the Minister in accordance with the provisions of legislation on international agreement.

(4) In the event of a written agreement between the government and the legal entity Employer in the destination country, the Minister may authorize the signing of the written agreement to BP2MI.

(5) The written agreement as referred to in section (3) is followed up with a technical agreement between BP2MI and a government institution appointed by the Government of the Employer country.

Article 5

(1) The written agreement as referred to in Article 3 is arranged based on the principle of equality, mutual benefit, by taking into account both prevailing national law and international law.

(2) The written agreement as referred to in section (1) at least contains:

a. identity of the parties;
b. rights and obligations of the parties;
c. terms and procedures for the placement;
d. mechanisms for the Protection of Indonesian Migrant Workers;
e. monitoring and evaluation;
f. dispute resolution;
g. written agreement amendment; and
h. term and termination of the written agreement.

(3) The written agreement as referred to in section (2) is carried out in accordance with the provisions of both the national legislation and destination country legislation as well as international law and customs.

CHAPTER II
IMPLEMENTATION OF PLACEMENT OF INDONESIAN MIGRANT WORKERS

Part One
General

Article 6

The placement of Indonesian Migrant Workers by BP2MI as referred to in Article 2 is implemented through the following stages:

a. before work;
b. during work; and
c. after work.

Article 7

(1) BP2MI in assigning Indonesian Migrant Workers to legal entity Employer in the destination country must have a letter of request for Indonesian Migrant Workers verified by the Labor Attaché.

(2) The letter of request for Indonesian Migrant Workers as referred to in section (1) at least contains:
   a. employer identity;
   b. number of placement;
   c. type of work;
   d. wages or salary;
   e. job qualifications;
   f. the validity period of the Employment Contract;
   g. workplace facilities; and
   h. social security and/or insurance.

(3) If the Labor Attaché as referred to in section (1) does not yet based in the destination country, verification of the request letter is carried out by an foreign affairs official appointed by the Head of Indonesian Mission.

Article 8

Every Prospective Indonesian Migrant Worker who will work abroad must fulfill the following requirements of:

a. being an age minimum of 18 (eighteen) years old;
b. having competence;
c. being physically and mentally healthy;
d. having registered as a member of security/insurance; and
e. having required documents.

Part Two
Before Work

Article 9

The before work stage as referred to in Article 6 point a is carried out through:
a. information provision;
b. registration;
c. selection;
d. medical examination and psychological assessment;
e. signing of the placement agreement;
f. registration of social security membership;
g. arrangement of a work visa;
h. implementation of OPP;
i. signing of Employment Contract; and
j. departure.

Article 10

(1) The information provision as referred to in Article 9 point a to Prospective Indonesian Migrant Workers is at least in the form of:
    a. labour market;
    b. procedures for placement and protection; and
    c. work conditions abroad.
(2) The information provision as referred to in section (1) is done online or offline.
(3) The information provision as referred to in section (1) is carried out by BP2MI in collaboration with regency/municipal government and village government.

Article 11

(1) Registration of Prospective Indonesian Migrant Workers as referred to in Article 9 point b is made online at Sisko P2MI in addition to having the required documents.

(2) The complete required documents as referred to in section (1) include:

a. electronic citizenship identity card and family card;

b. statement of marital status for those who are married by attaching a copy of marriage book;

c. letter of consent from husband or wife, parental consent, guardianship consent that is acknowledged by village head or *lurah*;;

d. certificate of work competency;

e. health certificate; and

f. national health insurance membership card.

(3) The registration as referred to in section (1) is carried out through Sisko P2MI integrated with Sisnaker.

(4) The registration as referred to in section (3) is free of charge.

Article 12

(1) The selection as referred to in Article 9 point c is in the form of administrative selection and technical selection.

(2) The selection as referred to in section (1) is carried out by BP2MI.

(3) The administrative selection as referred to in section (1) includes verification of documents as referred to in Article 11 section (2).

(4) The technical selection as referred to in section (1) is carried out in accordance with the request of the government that employs Indonesian Migrant Workers or a legal entity Employer in the destination country.

(5) In carrying out technical selection as referred to in section (4) BP2MI may include the government that employs Indonesian Migrant Workers or legal entity Employer in the destination country.

Article 13

Prospective Indonesian Migrant Workers who have passed the selection as referred to in Article 12 are announced by BP2MI via online.

Article 14

(1) Prospective Indonesian Migrant Workers who have passed the selection as referred to in Article 13 must carry out a medical examination and psychological assessment as referred to in Article 9 point d.
(2) The medical examination for prospective Indonesian migrant workers as referred to in section (1) is carried out in a health service facility in accordance with the provisions of legislation.
(3) Psychological assessment as referred to in section (1) is carried out in a psychological institute in accordance with the provisions of legislation.

