



**MENTERI TENAGA KERJA
DAN TRANSMIGRASI
REPUBLIK INDONESIA**

**THE MINISTER OF MANPOWER
AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA**

**KEPUTUSAN MENTERI TENAGA
KERJA DAN TRANSMIGRASI
REPUBLIK INDONESIA
NOMOR : KEP. 226/MEN/2003
TENTANG
TATA CARA PERIZINAN
PENYELENGGARAAN PROGRAM
PEMAGANGAN DI LUAR WILAYAH
INDONESIA**

**THE DECISION OF THE MINISTER OF
MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA
NUMBER: KEP. 226/ MEN/ 2003
CONCERNING
PROCEDURES FOR THE
ADMINISTRATION OF
APPRENTICESHIP
PROGRAMS OUTSIDE OF THE
TERRITORY OF INDONESIA**

MENTERI
TENAGA KERJA DAN TRANSMIGRASI
REPUBLIK INDONESIA,

MINISTER OF
MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA,

Menimbang :

Considering:

- a. bahwa sebagai pelaksanaan ketentuan pasal 25 ayat (3) Undang-undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan, perlu ditetapkan tata cara perizinan penyelenggaraan program pemagangan di luar wilayah Indonesia;
- b. bahwa untuk itu perlu ditetapkan dengan Keputusan Menteri;

- a. That in order to implement subsection (3) of Article 25 of Act Number 13 Year 2003 concerning Manpower, it is necessary to establish procedures for the administration of apprenticeship programs outside of the territory of Indonesia;
- b. That for the above purpose, a Ministerial Decision is required;

Mengingat:

In view of:

1. Undang-undang Nomor 3 Tahun 1951 tentang Pernyataan Berlakunya Undang - undang Pengawasan Perburuhan Tahun 1948

1. Act Number 3 Year 1951 concerning The Statement to Apply the Labor Inspection Act Year 1948 Number 23 of the Republic of

Nomor 23 dari Republik Indonesia (Lembaran Negara Republik Indonesia Tahun 1951 Nomor 4);

2. Undang-undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan (Lembaran Negara Republik Indonesia Tahun 2003 Nomor 39, Tambahan Lembaran Negara Republik Indonesia Nomor 4279);
3. Keputusan Presiden Nomor 228/M Tahun 2001 tentang Pembentukan Kabinet Gotong Royong;

Memperhatikan :

1. Pokok-pokok Pikiran Sekretariat Lembaga Kerjasama Tripartit Nasional tanggal 10 Juli 2003;
2. Kesepakatan Rapat Pleno Lembaga Kerjasama Tripartit Nasional tanggal 25 September 2003;

MEMUTUSKAN :

Menetapkan :

**KEPUTUSAN MENTERI
TENAGA KERJA DAN TRANSMIGRASI
REPUBLIK INDONESIA TENTANG TATA
CARA PERIZINAN PENYELENGGARAAN
PEMAGANGAN DI LUAR WILAYAH
INDONESIA**

Indonesia for All Indonesians (State Gazette of the Republic of Indonesia Year 1951 Number 4);

2. Act Number 13 Year 2003 concerning Manpower (State Gazette of the Republic of Indonesia Year 2003 Number 39, Supplement to State Gazette of the Republic of Indonesia Number 4279);
3. Presidential Decision Number 228/M Year 2001 concerning the Formation of the Gotong Royong Cabinet;

Observing:

1. The Gist of Thoughts of the Secretariat of the National Tripartite Cooperation Institution on July 10, 2003;
2. Agreement of the Plenary Meeting of the National Tripartite Cooperation Institution on September 25, 2003.

DECIDING:

To stipulate:

**THE DECISION OF THE MINISTER OF
MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA
CONCERNING PROCEDURES FOR THE
ADMINISTRATION OF APPRENTICESHIP
PROGRAMS OUTSIDE OF THE
TERRITORY OF INDONESIA**

BAB I KETENTUAN UMUM

PASAL 1

Dalam Keputusan Menteri ini yang dimaksud dengan :

1. Pemagangan di luar wilayah Indonesia adalah bagian dari sistem pelatihan kerja yang diselenggarakan secara terpadu antara pelatihan di lembaga pelatihan dengan bekerja secara langsung dibawah bimbingan dan pengawasan instruktur atau pekerja/buruh yang lebih berpengalaman, dalam proses produksi barang dan/atau jasa di perusahaan, dalam rangka menguasai ketrampilan atau keahlian tertentu yang diselenggarakan di luar wilayah Indonesia.
2. Kompetensi kerja adalah kemampuan kerja setiap individu yang mencakup aspek pengetahuan, keterampilan, sikap kerja yang sesuai dengan standar yang ditetapkan.
3. Lembaga Penyelenggara Program Pemagangan adalah Lembaga Pelatihan Kerja yang telah mendapat izin atau telah terdaftar pada instansi yang bertanggung jawab di bidang ketenagakerjaan untuk melaksanakan program pelatihan kerja.
4. Menteri adalah Menteri Tenaga Kerja dan Transmigrasi.

