

PROCEDURE OF REGISTERING FOREIGN WORKERS EMPLOYMENT LICENSING SERVICE COMPANY

(Regulation of the Director General of
Labor Employment and Work Opportunity Expansion
No. PER. 455/PPTKPKK/III/2016 dated March 11, 2016)

BY THE GRACE OF GOD ALMIGHTY

THE DIRECTOR GENERAL OF LABOR EMPLOYMENT
AND JOB OPPORTUNITY EXPANSION,

Considering :

- a. that to control the arrangement of manpower services at the Manpower Ministry, it is deemed necessary to issue operational permits to foreign workers employment licensing service companies by virtue of the regulation of the Director General:
- b. that based on the consideration as referred to in letter a, it is necessary to stipulate regulation of the Director General of Labor Employment and Job Opportunity Expansion concerning Procedure of Registering Foreign Workers Employment Licensing Service Company.

In view of :

1. Law No. 13/2003 concerning Manpower (Statute Book of the Republic of Indonesia 2003 No. 39, Supplement to Statute Book No. 4279).
2. Presidential Regulation No. 18/2015 concerning the Manpower Ministry (Statute Book of the Re-

public of Indonesia of 2015 No. 191);

3. Regulation of the Manpower Minister No. 16/2015 concerning the Procedure of Employing Foreign Workers as already amended by Regulation of the Manpower Minister No. 35/2015 concerning Amendment to Regulation of the Manpower Minister No. 16/2015 concerning the Procedure of Employing Foreign Workers (State Gazette of the Republic of Indonesia of 2015 No. 1599)

DECIDES :

To stipulate :

REGULATION OF THE DIRECTOR GENERAL OF
LABOR EMPLOYMENT AND JOB OPPORTUNITY
EXPANSION CONCERNING THE PROCEDURE OF
REGISTERING FOREIGN WORKER EMPLOYMENT LI-
CENSING SERVICE COMPANY

CHAPTER I

GENERAL PROVISIONS

Article 1

Referred to in this Decision of the Director

General as :

1. Foreign worker, hereinafter abbreviated into TKA, is a foreign citizen holding a visa with the aim of working in the Indonesian territory.
2. Foreign worker job provider, hereinafter called TKA job provider, is a legal entity or other bodies employing TKA by paying wages or recompense in other form.
3. Foreign Worker Employment Licensing Service Company, hereinafter abbreviated into PJP3TKA, is a company with legal entity registered at the Manpower Ministry to arrange the licensing of TKA in the name of TKA job provider.
4. Director General is the Director General of Labor Employment and Job Opportunity Expansion.
5. Secretary of the Directorate General is the Secretary of the Directorate General of Labor Employment and Job Opportunity Expansion.

CHAPTER II

PROCEDURE OF OBTAINING PJP3TKA LICENSING

Article 2

- (1) TKA job provider that will employ TKA shall arrange licensing to employ TKA.
- (2) If the TKA job provider cannot arrange licensing to employ TKA, it can give a power of attorney to PJP3TKA to do so.
- (3) PJP3TKA as referred to in paragraph (2) is PJP3TKA that has secured a PJP3TKA operational permit stipulated by the Secretary of the

Directorate General as contained in Attachment I.

Article 3

- (1) To secure the PJP3TKA operational permit as referred to in Article 2, the company shall file an application to the Secretary of the Directorate General of Labor Employment and Job Opportunity Expansion.
- (2) The application for PJP3TKA operational permit as referred to in paragraph (1), shall be accompanied by :
 - a. a permit of licensing service business in the form of Indonesian legal entity;
 - b. a deed of incorporation/revision of the company endorsed by the Law and Human Rights Ministry;
 - c. a written statement of domicile of the company;
 - d. obligation to report manpower;
 - e. NPWP of the company;
 - f. a letter of appointment of technical executive board from the PJP3TKA leadership to arrange the licensing of TKA as many as 2 (two) people;
 - g. a copy of resident identification card (KTP) and 2 (two) pieces of photograph measuring 4 x 6 of the technical executive board of PJP3TKA appointed;
 - h. photograph of front appearance of business site and name board of the company; and
 - i. a copy of KTP of the company leadership.

