

PROCEDURE FOR OBTAINING PERMITS AND REGISTRATION OF WORK TRAINING

(Regulation of the Minister of Manpower of R.I Number 17 Year 2016, dated May 9, 2016)

WITH THE BLESSING OF THE ONE AND ONLY GOD

MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA

Considering:

- a. Whereas, Regulation of Minister of Manpower and Transmigration Number PER.17/MEN/VII/2007, concerning Procedure for obtaining Permits and Registration of Work Training Institution no longer justifies with the progress and need of the society on implementation of work training so that it needs to be improved;
- b. Whereas, procedure for obtaining Permits and Registration of Work Training Institution as referred to in letter a, is implementation of the provisions in Article 14 paragraph (4) and Article 17 paragraph (6) of Law Number 13 Year 2003 concerning Manpower;
- c. Whereas, based on the consideration referred to in letter a and letter b, it is necessary to stipulate Regulation of Minister of Manpower concerning Procedure for obtaining Permits and Registration of Work Training Institution;

In view of:

1. Law Number 13 Year 2003 concerning Manpower (Statute Book of the Republic of Indonesia Year 2003 Number 39, Supplement to Statute Book of the Republic of Indonesia Number 4279);
2. Law Number 23 Year 2014 concerning Regional Administration (Statute Book of the Republic of Indonesia Year 2014 Number 244, Supplement to Statute Book Republic of Indonesia Number 5587) as amended

several times and lately amended by Law Number 9 Year 2015 concerning Second Amendment to Law Number 23 Year 2014, concerning Regional Administration (Statute Book of the Republic of Indonesia Year 2015 Number 58, Supplement to Statute Book of the Republic of Indonesia Number 5679);

3. Government Regulation Number 31 Year 2006, concerning National Work Training System (Statute Book of the Republic of Indonesia Year 2006 Number 67, Supplement to Statute Book of the Republic of Indonesia Number 4637);
4. Presidential Regulation Number 8 Year 2012, concerning Indonesia National Qualification Framework (Statute Book of the Republic of Indonesia Year 2012 Number 24);
5. Presidential Regulation Number 18 Year 2015 concerning Ministry of Manpower (Statute Book of the Republic of Indonesia Year 2015 Number 19);
6. Regulation of Minister of Manpower and Transmigration Number 11 Year 2013, concerning Guideling for Implementation of National Work Training System within the Region (State Gazette of the Republic of Indonesia Year 2013 Number 1463);
7. Regulation of Minister of Manpower and Transmigration Number 8 Year 2014, concerning Guideline for Training based on Competence (State Gazette of the Republic of Indonesia Year 2014 Number 586);
8. Regulation Minister of Manpower Number 5 Year 2015, concerning Standard Operational Prosedure for Issuing Business License for Work Training in Providing One Stop Integrated Service at the Capital Investment Coordinating Board (State Gazette of the Republic of Indonesia Year 2015 Number 122);
9. Regulation of Minister of Manpower Number 8 Year 2015, concerning Procedure for Preparing for Establishing Draft of Law, Draft of Government Regulation, and Draft of Presidential Regulation and Establishment of Draft of Regulation of Minister within the Ministry of Manpower (State Gazette of the Republic of Indonesia Year 2015 Number 411);

DECIDES :

To stipulate:

REGULATION OF MINISTER OF MANPOWER CONCERNING PROCEDURE FOR OBTAINING PERMITS AND REGISTRATION OF WORK TRAINING INSTITUTION.

CHAPTER I**GENERAL PROVISION****Article 1**

What is meant in this Regulation of Minister by:

1. Work Training shall be all activities to provide, obtain, improve, and develop work competence, productivity, discipline, attitude and working ethos on particular skill and expertise based on the range and qualification of the terms of office or work.
2. Training Based on Competence hereinafter referred to as PBK shall be work training focusing on control over work capacity covering knowledge, skill, and attitude based on the standard and requirements duly stipulated at the work place.
3. Work Training Program shall be all training curriculum as compiled systematically and covering work competence wished to be achieved, the material of training both theory and practice, period of training, method and facilities of training, requirements for participants and training personnel, and evaluation as well as decision on passing of examination by training participants.
4. Instructor or other terms shall be any person possessing technical competence and methodology, and assigned by duty and authority to carry out training activity.
5. Training personnel shall be any person possessing competence and assigned the duty and authority to support training activities.

