

REGULATION OF THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
NUMBER 59 OF 2021  
ON  
IMPLEMENTATION OF INDONESIAN MIGRANT WORKERS PROTECTION  
BY THE BLESSINGS OF ALMIGHTY GOD  
PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provisions of Article 20, Article 23, Article 28, Article 36, Article 38 section (4), Article 43, Article 52 section (2), Article 75 section (3), and Article 76 section (3) of Law Number 18 of 2017 on Protection of Indonesian Migrant Workers, it is necessary to issue a Government Regulation on Implementation of Indonesian Migrant Workers Protection;

Observing : 1. Article 5 section (2) of the 1945 Constitution of the Republic of Indonesia;  
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);

HAS DECIDED:

To issue: GOVERNMENT REGULATION ON IMPLEMENTATION OF INDONESIAN MIGRANT WORKERS PROTECTION.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Government Regulation:

1. Placement of Indonesian Migrant Workers means a service activity provided to Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers starting before work, during work, and after work.

2. Protection of Indonesian Migrant Workers means any effort to protect the interest of Prospective Indonesian Migrant Worker and/or Indonesian Migrant Worker and their families in order to ensure the fulfilment of their rights in all activities before, during, and after working in legal, economic, and social aspects.
3. Before Working Protection means the overall activities to give protection since the registration until the departure.
4. During Working Protection means the overall activities to give protection during the time Indonesian Migrant Workers and the members of their family are abroad.
5. After Working Protection means the entire activities to give protection since Indonesian Migrant Workers and the members of their family arrive at debarkation in Indonesia until they return to their hometowns, including the follow through service to be productive workers.
6. Placement Cooperation Agreement means a written agreement between Indonesian Migrant Workers Placement Agency and Business Partner or Employer that contains the rights and the obligations of each party in the placement and Protection of Indonesian Migrant Workers in the destination country.
7. Indonesian Migrant Workers 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. 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.
9. License of Indonesian Migrant Workers Placement Agency, (*Surat Izin Perusahaan Penempatan Pekerja Migran Indonesia*), hereinafter referred to as SIP3MI, means a written permit that is given by the Minister to a legally incorporated business entity in Indonesia that will become an Indonesian Migrant Workers Placement Agency.
10. License of Indonesian Migrant Workers Recruitment, (*Surat Izin Perekrutan Pekerja Migran Indonesia*), hereinafter referred to as SIP2MI, means a permit that is given by the head of Board to Indonesian Migrant Workers Placement Agency that is used to place Prospective Indonesian Migrant Workers.

11. Pre-Departure Orientation (*Orientasi Pra Pemberangkatan*), hereinafter referred to as OPP, means the activity of briefing and disseminating information to prospective Indonesian Migrant Workers who will go to work abroad so that Indonesian Migrant Workers will have mental and knowledge readiness to work abroad, understand their rights and obligations and be able to overcome problems that will possibly be faced.
12. Social Security means one of the social protection forms to ensure that all citizens can fulfil their basic needs appropriately.
13. Central Government means the President of the Republic of Indonesia who holds State authority of the Republic of Indonesia and is assisted by Vice President and ministers as referred to in the 1945 Constitution of the Republic of Indonesia.
14. Minister means the minister administering government affairs in the field of manpower.
15. Indonesian Migrant Workers Protection Board, hereinafter abbreviated as BP2MI is a non-ministerial government institution that serves as the policy implementer in service and Protection of Indonesian Migrant Workers in an integrated manner.
16. Local Government means the head of a region as a component of local government who leads the management of government affairs within the authority of autonomous region.
17. Provincial Office means a regional apparatus administering government affairs in the field of provincial manpower.
18. Regency/Municipal Office means a regional apparatus administering government affairs in the field of regency/municipal manpower.
19. Integrated One-Stop Service for Placement and Protection of Indonesian Migrant Workers (*Layanan Terpadu Satu Atap Penempatan dan Perlindungan Pekerja Migran Indonesia*), hereinafter referred to as Indonesian Migrant Workers' LTSA, means a service system for information dissemination, fulfilling requirements, and dealing with issues of Indonesian Migrant Workers integrated in public services that are cheap, easy and fast without any discrimination.
20. Indonesian Missions Abroad, hereinafter referred to as Indonesian Missions, means the diplomatic and consular representatives of the Republic of Indonesia who officially represent and strive for the interests of the nation, state and government of the Republic of Indonesia in the destination country or in international organization.

21. Labour Attache means a civil servant at the ministry administering government affairs in the manpower sector assigned to a certain diplomatic representative whose assignment process is based on the provisions of legislation to carry out tasks in the manpower sector.
22. Village Government means the head of village or as mentioned by other titles who is assisted by village apparatus as a component of village government.
23. 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.
24. Indonesian Migrant Workers Placement Agency 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.
25. Business Partner means an institution and/or business entity that is legally incorporated in the destination country that is responsible to place Indonesian Migrant Workers to employers.
26. Prospective Indonesian Migrant Worker means any Indonesian worker who fulfils the criteria as a job seeker who will work abroad and is registered in regency/municipal government institution responsible for manpower affairs.
27. 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.
28. Family of Indonesian Migrant Worker means the husband, wife, children, or parents of worker including the relationship due to court's ruling and/or verdict, both the ones who live in Indonesia and the ones who live with Indonesian Migrant Worker abroad.

## Article 2

The Implementation of Protection of Indonesian Migrant Workers is carried out to ensure the fulfilment of the rights of Indonesian Migrant Workers before work, during work, and after work.

## Article 3

- (1) The Implementation of Protection of Indonesian Migrant Workers is carried out by the Central Government, Indonesian Missions, BP2MI, Local

Governments, and Village Governments in a coordinated and integrated manner.

- (2) The Protection of Indonesian Migrant Workers as referred to in section (1) is given to Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers placed by P3MI, companies that place Indonesian Migrant Workers for the company's own interests, and Indonesian Migrant Workers as individuals.

## CHAPTER II

### PROTECTION OF INDONESIAN MIGRANT WORKERS

#### Part One

#### Before Working Protection

#### Paragraph 1

#### General

#### Article 4

- (1) Before Working Protection covers:
  - a. administrative protection; and
  - b. technical protection.
- (2) The administrative protection as referred to in section (1) point a is at least includes:
  - a. completeness and validity of placement documents; and
  - b. determination of work conditions and terms of employment.
- (3) The technical protection as referred to in section (1) point b at the minimum covers:
  - a. provision of socialization and dissemination of information;
  - b. quality improvement of Prospective Indonesian Migrant Workers through education and job training;
  - c. Social Security;
  - d. facilitation of the fulfilment of Prospective Indonesian Migrant Workers' rights;
  - e. role strengthening for employment placement service officer;

- f. placement services at LTSA for Indonesian Migrant Workers; and
  - g. coaching and supervision.
- (4) The information as regulated in section (3) point a includes:
- a. rights and obligations of Indonesian Migrant Workers and their Family members;
  - b. job vacancies, type of work, Employer, location of work environment, and working conditions;
  - c. programs, ways of accessing, and claim mechanisms for Social Security;
  - d. official migration procedures include terms, procedures, and safe migration stages;
  - e. placement fee in accordance with the provisions of legislation;
  - f. the vulnerability of Indonesian Migrant Workers to trafficking in persons, narcotics syndicates, the dangers of radicalization, and health problems including women's reproductive health and mental health;
  - g. law and culture in destination country;
  - h. Placement Agreement and Employment Contract;
  - i. the latest list of P3MI and Business Partners;
  - j. list of countries that are the destination for placement and countries that are prohibited;
  - k. complaints and reporting mechanisms both domestically and abroad;
  - l. procedures at LTSA for Indonesian Migrant Workers; and
  - m. wage standard.

## Paragraph 2

### Completeness and Validity of Placement Documents

## Article 5

- (1) The placement documents as referred to in Article 4 section (2) point a include:
- a. certificate of marital status, or copy of marriage book for married person;
  - b. certificate of husband or wife permission, parental permission, or guardian permission that

is known by the village head or head of urban village;

- c. work competency certificate;
  - d. health certificate based on the results of a medical and psychological examination;
  - e. passport issued by the local immigration office;
  - f. work visa;
  - g. Placement Agreement; and
  - h. Employment Contract.
- (2) BP2MI or employment placement service officer or officers appointed by the office administering government affairs in the field of manpower verifies the completeness and validity of placement documents as referred to in section (1).
- (3) Further provisions regarding medical examinations and psychological examinations for Prospective Indonesian Migrant Workers as referred to in section (1) point d are regulated by Regulation of the Minister administering the government affairs in the field of health.