PASAL 2

- (1) Pemagangan diselenggarakan berdasarkan kurikulum dan silabus.
- (2) Kurikulum dan silabus pemagangan sebagaimana dimaksud pada ayat (1) dibuat berdasarkan kompetensi kerja.

CHAPTER I GENERAL PROVISIONS

ARTICLE 1

Under this Ministerial Decision, the following definitions shall apply:

- (1) Apprenticeship outside of the territory of Indonesia is part of the job training system in an integrated manner between training at a training institute and working directly under the guidance and supervision of instructors or more experienced workers/laborers in the production process of goods and / or service at the enterprise in order to enable the participant to master certain expertise or skills, administered outside of the territory of Indonesia.
- (2) Work competence shall refer to the ability of each individual to work; this ability shall cover aspects of knowledge, skills and working attitude that shall comply with established standards.
- (3) Institutes that administer apprenticeship programs are job-training institutions that have obtained a license or have been registered with the government agency responsible for labor affairs to conduct or implement job-training programs.
- (4) Minister is Minister of Manpower and Transmigration.

ARTICLE 2

- (1) Apprenticeship shall be administered on the basis of a curriculum and syllabus.
- (2) The apprenticeship curriculum and syllabus as referred to under subsection (1) shall be prepared on the basis of work competence.

PASAL 3

Penyelenggaraan program pemagangan di luar wilayah Indonesia mengikuti ketentuan yang berlaku di negara penerima peserta program pemagangan.

PASAL 4

Lembaga penyelenggara program pemagangan wajib menjamin penyelenggaraan program pemagangan tidak melanggar norma kesusilaan.

PASAL 5

Peserta program pemagangan di luar wilayah Indonesia berhak untuk :

- a. mendapatkan sertifikat dari lembaga pelatihan kerja apabila yang bersangkutan telah menyelesaikan program pemagangan;
- b. mengikuti uji kompetensi untuk mendapatkan pengakuan kualifikasi kompetensi;
- c. mendapatkan perlindungan asuransi kecelakaan, kesehatan, kematian yang preminya ditanggung oleh lembaga penerima peserta program pemagangan yang besarnya sesuai dengan ketentuan yang berlaku di negara tempat dilaksanakannya program pemagangan;
- d. mendapatkan fasilitas keselamatan dan kesehatan kerja selama mengikuti praktek kerja di perusahaan;
- e. mendapatkan uang saku dan transport sesuai perjanjian antara peserta magang dengan lembaga pelatihan kerja penyelenggara program pemagangan.

ARTICLE 3

The administration of an apprenticeship program outside of the territory of Indonesia shall follow valid regulations in the foreign country that accepts the participants of the apprenticeship program.

ARTICLE 4

Institutes that administer apprenticeship programs must ensure that the apprenticeship programs are administered without violating moral norms.

ARTICLE 5

Participants of an apprenticeship program outside of the territory of Indonesia are entitled to:

- a. Obtain a certificate from the job-training institute that administers the program if they have completed the apprenticeship program;
- b. Take competence test in order to obtain recognition of competence qualifications;
- c. Obtain the protection of accident, health, and life insurance whose premium shall be paid by the institute that accepts the participants of the apprenticeship program; the amount of the premium shall conform to the regulation of the land where the apprenticeship program is to be carried out;
- d. Obtain safety and health facilities during their apprenticeship period at the enterprise;
- e. Obtain pocket money and transport allowance according to the agreement between apprenticeship participants and the job-training institute that organizes or administers the apprenticeship program.

BAB II
PERIZINAN

PASAL 6

Lembaga pelatihan kerja yang menyelenggarakan program pemagangan wajib memiliki izin penyelenggaraan program pemagangan.

PASAL 7

Izin sebagaimana dimaksud dalam Pasal 6 diterbitkan oleh Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri.

