

REGULATION OF
THE INDONESIAN MIGRANT WORKERS PROTECTION BOARD OF
THE REPUBLIC OF INDONESIA
NUMBER 09 OF 2020
ON
EXEMPTION FROM INDONESIAN MIGRANT WORKERS PLACEMENT FEE

BY THE BLESSINGS OF ALMIGHTY GOD

HEAD OF INDONESIAN MIGRANT WORKERS PROTECTION BOARD OF
THE REPUBLIC OF INDONESIA,

- Considering :
- a. that in order to implement the provision of Article 30 section (2) of Law Number 18 of 2017 on Protection of Indonesian Migrant Workers, a fee cannot be charged to Indonesian migrant workers during the placement process;
 - b. that the provision on Indonesian migrant workers placement fee as regulated in Regulation of the Indonesian Migrant Workers Protection Board Number 02 of 2020 on Indonesian Migrant Workers Placement Fee has not been fully compliant with the element of legal and social protection of Indonesian migrant workers before work, hence it needs to be replaced;
 - c. that based on considerations as referred to in point a and point b, it is necessary to issue Regulation of the Indonesian Migrant Workers Protection Board on Exemption from Indonesian Migrant Workers Placement Fee;

- Observing : 1. 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);
2. Presidential Regulation Number 90 of 2019 on Indonesian Migrant Workers Protection Board (State Gazette of the Republic of Indonesia of 2019 Number 263);
3. Regulation of the Indonesian Migrant Workers Protection Board Number 04 of 2020 on Organization and Operational Procedures of for the Indonesian Migrant Workers Protection Board (State Bulletin of the Republic of Indonesia of 2020 Number 599);

HAS DECIDED:

To issue : REGULATION OF THE INDONESIAN MIGRANT WORKERS PROTECTION BOARD ON EXEMPTION FROM INDONESIAN MIGRANT WORKERS PLACEMENT FEE.

Article 1

In this Board Regulation:

1. Placement Fee means the fee required for placement process in the context of meeting the supporting requirements and fee to work in the destination country of placement.
2. 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
3. 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.
4. Indonesian Migrant Workers Placement Agency, (*Perusahaan Penempatan Pekerja Migran Indonesia*) hereinafter referred to as P3MI means a business entity that is legally incorporated as a limited liability company that has obtained a written permit from the minister in charge of

- governmental affairs in manpower sector to operate the placement service of Indonesian Migrant Workers.
5. Employer means a government institution, a government legal entity, a private legal entity, and/or individual in the destination country that employs Indonesian Migrant Worker.
 6. 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.
 7. Indonesian Migrant Worker Placement Agreement, hereinafter referred to as Placement Agreement means a written agreement between operator of Indonesian Migrant Workers placement and Prospective Indonesian Migrant Worker that contains the rights and the obligations of each party, in the placement of Indonesian Migrant Worker in the destination country in accordance with the legislation.
 8. Work Visa means a written permit that is given by an authorized official of a destination country that contains the approval to enter and work in the designated country.
 9. Social Security means one of the social protection forms to ensure that all citizens can fulfill their basic needs appropriately.
 10. 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.

Article 2

For overseas placement a Prospective Indonesian Migrant Worker is obligated to have the following documents:

- a. certificate on marriage status, photocopy of the marriage certificate for those who are married;
- b. written consent from the husband or wife, from the parents, or from the guardian, as acknowledged by the village head or *lurah*;

- c. work competency certificate;
- d. health certificate based on a physical and psychological examination result;
- e. passport issued by the local immigration office;
- f. Work Visa;
- g. Placement Agreement; and
- h. Employment Contract.

Article 3

- (1) Placement Fee cannot be charged to Indonesian Migrant Workers.
- (2) Placement Fee as referred to in section (1) is in the form of:
 - a. ticket to depart;
 - b. ticket to return home;
 - c. Work Visa;
 - d. Employment Contract authentication;
 - e. work training;
 - f. work competency certificate;
 - g. company's services;
 - h. passport replacement;
 - i. police certificate of good conduct;
 - j. Social Security for Indonesian Migrant Worker;
 - k. physical and psychological examination in home country;
 - l. additional health examination when certain countries if required;
 - m. local transportation from the district of origin to the point of departure in Indonesia; and
 - n. accommodation.
- (3) Indonesian Migrant Workers as referred to in section (1) are for the following positions:
 - a. housekeeper;
 - b. babysitter;
 - c. elderly caregiver;
 - d. cook;
 - e. family driver;
 - f. garden caretaker;

- g. child caregiver;
 - h. cleaner;
 - i. field/plantation workers; and
 - j. migrant fisheries vessel crew.
- (4) Placement Fee as referred to in section (2) point a, point b, point c, point d, point g, point h, point i, point j, point k, point l, point m, and point n is charged to the Employer.
- (5) Placement Fee as referred to in section (2) point e and point f is charged to the local government which may collaborate with any state and/or accredited private educational institutions and work training institutions.

Article 4

Indonesian Migrant Workers and their families cannot be forced, unilaterally by any party, to borrow any loan for the Placement Fee which results in a loss to one party and/or results in deducted earnings during the employment period in the destination country.

Article 5

Indonesian Migrant Worker Placement Fee for those who are placed by BP2MI is charged to the Employer and/or determined based on an agreement between the government and the government of the destination country or the incorporated Employer in the destination country.

Article 6

- (1) Monitoring and evaluation of the implementation of exemption from Indonesian Migrant Workers Placement Fee are performed by a team specifically formed by a decision letter of the Head of BP2MI.
- (2) Monitoring and evaluation as referred to in section (1) are carried out regularly or at any time necessary.

Article 7

- (1) In the event that the result of the evaluation as referred to in Article 6 shows an alleged violation by a P3MI, the Head

of BP2MI may submit a recommendation to the minister in charge of governmental affairs in the manpower sector to impose a sanction on the P3MI.

- (2) The recommendation as referred to in section (1) may be in the form of:
 - a. written warning;
 - b. temporary suspension of some or all business activities in the placement process of Indonesian Migrant Worker; or
 - c. revocation of P3MI license.

Article 8

At the time this Board Regulation comes into force:

- a. provisions on the placement fee may still be enforced only for Prospective Indonesian Migrant Worker who have obtained an Indonesian Migrant Worker identity; and
- b. all provisions regarding placement fee must be adjusted to the provisions of this Board Regulation not later than 6 (six) months as from the entry into force of this Board Regulation.

Article 9

At the time this Board Regulation comes into force:

- a. Regulation of the Head of the National Board for the Placement and Protection of Indonesian Overseas Workers Number 22 of 2015 on Technical Guidelines on the Implementation of Placement Fee for Indonesian Migrant Workers through People's Business Loan for Indonesian Workers (State Bulletin of the Republic of Indonesia of 2015 Number 1744); and
- b. Regulation of the Indonesian Migrant Workers Protection Board Number 02 of 2020 on Indonesian Migrant Workers Placement Fee (State Bulletin of the Republic of Indonesia of 2020 Number 425),

are repealed and declared ineffective.

Article 10

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

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

Issued in Jakarta
on 14 July 2020

HEAD OF THE INDONESIAN MIGRANT
WORKERS PROTECTION BOARD
OF THE REPUBLIC OF INDONESIA

signed

BENNY RHAMDANI

Promulgated in Jakarta
on 15 July 2020

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

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2020 NUMBER 769

Jakarta, 10 March 2021

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