### Paragraph 3

#### Determination of Work Conditions and Terms of Employment

### Article 6

- (1) The work conditions and terms of employment in Article 4 section (2) point b is determined in the Employment Contract.
- (2) The work conditions and terms of employment as referred to in section (1) at least contains:
- a. the amount and procedures for payment of wages;
  - b. working hours and rest periods;
  - c. leave entitlement;
  - d. Social Security and/or insurance; and
  - e. guarantee of occupational safety and health.

#### Paragraph 4

#### Provision of Socialization and Dissemination of Information

#### Article 7

- (1) Provision of socialization and dissemination of information to job seekers as referred to in Article 4 section (3) point a at least contains information on overseas labour markets, procedures for placement, conditions and requirements for working abroad.
- (2) Provision of information as referred to in section (1) is carried out via LTSA for Indonesian Migrant Workers.
- (3) In the event that LTSA for Indonesian Migrant Workers as referred to in section (2) has not yet been established, information is provided by the Regency/Municipal Offices and/or BP2MI.
- (4) Information as referred to in section (3) is provided by involving the Village Government.
- (5) Provision of information as referred to in section (1) is carried out online or offline.

#### Article 8

- (1) The information as referred to in Article 7 section (1) comes from:
  - a. Indonesian Missions in destination country;
  - b. Business Partner in destination country; and/or
  - c. prospective Employers.
- (2) Information originating from Business Partners and prospective Employers in the destination country of placement as referred to in section (1) point b and point c must be verified by the Labour Attaché and/or appointed foreign affairs officials in the destination country.

#### Paragraph 5

#### Quality Improvement of Prospective Indonesian Migrant Workers through Education and Job Training

#### Article 9

- (1) Quality improvement of Prospective Indonesian Migrant Workers through education and job training as referred to in Article 4 section (3) point b is carried out through:



- a. standardization of job training competencies as well as competency-based education and job training systems in accordance with the type of work to be performed;
  - b. revitalization and optimization of work training centers for the Central Government and Local Governments;
  - c. budget allocation for education and job training in the state budget and local budgets; and
  - d. provision of proper job training facilities and infrastructure for Indonesian Migrant Workers undergoing education and training.
- (2) The education and job training as referred to in section (1) is carried out by the Central Government, Provincial Governments and/or Regency/Municipal Governments in accordance with their respective authority.
  - (3) The job education and training as referred to in section (2) may be held in cooperation with accredited government and/or private educational institutions and job training institutions.
  - (4) Education and job training providers at the Central Government, Local Governments, and the private sector as referred to in section (2) and section (3) must have competent educators and trainers.
  - (5) Further provisions regarding the provision of education and training for Prospective Indonesian Migrant Workers as referred to in section (1) are regulated by a Ministerial Regulation.

#### Paragraph 6

#### Social Security

#### Article 10

- (1) Social Security for Indonesian Migrant Workers as referred to in Article 4 section (3) point c is carried out through the National Social Security System.
- (2) Social Security as referred to in section (1) includes Health Social Security and Employment Social Security.
- (3) Further provisions regarding the Health Social Security for Indonesian Migrant Workers as referred to in section (2) are regulated by the Regulation of the Minister administering government affairs in the field of health.
- (4) Employment Social Security for Indonesian Migrant Workers is carried out in accordance with the provisions of legislation.

### Paragraph 7

#### Facilitation of Fulfilment of Prospective Indonesian Migrant Workers' Rights

##### Article 11

- (1) The Government facilitates the fulfilment of the rights of Prospective Indonesian Migrant Workers as referred to in Article 4 section (3) point d.
- (2) The facilitation as referred to in section (1) includes:
  - a. placement services;
  - b. information services on mentoring and legal assistance;
  - c. information services on the implementation of education and job training;
  - d. information services on Social Security;
  - e. organizing job education and training; and
  - f. mentoring and legal assistance.
- (3) The implementation of facilitation for fulfilling the rights as referred to in section (1) is given to Prospective Indonesian Migrant Workers since they are registered with the Regency/Municipal Government Offices in accordance with the Placement Agreement.

### Paragraph 8

#### Strengthening the Role of Employment Placement Service Officers

##### Article 12

- (1) Strengthening the role of employment placement service officers as referred to in Article 4 section (3) point e is carried out through:
  - a. empowerment of employment placement service officers in each overseas placement service; and
  - b. improving the quality and quantity of employment placement service officers.
- (2) Further provisions regarding strengthening the role of employment placement service officers as referred to in section (1) are regulated by a Ministerial Regulation.

Part Two  
During Working Protection  
Paragraph 1  
General

Article 13

- (1) During Working Protection is provided by Indonesian Missions.
- (2) During Working Protection as referred to in section (1) includes:
  - a. data collection and registration by the Labour Attaché or appointed foreign affairs official;
  - b. supervision and evaluation on Employers, jobs, and work conditions;
  - c. facilitation of the fulfilment of the rights of Indonesian Migrant Workers;
  - d. facilitation of the settlement of labour cases;
  - e. provision of consular services;
  - f. assistance, mediation, advocacy, and legal assistance provision in the form of advocate services by Central Government and/or Indonesian Missions as well as guardianship in accordance with the local State law;
  - g. development on Indonesian Migrant Workers; and
  - h. repatriation facilitation.
- (3) During Working Protection as referred to in section (2) includes during the journey from embarkation to the destination country.
- (4) During Working Protection as referred to in section (2) is conducted without taking over criminal and/or civil responsibilities of Indonesian Migrant Workers and conducted in accordance with the legislation, law in destination country, as well as international law and custom.
- (5) During Working Protection as referred to in section (2) point b, point c, point d, and point h is carried out by the Indonesian Missions by prioritizing:
  - a. the involvement of responsible parties in Indonesia and in destination countries; and
  - b. the role of the competent authority in the destination country.

Paragraph 2

Data Collection and Registration

Article 14

- (1) Data Collection and registration by Labour Attaché or appointed foreign affairs officials as referred to in Article 13 section (2) point a are carried out on:
  - a. demand letter for Indonesian Migrant Workers from the Employer;
  - b. Placement Cooperation Agreement;
  - c. Business Partners and Employer;
  - d. extension and amendment of the Employment Contract;
  - e. arrival and repatriation of Indonesian Migrant Workers;
  - f. Indonesian Migrant Workers who are on leave to return to Indonesia; and
  - g. settlement of the problems of Indonesian Migrant Workers.
- (2) Data collection and registration as referred to in section (1) is carried out through an integrated information system.

Paragraph 3

Supervision and Evaluation on Employers, Jobs, and  
Work Conditions

Article 15

- (1) Supervision and evaluation as referred to in Article 13 section (2) point b are carried out on:
  - a. credibility of Business Partners and Employers;
  - b. suitability of contents of Employment Contract and its implementation by the parties; and
  - c. the feasibility of the workplace and work environment.
- (2) Supervision and evaluation of the feasibility of the place and workplace environment as referred to in section (1) point c is carried out:
  - a. directly by the Labour Attaché and/or appointed foreign affairs officials for Indonesian Migrant

Workers who work for Employers with legal Employers; and/or

- b. through cooperation with Business Partners and/or the competent authorities in destination countries for Indonesian Migrant Workers who work for individual Employers.

#### Paragraph 4

Facilitation of the Fulfilment of the Rights of Indonesian Migrant Workers

#### Article 16

Facilitation of the fulfilment of the rights of Indonesian Migrant Workers as referred to in Article 13 section (2) point c, is carried out through:

- a. reporting to the competent authorities;
- b. efforts to fulfil the rights of Indonesian Migrant Workers in accordance with the provisions of legislation and domestic law of destination countries;
- c. providing assistance in resolving claims and /or disputes of Indonesian Migrant Workers and Employers and/or Business Partners; and
- d. facilitating of access to employment and health Social Security services.

#### Paragraph 5

Facilitation of Settlement of Labour Cases

#### Article 17

Facilitation of settlement of labour cases as referred to in Article 13 section (2) point d is carried out through:

- a. provision of complaint services; and
- b. provision of an integrated protection center for Indonesian Migrant Workers to provide to access communication for Indonesian Migrant Workers and their Families.

Paragraph 6  
Provision of Consular Services

Article 18

The provision of consular services as referred to in Article 13 section (2) point e is carried out through:

- a. issuance of travel documents;
- b. issuance of civil registration deeds and certificates;
- c. visits to Indonesian Migrant Workers detained in prisons in destination countries;
- d. provision of social assistance;
- e. delivery of information in the event of death and guardianship related to Indonesian Migrant Workers;
- f. providing access to temporary shelters; and
- g. assistance, mediation, advocacy, and facilitation of legal assistance.