PASAL 8

Izin lembaga penyelenggara program pemagangan di luar wilayah Indonesia dapat diberikan sekurang-kurangnya untuk waktu 3 (tiga) tahun dan dapat diperpanjang untuk waktu yang sama.

PASAL 9

Lembaga penyelenggara program pemagangan di luar wilayah Indonesia wajib menyelesaikan permasalahan yang dialami oleh peserta pemagangan selama berada di negara tempat pemagangan.

CHAPTER II
LICENSING

ARTICLE 6

Job-training institutes that administer apprenticeship programs must have a license for administering the apprenticeship programs.

ARTICLE 7

The license as referred to under Article 6 shall be issued by Director General for the Development and Placement of the Nation's Labor Force in Jobs at Home.

ARTICLE 8

The license for an institute that administers apprenticeship programs outside of the territory of Indonesia shall be given for a period of 3 (three) years and may be extended for another period of three years.

ARTICLE 9

Institutes that administer apprenticeship programs outside of the territory of Indonesia must settle problems experienced by the apprenticeship participants during their stay in the countries of their apprenticeship.

BAB III

SYARAT PERIZINAN

BAGIAN 1

LEMBAGA PELATIHAN KERJA YANG MENYELENGGARAKAN PROGRAM PEMAGANGAN BAGI MASYARAKAT UMUM.

PASAL 10

Lembaga pelatihan kerja yang akan menyelenggarakan program pemagangan di luar wilayah Indonesia bagi masyarakat umum wajib mengajukan permohonan izin yang dilengkapi dengan :

- a. copy izin lembaga pelatihan kerja yang masih berlaku;
- b. copy dokumen perjanjian antara lembaga penyelenggara program pemagangan dengan Lembaga Penerima Pemegang di wilayah Indonesia yang memuat tentang tugas dan tanggung jawab para pihak termasuk pembebanan biaya;
- c. contoh perjanjian pemagangan antara peserta magang dengan lembaga pelatihan kerja yang memuat hak dan kewajiban para pihak;
- d. contoh perjanjian pemagangan antara peserta pemagangan dengan penerima peserta pemagangan di wilayah Indonesia yang memuat hak dan kewajiban para pihak;
- e. kurikulum dan silabus yang sesuai dengan program pemagangan;
- f. daftar tenaga instruktur program pemagangan.

CHAPTER II

LICENSING REQUIREMENTS

PART I

JOB TRAINING INSTITUTES THAT ADMINISTER APPRENTICESHIP PROGRAMS FOR THE GENERAL PUBLIC

ARTICLE 10

A job-training institute that will administer apprenticeship programs outside of the territory of Indonesia for the general public must apply for a license and enclose the application with the following documents:

- a. A copy of the valid license to administer job training;
- b. A copy of the document of agreement between the institute that administers the apprenticeship programs and the institute that accepts the apprenticeship participants in the territory of Indonesia that states the duties and responsibilities of the parties including matters relating to expenses;
- c. An sample of apprenticeship agreement between apprenticeship participants and the job training institute that states the rights and obligations of the parties;
- d. An sample of apprenticeship agreement between apprenticeship participants and the party that accepts the apprenticeship participants in the territory of Indonesia that states the rights and obligations of the parties;
- e. Curriculum and syllabus that conform the apprenticeship program.
- f. A list of apprenticeship program instructors.

PASAL 11

- (1) Dalam hal dokumen tidak lengkap maka Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri menolak permohonan disertai dengan alasan dalam jangka waktu paling lama 7 (tujuh) hari kerja terhitung sejak tanggal penerimaan permohonan.
- (2) Dalam hal dokumen telah lengkap sebagaimana dimaksud dalam Pasal 8, maka Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri melakukan verifikasi tentang keabsahan dokumen dalam waktu paling lama 14 (empat belas) hari kerja terhitung sejak tanggal penerimaan permohonan.
- (3) Dalam hal hasil verifikasi sebagaimana dimaksud pada ayat (2) telah memenuhi syarat, Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri menerbitkan surat izin penyelenggara program pemagangan paling lama 30 (tiga puluh) hari kerja terhitung sejak tanggal penerimaan permohonan.