6. Work Competence shall be work capability of any individual person covering aspects of knowledge, skill, and work attitude that justify with the standard stipulated.
7. Work Training Institution hereinafter referred to as LPK shall be Government agency, legal entity or individual that comply with the requirements to carry out work training.
8. Foreign Manpower hereinafter referred to as TKA shall be foreign citizen holding visa for the purpose of working withing the territory of the Republic of Indonesia.
9. Section or Department of Province shall be agency exercising Administration affairs on Manpower of Province.
10. Section of Regency/Municipality shall be agency exercising Administration affairs on Manpower of Regency/Municipality.
11. Director General shall be Director General responsible or in charge of work training and productivity.
12. Minister shall be Minister exercising Administration affairs on Manpower.

Article 2

Work training shall be exercise4d by:

- a. Private LPK;
- b. Administration LPK; or
- c. Company LPK.

CHAPTER II

PRIVATE LPK

Part One

Permits

Article 3

- (1) Private LPK referred to in Article 2 letter a, exercising work training for public shall be obliged to possess

License issued by the Section Head of Regency/Municipality Administration.

- (2) License referred to in paragraph (1) shall be issued Registration Number for LPK by the Section Head of Regency/Municipality Administration under Regulation of Minister of Home Affairs that governs the code and data of the area under Administration affairs.

Article 4

The LPK License referred to in Article 3, is valid so long the LPK is actively exercising work training.

Article 5

- (1) To obtain LPK License as referred to in Article 4, Private LPK shall be obliged to submit application in writing to the Section Head of Regency/Municipality Administration, supported by:
- a. photocopy of Deed and Decision on Approval of Establishment and/atau Amendment thereto as legal entity that has been approved by the competent authority;
 - b. Curriculum vitae of the Person in charge of LPK as specified in the Deed supported by Personal Identify Card and three (3) photographs size 4 x 6 cm with red color background;
 - c. photocopy of Obligatory Taxpayer Identification Number (NPWP) in the name of Institution;
 - d. photocopy of proof of ownership or lease of facilities and infrastructure, and office as well as place for training with a term of at least three (3) years;
 - e. data on domicile of LPK issued by the competent authority;
 - f. LPK profile signed by the party in charge of LPK as specified in the Deed that at least covers:
 - 1) organizational structure and description of duty;
 - 2) curriculum vitae of instructor possessing certificate of competence and training personnel;

- 3) work program of LPK and financement plan for three (3) years;
 - 4) work training program based on competence to be exercised;
 - 5) training capacity per year;
 - 6) list of training facilities and infrastructure based on the training program to be conducted.
- (2) The application referred to in paragraph (1) must be typed on letterhead of the Institution supported by phone / facsimile numbers, email address, sealed by company official seal and signed by the person in charge of LPK.

Article 6

- (1) If the application referred to in Article 5 is declared complete, the Section Head of Regency/Municipality Administration shall verify the document and investigate the location within two (2) working days at the latest.
- (2) The location referred to in paragraph (1), shall be verified for justification of the document with the real condition at the location.
- (3) If the result of verification referred to in paragraph (2) does not justify with the document submitted, the Section Head of Regency/Municipality Administration shall reject the application for LPK License and must notify the applicant within one (1) working days as of the date of verification.
- (4) If the result of verification is declared complete and justifies with the term of one (1) working day the Section Head of Regency/Municipality Administration shall issue License for LPK and copied to the Section Head of Province and the Director General.

- (5) Issue and rejection to issue License for LPK shall be prepared by referring to Format 1 as set forth in Attachment constituting inseparable part of this Regulation of Minister.

Article 7

- (1) In exercising the duty referred to in Article 6, the Section Head of Regency/Municipality Administration shall be assisted by a team for verification duly established and responsible to the Section Head of Regency/Municipality Administration.
- (2) The verification team referred to in paragraph (1), at least consists of working unit exercising the work training and work unit supervising manpower within Regency/Municipality Administration.

Article 8

Section Head of Regency/Municipality Administration in issuing License for LPK shall be obliged to consider the hazardous risk to occupational safety and health within the work training spot.

Article 9

LPK that obtained License from the Section Head of Regency/Municipality Administration for a term of three (3) years shall be obliged to comply with standard quality of LPK issued by the Accredited Work Training Institution.

Part Two

Amendment to License

Article 10

The person in charge of LPK shall be obliged to report to the Section Head of Regency/Municipality Administration if there is a change to the person in charge of LPK or address of LPK.

