

REGULATION OF THE MUNICIPALITY OF PASURUAN
NUMBER 1 OF 2018
ON
MANPOWER ADMINISTRATION

BY THE BLESSINGS OF ALMIGHTY GOD

MAYOR OF PASURUAN,

- Considering : a. that the fulfillment of the fundamental rights of workers/laborers, as well as the provision of equal opportunities and treatment, must be carried out in a planned, structured, and integrated manner in order to improve the people's welfare;
- b. that the challenges of a free market must be addressed through the manpower administration and the improvement of worker quality, both in the public and private sectors;
- c. that through the adoption of manpower administration policies, it is expected to reduce unemployment, enhance economic growth, and promote the welfare of the residents of the Municipality of Pasuruan;
- d. that based on the considerations as referred to in point a, point b, and point c, it is necessary to issue a Regional Regulation on Manpower Administration;
- Observing : 1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
2. Law of the Republic of Indonesia Number 17 of 1950 on Establishment of Small City Regions within the Provinces of East Java, Central Java and West Java (State Gazette of the Republic of Indonesia on 14 August 1950) as amended by Law of the Republic of Indonesia Number 13 of 1954 on Law Amendment Number 16 and 17 of 1950 (Former Republic of Indonesia) on Establishment of Big Cities and Small Cities in Java (State Gazette of the Republic of Indonesia of 1954 Number 40, Supplement to the State Gazette of the Republic of Indonesia Number 551);
3. Law Number 1 of 1970 on Occupational Safety (State Gazette of the Republic of Indonesia of 1970 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 2918);
4. Law Number 7 of 1981 on Mandatory Manpower Reporting in Enterprises (State Gazette of the Republic of Indonesia

- of 1981 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 3201);
5. Law Number 21 of 2000 on Employee/Labor Unions (State Gazette of the Republic of Indonesia of 2000 Number 131, Supplement to the State Gazette of the Republic of Indonesia Number 3989);
 6. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
 7. Law Number 19 of 2003 on State-Owned Enterprises (State Gazette of the Republic of Indonesia of 2003 Number 70, Supplement to the State Gazette of the Republic of Indonesia Number 4297);
 8. Law Number 2 of 2004 on Industrial Relations Dispute Settlement (State Gazette of the Republic of Indonesia of 2004 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 4356);
 9. Law Number 40 of 2004 on National Social Security System (State Gazette of the Republic of Indonesia of 2004 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 4456);
 10. Law Number 40 of 2007 on Limited Liability Companies (State Gazette of the Republic of Indonesia of 2007 Number 106, Supplement to the State Gazette of the Republic of Indonesia Number 4756);
 11. Law Number 20 of 2008 on Micro, Small, and Medium Enterprises (State Gazette of the Republic of Indonesia of 2008 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4866);
 12. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2012 Number 82, Supplement to the State Gazette of the Republic of Indonesia Number 5234);
 13. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia of 2011 Number 116, Supplement to the State Gazette of the Republic of Indonesia Number 5256);
 14. Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Governments (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
 15. Law Number 8 of 2016 on Persons with Disabilities (State Gazette of the Republic of Indonesia of 2016 Number 69, Supplement to the State Gazette of the Republic of Indonesia Number 5871);
 16. 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);

17. Government Regulation Number 46 of 1982 on Amendment to the Administrative Boundaries of the Level II Region of the Municipality of Pasuruan (State Gazette of the Republic of Indonesia of 1982 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 3241);
18. Government Regulation Number 31 of 2006 on National Job Training System (State Gazette of the Republic of Indonesia of 2006 Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4637);
19. Government Regulation Number 50 of 2012 on Occupational Safety and Health (State Gazette of the Republic of Indonesia of 2012 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 5309);
20. Government Regulation Number 33 of 2013 on Expansion of Employment Opportunities (State Gazette of the Republic of Indonesia of 2013 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 5413);
21. Government Regulation Number 78 of 2015 on Wages (State Gazette of the Republic of Indonesia of 2015 Number 237, Supplement to the State Gazette of the Republic of Indonesia Number 5747);
22. Government Regulation Number 10 of 2018 on National Agency for Professional Certification (State Gazette of the Republic of Indonesia of 2018 Number 32, Supplement to the State Gazette of the Republic of Indonesia Number 6189);
23. Presidential Regulation Number 8 of 2012 on Indonesian National Qualifications Framework (State Gazette of the Republic of Indonesia of 2012 Number 24);
24. Presidential Regulation Number 87 of 2014 on Implementing Regulation of Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2014 Number 199);
25. Presidential Regulation Number 20 of 2018 on Employment of Foreign Workers (State Gazette of the Republic of Indonesia of 2018 Number 39);
26. Regulation of the Minister of Manpower and Transmigration Number 11 of 2013 on Guidelines for the Implementation of the National Job Training System in the Regions (State Bulletin of the Republic of Indonesia of 2013 Number 1463);
27. Regulation of the Minister of Manpower and Transmigration Number 8 of 2014 on Guidelines for Implementation of Competency-Based Training (State Bulletin of the Republic of Indonesia of 2014 Number 586);
28. Regulation of the Minister of Home Affairs Number 80 of 2015 on Formulation of Regional Legal Products (State Bulletin of the Republic of Indonesia of 2015 Number 2036);
29. Regulation of the Minister of Manpower Number 6 of 2016 on Religious Holiday Allowance for Employee/Laborers in

- Companies (State Bulletin of the Republic of Indonesia of 2016 Number 375);
30. Regulation of the Minister of Manpower Number 17 of 2016 on Procedures for Licensing and Registration of Job Training Institutions (State Bulletin of the Republic of Indonesia of 2016 Number 712);
 31. Regulation of the Minister of Manpower Number 20 of 2016 on Procedures for Imposing Administrative Sanctions under Government Regulation Number 78 of 2015 on Wages (State Bulletin of the Republic of Indonesia of 2016 Number 837);
 32. Regulation of the Minister of Manpower Number 21 of 2016 on Decent Living Needs (State Bulletin of the Republic of Indonesia of 2016 Number 948);
 33. Regulation of the Minister of Manpower Number 36 of 2016 on Implementation of Apprenticeships within the Country (State Bulletin of the Republic of Indonesia of 2016 Number 1895);
 34. Regulation of the Minister of Manpower Number 39 of 2016 on Employment Placement (State Bulletin of the Republic of Indonesia of 2016 Number 1990);
 35. Regulation of the Province of East Java Number 8 of 2016 on Manpower Administration (Regional Gazette of the Province of East Java of 2016 Number 6 Series D, Supplement to the Regional Gazette of of the Province of East Java Number 60);
 36. Regulation of the Municipality of Pasuruan Number 02 of 2012 on Formulation of Regional Regulation of the Municipality of Pasuruan (Regional Gazette of the Municipality of Pasuruan of 2012 Number 06, Supplement to the Regional Gazette of the Municipality of Pasuruan Number 06);

With the Joint Approval of
THE REGIONAL HOUSE OF REPRESENTATIVES
OF THE MUNICIPALITY OF PASURUAN
and
THE MAYOR OF PASURUAN

HAS DECIDED:

To issue : REGIONAL REGULATION ON MANPOWER ADMINISTRATION.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Municipality means the Municipality of Pasuruan.
2. Municipal Government means the Government of the Municipality of Pasuruan.
3. Minister means the Minister responsible for government affairs in the manpower sector.
4. Mayor means the Mayor of Pasuruan.
5. Office means the Manpower Office of the Municipality of Pasuruan.