Article 15

Candidates for Indonesian Migrant Workers who have passed the selection as referred to in Article 13 must have a passport in accordance with the provisions of legislation.

Article 16

(1) The Prospective Indonesian Migrant Workers who have passed the selection, have the results of a medical examination and psychological assessment and have a passport as referred to in Article 13, Article 14, and Article 15 must sign a Placement Agreement.
(2) The Placement Agreement as referred to in section (1) is signed by BP2MI and the Prospective Indonesian Migrant Worker.
(3) Further provisions regarding the Placement Agreement as referred to in section (1) are regulated by BP2MI Regulation.

Article 17

A Prospective Indonesian Migrant Worker who have signed a Placement Agreement must become a member of the social security program before work.

Article 18

BP2MI facilitates the process of obtaining a work visa accordingly with the provisions of the destination country.

Article 19

Indonesian Migrant Workers who already have a work visa must become a member of the social security program during work and after work.

Article 20

(1) The OPP as referred to in Article 9 point h must be followed by Prospective Indonesian Migrant Workers who will be placed abroad.
(2) The OPP as referred to in section (1) is organized by BP2MI.
(3) BP2MI in organizing OPP as referred to in section (2) may cooperate with related institution.
(4) The OPP implementation costs are borne by the State Budget.

Article 21

The signing of the Employment Contract as referred to in Article 9 point i is finalized during OPP.

Article 22

Prospective Indonesian Migrant Workers who have met the requirements of working abroad, before departing, must collect biometric fingerprint data through Sisko P2MI at the time of the OPP.

Article 23

BP2MI facilitates the departure of Indonesian Migrant Workers who have finished a placement process before work.

Article 24

BP2MI informs the details of departure data of Indonesian Migrant Workers to the Labor Attaché or foreign service official appointed by the Head of Indonesian Mission in the destination country through integrated system.

Article 25

(1) Implementation of the stages as referred to in Article 9 carried out by BP2MI is in coordination with ministries/institutions and or local governments.
(2) In the event that the local government has formed an Indonesian Migrant Workers' LTSA, the coordination as referred to in section (1) is carried out through the Indonesian Migrant Workers' LTSA.

Article 26

Further provisions regarding the guidelines for the before work stage are regulated by BP2MI Regulation.

Part Three
During Work

Article 27

(1) The during work stage as referred to in Article 6 point b applies since the arrival of Indonesian Migrant Workers in the destination country.
(2) Indonesian Migrant Workers who have arrived in the destination country report their arrival to the Labor Attaché or foreign service official appointed by the Head of Indonesian Mission through the Citizen Protection Portal which is integrated with Sisnaker and Sisko P2MI.

Article 28

(1) The Labor Attaché or foreign service official appointed by the head of Indonesian Mission as referred to in Article 27 section (2) collects data on arrival and residence of Indonesian Migrant Workers based on data submitted by BP2MI as referred to in Article 24.

(2) The data on the arrival and residence of Indonesian Migrant Workers as referred to in section (1) are carried out by the Labor Attaché or foreign service official appointed by the Head of Indonesian Mission through the Citizen Protection Portal, which is integrated with Sisnaker and Sisko P2MI.

Article 29

The Labor Attaché or a foreign service official appointed by the Head of Indonesian Mission provides pre-work orientation to Indonesian Migrant Workers upon arrival in the destination country.

Article 30

(1) Indonesian Migrant Workers receive before work carried out by the Employer in accordance with the provisions in the destination country.

(2) Indonesian Migrant Workers who have received the orientation as referred to in section (1) begin working for the Employer in accordance with the Employment Contract.

(3) The Indonesian Migrant Workers as referred to in section (2) are given the identity of foreign workers and social security or insurance by the Employer in the destination country.

Article 31

(1) In the event that the Employment Contract has ended, Indonesian Migrant Workers report their return plan to the Labour Attaché or a foreign service official appointed by the Head of Indonesian Mission.

(2) The process of returning Indonesian Migrant Workers and fulfilling their rights is the responsibility of the Employer in accordance with the Employment Contract.

(3) An Indonesian Mission facilitates the return of Indonesian Migrant Workers in terms of arranging travel documents for return.

Part Four
After Work

Article 32

(1) The after work stage as referred to in Article 6 point c applies since Indonesian Migrant Workers arrive at Indonesian debarkation.

(2) In the event that Indonesian Migrant Workers as referred to in section (1) have problems based on reports from the Labour Attaché or foreign service officials appointed by the Head of Indonesian Mission, BP2MI facilitates Indonesian Migrant Workers from Indonesian debarkation to their area of origin/hometown.