Article 11

- (1) Application for a change to the person in charge of LPK as referred to in Article 10, must be supported by:
- a. photocopy of valid License for LPK;

- b. photocopy of Deed of Amendment and Decision of for ratification of Amendment from the competent authority;
 - c. three (3) photographs size 4 x 6 cm with red background.
- (2) Application for change of address of LPK as referred to in Article 10, must be supported by:
- a. photocopy of valid LPK License;
 - b. photocopy of proof of ownership or lease of facilities and infrastructure of office and place for training which lease is valid for at least three (3) years;
 - c. data on domicile of LPK obtained from the competent authority.
- (3) Based on the document referred to in paragraph (1) or paragraph (2), Section Head of Regency/Municipality Administration shall issue License of Amendment to LPK within two (2) working days at the latest.
- (4) Issue of License on Amendment to LPK shall be prepared by referring to Format 2 as set forth in the Attachment that constitutes inseparable part of this Regulation of Minister.

CHAPTER III

GOVERNMENT LPK OR COMPANY LPK

Article 12

- (1) Government LPK or Company LPK as referred to in Article 2 letter b and letter c, exercising work training shall be obliged to register at the Service Office of Regency/Municipality Administration.
- (2) The Registration Certificate referred to in paragraph (1), will be issued by the Section Head of Regency/Municipality Administration.

Article 13

- (1) To obtain Registration Certificate referred to in Article 12 paragraph (2), Government LPK or Company LPK

shall submit application in writing to the Section Head of Regency/Municipality Administration, supported by:

- a. photocopy of Decision on stipulation of LPK issued by the Management of Company subordinating the work training unit;
- b. the name of Head of LPK supported by Personal Identification and Curriculum Vitae;
- c. photocopy of Obligatory Taxpayer Identification Number (NPWP) in the name of the Institution;
- d. LPK profile signed by the Head of LPK, that at least covering:
 - 1) organizational structure and description of duty;
 - 2) work training program based on competence to be conducted;
 - 3) work program of LPK and financement plan for one (1) year;
 - 4) list and curriculum vitae of Instructor possessing Certificate on competence and with training personnel;
 - 5) annual training capacity.
- e. photocopy of proof of ownership or lease of facilities and infrastructure for work training.

(2) The provision referred to in paragraph (1) letter a, letter c and letter e, does not apply on Government LPK.

Article 14

The application referred to in Article 13 paragraph (1), received by the Section Head of Regency/Municipality Administration shall be further verified on authenticity of the document and also authenticity of location will be verified.

Article 15

- (1) The verifikasi referred to in Article 14, shall be conducted by Verification Team duly established by the Section Head of Regency/Municipality Administration.
- (2) The Verification Team referred to in paragraph (1) at least consists of elements of the work unit conducting work training and work unit conducting supervision over personnel of the Service Office of Regency/Municipality Administration.
- (3) Verification shall be conducted within two (2) working days as of receipt of the application and confirmed comprehensive.
- (4) Having completed the verification referred to in paragraph (3) Section Head of Regency/Municipality Administration shall issue Registration Certificate within one (1) working day as of receipt of the report on the result of verification.
- (5) The Registration Certificate referred to in paragraph (4), issued by Section Head of Regency/Municipality Administration will be copied to Section Head of Province and to the Director General.
- (6) The Registration Certificate referred to in paragraph (4), is prepared by referring to Format 3 as specified in Attachment constituting inseparable part of this Regulation of Minister.
- (7) If after one (1) working day Section Head of Regency/Municipality Administration as referred to in paragraph (4) fails to issue Registration Certificate, then Government LPK or Company LPK may conduct the work training activity.

CHAPTER IV

ADDITIONAL WORK TRAINING PROGRAM

Part One

Private LPK

Article 16

If private LPK wishes to conduct additional work training program, then such private LPK shall submit

application in writing to the Section Head of Regency/Municipality Administration.

Article 17

- (1) The application for additional work training program referred to in Article 16, must be supported by:
 - a. photocopy of valid LPK License;
 - b. realization of work training program;
 - c. list of additional work training program based on competence;
 - d. curriculum vitae of Instructor possessing Certificate of Competence with training personnel that justify with additional work training program;
 - e. photocopy of proof of ownership or lease of facilities and infrastructure for work training that justify with additional work training program.
- (2) If the application for additional work training program referred to in paragraph (1) is declared comprehensive, verification shall be conducted within two (2) working days at the latest effective as of receipt of the application for additional work training program.
- (3) If the result of the verification referred to in paragraph (1) fails to justify with the document submitted, Section Head of Regency/Municipality Administration shall reject additional work training program and shall be notified to the applicant within one (1) working day as of verification is made.
- (4) If the result of field verification is declared comprehensive and justify, the Section Head of Regency/Municipality Administration shall issue License for additional work training program within one (1) working day.
- (5) Issue of License for additional work training program shall be prepared by referring to Format 4 as set forth in the Attachment constituting inseparable part of this Regulation of Minister.