6. Manpower means all matters relating to workers before, during, and after the employment period.
7. Worker means any person capable of performing work in order to produce goods and services either to meet personal needs or the needs of the community.
8. Employee/Laborer means any person who works by receiving wages or other forms of remuneration.
9. Employer means:
 - a. an individual, partnership, or legal entity that operates a business owned by itself;
 - b. an individual, partnership, or legal entity that independently operates a business not owned by itself; or
 - c. an individual, partnership, or legal entity residing in Indonesia representing a company as referred to in point a and point b, which is domiciled outside the territory of Indonesia.
10. Company means:
 - a. any form of business entity, whether incorporated or unincorporated, owned by an individual, partnership, or legal entity, whether privately or state-owned, that employs Employees/Laborers by paying wages or other forms of remuneration;
 - b. social enterprises and other organizations that have management and employ other persons by paying wages or other forms of remuneration.
11. Job Training means all activities aimed at providing, acquiring, improving, and developing work competence, productivity, discipline, attitude, and work ethic at a certain level of skill and expertise in accordance with the grade and qualification of a position or occupation.
12. Work Competence means the working capability of each individual which includes aspects of knowledge, skills, and work attitude in accordance with established standards
13. Job Training Institution means a government or private institution that meets the requirements to conduct job training programs.
14. Apprenticeship means a part of the job training system organized in an integrated manner between training at a training institution and direct work practice under the guidance and supervision of an instructor or a more experienced Employee/Laborer within the production process of goods and/or services in a Company, in order to master certain skills or expertise.
15. Foreign Worker (*Tenaga Kerja Asing*), hereinafter abbreviated to TKA means a foreign national holding a work visa with the intention to work within the territory of Indonesia.
16. Employment Agreement means an agreement between an Employee/Laborer and an Employer or a work provider which contains the terms of employment, rights, and obligations of both parties.
17. Employment Relationship means the relationship between an Employer and an Employee/Laborer based on an

- employment agreement, which includes elements of work, wages, and authority.
18. Industrial Relations means a system of relations established among the parties involved in the process of producing goods and/or services, consisting of Employers, Employees/Laborers, and the government, based on the values of Pancasila and the 1945 Constitution of the Republic of Indonesia.
 19. Employee/Labor Union means an organization established by, from, and for Employees/Laborers, either within or outside a company, which is free, open, independent, democratic, and responsible, with the purpose of striving for, defending, and protecting the rights and interests of Employees/Laborers, as well as improving their welfare and that of their families.
 20. Tripartite Cooperation Institution means a forum for communication, consultation, and deliberation on manpower issues whose members consist of representatives of Employers' organizations, Employee/Labor Unions, and the government.
 21. Company Regulation means a written regulation made by an Employer containing the terms and conditions of employment and the company's code of conduct.
 22. Collective Labor Agreement means an agreement resulting from negotiations between an Employee/Labor Union or several Employee/Labor Unions registered with the competent manpower authority and an Employer or several Employers or an association of Employers, which sets forth the terms and conditions of employment, as well as the rights and obligations of both parties.
 23. Industrial Relations Dispute means a difference of opinion that results in a conflict between an Employer or group of Employers and Employees/Laborers or Employee/Labor Unions concerning rights disputes, interest disputes, termination of employment disputes, and disputes between Employee/Labor Unions within one company.
 24. Strike means an action taken by Employees/Laborers, planned and carried out collectively and/or by an Employee/Labor Union, to stop or slow down work.
 25. Termination of Employment (*Pemutusan Hubungan Kerja*), hereinafter abbreviated to PHK, means the cessation of an employment relationship for certain reasons that result in the ending of the rights and obligations between the Employee/Laborer and the Employer.
 26. Wage means the Employee's/Laborer's entitlement received and expressed in monetary form as compensation from the Employer or work provider to the Employee/Laborer, which is determined and paid based on an employment agreement, mutual consent, or legislation, including allowances for the Employee/Laborer and their family, for work and/or services performed or to be performed.
 27. Municipal Minimum Wage means the minimum wage applicable within the Municipality.

28. Religious Holiday Allowance (*Tunjangan Hari Raya Keagamaan*), hereinafter referred to as THR, means income that must be paid by the Employer to the Employee/Laborer or their family prior to a Religious Holiday, in the form of money or other equivalent forms.
29. Employee/Laborer Welfare means the fulfillment of physical and spiritual needs and/or requirements, whether within or outside the employment relationship, which directly or indirectly can enhance work productivity within a safe and healthy work environment.
30. Local Worker means a Worker originating from the Municipality or from another region who was born in the Municipality for generations or resides in the Municipality, as evidenced by a Resident Identity Card and/or Family Card.
31. Person with Disabilities means any person who has long-term physical, intellectual, mental, and/or sensory limitations which, in interaction with the environment, may encounter barriers and difficulties in fully and effectively participating with other citizens on an equal basis.
32. Surrounding Residents means members of the community who have resided in the vicinity of a company for a minimum period of 2 (two) years, as evidenced by a Resident Identity Card.
33. Night Time means the period between 11:00 p.m. Western Indonesia Time and 7:00 a.m. Western Indonesia Time.

CHAPTER II PRINCIPLES AND OBJECTIVES

Article 2

The Manpower Administration is based on the following principles:

- a. integration;
- b. equality of rights;
- c. democracy;
- d. social justice;
- e. gender equality and fairness; and
- f. non-discrimination.

Article 3

The Manpower Administration aims to:

- a. empower and utilize the workforce optimally and humanely;
- b. achieve equitable distribution of employment opportunities and provide a workforce that meets national and regional development needs;
- c. ensure equal treatment without discrimination on any grounds for workers/laborers;
- d. improve the welfare of workers and their families;
- e. enhance the quality of the workforce, whether directly or indirectly related to employment; and
- f. maintain harmonious industrial relations.

CHAPTER III SCOPE

Article 4

The scope of Manpower Administration includes:

- a. job training and apprenticeship;
- b. job placement and expansion of employment opportunities;
- c. employment of TKA;
- d. employment relations;
- e. protection and wages;
- f. social security;
- g. work facilities;
- h. industrial relations;
- i. guidance and supervision; and
- j. sanctions.