Paragraph 7  
Fostering for Indonesian Migrant Workers

Article 19

Fostering for Indonesian Migrant Workers as referred to in Article 13 section (2) point g is carried out to increase the capacity of Indonesian Migrant Workers, especially understanding of the laws and cultural custom of the destination country of placement.

Paragraph 8  
Facilitation of Repatriation

Article 20

- (1) The facilitation of repatriation as referred to in Article 13 section (2) point h is carried out in the event of a war, natural disaster, disease outbreak, or other real danger that threatens the lives of Indonesian Migrant Workers and/or victims of criminal acts in the destination country of placement.

- (2) The facilitation of repatriation as referred to in section (1) is carried out by Indonesian Missions by providing protection, assisting and gathering Indonesian Migrant Workers in safe areas, and endeavouring to repatriate Indonesian Migrant Workers to Indonesia at the expense of the Government of the Republic of Indonesia.
- (3) P3MI is responsible for repatriating Indonesian Migrant Workers in the event that the Employment Contract expires, termination of employment relation, death, employment injury, illness resulting in inability to perform their work, and/or other causes which cause losses to Indonesian Migrant Workers.

### Part Three

#### After Working Protection

##### Article 21

- (1) After Working Protection is provided through:
  - a. facilitation of the repatriation until their hometowns
  - b. settlement of rights of Indonesian Migrant Workers that have not been fulfilled;
  - c. facilitation of the arrangement of Indonesian Migrant Workers who are sick and dead;
  - d. social rehabilitation and social reintegration; and
  - e. empowerment of Indonesian Migrant Workers and their families
- (2) After Working Protection as referred to in section (1) is carried out by the Central Government, BP2MI, and Local Governments.
- (3) In the event that an Indonesian Migrant Worker placed by P3MI passes away, the repatriation of the body becomes the obligation of P3MI.
- (4) The repatriation of the body as referred to in section (3) is carried out in coordination with Indonesian Missions, Central Government, BP2MI, and Local Governments.

##### Article 22

- (1) The social rehabilitation and reintegration as referred to in Article 21 section (1) point d may be provided in the form of:
  - a. psychosocial motivation and diagnosis;

- b. care and nurturing;
  - c. vocational training and entrepreneurship coaching;
  - d. mental and spiritual guidance;
  - e. physical guidance;
  - f. social guidance and psychosocial counselling;
  - g. accessibility services;
  - h. social aid and assistance; and
  - i. provision of rehabilitation facilities.
- (2) The social rehabilitation and reintegration as referred to in section (1) are carried out by BP2MI and the Regency/Municipal Governments as well as in coordination with relevant ministries/institutions.

#### Article 23

- (1) Empowerment of Indonesian Migrant Workers and their Families as referred to in Article 21 section (1) point e is carried out by the ministry administering government affairs in the field of manpower, BP2MI, and/or the Village Government.
- (2) Empowerment of Indonesian Migrant Workers and their Families as referred to in section (1) is carried out by involving the Local Governments and relevant ministries/institutions.
- (3) Further provisions regarding the empowerment of Indonesian Migrant Workers and their Families as referred to in section (1) are regulated in a Ministerial Regulation.

#### Article 24

- (1) In special situations, During Working Protection or After Working Protection can also be provided in the form of evacuation.
- (2) The special situation as referred to in section (1) may occur in the event of:
- a. natural disasters, disease outbreaks, or war;
  - b. mass deportation; and/or
  - c. placement countries no longer guarantee the safety of Indonesian Migrant Workers.
- (3) The evacuation as referred to in section (1) is carried out in the most feasible manner to the nearest country that is considered safe or repatriated to Indonesia.



- (4) The evacuation as referred to in section (3) is coordinated by the minister administering government affairs in the field of foreign relations, in coordination with the relevant ministries/institutions at the national level and/or institutions at the international level.

#### Part Four

#### Legal, Social and Economic Protection

##### Paragraph 1

##### Legal Protection

##### Article 25

Indonesian Migrant Workers can only work in destination countries that:

- a. has legislation that protects foreign workers;
- b. has a written agreement between the government of destination country and the Government of the Republic of Indonesia; and/or
- c. has a Social Security system and/or insurance that protects foreign workers.

##### Paragraph 2

##### Social Protection

##### Article 26

The Central Government and/or Local Governments in accordance with their authority are required to provide social protection for Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers through:

- a. quality improvement of education and job training through standardization of job training competency;
- b. increasing the role of accreditation institutions and certification institutions;
- c. providing educators and job training or instructors who are competent in their fields;
- d. providing Social Security;
- e. social reintegration through skill improvement service, both for Indonesian Migrant Workers and their families;

- f. women and children protection policy ; and
- g. establishment of the centre of Protection of Indonesian Migrant Workers in destination country.

#### Article 27

The Central Government and/or Local Governments in implementing social protection can be carried out through cooperation with the business world, industrial world, community, and international organizations in accordance with the provisions of legislation.

#### Paragraph 3

#### Economic Protection

#### Article 28

- (1) Central Government and Local Government in accordance with their authorities are obligated to provide economic protection for Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers through:
  - a. management of remittance by involving banking institution and non-banking financial institution in the country and in destination country;
  - b. financial education so that Indonesian Migrant Workers and their Families can manage the remittances; and
  - c. entrepreneurship education.
- (2) The implementation of economic protection as referred to in section (1) can be carried out through an inclusive financial policy in accordance with the provisions of legislation.

#### Article 29

The Central Government, BP2MI, and Local Governments can provide economic protection in cooperation with financial institutions, the business world, the industrial world, the community, and international organizations in accordance with the provisions of legislation.

### CHAPTER III

### INTEGRATED ONE-STOP SERVICES FOR THE PLACEMENT AND PROTECTION OF INDONESIAN MIGRANT WORKERS

Article 30

- (1) The establishment of LTSA for Indonesian Migrant Workers is carried out to improve effective, efficient, transparent, fast and having quality services without discrimination organized in a coordinated and integrated manner.
- (2) The establishment of LTSA for Indonesian Migrant Workers as referred to in section (1) is the responsibility of the governor and/or regent/mayor.
- (3) In implementing LTSA for Indonesian Migrant Workers, governors and/or regents/mayors have the following duties and responsibilities:
  - a. facilitating information technology-based service system for Placement and Protection of Indonesian Migrant Workers;
  - b. allocating the operational budget for LTSA for Indonesian Migrant Workers in accordance with their authority;
  - c. ensuring the implementation of services for Prospective Indonesian Migrant Workers by assigning relevant regional apparatus personnel; and
  - d. controlling the implementation of LTSA for Indonesian Migrant Workers.
- (4) The establishment of LTSA for Indonesian Migrant Workers as referred to in section (1) is carried out based on the following criteria:
  - a. base area of Indonesian Migrant Workers;
  - b. crossing area for Indonesian Migrant Workers; and/or
  - c. other criteria determined by the Minister.

Article 31

- (1) LTSA for Indonesian Migrant Workers as referred to in section (1) consists of the following desks:
  - a. manpower;
  - b. complaints and information;
  - c. citizenship and civil registration;
  - d. health;
  - e. immigration;
  - f. police;

- g. banking; and
  - h. Social Security.
- (2) LTSA as referred to in section (1) is organized to bring closer the service functions of the service of Placement and Protection of Indonesian Migrant Workers, in the form of:
- a. Labour market information;
  - b. procedures for Placement and Protection of Indonesian Migrant Workers;
  - c. job counselling and guidance;
  - d. information to obtain education and job training;
  - e. information on the implementation of the Placement of Indonesian Migrant Workers;
  - f. registration service for job seeker;
  - g. document verification of placement agreement, Employment Contract, and work visas;
  - h. verification of population data;
  - i. information and access to health examination facilities;
  - j. issuance of passport;
  - k. issuance of Police Record Certificate;
  - l. banking information and services; and
  - m. information on Social Security membership services.
- (3) In addition to the service function as referred to in section (2), LTSA for Indonesian Migrant Workers can function as OPP organizers, a place for consultation, mediation, advocacy, and legal assistance for problems of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and/or Their Families.
- (4) Facilitation of the service system for the Placement and Protection of Indonesian Migrant Workers as referred to in section (2) and section (3) is carried out both in coordination with relevant institutions at the central and regional levels in accordance with the provisions of legislation.