Part Two

Government LPK or Company LPK

Article 18

Government LPK or Company LPK wishing to add work training program shall be obliged to report in writing to Section Head of Regency/Municipality Administration.

CHAPTER V

MANAGEMENT AND REPORTING

Article 19

- (1) LPK shall be managed in coordination and integrated between the Ministry, Section of Province, and Head of Regency/Municipality Administration.
- (2) The management referred to in paragraph (1), shall be exercised on work training program, training based on competence, available facilities and infrastructure, Instructor, and training personnel, application of method and work training system, and management of LPK.

Article 20

- (1) LPK shall be obliged to report realization of work training activity to the Head of local Regency/Municipality Administration periodically once every six (6) months.
- (2) Section Head of Regency/Municipality Administration referred to in paragraph (1), shall submit recapitulation on realization of work training activity periodically once in six (6) months to Section Head of Province.
- (3) Section Head of Province as referred to in paragraph (2), shall submit recapitulation report on realized work training periodically once in six (6) months to Director General.
- (4) The report on accomplished work training activity as referred to in paragraph (1), shall refer to Format 5 as set forth in the Attachment constituting inseparable part of this Regulation of Minister.

- (5) Recapitulation on accomplished work training activity as referred to in paragraph (2) or paragraph (3), shall refer to Format 6 as set forth in the Attachment constituting inseparable part of this Regulation Minister ini.

CHAPTER VI

SUPERVISION

Article 21

Supervision on compliance with this Regulation of Minister shall be exercised employee of supervisory personnel based on the provisions in the statutory regulation.

CHAPTER VII

ADMINISTRATIVE PENALTY

Article 22

Section Head of Regency/Municipality Administration shall charge administrative penalty on Private LPK in the form of:

- a. temporary termination of work training program;
- b. termination of work training program; or
- c. revocation of LPK License.

Part One

Temporary Termination of Work Training Program

Article 23

- (1) Section Head of Regency/Municipality Administration shall charge administrative penalty in the form of temporary termination of the work training program as referred to in Article 22 letter a, if LPK:
- a. utilizes instructor and training personnel that fails to comply with the program;
 - b. exercises work training other than the program that has been agreed upon;
 - c. utilizes facilities and infrastructure for work training that do not justify with the program.

- (2) Administrative penalty in the form of temporary termination of work training program will be charged by Section Head of Regency/Municipality Administration in the form of Decision Letter and taking effect for six (6) months.
- (3) The nature of Decision of Section Head of Regency/Municipality Administration on temporary termination of work training program as referred to in paragraph (2) is prepared by referring to Format 7 as set forth in the Attachment constituting inseparable part of this Regulation of Minister.

Article 24

- (1) Decision of Section Head of Regency/Municipality Administration as referred to in Article 23 paragraph (2) stipulates obligation that must be complied with by LPK during the course of temporary termination of work training program.
- (2) During the course of temporary termination of work training program as referred to in paragraph (1), LPK shall be prohibited from accepting work participants for training program which work training program is temporarily terminated.

Article 25

- (1) If LPK has completed exercising the temporary termination of work training program and has complied with its obligation as referred to in Article 24 paragraph (1), LPK shall be obliged to report in writing to Section Head of Regency/Municipality Administration.
- (2) If the report referred to in paragraph (1) is considered authentic, Section Head of Regency/Municipality Administration shall issue Decision on revocation of temporary termination of work training program and LPK may continue the work training program again.
- (3) The nature of Decision of Section Head of Regency/Municipality Administration on revocation of temporary termination of work training program as referred to in paragraph (2), is prepared by referring to Format 8 as set forth in the Attachment constituting inseparable part of this Regulation Minister ini.

Article 26

If the term of administrative penalty in the form of temporary termination of work training program expired and LPK fails to comply with its obligation as referred to in Article 25 paragraph (1), Section Head of Regency/Municipality Administration shall charge penalty in the form of termination of work training program.

Part Two**Termination of Work Training Program****Article 27**

- (1) Section Head of Regency/Municipality Administration shall charge administrative penalty in the form of termination of work training program if LPK:
 - a. accepts participants for work training program during the course of penalty in the form of temporary termination as referred to in Article 24 paragraph (2);
 - b. fails to report accomplished work training activity to the local Section Head of Regency/Municipality Administration periodically once in six (6) months as referred to in Article 20 paragraph (1).
- (2) Administrative penalty in the form of termination of work training program as referred to in paragraph (1), will be charged by Section Head of Regency/Municipality Administration in the form of Decision letter that is valid for three (3) months.
- (3) The nature of Decision of Section Head of Regency/Municipality Administration on termination of work training program referred to in paragraph (2), is prepared by referring to Format 9 as set forth in the Attachment constituting inseparable part of this Regulation Minister.