CHAPTER IV JOB TRAINING AND APPRENTICESHIP

Part One Job Training

Paragraph 1 Participants

Article 5

- (1) Every Worker is entitled to obtain and/or improve and/or develop work competence in accordance with their talents, interests, and abilities through Job Training.
- (2) To participate in the Job Training as referred to in section (1), participants must meet the requirements in accordance with the type and level of the program to be undertaken.
- (3) Persons with disabilities who participate in the Job Training as referred to in section (2) are provided with fair and non-discriminatory facilities.
- (4) Job Training participants who have completed the training program and have been declared graduated are entitled to:
 - a. a training certificate; or
 - b. a work competency certificate for those who have passed the competency test conducted by the National Agency for Professional Certification or a Professional Certification Institution.

Paragraph 2 Job Training Institutions

Article 6

- (1) Job Training may be organized by:
 - a. Government Job Training; or
 - b. Private Job Training.
- (2) Private Job Training, as referred to in section (1) point b, may take the form of an Indonesian Legal Entity or an individual.

Article 7

- (1) Workers are entitled to obtain recognition of work competence after attending job training organized by a government Job Training Institution, a private Job Training Institution, or through training conducted at the workplace.
- (2) The recognition of work competence as referred to in section (1) is carried out through work competency certification.
- (3) The work competency certification as referred to in section (2) may also be undertaken by workers who already possess work experience.

Article 8

Job Training Institutions as referred to in Article 7 section (1) may obtain accreditation from an Accreditation Body

Part Two
Apprenticeship

Article 9

- (1) Apprenticeship is carried out based on a written Apprenticeship Agreement between the apprentice and the company providing the apprenticeship, which must be acknowledged and approved by the Office.
- (2) The Apprenticeship Agreement as referred to in section (1) at least contains provisions regarding the rights and obligations of the apprentice and the company providing the apprenticeship, as well as the duration of the apprenticeship.
- (3) Any apprenticeship conducted without an apprenticeship agreement as referred to in section (1) is deemed invalid, and the participant's status changes to that of an employee/laborer of the company providing the work.
- (4) The approval as referred to in section (1) must be completed within a maximum period of 3 (three) working days.
- (5) In the event that the 3 (three) working days period as referred to in section (4) has elapsed without approval, the Apprenticeship Agreement may be implemented.

Article 10

- (1) The domestic apprenticeship participants are job seekers.
- (2) The Apprenticeship participants as referred to in section (1) are entitled to:
 - a. obtain occupational safety and health facilities during the apprenticeship period;
 - b. receive an allowance;
 - c. receive protection in the form of employment injury and death insurance; and
 - d. obtain a certificate.
- (3) The allowance as referred to in section (2) point b includes transportation costs, meal allowance, and incentives for the apprentice.

- (4) The Apprenticeship participants as referred to in section (1) are obligated to:
 - a. comply with the apprenticeship agreement;
 - b. complete the apprenticeship program;
 - c. abide by the company's rules and regulations organizing the Apprenticeship; and
 - d. uphold the reputation of the company providing the Apprenticeship.

Article 11

- (1) The Apprenticeship organizer is entitled to:
 - a. utilize the work results of the apprenticeship participants; and
 - b. enforce the rules and provisions of the apprenticeship agreement.
- (2) The apprenticeship organizer as referred to in section (1) is obligated to:
 - a. guide the Apprenticeship participants in accordance with the established program;
 - b. fulfill the rights of the Apprenticeship participants in accordance with the Apprenticeship agreement;
 - c. provide personal protective equipment in accordance with occupational safety and health requirements;
 - d. provide protection in the form of work accident and death insurance to the apprenticeship participants;
 - e. provide an allowance to the apprenticeship participants;
 - f. evaluate the performance of the Apprenticeship participants; and
 - g. issue certificates.

Article 12

- (1) Any Apprenticeship Organizer intending to conduct an apprenticeship program is obligated to register in writing with the Head of the Office.
- (2) The registration as referred to in section (1) must be accompanied by the following documents:
 - a. the apprenticeship program;
 - b. the apprenticeship implementation plan;
 - c. the apprenticeship agreement; and/or
 - d. the rights and obligations of the parties.
- (3) The apprenticeship program as referred to in section (2) point a is prepared by the Apprenticeship Organizer.
- (4) The apprenticeship program as referred to in section (3) includes:
 - a. the name of the apprenticeship program;
 - b. the objectives of the apprenticeship program;
 - c. the competencies to be achieved;
 - d. the estimated duration of the apprenticeship;
 - e. the requirements for apprenticeship participants;
 - f. the requirements for apprenticeship mentors; and
 - g. the curriculum and syllabus.

Article 13

- (1) The duration of the apprenticeship in the company is adjusted to the company's working hours.
- (2) The apprenticeship duration as referred to in section (1) is not allowed during overtime, public holidays, and night time

Article 14

- (1) Apprenticeship participants who are declared to meet the competency standards set by the Company are awarded an apprenticeship certificate.
- (2) In the event that the apprenticeship participants fail to meet the competency standards set by the company, they receive a certificate stating that they have participated in the apprenticeship program.
- (3) Apprenticeship participants who have completed the entire apprenticeship process may take a competency test to obtain a competency certificate.

Article 15

The apprenticeship is carried out under the following provisions:

- a. the type of work is adjusted to the field/discipline or position being apprenticed in the company;
- b. the apprenticeship duration at the company is adjusted to the working hours applied in the company and/or according to the agreement set; and
- c. the parties involved in the apprenticeship are obligated to fulfill all obligations stated in the apprenticeship agreement responsibly, ensuring positive outcomes for both the company and the apprenticeship participants.

Article 16

The apprenticeship period is limited to a maximum of 6 (six) months and may be extended.

CHAPTER V
EMPLOYMENT PLACEMENT AND EXPANSION OF
EMPLOYMENT OPPORTUNITIES

Part One
General

Paragraph 1
Employment Placement

Article 17

Every Worker has the right and equal opportunity to choose, obtain, or change jobs and earn a decent income, both domestically and abroad.

Article 18

- (1) Employment placement is carried out based on the principles of transparency, freedom, objectivity, fairness, and equality without discrimination.

- (2) Employment placement is directed towards placing workers in positions that are appropriate according to their expertise, skills, talents, interests, and abilities, while considering their dignity, human rights, and legal protection.
- (3) Employment placement is carried out with attention to equitable employment opportunities and the provision of a workforce in accordance with needs.

Article 19

- (1) Every company is required to report job vacancy information to the Office.
- (2) The requirements and procedures for reporting job vacancy information as referred to in section (1) are regulated by the Office.
- (3) The Office prepares an integrated cross-sectoral workforce information technology system that is easily accessible to the public.
- (4) The recruitment processes up to the employment placement are free of charge, except for certain positions and job categories.