#### Article 32

- (1) Head of Provincial Office and/or Head of Regency/Municipal Office ex officio acts as the person in charge of LTSA for Indonesian Migrant Workers.
- (2) The person in charge as referred to in section (1) is in charge of:

- a. coordinating and controlling the implementation of LTSA for Indonesian Migrant Workers;
  - b. determining the technical implementers of the implementation of LTSA for Indonesian Migrant Workers based on proposals from institutions originating from elements that carry out the functions referred to in Article 31 section (2) and section (3);
  - c. ensuring the quality of service for the Placement and Protection of Indonesian Migrant Workers in accordance with the provisions of legislation;
  - d. reporting the implementation of LTSA for Indonesian Migrant Workers to the Minister through:
    1. the governor of the provincial of LTSA for Indonesian Migrant Workers; or
    2. regents/mayors in the regency/municipality of LTSA Indonesian Migrant Workers.
- (3) Person in charge as referred to in section (1) is responsible to:
- a. the governor of the provincial of LTSA for Indonesian Migrant Workers; or
  - b. regents/mayors in the regency/municipal of the LTSA for Indonesian Migrant Workers.
- (4) Membership of LTSA for Indonesian Migrant Workers consists of elements that carry out functions in the fields of manpower, population administration, health, immigration, police, psychology, banking, and Social Security.

#### Article 33

The implementation of the functions as referred to in Article 31 section (2) and section (3) is carried out through an integrated online system between the Central Government and Local Governments.

#### Article 34

Further provisions regarding guidelines for the establishment and implementation of LTSA for Indonesian Migrant Workers are regulated by a Ministerial Regulation.

CHAPTER IV  
DUTIES AND RESPONSIBILITIES OF THE CENTRAL  
GOVERNMENT AND LOCAL GOVERNMENTS

Part One

Central Government

Article 35

Central Government has duties and responsibilities to:

- a. ensure the protection of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their;
- b. regulate, develop, manage, and supervise the implementation of the Placement of Indonesian Migrant Workers;
- c. ensure the fulfilment of rights of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their Families;
- d. establish and develop an integrated information system in the implementation of placement and Protection of Indonesian Migrant Workers;
- e. coordinate inter-institutional cooperation concerning response to complaints and case handling of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers;
- f. organize the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers;
- g. make an effort to ensure the optimal fulfilment of rights and Protection of Indonesian Migrant Workers in destination country;
- h. formulate a policy concerning the Protection of Indonesian Migrant Workers and their families;
- i. stop or prohibit the placement of Indonesian Migrant Workers for certain countries or certain jobs abroad;
- j. allow certain countries or certain jobs for the placement of Indonesian Migrant Workers;
- k. issue and revoke SIP3MI;
- l. issue and revoke SIP2MI;

- m. conduct inter-institutional coordination concerning the policy for Protection of Indonesian Migrant Workers;
- n. appoint an official as labour Attaché that is stationed in Indonesian Mission offices based on Minister's recommendation; and
- o. provide and facilitate the training for Prospective Indonesian Migrant Workers through vocational training of which budget comes from educational function.

#### Article 36

The duties of Central Government in ensuring the Protection of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and Their Families as referred to in Article 35 point a, is carried out through:

- a. establishment of norms, standards, procedures, and criteria;
- b. economic and social empowerment;
- c. facilitation of the repatriation of Indonesian Migrant Workers;
- d. facilitation of problem solving of Indonesian Migrant Workers;
- e. easy access to document fulfilment services for Prospective Indonesian Migrant Workers; and
- f. facilitation of information services on safe migration process.

#### Article 37

The Central Government and BP2MI regulate, guide, implement and supervise the implementation of the Placement of Indonesian Migrant Workers as referred to in Article 35 point b in a coordinated manner in accordance with their authority.

#### Article 38

The Central Government ensure the fulfilment of rights of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers and their Families as referred to in Article 35 point c, through:

- a. mediation efforts;
- b. advocacy;
- c. facilitation of defence and prosecution of the rights of Indonesian Migrant Workers; and/or

d. legal assistance.

#### Article 39

- (1) The establishment and development of an integrated information system in the implementation of the Placement and Protection of Indonesian Migrant Workers as referred to in Article 35 point d, is carried out in an integrated manner among the systems of relevant ministries/ institutions, both central and regional.
- (2) The integrated information system as referred to in section (1), is coordinated by the ministry administering government affairs in the field of manpower.

#### Article 40

- (1) Coordination of cooperation inter-institutional to respond to complaints and handling of cases of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers as referred to in Article 35 point e, is carried out by the Central Government to resolve cases of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers by each ministry/institutions and regions in an integrated manner and in accordance with their respective authority.
- (2) Provincial Office reports the results of their handling to the governor.
- (3) Regency/Municipal Offices report the results of their handling to the regent/mayor.

#### Article 41

- (1) The Central Government is responsible for guaranteeing the safety of Indonesian Migrant Workers by organizing the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers care as referred to in Article 35 point f, carried out in a coordinated manner with relevant ministries/ institutions and regions in accordance with their authority.
- (2) In the event that Indonesian Migrant Workers are repatriated due to wars, natural disasters and disease outbreaks as referred to in section (1), the Central Government is responsible for facilitating the repatriation of Indonesian Migrant Workers to their hometowns.



Article 42

- (1) The Central Government make an effort to ensure the optimal fulfilment of rights and Protection of Indonesian Migrant Workers in destination country as referred to in Article 35 point g, carried out by Indonesian Missions.
- (2) To optimally strengthen the Protection of Indonesian Migrant Workers in the destination country, the Central Government establishes a Labour Attaché.

Article 43

- (1) The formulation of policies regarding the Protection of Indonesian Migrant Workers and Their Families as referred to in Article 35 point h, must consider the best interests of Indonesian Migrant Workers and their Family members.
- (2) The formulation of the policies as referred to in section (1) by the Minister is carried out after coordinating with the related ministries/ institutions.
- (3) The policies as referred to in section (1) are used as a guideline for ministries/ institutions and regions in providing protection and empowerment for Indonesian Migrant Workers and their Family members.

Article 44

- (1) The Central Government terminates or prohibits the Placement of Indonesian Migrant Workers for certain countries or certain positions abroad as referred to in Article 35 point i.
- (2) The termination of the Placement of Indonesian Migrant Workers for certain countries or certain positions abroad as referred to in section (1) is decided by taking into account:
  - a. security;
  - b. protection of human rights;
  - c. equalization of employment opportunities; and/or
  - d. the interests of the availability of workforce in accordance with national needs.
- (3) The prohibition of the Placement of Indonesian Migrant Workers for certain countries or certain positions abroad as referred to in section (1) is carried out in the event that the destination country of placement:
  - a. does not have legislation protecting foreign workers;

- b. does not have a written agreement between government of the destination country and the Government of the Republic of Indonesia; and/or
  - c. does not have a Social Security and/or insurance system that protects foreign workers.
- (4) The prohibition of Placement of Indonesian Migrant Workers for certain countries or certain positions abroad as referred to in section (1) in addition to considering the provisions referred to in section (2) can be carried out by taking into account the security conditions of the destination country of placement.
  - (5) The termination and prohibition take into account the advice and considerations of the Indonesian Missions, relevant ministries/agencies, P3MI, and the public.
  - (6) The provisions for termination or prohibition the Placement of Indonesian Migrant Workers for certain countries or certain positions abroad are carried out in accordance with the provisions of legislation.

#### Article 45

The opening and closing of certain countries or positions is closed for the Placement of Indonesian Migrant Workers as referred to in Article 35 point j, carried out in accordance with legislation that regulate the termination and prohibition of Placement of the Indonesian Migrants Workers.

#### Article 46

- (1) The issuance and revocation of SIP3MI as referred to in Article 35 point k, carried out by considering the requirements and feasibility to guarantee of Protection of Indonesian Migrant Workers.
- (2) In certain cases, based on sufficient evidence, the Minister may revoke SIP3MI.
- (3) The provisions regarding the issuance and revocation of SIP3MI as referred to in section (1) are carried out in accordance with the provisions of the legislation.

#### Article 47

- (1) The issuance and revocation of SIP2MI as referred to in Article 35 point l, is carried out by the Head of BP2MI.
- (2) SIP2MI is required to be owned by P3MI as a basis for recruiting Indonesian Migrant Workers through the Regency/Municipal Offices, and/or LSTA for Indonesian Migrant Workers.

- (3) P3MI is prohibited from recruiting Prospective Indonesian Migrant Workers before having SIP2MI from BP2MI.
- (4) SIP2MI as referred to in section (1), is valid for all of Indonesian in accordance with the duration of the job demand from abroad.
- (5) The issuance of SIP2MI must be based on a request from P3MI in accordance with the job demand that has been verified by the Labour Attaché or appointed foreign affairs officials appointed at the Indonesian Missions.

