



**PRESIDENT OF
THE REPUBLIC OF INDONESIA**

**DECISION OF THE PRESIDENT
OF THE REPUBLIC OF INDONESIA
NUMBER: 23 YEAR 2004**

**REGARDING
THE NATIONAL AGENCY FOR PROFESSION
CERTIFICATION**

PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

That in the framework of implementing the provision in Article 18 paragraph 5) of Law No. 13/2003 on manpower, it is necessary to stipulate a government regulation on the National Agency for Profession Certification;

In view of:

1. Article 5 paragraph (1) of the constitution of 1945;
2. Act No. 5/1984 on industry (the Republic of Indonesia State Gazette Year 1984 Number 22, the Republic of Indonesia State Gazette Amendment Number 3274);
3. Act Number 1 Year 1987 on the Indonesian Chamber of commerce and Industry (the Republic of Indonesia State Gazette Year 1987 Number 8, the Republic of Indonesia State Gazette Amendment Number 3346);
4. Act Number 18 Year 1999 regarding Construction Service (the Republic of Indonesia State Gazette Year 1999 Number 54, the Republic of Indonesia State Gazette Amendment Number 3833);

**PRESIDENT OF
THE REPUBLIC OF INDONESIA**

**ELUCIDATION
ON
GOVERNMENT REGULATION
NUMBER: 23 YEAR 2004**

**REGARDING
THE NATIONAL AGENCY FOR
PROFESSION CERTIFICATION**

I. GENERAL

Law number 13 Year 2003 mandates the establishment of the National Agency for Profession Certification independent to undertake certification of competence of manpower coming from graduates of vocational training institutions and/ or manpower already experiencing. The National Agency for Profession Certification is badly needed as an institution having authority and becoming reference in the implementation of certification of vocational competence nationally. Therefore, it will be able to establish a system of national vocational competence certification recognized by all parties.

The existence of the above mentioned national agency is also very important in connection with preparation of competitive Indonesian manpower for facing competition on the global labor market. In addition, the agency will facilitate cooperation with similar institutions on other countries in the framework of mutual recognition to competence of manpower of the respective countries.

5. Act Number 22 Year 2001 regarding Petroleum and Natural Gas (the Republic of Indonesia State Gazette Year 2001 Number 136, the Republic of Indonesia State Gazette Amendment Number 4152);
6. Act Number 20 Year 2002 regarding Electricity (the Republic of Indonesia State Gazette Year 2002 Number 94, the Republic of Indonesia State Gazette Amendment Number 4226);
7. Act Number 13 Year 2003 regarding Manpower (the Republic of Indonesia State Gazette Year 2003 Number 39, the Republic of Indonesia State Gazette Amendment Number 4279);
8. Act Number 20 Year 2003 regarding the National Education System (the Republic of Indonesia State Gazette Year 2003 Number 78, the Republic of Indonesia State Gazette Amendment Number 4301);

In relation thereto, this government regulation rules matters related to the tasks, organization, membership, working arrangement and financing of the National Agency for Profession Certification.

RESOLVES

To determine:

**THE GOVERNMENT REGULATION ON
THE NATIONAL AGENCY FOR PROFESSION
CERTIFICATION**

PHASE I GENERAL PROVISIONS

ARTICLE 1

Referred to in this government regulation:

1. vocational competence certification shall be a process of certification of competence systematically and objectively through competence test referring to the Indonesian national and/ or international vocational competence standards.
2. Indonesian National Vocational Competence Standards shall be formulation of working capabilities covering aspects of knowledge, skill and/ or expertise as well as morale relevant to the implementation of tasks and functional requirements stipulated in accordance with the provisions of the law in force.
3. Minister shall be the minister in charge of manpower affairs.

PHASE II ESTABLISHMENT AND TASK

ARTICLE 2

1. To establish the National Agency for Profession Certification, hereinafter called BNSP.
2. BNSP shall be an institution independent in executing its tasks and responsible to the president.

ARTICLE 3

BNSP shall have of the tasks of certification of vocational competence.

ARTICLE 4

- (1) In a bid to realize the tasks of vocational competence as meant in Article 3, BNSP can license profession certification institutions fulfilling requirements to undertake certification of vocational competence.

II. ARTICLE BY ARTICLE

ARTICLE 1

Sufficiently clear

ARTICLE 2

Sufficiently clear

ARTICLE 3

Sufficiently clear

ARTICLE 4

Clause (1)

Even though certification of vocational competence is implemented by and becomes responsibility of the National Agency for Profession Certification, profession certification institutions functioning as the lengthy hand of the National Agency for Profession Certification

- (2) Provisions on requirements and procedures for licensing the profession certification institutions as meant in clause (1) shall be further stipulated by BNSP.

in executing the certification of vocational competence are needed because the scope of vocational competence is very broad and distributed in various sectors.

*Clause (2)
Sufficiently clear*

PHASE III ORGANIZATION

PART ONE MEMBERSHIP

ARTICLE 5

The members of BNSP shall consist of:

- a. a chairperson concurrently member;
- b. a vice chairperson concurrently members;
- c. 23 (twenty three) members at the maximum.

ARTICLE 5

Sufficiently clear

ARTICLE 6

- (1) The members of BNSP shall be composed of representatives of the government and communities.
- (2) The members of the government representatives shall be ten persons at the maximum.