Article 20

- (1) Employment placement services based on the work location are categorized as follows:
 - a. Local Employment Placement;
 - b. Inter-Regional Employment Placement; and
 - c. International Employment Placement.
- (2) The parties responsible for Employment placement consist of the Office and legally established private institutions.
- (3) Legally established private institutions as referred to in section (2) consist of:
 - a. Private Employment Placement Agencies; and
 - b. Job Portals in secondary education, higher education institutions, and/or training institutions.
- (4) Legally established private institutions as referred to in section (3) are obligated to obtain written permission from the Office in accordance with their respective authority.
- (5) The Office and legally established private institutions as referred to in section (2) must provide equal treatment for Workers with disabilities.
- (6) Further provisions regarding the procedures and methods for obtaining permission as referred to in section (4) are regulated in the Mayor Regulation.

Article 21

- (1) Employment placement through the Inter-Regional Employment Placement mechanism is required to have a recommendation from the Office.
- (2) Further provisions regarding the issuance of recommendations as referred to in section (1) are regulated in the Mayor Regulation.

Article 22

- (1) Every Person with Disabilities has equal opportunity to obtain employment fairly and without discrimination.
- (2) Every company provides equal opportunities and treatment to Persons with Disabilities by employing them in the company fairly and without discrimination.
- (3) State-Owned Enterprises and Local-Owned Enterprises are required to employ at least 2% (two percent) of Persons with Disabilities from the total number of employees or workers.
- (4) Private companies are required to employ at least 1% (one percent) of Persons with Disabilities from the total number of employees or workers.
- (5) State-Owned Enterprises, Local-Owned Enterprises, and private companies as referred to in section (3) and section (4) are required to report the placement of Persons with Disabilities to the Office.

Paragraph 2

Local Workforce and Surrounding Residents Employment

Article 23

- (1) Every company may establish cooperation with educational institutions to accommodate Local Workers.
- (2) The company is more open to developing Partnership Models in accordance with the company's conditions and the local community's culture.
- (3) The mechanism for the distribution of workers as referred to in section (1) is adjusted to the competencies and skills required by the company.

Article 24

- (1) In addressing unemployment and the recruitment of Workers, the companies provide opportunities to local workers by prioritizing surrounding residents according to the company's needs, without disregarding the competency standards of Workers required by the companies.
- (2) The implementation of Workers preparation and placement as referred to in section (1) is coordinated with the Office openly and transparently.
- (3) In the event that job vacancies requiring special skills cannot be filled by Local Workers and surrounding residents, they may be filled by Workers from outside the Municipality.
- (4) The special skills as referred to in section (3) are verified by skill certificates and/or diplomas.

Part Two

Expansion of Employment Opportunities

Article 25

- (1) The Municipal Government is responsible for implementing strategies to expand employment

- opportunities both within and outside the employment relationship, in accordance with development needs.
- (2) The expansion of employment opportunities outside the employment relationship as referred to in section (1) is carried out through the creation of productive and sustainable activities, utilizing natural resources, human resources, and appropriate technology.
 - (3) The creation of activities as referred to in section (2) is carried out through the development and guidance of independent Workers, the application of appropriate technology, new entrepreneurship, the expansion of labor-intensive work systems, career switching, utilization of voluntary Workers, or other models that can promote the creation of expanded employment opportunities.
 - (4) The Municipal Government facilitates the opening of employment opportunities in the form of productive activities such as competency-based training and entrepreneurship.
 - (5) The community dynamically strives to actualize itself as independent, skilled, productive, creative, and innovative individuals.

Article 26

The Municipal Government facilitates entrepreneurs and financial institutions, both banking and non-banking, to assist and provide ease for any community activities that can create or develop expanded employment opportunities.

Article 27

- (1) In order to implement the strategy for expanding employment opportunities as referred to in Article 26, the Municipal Government may establish a coordination forum.
- (2) The establishment of the coordination forum as referred to in section (1) involves the following components:
 - a. the Municipal Government, including regional apparatus responsible for manpower, investment, and trade; and
 - b. representatives from the community, specifically associations of entrepreneurs.
- (3) Further provisions regarding the establishment of the coordination forum as referred to in section (1) are regulated in the Mayor Regulation.

CHAPTER VI EMPLOYMENT OF TKA

Article 28

- (1) Companies employing TKA are required to:
 - a. have a Foreign Worker Employment Plan issued by the Minister before employing TKA;
 - b. appoint Indonesian Workers as accompanying personnel for technology transfer and skills transfer from TKA; and

- c. provide education and training for Indonesian Workers in accordance with the qualifications of the position held by the TKA.
- (2) Indonesian Workers who have undergone the education and training as referred to in section (1) point c are entitled to receive a certificate from a Professional Certification Institution.

Article 29

- (1) Companies employing TKA are required to report the employment of TKA to the Office in accordance with their respective authority.
- (2) Further provisions regarding the reporting as referred to in section (1) are regulated in the Mayor Regulation.

Article 30

- (1) The TKA employed in the Municipality are obligated to:
 - a. be proficient in the Indonesian language;
 - b. hold a competency certificate from an internationally recognized professional certification institution;
 - c. have at least 5 (five) years of work experience; and
 - d. not have been convicted of a criminal offense by a court ruling with legal force.
- (2) The provisions as referred to in section (1) do not apply to TKA employed by companies for investment purposes.

Article 31

- (1) Companies may employ TKA for types of work that have been agreed upon by Indonesia in an international organization.
- (2) Companies are prohibited from employing TKA outside the context of transfer of technology and transfer of knowledge.
- (3) Companies are prohibited from employing TKA for certain positions.
- (4) The certain positions as referred to in section (3) include:
 - a. Personnel Director;
 - b. Industrial Relation Manager;
 - c. Human Resource Manager;
 - d. Personnel Development Supervisor.
 - e. Personnel Recruitment Supervisor;
 - f. Personnel Placement Supervisor;
 - g. Employee Career Development Supervisor;
 - h. Personnel Declare Administrator;
 - i. Chief Executive Officer;
 - j. Personnel and Careers Specialist;
 - k. Personnel Specialist;
 - l. Career Advisor;
 - m. Job Advisor;
 - n. Job Advisor and Counseling;
 - o. Employee Mediator;
 - p. Job Training Administrator;
 - q. Job Interviewer;
 - r. Job Analyst; and
 - s. Occupational Safety Specialist.

Article 32

- (1) The wage rate for TKA is required to adhere to fairness towards Local Workers.
- (2) Employers are obligated to repatriate TKA whose work period has ended.

Chapter VII
EMPLOYMENT RELATIONSHIPS

Article 33

- (1) An employment relationship occurs due to an Employment Agreement between the employer and the employee/laborer.
- (2) The employment agreement as referred to in section (1) is made in writing.
- (3) The employment agreement as referred to in section (2) is based on:
 - a. mutual agreement of both parties;
 - b. the ability or capacity to perform legal actions;
 - c. the existence of the agreed-upon work; and
 - d. the agreed-upon work does not contradict public order, decency, or applicable legislation.
- (4) The contents of the employment agreement as referred to in section (3) must not contradict any legislation.