#### Article 48

- (1) P3MI is prohibited from recruiting Prospective Indonesian Migrant Workers, if their SIP2MI has been revoked.
- (2) The revocation of SIP2MI as referred to in Article 47 section (1), can be carried out based on an evaluation by BP2MI or upon proposal from the Provincial Office or Regency/ Municipal Office.

#### Article 49

Further provisions regarding procedures for issuance and revocation of SIP2MI are regulated by Board Regulation.

#### Article 50

- (1) The Central Government conducts inter-institutional coordination regarding the policy on the Protection of Indonesian Migrant Workers as referred to in Article 35 point m, coordinated by the Minister.
- (2) The relevant inter-institutional coordination as referred to in section (1) is carried out to improve Before Working Protection, During Working Protection, and After Working Protection.
- (3) To improve inter-institutional coordination as referred to in section (2), an integrated and coordinated meetings may be held both nationally and regionally and can involve public participation.
- (4) Each institution is responsible for carrying out Before Working Protection, During Working Protection and After Working Protection in accordance with their authority.

#### Article 51

- (1) The appointment of officials as Labour Attaché placed in Indonesian Missions as referred to in Article 35

point n, is intended to enhance bilateral relations in the field of manpower and Protection of Indonesian Migrant Workers abroad.

- (2) The official as the Labour Attaché as referred to in section (1) is proposed by the Minister to the minister administering government affairs in the field of foreign relations.
- (3) Provisions regarding the procedures for the determination, appointment, dismissal, as well as the duties and authorities of the Labour Attaché are implemented in accordance with the provisions of legislation.

#### Article 52

- (1) The Central Government's duty is to provide and facilitate the training for Prospective Indonesian Migrant Workers through vocational training of which budget comes from educational function as referred to in Article 35 point o, intended to ensure that every Prospective Indonesian Migrant Worker has competence.
- (2) The provision and facilitation of training for Prospective Indonesian Migrant Workers through vocational training whose budget comes from the education function as referred to in section (1) may cooperate with accredited educational institutions and job training institutions.

#### Article 53

The duties and responsibilities of the Central Government as referred to in Article 35 to Article 52 are carried out by ministries/agencies in accordance with their authority based on the provisions of legislation.

### Part Two

#### Provincial Governments

#### Article 54

Provincial Governments have duties and responsibilities to:

- a. manage education and job training by accredited government and/or private educational and job training institutions;
- b. organize the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers in accordance with their respective authority;

- c. issue a license for a P3MI branch office;
- d. report the results of evaluation of P3MI in stages and periodically to the Minister;
- e. provide Protection of Indonesia Migrant Workers Before Working dan During Working;
- f. provide assistance and service office in departure and repatriation areas of Indonesian Migrant Workers that comply with requirements and health standards;
- g. provide and facilitate training for Prospective Indonesian Migrant Workers through vocational training of which budget comes from educational function;
- h. regulate, develop, manage, and supervise the implementation of Indonesian Migrant Workers placement; and
- i. be able to establish LSTA for Indonesian Migrant Workers at the provincial level.

#### Article 55

- (1) In administering education and job training as referred to in Article 54 point a, the Provincial Governments provide:
  - a. educational and job training facilities;
  - b. training personnel and instructors; and
  - c. funding.
- (2) In administering education and job training as referred to in section (1), the Provincial Governments may cooperate with government or privately-owned accredited educational or job training institutions.

#### Article 56

- (1) The Provincial Governments organize the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers care as referred to in Article 54 point b, is carried out by providing transportation, health and rehabilitation services according to their authority.
- (2) The Provincial Governments are obligated to prepare budget for the facilitation of the repatriation of Indonesian Migrant Workers from the province concerned from debarkation to their hometowns.
- (3) If the Provincial Governments have not budgeted for the facilitation of repatriation as referred to in section

(2), BP2MI may facilitate coordination with the Provincial Governments.

#### Article 57

- (1) The issuance of P3MI branch office license as referred to in Article 54 point c, is carried out by the Head of the Provincial Office which is integrated online.
- (2) The branch office as referred to in section (1), can only act for and on behalf of the P3MI head office concerned.
- (3) Provisions regarding the issuance of a P3MI branch office license as referred to in section (1) are carried out in accordance with the provisions of the legislation.

#### Article 58

- (1) The Head of the Provincial offices reports the results of evaluation of P3MI in stages and periodically as referred to in Article 54 point d to the Minister through the governor.
- (2) The report on the results of the evaluation as referred to in section (1) can be done online.

#### Article 59

Before Working Protection by the Provincial Governments as referred to in Article 54 point e is carried out through:

- a. facilitation of problem solving of Indonesian Migrant Workers in the event of:
  1. death;
  2. illness and disabilities;
  3. accident;
  4. failure to depart not due to the fault of the Prospective Indonesian Migrant Worker;
  5. acts of physical and sexual violence;
  6. sexual harassment; and
  7. fraud;
- b. supervision of:
  1. P3MI branch office;
  2. private LPK;
  3. health service facilities; and
  4. psychology institute;

- c. facilitating the implementation of the OPP.

#### Article 60

After Working Protection by the Provincial Governments as referred to in Article 54 point e is carried out through:

- a. facilitation the repatriation of Indonesian Migrant Workers to their hometowns;
- b. facilitation of problem solving of Indonesian Migrant Workers in the event of:
  1. death;
  2. illness and disabilities;
  3. accident;
  4. acts of physical or sexual violence;
  5. loss of intelligence;
  6. fraud; and
  7. termination of employment relation and other rights that have not been received by Prospective Indonesian Migrant Workers.

#### Article 61

- (1) The Provincial Governments may build assistance and services posts at the places of departure and return of Indonesian Migrant Workers that meet the requirements and health standards as referred to in Article 54 point f in locations that are easily accessible to Indonesian Migrant Workers.
- (2) The development of assistance and services Posts as referred to in section (1) must consider effectiveness and efficiency in the Protection of Indonesian Migrant Workers, such as:
  - a. the number of Indonesian Migrant Workers to be served; and
  - b. the level of problems of Indonesian Migrant Workers.

#### Article 62

- (1) Provincial Governments must guarantee the availability of training for prospective Indonesian Migrant Workers through vocational training of which the budget originates from the education function as referred to in Article 54 point g as stated in the local budget.

- (2) Vocational training that will be carried out must be in accordance with the needs of the overseas Labour market by referring to work competency standards.

#### Article 63

- (1) The Local Governments through the Provincial Offices regulate, foster, implement, and supervise the implementation of the Placement of Indonesian Migrant Workers as referred to in Article 54 point h, in accordance with the provisions of legislation.
- (2) Within the framework of guidance and supervision as referred to in section (1), assessments, awards, and penalties may be carried out for organizers of the Placement of Indonesian Migrant Workers.

#### Article 64

- (1) The establishment LTSA for Indonesian Migrant Workers at the provincial level as referred to in Article 54 point 1, based on consideration of the effectiveness and efficiency of the Protection of Indonesian Migrant Workers.
- (2) Considerations as referred to in section (1) may include:
  - a. the number of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers served;
  - b. potential problems of Indonesian Migrant Workers;
  - c. easy access to services for Indonesian Migrant Workers; and/or
  - d. availability of infrastructure and personnel.

### Part Three

#### Regency/Municipal Governments

#### Article 65

Regency/Municipal Governments have the following duties and responsibilities to:

- a. disseminate the information and demand for Indonesian Migrant Workers to the public;
- b. establish database of Indonesian Migrant Workers;
- c. report the results of evaluation of P3MI in stages to the Provincial Government;



- d. organize the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers according to their authority;
- e. provide Protection of Indonesian Migrant Workers before and after working in regency/municipality within their respective duties and authorities;
- f. manage education and job training for Prospective Indonesian Migrant Workers which can be done in cooperation with educational institutions and job training institutions owned by government and/or accredited private.;
- g. conduct development and supervision for educational institutions and job training institutions in regency/municipality;
- h. perform social and economic reintegration for Indonesian Migrant Workers and their families;
- i. provide and facilitate training for Prospective Indonesian Migrant Workers through vocational training of which budget comes from educational function;
- j. regulate, develop, manage, and supervise the implementation of Indonesian Migrant Workers placement; and
- k. be able to establish LTSA for Indonesian Migrant Workers at regency/municipal level.

#### Article 66

- (1) The implementation of the duties of the regency/municipal Government in disseminating information and demand for Indonesian Migrant Workers to the public as referred to in Article 65 point a, is carried out online or offline by the Regency/Municipal Office.
- (2) Regency/municipal Governments must ensure that information and job demand as referred to in section (1) are open, transparent and easily accessible to relevant institutions and the public.
- (3) To ensure openness, transparency and easy access as referred to in section (2), it can be carried out integrated with LTSA for Indonesian Migrant Workers.