ARTICLE 6

Sufficiently clear

ARTICLE 7

In order to become members of BNSP, prospective members of BNSP shall meet the following requirements:

- a. Indonesian citizen;
- b. Devoting to God the Almighty;
- c. Being healthy physically and mentally;
- d. Being able to work full time;
- e. Being never subjected to criminal sentence for 5 (five) years at the minimum;
- f. Having educational level of S1 Degree or the equivalent at the minimum;
- g. Having vocational experience in certain profession field for 5 (five) years at the minimum;
- h. Mastering foreign language actively, at least English.

ARTICLE 7

Sufficiently clear

PART TWO
COMMISSION

ARTICLE 8

- (1) In a bid to support the execution of tasks, BNSP can establish commissions in accordance with the need with members coming from members of BNSP.
- (2) Further provision on the establishment, membership composition, tasks and working arrangements of the commissions as meant in clause (1) shall be regulated by BNSP.

PART THREE
SECRETARIAT

ARTICLE 9

- (1) In order to support the smooth execution of tasks of BNSP, the Secretariat of BNSP shall be established.
- (2) The secretariat as meant in clause (1) shall be led by the head of secretariat of BNSP executing tasks functionally and responsible to the chairperson of BNSP.
- (3) The Head of the Secretariat of BNSP as meant in clause (2) shall be assumed by civil servant official appointed in the structural position of Echelon IIa.

ARTICLE 10

- (1) The Secretariat of BNSP shall be established and located within the government institution in charge of manpower affairs.
- (2) The Secretariat of BNSP shall consist of 4 (four) sections at the maximum and every section shall consist of 2 (two) sub-section.
- (3) Further provisions on the organizational structures and working arrangements of the Secretariat of BNSP as meant in clauses (1) and (2) shall be stipulated by the minister after securing approval from the minister in charge of enhancement of efficiency of state apparatuses.

ARTICLE 8

Sufficiently clear

ARTICLE 9

Clause (1)
Sufficiently clear

Clause (2)
The secretariat of BNSP is functionally responsible to BNSP but structurally and administratively constitutes organizational unit subordinate to echelon I unit within the government institution in charge of manpower affairs.

Clause (3)
Sufficiently clear

ARTICLE 10

Sufficiently clear

PHASE IV

APPOINTMENT AND RELIEF

ARTICLE 11

The chairperson, vice chairperson and members of BNSP shall be appointed and relieved by the president on the basis of recommendations of the minister.

ARTICLE 11

Sufficiently clear

ARTICLE 12

The chairperson, vice chairperson and members of BNSP shall be appointed for a term of office for five years and can be re-appointed for another term.

ARTICLE 12

Sufficiently clear

ARTICLE 13

- (1) The civil servants appointed as the chairperson, vice chairperson and members of BNSP shall be relieved from their organic position.
- (2) The rank of the civil servants as meant in clause (1) can be promoted one level, according to the provisions of the law in force.
- (3) The civil servants as meant in clause (1) shall be relieved honorably from civil servants if the relevant persons reached mandatory age of retirement and their personnel rights are given in accordance with the provisions of the law in force.

ARTICLE 13

Sufficiently clear

ARTICLE 14

Besides the expiration of the tenure, the chairperson, vice chairperson and members of BNSP can be dismissed in the case of the relevant persons:

- a. passing away;
- b. resigning;
- c. committing crime already securing court decision having permanent legal power;
- d. suffering prolonged disease over 6 (six) months and/or being unable to execute tasks anymore; or
- e. not executing tasks and responsibility accordingly.

ARTICLE 14

Sufficiently clear

PHASE V WORKING ARRANGEMENT

ARTICLE 15

In executing the tasks, the chairperson, vice chairperson and members of BNSP shall apply the principles of coordination, integration, synchronization and transparency internally and externally.

ARTICLE 15

Sufficiently clear

ARTICLE 16

Further provisions on working arrangement of BNSP shall be regulated by BNSP.

ARTICLE 16

Sufficiently clear

PHASE VI FINANCING

ARTICLE 17

All costs needed to finance the execution of tasks of BNSP shall be borne by the State Budget of Revenue and Expenditure.

ARTICLE 17

Sufficiently clear

PHASE VII MISCELLANEOUS PROVISION

ARTICLE 18

Vocational competence certification already executed by profession certification institutions on the basis of the provisions of the law in force and/or already recognized by international institutions shall continue to be implemented by the said profession certification institutions.

ARTICLE 18

The profession certification institutions undertake certification of vocational competence based on the law in force and already recognized by international institutions, e.g. profession associations or state and private-owned profession certification institutions already recognized by international institutions.

The profession certification institutions undertake certification of vocational competence in accordance with the field without obligation to obtain license to undertake certification of vocational competence from BNSP.

Nonetheless, in the implementation, the profession certification institutions coordinate with BNSP.

PHASE VIII
CONCLUSION

ARTICLE 19

The government regulation shall come into force as from the date of promulgation.

For public cognizance, the government regulation shall be promulgated by placing it in Statute Book of the Republic of Indonesia.

Stipulated in Jakarta
On August 5, 2004

THE PRESIDENT
OF THE REPUBLIC OF INDONESIA

sgd

MEGAWATI SOEKARNOPUTRI

Promulgated in Jakarta
On August 5, 2004

THE STATE SECRETARY
OF THE REPUBLIC OF INDONESIA

sgd

BAMBANG KESOWO

STATUTE BOOK OF THE REPUBLIC OF INDONESIA
YEAR 2004 NO. 78

ARTICLE 19
Sufficiently clear

*SUPPLEMENT TO STATUTE BOOK
OF THE REPUBLIC OF INDONESIA
NO. 4408*