Article 34

- (1) Fixed-term employment agreements are required to be registered by the employer to the Office no later than 7 (seven) days after the signing of the employment agreement.
- (2) Employers who appoint workers/laborers as permanent employees are obligated to provide an appointment letter to the worker/laborer no later than 7 (seven) days after the appointment.

Article 35

- (1) Employees with fixed-term employment agreements are entitled to the same normative rights as employees with indefinite-term employment agreements.
- (2) The normative rights as referred to in section (1) are provided in accordance with the provisions of legislation.

Article 36

- (1) Fixed-term employment agreements cannot be made for permanent work.
- (2) Fixed-term employment agreements may only be made for specific work that, by its nature or type of work, is expected to be completed within a specific time, such as:
 - a. work that is once-off or temporary in nature;
 - b. fixed-term employment agreements based on a specific time period may be made for a maximum of 2 (two) years and may only be extended once for a maximum period of 1 (one) year;
 - c. seasonal work; and

- d. work related to new products, new activities, or additional products that are still in trial or exploration phases.
- (3) Employers who intend to establish an employment relationship under a fixed-term employment agreement system are obligated to notify the Office in writing no later than 14 (fourteen) working days before the agreement is signed.
- (4) If the fixed-term employment agreement system does not comply with the provisions as referred to in section (2), the Office conducts a field inspection⁽⁴⁾ no later than 14 (fourteen) working days from the receipt of the notification.
- (5) If the results of the field inspection show that the fixed-term employment agreement system fails to meet the provisions referred to in section (2), the agreement is converted into an indefinite-term employment agreement.
- (6) Employers who apply the fixed-term employment agreement system are obligated to pay the Municipal Minimum Wage.

Article 37

- (1) An employment agreement ends when:
 - a. the employee passes away;
 - b. the term of the employment agreement expires;
 - c. there is a court decision and/or decision or determination from the industrial relations dispute resolution agency that has legal force;
 - d. there is a specific condition or event stated in the employment agreement, company regulations, or collective labor agreement that may cause the termination of the employment relationship; or
 - e. both parties agree to terminate the employment agreement.
- (2) The employment agreement does not terminate due to the death of the employer or the transfer of rights to the company caused by sale, inheritance, or donation.
- (3) In the event of a company transfer, the rights of the worker/laborer are the responsibility of the new employer, unless otherwise specified in the transfer agreement, which does not reduce the rights of the worker/laborer.
- (4) In the event that the employer, an individual, passes away, the employer's heirs may terminate the employment agreement after consulting with the worker/laborer.
- (5) In the event that the worker/laborer passes away, the heirs of the worker/laborer are entitled to receive their rights in accordance with the provisions of legislation, or the rights stipulated in the employment agreement, company regulations, or collective labor agreement.

Article 38

Employers are prohibited from withholding or retaining original documents that inherently belong to the employee as a form of guarantee.

CHAPTER VIII
PROTECTION AND REMUNERATION

Part One
Protection

Article 39

- (1) Every employee/laborer is entitled to protection concerning:
 - a. occupational safety and health;
 - b. company and workplace hygiene;
 - c. morals and decency; and
 - d. treatment in accordance with human dignity and religious values as stipulated in the legislation.
- (2) In addition to the forms of protection referred to in section (1), the company is also obligated to provide transportation between the nearest main road access and the employee's residence to the company for female employees working at night between 11:00 p.m. and 7:00 a.m.
- (3) Employment protection and working conditions for employees/laborers under a fixed-term employment agreement are the same as those for employees/laborers under an indefinite-term employment agreement.

Article 40

- (1) Every production facility and infrastructure, whether operating independently or as part of an integrated unit, that poses potential risks of accidents, explosions, fires, poisoning, occupational diseases... or environmental hazards in the workplace is required to comply with the requirements of occupational safety and health, as well as company and workplace hygiene standards.
- (2) The implementation of occupational safety and health requirements, company hygiene, and workplace environmental standards apply at every stage of work, including design, construction, testing, operation or utilization, dismantling, and destruction, in accordance with the provisions of legislation.
- (3) To meet the requirements as referred to in section (2), administrative and physical inspections, as well as technical testing, are conducted by Labor Inspectors or Occupational Safety and Health Service Companies appointed in accordance with the legislation.
- (4) In the event that the equipment inspected and tested as referred to in section (3) meets the occupational safety and health requirements in accordance with the work stages as referred to in section (2), an authorization for use is granted.

Article 41

- (1) Every employer is obligated to implement the following working hour provisions:
 - a. 7 (seven) hours per day or 40 (forty) hours per week for a 6 (six-day) workweek; or

- b. 8 (eight) hours per day or 40 (forty) hours per week for a 5 (five-day) workweek.
- (2) The working hour provisions referred to in section (1) do not apply to certain employment or business sectors as regulated under the provisions of legislation.
- (3) Employers who require employees/laborers to work beyond the working hours as referred to in section (1) are obligated to:
 - a. obtain the consent of the concerned employee/laborer;
 - b. ensure that overtime does not exceed three (3) hours per day and fourteen (14) hours per week;
 - c. pay overtime wages at least in accordance with the provisions of legislation; and
 - d. provide a rest period of at least 15 (fifteen) minutes to the employee/laborer prior to performing overtime work of 2 (two) hours or more.
- (4) Employers are obligated to provide rest periods and leave to employees/laborers, which include:
 - a. a break between working hours of at least 30 (thirty) minutes after 4 (four) consecutive hours of work;
 - b. weekly rest of 1 (one) day for a six-day workweek or 2 (two) days for a five-day workweek;
 - c. rest on national holidays as determined by the Government;
 - d. annual leave of at least 12 (twelve) working days after 12 (twelve) consecutive months of employment;
 - e. maternity leave for female employees/laborers of 1.5 (one and a half) months before and 1.5 (one and a half) months after childbirth;
 - f. miscarriage leave for female employees/laborers of 1.5 (one and a half) months or as recommended by a medical certificate from a physician /midwife; and
 - g. menstrual leave for female employees/laborers.
- (5) Employers are obligated to grant leave to employees/laborers on official public holidays determined by the Government without any reduction in wages or other entitlements

Article 42

Companies are prohibited from:

- a. employing children under the age of 18 (eighteen) years; and/or
- b. employing female employees/laborers at night during the breastfeeding period until the infant reaches 6 (six) months of age.

Part Two Wages

Article 43

- (1) Wage policies are directed toward achieving an income that ensures a decent standard of living for employees/laborers.

- (2) In order to realize a decent standard of living for employees/laborers as referred to in section (1), a minimum wage must be established by taking into account the improvement of workers' welfare without disregarding the need to enhance productivity, promote company growth, and support overall economic development.
- (3) The minimum wage as referred to in section (2) applies only to single employees/laborers with less than 1 (one) year of service.