#### Article 67

- (1) The Local Governments through the Regency/Municipal Offices create a database of Indonesian Migrant Workers as referred to in Article 65 point b which is integrated with other relevant agencies.
- (2) The data on Indonesian Migrant Workers as referred to in section (1) must describe real data on the Placement of Indonesian Migrant Workers in their territories, covering at least:
  - a. name, identification number and address;
  - b. passport number;
  - c. date of departure;
  - d. the effective date of the Employment Contract;
  - e. repatriation date; and
  - f. Employer data.

#### Article 68

Reporting on the evaluation results of P3MI as referred to in Article 65 point c is carried out periodically and in stages to the Head of the Provincial Office with a copy to the governor.

#### Article 69

- (1) The duty of organize the repatriation of Indonesian Migrant Workers in the event of war, natural disaster, epidemic, deportation, and problematic Indonesian Migrant Workers care as referred to in Article 65 point d, is carried out to ensure the safety of Indonesian Migrant Workers and the fulfilment of their rights.
- (2) The implementation of the duties of taking care of the repatriation as referred to in section (1) is carried out in an integrated and integrated manner among stakeholders and in coordination with BP2MI.

#### Article 70

Before Working Protection by the regency/municipal Governments as referred to in Article 65 point e is carried out through:

- a. data collection on Prospective Indonesian Migrant Workers who meet the requirements:
  1. being at least 18 (eighteen) years of age;
  2. having competency;

3. being physically and mentally healthy;
  4. being registered and having Social Security membership number ; and
  5. possessing the required documents.
- b. verification of the completeness of Indonesian Migrant Worker documents:
1. statement of marital status, for those who have married disclose a copy of marriage book;
  2. letter of consent from husband or wife, parental consent, guardianship consent that is acknowledged by village head or *lurah* ;
  3. certificate of work competency;
  4. health certificate based on medical examination and psychology assessment;
  5. passport that is issued by local immigration office;
  6. work visa;
  7. Placement Agreement; and
  8. Employment Contract.
- c. facilitation of problem solving of Indonesian Migrant Workers in the event of:
- 1 death;
  2. illness and disabilities;
  3. accident;
  4. failure to depart not due to the fault of the Prospective Indonesian Migrant Worker;
  5. acts of physical and sexual violence;
  6. sexual harassment; and
  7. fraud.
- d. guidance to institutions related to the implementation of placement:
1. private LPK;
  2. health service facilities; and
  3. psychology institute.
- e. social empowerment of Indonesian Migrant Workers and Their Families.

After Working Protection by the regency/municipal Governments as referred to in Article 65 point e is carried out through:

- a. facilitation the repatriation of Indonesian Migrant Workers to their hometowns.
- b. facilitation of problem solving of by Indonesian Migrant Workers in the event of:
  1. death;
  2. illness and disabilities;
  3. accident;
  4. acts of physical or sexual violence;
  5. loss of intelligence;
  6. fraud; and
  7. termination of employment relation and other rights that have not been received by Indonesian Migrant Workers.
- c. social and economic empowerment of retired Indonesian Migrant Workers and Their Families.

#### Article 72

- (1) The provision of education and job training for Prospective Indonesian Migrant Workers as referred to in Article 65 point f, is carried out in collaboration with accredited government and/or private educational institutions and job training institutions.
- (2) The form of cooperation referred to in section (1), can be carried out on:
  - a. facilities and infrastructure cooperation; and/or
  - b. instructor cooperation.
- (3) The cooperation referred to in section (2) is set forth in a cooperation agreement.

#### Article 73

- (1) Guidance and supervision of educational institutions and job training institutions as referred to in Article 65 point g, are carried out by the Regency/Municipal Offices.
- (2) Guidance and supervision as referred to in section (1) is carried out on:
  - a. facilities and infrastructure;
  - b. curriculum;

- c. instructor; and
- (3) implementation of job training.

#### Article 74

- (1) The social and economic reintegration for Indonesian Migrant Workers and their Families as referred to in Article 65 point h, is carried out in an integrated manner among stakeholders.
- (2) Regency/municipal Governments must develop a social and economic reintegration program in the local budget.

#### Article 75

In carrying out the task of providing/facilitating training for Prospective Indonesian Migrant Workers through vocational training, the budget comes from the education function as referred to in Article 65 point i as set forth in the local budget.

#### Article 76

The Local Governments through the Regency/Municipal Offices must regulate, foster, implement, and supervise the implementation of the Placement of Indonesian Migrant Workers as referred to in Article 65 point j before working and after working.

#### Article 77

- (1) Regency/Municipal Governments can establish LTSA for Indonesian Migrant Workers as referred to in Article 65 point k based on considerations of the effectiveness and efficiency in the Protection of Indonesian Migrant Workers.
- (2) The considerations as referred to in section (1) based on the following criteria:
  - a. the number of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers;
  - b. wide of area; and
  - c. the number of problems that arise in service to Indonesian Migrant Workers.

#### Part Four

## Village Governments

### Article 78

The Village Governments have duties to:

- a. receive and provide information and job demand from institution that manage government affairs in the field of manpower;
- b. conduct a data verification and record the data of Prospective Indonesian Migrant Workers;
- c. facilitate the fulfilment of citizenship administrative requirements of Indonesian Migrant Workers;
- d. supervise the departure and the repatriation of Indonesian Migrant Workers; and
- e. empower Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, and their Families.

### Article 79

- (1) The Village Governments, in receiving and providing information on job demand as referred to in Article 78 point a, cooperate with Regency/Municipal Offices.
- (2) The Regency/Municipal Offices as referred to in section (1) appoint a employment placement service officer to assist in providing job demand information.
- (3) Job demand information can be provided online or offline.

### Article 80

- (1) Data verification and record the data of Prospective Indonesian Migrant Workers as referred to in Article 78 point b, is carried out for each Prospective Indonesian Migrant Worker in full according to population data.
- (2) The results of data verification and record of the data of Prospective Indonesian Migrant Workers as referred to in section (1) are reported to the Regency/Municipal Offices.

### Article 81

- (1) The facilitation the fulfilment of citizenship administrative requirements of Prospective Indonesian Migrant Workers as referred to in Article 78 point c, is carried out in accordance with the provisions of legislation.

- (2) Facilitating the fulfilment of citizenship administrative requirements as referred to in section (1), is carried out for Prospective Indonesian Migrant Workers originating from their territory.

#### Article 82

- (1) In monitoring the departure and repatriation of Indonesian Migrant Workers as referred to in Article 78 point d, the Village Governments cooperate with the Regency/Municipal Offices.
- (2) The Regency/Municipal Offices as referred to in section (1) through employment placement service officer facilitate the monitoring of the departure and repatriation of Indonesian Migrant Workers to ensure the Protection of Indonesian Migrant Workers.
- (3) The monitoring results as referred to in section (1) is reported periodically to the Regency/Municipal Offices.

#### Article 83

The Village Governments empower Prospective Indonesian Migrant Workers, Indonesian Migrant Workers, and their Family members as referred to in Article 78 point e by prioritizing local wisdom and program sustainability.

### CHAPTER V

#### DUTIES AND RESPONSIBILITIES OF INDONESIAN MIGRANT WORKER PLACEMENT AGENCIES

#### Article 84

P3MI has the following duties and responsibilities:

- a. looking for job opportunities;
- b. placing Indonesian Migrant Workers; and
- c. solving the problems of Indonesian Migrant Workers who are placed by them.

#### Article 85

- (1) The duty of P3MI to look for job opportunities as referred to in Article 84 point a is carried out through cooperation with Business Partners and/or Employers in destination countries.
- (2) The job opportunities as referred to in section (1) is in the form of job demand.

- (3) The job demand as referred to in section (2) is verified by the Labour Attaché or appointed foreign affairs officials at the Indonesian Missions in the destination country as the basis for submitting SIP2MI.
- (4) SIP2MI as referred to in section (3) is used by P3MI in carrying out the Placement process for Prospective Indonesian Migrant Workers.