CHAPTER III
REPORTING

Article 33

The implementation of the placement of Indonesian Migrant Workers carried out by BP2MI and the placement services of Indonesian Migrant Workers carried out by the Labour Attaché or foreign service officials appointed by the Head of Indonesian Mission are reported to the Minister through Sisnaker.

CHAPTER IV
TRANSITIONAL PROVISIONS

Article 34

The Computerized System for the Protection of Indonesian Migrant Workers that has been provided by the Indonesian

Migrant Workers Placement and Protection Board must be integrated with the Sisnaker not later than 6 (six) months after this Government Regulation comes into force.

Article 35

The Placement of Indonesian Migrant Workers carried out by the Indonesian Migrant Workers Placement and Protection Board before this Government Regulation comes into force, remains to be implemented until the end of the Employment Contract.

CHAPTER V

CLOSING PROVISIONS

Article 36

At the time this Government Regulation comes into force, all legislation which constitutes implementing regulations of Law Number 4 of 20I3 on Procedures for Implementation of Placement of Indonesian Workers Abroad by Government (State Gazette of the Republic of Indonesia of 2013 Number 4, Supplement to the State Gazette Republic of Indonesia Number 5389), is declared to remain effective to the extent not contrary to the provisions of the of this Government Regulation.

Article 37

At the time this Government Regulation comes into force, Government Regulation Number 4 of 2013 on Procedures for Implementation of Placement of Indonesian Workers Abroad by Government (State Gazette of the Republic of Indonesia of 2013 Number 4, Supplement to the State Gazette of the Republic of Indonesia Number 5389), is repealed and declared ineffective.

Article 38

This Government Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Government Regulation by its placement in State Gazette of the Republic of Indonesia.

Issued in Jakarta
on 29 January 2020

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta
on 31 January 2020

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 37

Jakarta, 21 July 2020
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,

WIDODO EKATJAHJANA

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ELUDICATION

OF

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA

NUMBER 10 OF 2020

ON

PROCEDURES FOR PLACEMENT OF INDONESIAN MIGRANT WORKERS BY INDONESIAN MIGRANT WORKERS PROTECTION BOARD

I. GENERAL

Working is part of human right as stated in the Universal Declaration of Human Rights. Working abroad is an option when the Government or local government cannot provide jobs in the home country. The right to work is a human right inherent in a person that must be upheld and respected.

Indonesian Migrant Workers migrating to work abroad is in the context of fulfilling the constitutional rights of every citizen as referred to in Article 27 section (2) of the 1945 Constitution of the Republic of Indonesia, namely that "every citizen has the right to work and livelihoods worthy of humanity".

In the context of improving governance and the process of migrating the workers abroad, the Government has issued Law Number 18 of 2017 on Protection of Indonesian Migrant Workers as an amendment to Law Number 39 of 2004 on Placement and Protection of Indonesian Workers Abroad.

Law Number 18 of 2017 on Protection of Indonesian Migrant Workers mandates that the operators of placing Indonesian Migrant Workers abroad consist of the Government and the private sectors. The placement of Indonesian Migrant Workers conducted by the Government can only be done in the context of written agreement between the Indonesian

Government and the government of the destination country that employs Indonesian Migrant Workers and the legal entity Employer in the destination country, of which the implementation is carried out by the BP2MI.

The purpose of this Government Regulation is as a legal basis for the placement of Indonesian Migrant Workers carried out by the Government in a coordinated and integrated manner to create economical, rapid, and safe services.

Based on the considerations, it is necessary to issue the Government Regulation on Procedures for Placement of Indonesian Migrant Workers by Indonesian Migrant Workers Protection Board, which regulates written agreements, requirements, placement processes, and reporting.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Sufficiently clear.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Section (1)

The term "letter of request" for example means job order, wakalah visa, and demand letter.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Section (1)

Point a

The term "labour market information" includes among others information on job vacancy, job title, and job requirements.

Point b

Sufficiently clear.

Point a

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "village government" in this section means Productive Migrant Village (*Desmigratif*).

Article 11

Sufficiently clear.

Article 12

Section (1)

The term "technical selection" includes among others competence, language proficiency, and psychology.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Section (1)

The term "OPP" includes activities aimed at providing clear understanding and in-depth comprehension towards:

a. legislation in the destination country including:

1) immigration regulations;
2) labour regulations; and
3) regulations related to criminal provisions in destination country.

b. employment contract material; and

c. other materials deemed necessary.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

The term "integrated system" among others means Sisko P2MI, Sisnaker and Citizen Protection Portal.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

The term "pre-work orientation" among others means welcoming program.

Article 30

Sufficiently clear.

Article 31

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The term "facilitate" includes the management of return documents and ensuring the fulfillment of rights of the Indonesian Migrant Workers.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.