Article 44

- (1) Employers determine the amount of wages for employees/laborers who have completed 1 (one) year or more of service based on the wage structure and scale.
- (2) The wage structure and scale as referred to in section (1) is required to be prepared by the employer by taking into account classification, position, length of service, education, and competence, through a bipartite mechanism with the employee/laborer and/or the labor union.
- (3) The wage structure and scale as referred to in section (2) is at least 5% (five percent) higher than the minimum wage and stipulated in the Company Regulation or Collective Labor Agreement.

Article 45

- (1) The implementation of wage increases as referred to in Article 44 coincides with the increase of the Municipal Minimum Wage.
- (2) Any Employer who pays wages below the Municipal Minimum Wage is subject to sanctions in accordance with the provisions of legislation.

Article 46

Employers who pay employees/laborers based on a piece-rate system ensure that the total monthly wage received by the employee/laborer is at least equal to the Municipal Minimum Wage.

Article 47

- (1) Any wage shortfall and/or unpaid wages during the PHK process constitutes a debt that must be paid by the employer to the employee/laborer.
- (2) Claims regarding wage shortfalls and/or unpaid wages during the PHK process as referred to in section (1) may be filed by the employee in accordance with the provisions of legislation.

Part Three

THR

Article 48

- (1) Employers are required to provide a THR to employees/laborers who have completed at least one (1) month of service.

- (2) The THR as referred to in section (1) is provided 1 (one) time in a year.
- (3) Employees/laborers who have worked for at least 1 (one) month but less than 12 (twelve) months receive the THR on a proportional basis in accordance with their length of service and as regulated by the provisions of legislation.
- (4) Employees/laborers who have worked continuously for 12 (twelve) months or more are entitled to a THR of at least 1 (one) month's wage.
- (5) The one-month wage referred to in section (3) and section (4) consists of the basic wage plus fixed allowances.
- (6) The THR is paid no later than 7 (seven) days before the respective religious holiday.

CHAPTER IX SOCIAL SECURITY

Article 49

- (1) Every employee/laborer is entitled to social security provided by the designated institution.
- (2) The institution as referred to in section (1) is the Social Security Agency for Health (BPJS Kesehatan) and the Social Security Agency for Employment (BPJS Ketenagakerjaan).
- (3) The Social Security Agency for Health as referred to in section (2) administers the health security program.
- (4) The Social Security Agency for Employment as referred to in section (2) administers the following programs:
 - a. employment injury insurance;
 - b. death insurance;
 - c. old-age benefits; and
 - d. pension benefits.
- (5) Companies are required to enroll all employees/laborers and their families in the Social Security Agency for Health and to register all employees/laborers with the Social Security Agency for Employment.
- (6) The implementation of social security is carried out in accordance with the provisions of legislation.
- (7) Further provisions regarding the implementation of social security are regulated by a Mayor Regulation.

CHAPTER X WORK FACILITIES

Part One Opportunities for Worship

Article 50

- (1) Employees/laborers are entitled to perform their religious worship and practice their beliefs.
- (2) Employers are obligated to provide adequate opportunities for employees/laborers to perform their religious worship and practice their beliefs.
- (3) The adequate opportunities as referred to in section (2) include the provision of time, space, and facilities

necessary for employees/laborers to perform their religious worship and practice their beliefs.

Part Two
Welfare Facilities

Article 51

- (1) Every Company organizes or provides welfare facilities for employees/laborers, including but not limited to:
 - a. lactation rooms (rooms or areas for mothers to breastfeed their infants);
 - b. work uniform facilities and designated areas for them;
 - c. occupational safety and health facilities;
 - d. adequate and representative worship facilities proportional to the number of employees/laborers;
 - e. adequate and representative sports facilities;
 - f. a canteen;
 - g. health and clinic facilities;
 - h. recreational facilities, at least 1 (one) time in a year;
 - i. rest facilities;
 - j. facilitation of the establishment of cooperatives; and/or
 - k. adequate and representative parking areas within the company premises.
- (2) The provision of welfare facilities for employees/laborers as referred to in section (1) is carried out by taking into account the needs of the employees/laborers and the capacity of the company.
- (3) Provisions regarding the organization of welfare facilities for employees/laborers as referred to in section (1) and section (2) are stipulated in the Company Regulation or the Collective Labor Agreement.
- (4) The Mayor or an appointed official has the authority to provide guidance, counseling, supervision, and monitoring in the implementation of welfare facilities for employees/laborers in companies.

CHAPTER XI
INDUSTRIAL RELATIONS

Part One
General

Article 52

- (1) In implementing Industrial Relations, the Municipal Government has the following functions:
 - a. formulating policies; and
 - b. providing services and guidance.
- (2) In implementing Industrial Relations, employees/laborers and labor unions have the following functions:
 - a. performing work in accordance with their duties and obligations;
 - b. maintaining order to ensure the continuity of production;
 - c. expressing aspirations in a democratic manner;
 - d. developing their skills and competencies;

- e. contributing to the advancement of the company; and
 - f. striving for the welfare of their members and their families.
- (3) In implementing Industrial Relations, employers and employers' organizations have the following functions:
- a. establishing partnerships;
 - b. developing business enterprises;
 - c. expanding employment opportunities; and
 - d. providing welfare to employees/laborers in a transparent, democratic, and equitable manner.

Part Two
Institutional Framework

Paragraph 1
General

Article 53

- (1) The Municipal Government is obligated to establish and optimize the Tripartite Cooperation Institution and the Wage Council.
- (2) All operational and institutional activities as referred to in section (1) are financed from the Local Budget.

Paragraph 2
Tripartite Cooperation Institution

Article 54

- (1) The Tripartite Cooperation Institution provides advice, input, and recommendations to the Municipal Government in formulating policies and resolving labor-related issues.
- (2) The Tripartite Cooperation Institution conducts coordination meetings at least once every 3 (three) months.

Paragraph 3
Wage Council

Article 55

- (1) The Wage Council promotes optimization in analyzing the wage system.
- (2) The Wage Council performs its duties in accordance with the provisions of legislation.
- (3) The Municipal Government is obligated to facilitate the establishment of sectoral employers' associations and/or sectoral employees' associations.

Paragraph 4
Employers' Organizations and
Employee/Labor Unions

Article 56

- (1) Employers/employers' organizations, employees/laborers, and/or employee/labor unions implement a partnership model in the framework of industrial relations within the company.

- (2) The implementation of Industrial Relations as referred to in section (1) is carried out with mutual respect for each party's rights and obligations in order to create a harmonious and dynamic working environment.

Article 57

Employers may assist in the payment of employee/labor union dues through monthly wage deductions upon the request of the employee/labor union, in accordance with the provisions of legislation.