#### Article 86

- (1) The duty of P3MI to place Indonesian Migrant Workers as referred to in Article 84 point b is to ensure the Protection of Indonesian Migrant Workers under placement.
- (2) Placement of Indonesian Migrant Workers by P3MI on individual Employers is required to go through a Business Partner in the destination country.
- (3) In the Placement of Indonesian Migrant Workers as referred to in section (1), P3MI is obligated to:
  - a. report the results of the selection of Prospective Indonesian Migrant Workers to the agency;
  - b. report Prospective Indonesian Migrant Workers who will depart and be repatriated to the Labour Attaché or appointed foreign affairs officials;
  - c. conduct selection at the Regency/Municipal Offices or LTSA for Indonesian Migrant Workers;
  - d. place Prospective Indonesian Migrant Workers who have completed the document requirements before working;
  - e. report the results of monitoring of Indonesian Migrant Workers under placement;
  - f. solve the problems of Indonesian Migrant Workers under placement;
  - g. place Prospective Indonesian Migrant Workers for positions that do not conflict with the norms of decency and/or the provisions of legislation;
  - h. place Prospective Indonesian Migrant Workers in certain countries that are not prohibited;
  - i. repatriate Indonesian Migrant Workers in the event of Employment Contract expiry, termination of employment relation, death, employment injury, and/or becoming ill which results in being unable to work and/or other causes that result in losses to Indonesian Migrant Workers;
  - j. has SIP2MI in placing Prospective Indonesian Migrant Workers;



- k. register and include Prospective Indonesian Migrant Workers in the OPP; and
  - l. report the extension of the Indonesian Migrant Worker Employment Contract to the Labour Attaché or appointed foreign affairs official.
- (4) P3MI that does not carry out the obligations as referred to in section (2) and section (3) is subject to administrative sanctions.
  - (5) The administrative sanctions as referred to in section (4) are in the forms of:
    - a. written warning;
    - b. temporary suspension of part or all of business activities; or
    - c. license revocation.
  - (6) Further provisions on procedures for imposing administrative sanctions as referred to in section (4) are regulated in a Ministerial Regulation.

#### Article 87

- (1) The duty of P3MI in solving the problems of Indonesian Migrant Workers who are placed as referred to in Article 84 point c is carried out in order to ensure the fulfilment of the rights of Indonesian Migrant Workers.
- (2) Settlement of the problems of Indonesian Migrant Workers as referred to in section (1) is carried out through coordination with BP2MI and/or the ministry that organizes government affairs in the field of manpower.

### CHAPTER VI

#### DEVELOPMENT AND SUPERVISION

##### Part One

##### Development

#### Article 88

- (1) Ministers, governors and regents/mayors develop institutions related to the Placement and Protection of Indonesian Migrant Workers.
- (2) The development as referred to in section (1) is carried out in an integrated and coordinated manner.

#### Article 89

- (1) The development of institutions related to the Placement and Protection of Indonesian Migrant Workers as referred to in Article 88 is carried out through:
  - a. provision of guidelines and implementation standards;
  - b. provision of guidance, supervision, and consultation;
  - c. provision of awards; and
  - d. performance monitoring and evaluation.
- (2) Further provisions regarding the development of institutions related to the Placement and Protection of Indonesian Migrant Workers as referred to in section (1) are regulated in a Ministerial Regulation.

#### Part Two

#### Supervision

#### Article 90

- (1) Ministers, governors and regents/mayors supervise the implementation of the Placement and Protection of Indonesian Migrant Workers.
- (2) Ministers, governors and regents/mayors may involve the public in carrying out supervision as referred to in section (1).

#### Article 91

Supervision of the implementation of the Placement and Protection of Indonesian Migrant Workers as referred to in Article 90 section (1) is carried out on:

- a. P3MI;
- b. companies that place Indonesian Migrant Workers for the company's own interests;
- c. institution related to placement; and
- d. Placement of Indonesian Migrant Workers individually.

#### Article 92

- (1) Supervision of the implementation of the Placement and Protection of Indonesian Migrant Workers as referred to in Article 91 is carried out before work, during work, and after work.

- (2) Supervision of the implementation of Placement and Before Working and After Working Protection for Indonesian Migrant Workers is carried out by Labour inspectors at the Central Government and Provincial Governments.
- (3) Supervision of the implementation of Placement and Protection during Work for Indonesian Migrant Workers is carried out by Indonesian Missions.

#### Article 93

- (1) In supervising the implementation of Placement and Before Working and After Working Protections for Indonesian Migrant Workers as referred to in Article 92 section (2), labour inspectors have the authority to:
  - a. enter all places where the process of Placement and Protection of Indonesian Migrant Workers is carried out;
  - b. ask for information from the entrepreneur, person in charge, management and staff implementing the placement;
  - c. ask for information from Prospective Indonesian Migrant Workers/Indonesian Migrant Workers, and/or other parties related to the Placement and Protection of Indonesian Migrant Workers; and/or
  - d. examine documents related to the Placement and Protection of Indonesian Migrant Workers as well as the terms and conditions of work of P3MI.
- (2) In carrying out the supervision as referred to in section (1), the labour inspectors can coordinate with relevant institutions/agencies and may involve the role of the public.
- (3) Further provisions regarding procedures for public participation in labour inspection as referred to in section (2) are regulated by Ministerial Regulation.

#### Article 94

- (1) The supervision of the implementation of Placement and Protection Before Working and After Working for Indonesian Migrant Workers as referred to in Article 92 section (2), is carried out on:
  - a. P3MI and its branch offices;
  - b. requirements and completeness of documents for Prospective Indonesian Migrant Workers to be placed;
  - c. the selection process for Prospective Indonesian Migrant Workers by P3MI;

- d. health service facility for examining Prospective Indonesian Migrant Workers;
  - e. psychological examination institute;
  - f. implementation of education and training for Prospective Indonesian Migrant Workers; and/or
  - g. companies that place Indonesian Migrant Workers for the company's own interests.
  - h. implementation of Employment Social Security Program.
- (2) The supervision of health service facilities as referred to in section (1) point d, is carried out by health supervisors and in coordination with labour inspectors:
- (3) The supervision of the implementation of the employment Social Security program as referred to in section (1) point h is carried out jointly by the labour inspector and BP2MI.
- (4) The supervision of the implementation of Placement and After Working Protection for Indonesian Migrant Workers as referred to in Article 92 section (2), is carried out on:
- a. repatriation of Indonesian Migrant Workers who have problems by P3MI and companies for their own interests; and/or
  - b. process of solving problems or disputes of Indonesian Migrant Workers.

#### Article 95

- (1) The supervision of the implementation of Placement and Protection During Working for Indonesian Migrant Workers as referred to in Article 92 section (3), is carried out on:
- a. suitability between the Indonesian Migrant Workers and the job demand letter;
  - b. report on the arrival of Indonesian Migrant Workers;
  - c. data collection on Indonesian Migrant Workers;
  - d. implementing a welcoming program for Indonesian Migrant Workers in destination countries;
  - e. fulfilment of the requirements of the Employer;
  - f. fulfilment of Business Partner requirements;
  - g. implementation of the Employment Contract by the Employer;

- h. welfare facilities for Indonesian Migrant Workers;
  - i. implementation of the extension of the Employment Agreement;
  - j. changes to the Employment Contract;
  - k. problems faced by Indonesian Migrant Workers; and/or
  - l. report on the repatriation of Indonesian Migrant Workers.
- (2) Further provisions regarding the requirements for Business Partners as referred to in section (1) point f are regulated in a Ministerial Regulation.
  - (3) Further provisions regarding procedures for implementing supervision as referred to in section (1) are regulated by a regulation of the minister administering government affairs in the field of foreign relations.

#### Article 96

- (1) Labor inspectors may carry out cooperation and joint supervision of the placement process with labour inspectors in the destination country.
- (2) The implementation of cooperation and joint supervision as referred to in section (1) is coordinated with the ministry that administers government affairs in the field of foreign relations.

#### Article 97

- (1) The implementation of supervision over the implementation of Placement and Protection Before Working and After Working for Indonesian Migrant Workers is carried out based on the work plan of labour inspection.
- (2) The work plan for labour inspection as referred to in section (1) is prepared by the work unit for labour inspection and labour inspectors.

#### Article 98

- (1) Supervision of the implementation of Placement and Protection Before Working and After Working for Indonesian Migrant Workers is carried out through the following stages:
  - a. educational preventive stage;
  - b. non-judicial repressive stage; and/or

- c. judicial repressive stage.
- (2) The educational preventive stage as referred to in section (1) point a, is a preventive effort through the dissemination of norms, technical advisory and assistance.
- (3) The non-judicial repressive stage as referred to in section (1) point b, is a forced effort outside the court institution to comply with the provisions of legislation in the form of an examination note and/or a statement letter of the ability to comply with the provisions of the legislation.
- (4) The judicial repressive stage as referred to in section (1) point c, is a forced effort through a court institution by carrying out an investigation process by labors inspector as a civil servant investigator.

#### Article 99

Indonesian Missions in destination countries for overseas supervision in coordination with the Minister and related institutions.