(3) The technical executive board as referred to in paragraph (1) letter f, shall be regular employees of PJP3T-KA

(4) If the qualifications as referred to in paragraph (2) are declared complete, the team will conduct field verification.

Article 4

If the qualifications as referred to in Article 3 have been met, the Secretary of the Directorate General shall issue a PJP3TKA operational permit.

Article 5

- (1) PJP3TKA operational permit is valid for 1 (one) year and can be extended for another 1 (one) year.
- (2) The permit as referred to in paragraph (1) will be extended by taking into account the results of evaluation conducted by a team appointed by the Secretary of the Directorate General.

Article 6

- (1) To extend the operational permit as referred to in Article 5, PJP3TKA shall file an application to the Secretary of the Directorate General by enclosing :
 - a. a permit of licensing service business in the form of Indonesian legal entity;
 - b. a deed of incorporation/revision of the company endorsed by the Law and Human Rights Ministry;
 - c. a written statement of domicile of the company;
 - d. obligation to report manpower;
 - e. NPWP of the company;
 - f. a letter of appointment of technical executive board from the PJP3TKA leadership to arrange the licensing of TKA as many as 2 (two) people;
 - g. a copy of resident identification card (KTP) and 2 (two) pieces of photograph measuring 4 x 6 of the technical executive board of PJP3TKA appointed;
 - h. photograph of front appearance of business site and name board of the company;
 - i. a copy of KTP of the company leadership
 - j. a copy of PJP3TKA operational permit which is still valid; and
 - k. a report on the number of companies served in the past 10 (ten) months.

Article 7

- (1) PJP3TKA operational permits are issued according to PJP3TKA licensing flow chart as referred to in attachment II.
- (2) PJP3TKA operational permit services are exempt from levies.

CHAPTER III

PJP3TKA AUTHORITY

Article 8

- (1) PJP3TKA perform its duties in the name of TKA job provider.
- (2) In performing the duties as referred to in paragraph (1), PJP3TKA has the authority to :
 - a. arrange a permit to employ TKA, except viability assessment/expose of the use of TKA, and
 - b. give a report on the number of companies served in the past 10 (ten) months.

Article 9

- (1) All activities carried out by the technical executive board of PJP3TKA become the responsibility of PJP3TKA.
- (2) In arranging a permit to employ TKA, the technical executive board of PJP3TKA shall use identification card as contained in attachment III.

Article 10

- In case of a change in the technical executive board of PJP3TKA as referred to in Article 3 paragraph (2) letter f, PJP3TKA shall file an application for the change to the Secretary of the Directorate General.

CHAPTER IV

REPORTING

Article 11

PJP3TKA shall send a report on the number of companies served in the past 10 (ten) months to the Secretary of the Directorate General.

CHAPTER V

EVALUATION

Article 12

Evaluation of PJP3TKA's operations is done by the team appointed by the Director General.

CHAPTER VI

SANCTIONS

Article 13

The secretary of the directorate general can impose an administrative sanction by revoking an operational permit if

- a. PJP3TKA does not report a change in the technical executive board of PJP3TKA;
- b. the technical executive board of PJP3TKA abuses identity card.

CHAPTER VII

CONCLUSION

Article 14

This Decision of the Director General begins to take effect on the date of stipulation.

Stipulated in Jakarta

On March 11, 2016

THE DIRECTOR GENERAL

OF LABOR EMPLOYMENT AND JOB OPPORTUNITY EXPANSION,

sgd.

Drs. HERY SUDARMANTO. M.H.

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Editor's note :

- Attachments are not carried for technical reasons.

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