Article 58

Employers facilitate the provision of office space for employee/labor unions within the company, in accordance with the needs and capacity of the employer.

Part Three Dispute Settlement

Paragraph 1 Mediation

Article 59

- (1) The Office holds facilitation/mediation in relation to disputes arising within companies in accordance with the provisions of legislation.
- (2) The number of mediation officers as referred to in section (1) is proportionally adjusted to the number of existing companies in stages.

Paragraph 2 Strike Action

Article 60

- (1) A strike, as a fundamental right of employees/laborers and employee/labor unions, is held lawfully, orderly, and peacefully as a consequence of failed negotiations.
- (2) Employees/laborers and employee/labor unions are obligated to notify the employer and the Office in writing no later than 7 (seven) working days prior to the strike.
- (3) The written notification as referred to in section (2) at least contains:
 - a. the date, day, and time of commencement and conclusion of the strike;
 - b. the location of the strike;
 - c. the reasons and causes for the strike; and
 - d. the signatures of the chairperson and secretary and/or each chairperson and secretary of the employee/labor unions responsible for the strike.
- (4) In the event that the strike is to be taken by employees/laborers who are not members of a employee/labor union, the notification as referred to in section (2) is signed by representatives of the employees/laborers appointed as coordinators and/or persons responsible for the strike.

Article 61

- (1) In the event that a strike is taken in a manner not in accordance with Article 60 section (1), the employer may take temporary measures by:
 - a. prohibiting striking employees/laborers from being present in the production process area; or
 - b. if deemed necessary, prohibiting striking employees/laborers from being present within the company premises.
- (2) The measures as referred to in section (1) are taken to safeguard production equipment and company assets.
- (3) Any person is prohibited from engaging in any form of intimidation toward employees/laborers and/or employee/labor union officials before, during, or after the strike.

Article 62

The strike by employees/laborers working in companies providing public services and/or in companies whose operations pose risks to human life is held only by employees/laborers who are not performing active duties at the time.

Article 63

In the event that employees/laborers lawfully hold a strike to demand normative rights that have been genuinely violated by the employer, the employer remains obligated to pay the employees'/laborers' wages.

Article 64

- (1) The Office is obligated to undertake efforts to resolve industrial relations disputes prior to the strike as referred to in Article 60.
- (2) Upon receiving the strike notification as referred to in Article 60 section (2), the Office is obligated to review the contents of the notification letter and issue a receipt as proof that the planned strike by employees/laborers or employee/labor unions is lawful and in accordance with the provisions of legislation.
- (3) The Office is obligated to conduct supervision and monitoring during the strike to ensure that the strike is held safely, orderly, and in accordance with the plan stated in the notification letter.

Part Four

Termination of Employment

Paragraph 1

PHK

Article 65

- (1) Employers, employees/laborers, labor unions, and the Municipal Government make every effort to prevent the occurrence of PHK.

- (2) In the event that PHK cannot be avoided, it must be negotiated between the employer and the employee/labor union, or directly with the employee/laborer if the concerned employee/laborer is not a member of any employee/labor union.
- (3) In the event that the negotiation referred to in section (2) fails to reach an agreement, the employer may only carry out PHK after obtaining a decision from the Industrial Relations Settlement Institution.

Article 66

- (1) While awaiting the decision of the Industrial Relations Settlement Institution, both the employer and the employee/laborer must still continue to perform all of their respective obligations.
- (2) The employer may deviate from the provision referred to in section (1) by suspending the employee/laborer who is undergoing the PHK process, while remaining obligated to pay wages and other benefits customarily received by the employee/laborer.

Article 67

- (1) Employers are prohibited from terminating employment on the following grounds:
 - a. the employee/laborer's absence from work due to illness, as certified by a doctor, for a period not exceeding 12 (twelve) consecutive months;
 - b. the employee/laborer's inability to perform work duties due to the fulfillment of state obligations in accordance with the provisions of legislation;
 - c. the employee/laborer performing religious worship as required by his or her faith;
 - d. the employee/laborer's marriage;
 - e. the female employee/laborer's pregnancy, childbirth, miscarriage, or breastfeeding;
 - f. the employee/laborer having a biological relationship and/or marital relationship with another employee/laborer within the same company, unless otherwise regulated in the employment agreement, company regulation, or collective labor agreement;
 - g. the employee/laborer establishing, becoming a member of, and/or serving as an officer of a labor union, engaging in labor union activities outside working hours, or during working hours with the employer's consent, or in accordance with the provisions stipulated in the employment agreement, company regulation, or collective labor agreement;
 - h. the employee/laborer reporting the employer to the authorities for the employer's criminal offense;
 - i. differences in ideology, religion, political affiliation, ethnicity, skin color, social group, gender, physical condition, or marital status; and
 - j. the employee/laborer being permanently disabled, suffering from an occupational accident, or contracting a work-related illness for which,

according to a medical certificate, the recovery period cannot yet be determined.

- (2) Employers who terminate employment on any of the grounds as referred to in section (1) are obligated to reinstate the concerned employee/laborer.

Article 68

In the event that a decision of the Industrial Relations Court and/or the Supreme Court and/or any other dispute resolution body has been rendered and has obtained permanent legal force (*inkracht van gewijsde*), declaring that the employee/laborer must be reinstated, the employer is obligated to re-employ the concerned employee/laborer.

Paragraph 2 Retirement

Article 69

- (1) Employees/laborers who have reached the retirement age are entitled to submit a written application for retirement to the employer.
- (2) The employer is obligated to fulfill the rights of employees/laborers who have been declared retired.
- (3) The provisions regarding the retirement age and the fulfillment of the rights of employees/laborers who have been declared retired as referred to in section (1) and section (2) are in accordance with the provisions of the legislation.

Article 70

If deemed necessary, the employer may re-employ a retired employee/laborer, provided that such re-employment is mutually agreed upon by both parties.

Paragraph 3 Death

Article 71

In the event that an employment relationship is terminated due to the death of an employee/laborer, the employer is obligated to pay the employee's/laborer's heir a sum calculated as follows:

- a. 2 (two) times the severance pay;
- b. 1 (one) time the long-service pay; and
- c. compensation for rights as stipulated in the legislation.

CHAPTER XII ADMINISTRATIVE SANCTIONS

Article 72

- (1) Any violations against the provisions as referred to in Article 10 section (4), Article 11 section (2), Article 12 section (1), Article 19 section (1) and section (4), Article 20 section (4) and section (5), Article 21 section (1), Article 22 section (3), section (4), and section (5), Article 28 section

(1), Article 29 section (1), Article 30 section (1), Article 32, Article 34, Article 36 section (3) and section (6), Article 39 section (2), Article 40 section (1), Article 41 section (1), section (3), section (4), and section (5), Article 44 section (2), Article 47 section (1), Article 48 section (1), Article 49 section (5), Article 50 section (2), Article 60 section (2), Article 63, Article 65 section (2), Article 66 section (2), Article 67 section (2), Article 68, Article 69 section (2), and Article 71 are punishable by administrative sanctions in the form of:

- a. written warning;
 - b. restriction of business activities;
 - c. temporary cessation of part or all production equipment;
 - d. suspension of business activities; and/or
 - e. revocation of license.
- (2) Further provisions regarding the procedure, manner, and implementation of administrative sanctions as referred to in section (1) are stipulated in the Mayor Regulation.