Article 28

- (1) The Decision of Section Head of Regency/Municipality Administration referred to in Article 27 paragraph (2), stipulates obligation that must be complied with by LPK during the course of termination of work training program.

- (2) During the course of termination of work training program referred to in paragraph (1), LPK shall be prohibited from accepting participants for work training program which work training program is temporarily terminated.

Article 29

- (1) If LPK completely exercised the temporary termination of work training program and completed its obligation as referred to in Article 28 paragraph (1), LPK shall be obliged to report in writing to Section Head of Regency/Municipality Administration.
- (2) If the report referred to in paragraph (1) is considered correct, Section Head of Regency/Municipality Administration shall issue Decision on revocation of temporary termination of work training program and LPK may continue the work training program again.
- (3) Decision of Section Head of Regency/Municipality Administration on revocation of termination of work training program as referred to in paragraph (2), shall be prepared by referring to Format 10 as specified in the Attachment constituting inseparable part of this Regulation Minister ini.

Article 30

At expiry of administrative penalty in the form of temporary termination of work training program but LPK still fails to comply with its obligations as referred to in Article 28 paragraph (1), the Section Head of Regency/Municipality Administration shall impose sanction by revoking the LPK License.

Part Three

Revocation of License for Work Training Institution

Article 31

- (1) Section Head of Regency/Municipality shall charge administrative penalty in the form of revocation of LPK license if it concerns LPK:
- a. fails to comply with the obligation referred to in Article 30;

- b. fails to comply with LPK Quality Standard within three (3) years effective as of the date the license referred to in Article 9 is obtained;
 - c. fails to report any change to the Party in charge of LPK or address of LPK as referred to in Article 10;
 - d. fails to implement work training program within one (1) year period;
 - e. misuses the LPK License;
 - f. issues Training Certificate without exercising work program.
- (2) The nature of Decision of Section Head of Regency/Municipality on revocation of LPK License as referred to in paragraph (1), is compiled by referring to Format 11 as set forth in the Attachment constituting inseparable part of this Regulation Minister.

Article 32

If LPK is charged administrative penalty in the form revocation of LPK license as referred to in Article 31 paragraph (1), the LPK concerned is obliged to:

- a. reimburse the work training cost to the participant;
- b. return the LPK license to the Section Head of Regency/Municipality.

Article 33

LPK that is charged administrative penalty by license revocation LPK may shall re-submit application for license after a period of one (1) year effective as of the date of license revocation as soon as the LPK concerned complies with its obligation as referred to in Article 32 and complies with the requirements in the application of LPK based on the provision referred to in Article 5.

CHAPTER VIII

OTHER PROVISIONS

Article 34

- (1) If LPK utilizes TKA Instructor it shall be obliged to possess qualification at least as expert on his/her location.

- (2) Terms and condition to employ TKA Instructor for LPK shall apply based on the provisions in the statutory regulation.

Article 35

- (1) License for implementing work training program for LPK with Foreign Capital Participation by the Head of Capital Investment Coordinating Board for and on behalf of the Minister.
- (2) Provision on issue of License for work training program for LPK work Foreign Capital Investment as referred to in paragraph (1), shall be implemented in accordance with the provisions in the statutory regulation.

CHAPTER IX

TRANSITIONAL PROVISION

Article 36

LPK holding License based on Regulation of Minister of Manpower and Transmigration Number PER.17/MEN/VII/2007, concerning Procedure for obtaining Permits and Registration Work Training Institution, survives until the License expires.

CHAPTER X

CLOSING PROVISION

Article 37

By the time this Regulation of Minister comes to force, Regulation of Minister of Manpower and Transmigration Number PER.17/MEN/VII/2007. concerning Procedure for obtaining Permits and Registration of Work Training Institution, shall revoke and declared null and void.

Article 38

This Regulation of Minister comes to force on the date it is enacted.

For public cognizance, this Regulation of Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated May 9, 2016

MINISTER OF MANPOWER
OF THE REPUBLIC OF INDONESIA

sgd.

M. HANIF DHAKIRI

Enacted in Jakarta

Dated April 20, 2016

DIRECTOR GENERAL OF STATUTORY REGULATION
MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA
YEAR 2016 NUMBER 712

Note from Editor:

- Due to technical reason no Attachment is provided herein.

(MA)