### CHAPTER VII

#### CLOSING PROVISIONS

#### Article 100

At the time this Government Regulation comes into force:

- a. Government Regulation Number 3 of 2013 on Protection of Indonesian Migrant Workers Abroad (State Gazette of the Republic of Indonesia of 2015 Number 3, Supplement to the State Gazette of the Republic of Indonesia Number 5388);
- b. Government Regulation Number 5 of 2013 on Procedures for Assessment and Determination of Business Partners and Individual Users (State Gazette of the Republic of Indonesia of 2015 Number 5, Supplement to State Gazette of the Republic of Indonesia Number 5390);
- c. Government Regulation Number 4 of 2015 on the Implementation of Supervision on the Implementation of the Placement and Protection of Indonesian Migrant Workers Abroad (State Gazette of the Republic of Indonesia of 2015 Number 30, Supplement to the State Gazette of the Republic of Indonesia Number 5660); and

- d. Presidential Regulation Number 64 of 2011 on Health and Psychological Examination of Prospective Indonesian Migrant Workers;

are repealed and declared ineffective.

#### Article 101

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

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

Issued in Jakarta

on 6 April 2021

PRESIDENT OF THE REPUBLIC OF INDONESIA,

signed

JOKO WIDODO

Promulgated in Jakarta

on 7 April 2021

MINISTER OF LAW AND HUMAN RIGHTS REPUBLIC OF INDONESIA,

signed

YASONNA H. LAOLY

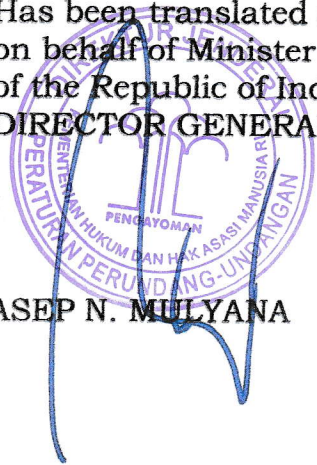
STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2021 NUMBER 94

Jakarta, 6 December 2023

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,

ASEP N. MULYANA





ELUCIDATION OF  
GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA  
NUMBER 59 OF 2021  
ON  
IMPLEMENTATION OF INDONESIAN MIGRANT WORKERS PROTECTION

I. GENERAL

The state guarantees the fulfillment of citizens' rights to find work and get a decent living as stated in Article 27 section (2) of the 1945 Constitution. This shows the state's commitment to fulfilling the right of every citizen to obtain the right to work both within and outside the territory of the Republic of Indonesia so that citizens can enjoy a life worthy of humanity.

In guaranteeing the fulfillment of the right to work and a decent living for the humanity of every citizen, Law Number 18 of 2017 on Indonesian Migrant Workers Protection has been issued which regulates new governance in the Placement and Protection of Indonesian Migrant Workers. This law contains significant changes in the Placement and Protection of Indonesian Migrant Workers, including:

- a. The state does not mobilize Indonesian citizens to become migrant workers, but the state is obligated to facilitate every citizen who will exercise their rights to work abroad by providing convenience and service.
- b. Indonesian Migrant Workers are positioned as active subjects who have dignity and worth as human beings.
- c. Dividing the duties and responsibilities for protecting Indonesian Migrant Workers between the central government, provincial governments, regency/municipal governments and village governments.
- d. Establishment of LTSA at provincial and regency/municipal Governments in order to provide placement and protection services for Indonesian Migrant Workers that are easy, inexpensive, transparent and accountable.
- e. The state guarantees the certainty of Indonesian Migrant Workers protection through the National Social Security System.
- f. Providing protection guarantees for Indonesian Migrant Workers from legal, social and economic aspects.
- g. Every Prospective Indonesian Migrant Worker must have work competence according to the position he/she will hold as the main requirement for work.

As a follow-up to the enactment of the Law on Indonesian Migrant Workers Protection, it is necessary to make government regulations governing the implementation of Indonesian Migrant Workers Protection to better guarantee Indonesian Migrant Workers Protection and Their Families as stipulated in the International Convention on the Protection of Rights All Migrant Workers and Their Family Members. The substance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which has been

ratified by the Government of Indonesia has been adopted in this Government Regulation.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Section 2

Sufficiently clear.

### Article 3

Sufficiently clear.

### Article 4

Sufficiently clear.

### Article 5

Sufficiently clear.

### Article 6

Sufficiently clear

### Article 7

#### Section (1)

“Overseas labour market” includes job vacancies, types, and requirements of positions.

#### Section (2)

Sufficiently clear

#### Section (3)

Sufficiently clear.

#### Section (4)

Sufficiently clear.

#### Section (5)

Sufficiently clear.

### Article 8

Sufficiently Clear.

### Article 9

#### Section (1)

##### point a

The term “Competence-based job training” includes:

- a. work competency standards as a reference in the implementation of job training programs;
- b. provision of competent instructors or trainers;

c. competency certification issued by a professional certification body.

point b

Sufficiently clear.

point c

Sufficiently clear.

point d

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently Clear

Article 10

Sufficiently clear.

Article 11

Section (1)

Sufficiently clear.

Section (2)

point a

The term "Placement service" includes but is not limited to labour market information services, counseling and guidance for positions, and job brokerage.

point b

Sufficiently clear.

point c

Sufficiently clear.

point d

Sufficiently clear.

point e

Sufficiently clear.

point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

point a

The term "Provision of complaint services" means a hotline facility number or direct complaints made by recording and processing by Representatives of the Republic of Indonesia.

point b

The term "An integrated protection center for Indonesian Migrant Workers" means an integrated service facility by the Indonesia Mission in the destination country of placement, including shelter, development programs, and facilitation of access to health for Indonesian Migrant Workers with problems.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

Section (1)

The term "victims of criminal acts" include trafficking in persons, persecution causing serious injury, murder, or terrorism.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 21

Section (1)

point a

Sufficiently clear.

point b

Sufficiently clear.

point c

Sufficiently clear.

point d

Sufficiently Clear.

point e

The term “empowerment of Indonesian Migrant Workers” means the empowerment of Indonesian Migrant Workers which includes:

- a. Indonesian Migrant Workers who work for Legal Entity Employers;
- b. Migrant workers who work for individual employers or households;
- c. Crew of Migrant Trading Vessel Crews and Migrant Fishing Vessel Crews; and
- d. Families of Indonesian Migrant Workers.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 22

Section (1)

Sufficiently clear.

Section (2)

The term “rehabilitation” means recovery from disturbances to social mental conditions and restoration of social functioning so that they can carry out their roles normally again, both in the family and in society.

The term “social reintegration” means the reintegration of Indonesian Migrant Workers who have problems with the Family or a substitute for the Family who can provide protection and fulfill their needs.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Section (1)

Sufficiently clear.

Section (2)

The “inclusive financial policy” includes among others facilities for safe saving of money, transfers, savings and access to capital for Indonesian Migrant Workers and Their Families.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term “elements that administer function the field of manpower” includes the agency administering Indonesian Migrant Workers Protection.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Section (1)

The term "cases of Prospective Indonesian Migrant Workers and/or Indonesian Migrant Workers" are cases that occur before employment, during employment and after employment, including: the completeness and validity of the required documents for Prospective Indonesian Migrant Workers, fraud, falsification, unpaid wages, working not according to the employment agreement, and violence.

Section (2)

Sufficiently clear.

Section (3)

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

The term "ministries/agencies" include:

- a. the ministry administering government affairs in the field of manpower
- b. the ministry administering government affairs in the field of home affairs;
- c. the ministry that organizes government affairs in the field of foreign relations;
- d. the ministry administering government affairs in the field of Law and Human Rights;
- e. the ministry administering government affairs in the health; and
- f. Indonesian Migrant Worker Protection Board.

Article 54

Sufficiently clear.

Article 55

Sufficiently clear.

Article 56

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.



Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Sufficiently clear.

Article 78

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

Sufficiently clear.

Article 87

Sufficiently clear.

Article 88

Section (1)

The term "institutions related to the Placement and Protection of Indonesian Migrant Workers" include among others:

- a. placement executor;
- b. insurance/Social Security institutions;
- c. psychology institute;
- d. health service facilities;
- e. job training institutions; and
- f. financial institution.

Section (2)

Sufficiently clear.

Article 89

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

point a

Sufficiently clear.

point b

The term "person in charge" means the Main Director or President Director.

point c

The term "other related parties" includes rural/urban village officials, police officers, health workers, medical personnel, and psychologists.

point d

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 94

Section (1)

Sufficiently clear.

Section (2)

The term "health supervisors" means State Civil Apparatus who are appointed and assigned to carry out supervision in the health sector in accordance with the provisions of legislation.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

Sufficiently clear.

Article 97

Sufficiently clear.

Article 98

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER  
6678