

REGULATION OF THE MINISTER OF MANPOWER
OF THE REPUBLIC OF INDONESIA
NUMBER 17 OF 2019
ON
TERMINATION AND PROHIBITION OF PLACEMENT OF INDONESIAN MIGRANT
WORKERS

BY THE BLESSINGS OF ALMIGHTY GOD

MINISTRY OF MANPOWER OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provision of Article 32 section (4) of Law Number 18 of 2017 on Protection of Indonesian Migrant Workers, It is necessary to issue a regulation of the minister of manpower on Termination and Prohibition of Placement of Indonesian Migrant Workers;

Observing : 1. Law Number 39 of 2008 on State Ministries (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
2. Law Number 18 of 2017 on Protection of Indonesian Migrant Workers (State Gazette of the Republic of Indonesia of 2017 Number 242, Supplement to the State Gazette of the Republic of Indonesia Number 6141);
3. Presidential Regulation Number 18 of 2015 on Ministry of Manpower (State Gazette of the Republic of Indonesia of 2015 Number 19);
4. Regulation of the Minister of Manpower Number 8 of 2015 on Procedures to Prepare Formation of Draft Law, Draft Government Regulation, and Draft Presidential Regulation

and Formation of Draft Ministerial Regulations in Ministry of Manpower (State Bulletin of the Republic of Indonesia of 2015 Number 411);

HAS DECIDED:

To issue : REGULATION OF THE MINISTER OF MANPOWER ON TERMINATION AND PROHIBITION OF PLACEMENT OF INDONESIAN MIGRANT WORKERS.

CHAPTER I

GENERAL PROVISIONS

In this Ministerial Regulation:

1. 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.
2. 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 to operate the placement service of Indonesian Migrant Workers.
3. Indonesian Missions Abroad, hereinafter referred to as Indonesian Missions means the diplomatic and consular representatives of the Republic of Indonesia who officially represents and strives for the interests of nation, country, and government of the Republic of Indonesia in the destination country or in international organization.
4. Employer means a government institution, a government legal entity, a private legal entity, and/or individual in the destination country that employs Indonesian Migrant Workers.
5. Minister means the Minister administering government affairs in the field of manpower.

Article 2

In order to protect the Indonesian Migrant Workers, the Minister may terminate and/or prohibit the placement of Indonesian Migrant Workers to a particular country or a position abroad.

Article 3

Indonesian Migrant Workers as referred to in Article 2, include:

1. Indonesian Migrant Workers who work for the legal entity Employer;
2. Indonesian Migrant Workers who work for an individual employer or household;
3. Indonesian Migrant Workers who are placed for the benefits of an owned private company;
4. seafarers and fishers; and
5. individual Indonesian Migrant Workers.

CHAPTER II

TERMINATION AND PROHIBITION OF PLACEMENT OF INDONESIAN MIGRANT WORKERS

Part One

Termination

Article 4

The termination of the placement of Indonesian migrant workers determined by the Minister to a particular country or a particular position abroad considers :

- a. security;
- b. the Protection of Human Rights;
- c. equitable job opportunities; and/or
- d. the concerns about the availability of manpower following the national demand.

Article 5

The security consideration as referred to in the Article 4 point a, is carried out if the destination country experiences an armed conflict, an epidemic of infectious diseases, limited access to information, communication and basic needs, natural disaster and/or emergencies in which the placement country fails to provide the security assurance.

Article 6

The consideration of Human Rights Protection as referred to in Article 4 point b, is performed if the destination country fails to provide the protection and respect for Human Rights.

Article 7

- 1) The consideration of the equitable job opportunities and the concerns about manpower availability following the national demand as referred to in Article 4 point c and point d, is based on manpower demand of particular positions in Indonesia.
- 2) The consideration as referred to in section (1) refers to the national labour market analysis against the manpower demand of particular positions.

Part Two Prohibition

Article 8

- 1) The prohibition of the placement of Indonesian Migrant Workers determined by the Minister to a particular country or a particular position is carried out in the context that the destination country:
 - a. does not have the legislation to protect migrant workers;
 - b. does not have a written agreement between the government of destination country and the Government of the Republic of Indonesia; and/or

- c. social security system and/or migrant workers insurance.
- 2) In addition to the provision as referred to in section 1, the Prohibition of Indonesian Migrant Workers placement is carried out by considering the security status of the destination country as referred to in Article 5.

CHAPTER III PROCEDURES FOR TERMINATION AND PROHIBITION OF PLACEMENT OF INDONESIAN MIGRANT WORKERS

Article 9

In terminating and/or prohibiting placement of Indonesian Migrant Workers to a particular country or a particular position, the Minister takes into account advice and consideration from the Indonesian Mission, ministry/institution, P3MI, and public.

Article 10

- 1) The termination and/or prohibition of placement of Indonesian Migrant Workers to a particular country or a particular position is determined by the Minister;
- 2) Before determining the termination and/or prohibition of placement of Indonesian Migrant workers to a particular country or a particular position as referred to in section (1), the Minister coordinates with related ministries/institutions;
- 3) The coordination as referred to in section (2) is carried out through inter-ministries/institutions meetings.

Article 11

- (1) The recommendation on termination and/or prohibition of placement of Indonesian Migrant Workers submitted by the Indonesian mission is based on the assessment of the consideration as referred to in Article 4;

- (2) The recommendation as referred to in Article 4 is submitted to the Minister then to be discussed in a inter-ministries/institutions meetings to publish a list of countries or particular positions that are prohibited and/or terminated.

CHAPTER IV

HANDLING OF TERMINATION AND PROHIBITION IMPACT

ARTICLE 12

- (1) In the event that Indonesian Migrant Workers working in the destination country and the country concerned has been terminated by the Minister, the relevant Indonesian Migrant Workers continue to work until the end of the employment contract.
- (2) In the event that Indonesian migrant workers are working in a prohibited country, the government takes action for the repatriation of Indonesian migrant workers in accordance with the provision of legislation.

Article 13

The responsibility for the repatriation of Indonesian Migrant Workers from countries that have been terminated and/or prohibited by the Minister is carried out in accordance with the provision of legislation.

Article 14

In the event of termination and/or prohibition of Indonesian Migrant Workers with security consideration, the Government facilitates evacuation and/or repatriation in accordance with the provision of legislation.

CHAPTER V
MONITORING AND EVALUATION

Article 15

The monitoring and evaluation of the termination and the prohibition are carried out by the Minister and ministries/institutions.

CHAPTER VI
PROCEDURES FOR CONCLUDING TERMINATION AND
PROHIBITION OF PLACEMENT OF INDONESIAN MIGRANT
WORKERS

Article 16

- (1) The conclusion of termination and/or prohibition of a particular country or a particular position is determined by the Minister.
- (2) The provisions regarding the termination and/or prohibition of a particular country or a particular position applies mutatis mutandis to the conclusion of termination of the provision and/or prohibition of a particular country or a particular position.

CHAPTER VII
CLOSING PROVISION

Article 17

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

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

Issued in Jakarta
on 1 October 2019

MINISTER OF MANPOWER OF
THE REPUBLIC OF INDONESIA,

signed

M.HANIF DHAKIRI

Promulgated in Jakarta
on 1 October 2019

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 2019 NUMBER 1123

Jakarta, 21 July 2020

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

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