CHAPTER XIII CLOSING PROVISIONS

Article 73

The Mayor Regulation, as the implementation of this Regional Regulation, is issued not later than 6 (six) months from the promulgation of this Regional Regulation.

Article 74

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

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Municipality of Pasuruan.

Issued in Pasuruan
on 10 October 2018

VICE MAYOR OF PASURUAN,

signed

RAHARTO TENO PRASETYO

Promulgated in Pasuruan
on 10 October 2018

SECRETARY OF THE MUNICIPALITY OF PASURUAN,

signed

BAHRUL ULUM

REGIONAL GAZETTE OF THE MUNICIPALITY OF PASURUAN OF 2018
NUMBER 1

Jakarta, 4 March 2026

Has been translated as an Official Translation
on behalf of the Minister of Law
of the Republic of Indonesia
DIRECTOR GENERAL OF LEGISLATION,



IDHAHANA PUTRA

ELUCIDATION ON
REGULATION OF THE MUNICIPALITY OF PASURUAN
NUMBER 1 OF 2018
ON
MANPOWER ADMINISTRATION

I. GENERAL

Manpower development, as an integral part of national development based on Pancasila and the 1945 Constitution of the Republic of Indonesia, is carried out in the context of the comprehensive development of the Indonesian people and society as a whole to enhance the dignity, honor, and self-esteem of the workforce, as well as to achieve a prosperous, just, and equitable society, both materially and spiritually.

Manpower development must be regulated in such a way that it ensures the fulfillment of basic rights and protection for employees/laborers, while simultaneously creating a conducive environment for the development of the business world.

Manpower development has many dimensions and interconnections. These connections are not only related to the interests of employees/laborers during, before, and after employment but also involve the interests of employers, the Municipal Government, and society. Therefore, comprehensive and holistic regulation is required, which includes human resource development, increasing productivity and competitiveness of Indonesian employees/laborers, efforts to expand employment opportunities, workforce placement services, wage policies, and the nurturing of industrial relations.

The development of industrial relations, as part of manpower development, should aim to continue realizing harmonious, dynamic, and just industrial relations. For this purpose, the recognition and respect for human rights must be realized. In the field of manpower, this is a key milestone in upholding democracy in the workplace. The enforcement of democracy in the workplace is expected to encourage optimal participation from all employees/laborers in Indonesia to build the envisioned nation, particularly in the Municipality of Pasuruan.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Point a

The term "principle of integration" means the manpower administration by integrating various interests, including those of the Municipal Government, employees/laborers, employers, and society.

Point b

The term "principle of equality of rights" means that the fulfillment of employees/laborers' rights is carried out without discrimination based on ethnicity, race, religion, group, gender, or economic status.

Point c

The term "principle of democracy" means that manpower administration is carried out by as much as possible involving and enhancing the active participation of employees/laborers, employers, and society equally.

Point d

The term "principle of social justice" means that fair and balanced treatment is provided to employees/laborers, both materially and spiritually.

Point e

The term "principle of gender equality and justice" means that manpower management is conducted without discrimination based on gender between men and women.

Point f

The term "principle of non-discrimination" means that manpower administration is conducted without any restriction, harassment, or exclusion, whether directly or indirectly, based on discrimination against individuals based on religion, ethnicity, race, nationality, group, class, social status, economic status, gender, language, political beliefs, which leads to the reduction, deviation, or elimination of the recognition, implementation, or exercise of human rights and basic freedoms in individual or collective life in the fields of politics, economy, law, social, culture, and other aspects of life.

Article 4

Sufficiently clear.

Article 5

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The National Professional Certification Agency (*Badan Nasional Sertifikasi Profesi*, BNSP) is an institution tasked with carrying out work competency certification and may grant licenses to Professional Certification Bodies that meet the requirements set for carrying out work competency certification.

Article 6

Sufficiently clear.

Article 7
Sufficiently clear.

Article 8
Sufficiently clear.

Article 9
Sufficiently clear.

Article 10
Section (1)
Sufficiently clear.
Section (2)
Allowance is provided according to the financial capability of the
Municipal Government and is stipulated in the Employment
Agreement.
Section (3)
Sufficiently clear.
Section (4)
Sufficiently clear.

Article 11
Sufficiently clear.

Article 12
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)
Point a
Local Employment Placement is a system for the placement of
workers within 1 (one) regency/municipality or more than 1 (one)
regency/municipality within one (1) provincial area.

Point b

Inter-regional Employment Placement is a system for the placement of workers between provincial areas.

Point c

International Employment Placement is a system for the placement of workers abroad.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section (1)

The Foreign Worker Employment Plan refers to the plan for employing TKA in specific positions, created by the employer for a specific period, and approved by the Minister or an authorized official.

Section (2)

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32
Sufficiently clear.

Article 33
Sufficiently clear.

Article 34
Sufficiently clear.

Article 35
Section (1)
The term "normative rights" refers to: leave rights; social security rights; wage rights; overtime pay rights; occupational health and safety (OHS) requirements; and other normative rights as specified in applicable legislation.
Section (2)
Sufficiently clear.

Article 36
Sufficiently clear.

Article 37
Sufficiently clear.

Article 38
The original documents referred to include the Resident Identity Card, Driver's License, birth certificate, family card, passport, diplomas, and certificates.

Article 39
Sufficiently clear.

Article 40
Section (1)
Production facilities and infrastructure refer to machines, equipment, tools, devices, or installations that are hazardous.
Section (2)
Sufficiently clear.
Section (3)
Sufficiently clear.
Section (4)
Sufficiently clear.

Article 41
Sufficiently clear.

Article 42
Sufficiently clear.

Article 43
Sufficiently clear.

Article 44
Sufficiently clear.

Article 45
Sufficiently clear.

Article 46
Sufficiently clear.

Article 47
Sufficiently clear.

Article 48
Sufficiently clear.

Article 49
Sufficiently clear.

Article 50
Sufficiently clear.

Article 51
Sufficiently clear.

Article 52
Sufficiently clear.

Article 53
Sufficiently clear.

Article 54
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Article 55
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Article 56
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Article 57
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Article 58
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Article 59
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Article 60
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Article 61
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Article 62
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Article 63
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Article 64
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Article 65
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Article 66
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Article 67
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Article 68
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Article 69
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Article 70
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Article 71
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Article 72
Sufficiently clear.

Article 73
Sufficiently clear.

Article 74
Sufficiently clear.