BAGIAN 2

LEMBAGA PELATIHAN KERJA YANG
MENYELENGGARAKAN PROGRAM PEMAGANGAN
BAGI PEKERJANYA/BURUHNYA

PASAL 12

Lembaga pelatihan kerja milik perusahaan dan/atau perusahaan yang melaksanakan program pemagangan di luar wilayah Indonesia bagi pekerjanya/buruhnya menyampaikan permohonan izin dengan melampirkan :

- a. perjanjian antara perusahaan penyelenggara program pemagangan dengan lembaga

ARTICLE 11

- (1) If the documents are not complete, Director General for the Development and Placement of the National Workers rejects the application and give the reasons for the rejection within a period of no longer than 7 (seven) working days since the date upon which the application is received.
- (2) If the documents are complete as referred to under Article 8, Director General for the Development and Placement of the National Workers shall verify the legality of the documents within a period of no longer than 14 (fourteen) working days since the date upon which the application is received.
- (3) If the results of the verification as referred to under subsection (2) meet the requirements, Director General for the Development and Placement of the National Workers shall issue a license for the organizer/administrator of the apprenticeship program within a period of no longer than 30 (thirty) working days since the date upon which the application is received.

PART 2

JOB-TRAINING INSTITUTES THAT ADMINISTER
APPRENTICESHIP PROGRAMS FOR THEIR
WORKERS/LABORERS

ARTICLE 12

A job-training institute/division of an enterprise and/ or an enterprise that administers apprenticeship programs outside of the territory of Indonesia for its workers/laborers shall apply for a license and enclose the application with:

- a. Agreement on the administration of the apprenticeship programs between the

penerima pemegang di wilayah Indonesia tentang penyelenggaraan program pemagangan;

- b. contoh perjanjian pemagangan antara peserta program pemagangan dengan perusahaan penyelenggara program yang mengirim peserta yang memuat hak dan kewajiban para pihak;
- c. tingkat pencapaian kualifikasi keterampilan atau keahlian yang akan diperoleh pekerja/buruhnya setelah mengikuti pemagangan;
- d. rencana penempatan pekerja/buruh setelah menyelesaikan program pemagangan.

PASAL 13

Lembaga pelatihan kerja milik perusahaan dan/atau perusahaan yang menyelenggarakan program pemagangan bagi pekerja/buruhnya tidak melebihi jangka waktu 3 (tiga) bulan tidak memerlukan izin penyelenggara program pemagangan.

BAB IV PENCABUTAN IZIN

PASAL 14

Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri dapat mencabut izin penyelenggara program pemagangan di luar wilayah Indonesia dalam hal penyelenggaraan program pemagangan tidak sesuai ketentuan Pasal 2, Pasal 4, Pasal 5 huruf a, huruf c, huruf d dan huruf e.

enterprise that administers the apprenticeship programs and the institute that accepts the apprentices in the territory of Indonesia;

- b. A sample of apprenticeship agreement between the participants of the apprenticeship programs and the enterprise that administers the programs that sends the participants; the agreement shall contain the rights and obligations of the parties;
- c. The attainment level of qualifications, skills or expertise that will be obtained by its workers/ laborers after participating in the apprenticeship;
- d. Placement plans for the workers/laborers after they have completed the apprenticeship programs.

ARTICLE 13

A job-training institution/division that belongs to an enterprise and/or an enterprise that administers apprenticeship programs for their workers/laborers for a period of no longer than 3 (three) months do not need to have a license to administer apprenticeship programs.

CHAPTER IV REVOCATION OF LICENSE

ARTICLE 14

Director General for the Development and Placement of the National Workers may revoke the license of an organizer/administrator of apprenticeship programs outside of the territory of Indonesia if the administration of the apprenticeship programs does not comply the provisions under Article 2, Article 4, and points a, c, d, and e of Article 5.

PASAL 15

- (1) Pencabutan izin sebagaimana dimaksud dalam Pasal 14 dilakukan melalui tahapan :
 - a. teguran lisan terhadap pelanggaran yang dilakukan oleh lembaga pelatihan kerja yang bersangkutan;
 - b. peringatan tertulis dilakukan apabila dalam waktu 24 (dua puluh empat) hari kerja terhitung sejak dilakukan teguran lisan, lembaga yang bersangkutan tetap melakukan pelanggaran yang sama;
 - c. pemberhentian sementara pengiriman peserta pemagangan selama 6 (enam) bulan apabila dalam waktu 60 (enam puluh) hari kerja sejak dilakukan teguran tertulis, lembaga penyelenggara program pemagangan masih melakukan pelanggaran yang sama;
 - d. izin lembaga penyelenggaraan program pemagangan dicabut apabila dalam masa pemberhentian sementara sebagaimana dimaksud pada huruf c lembaga penyelenggara program pemagangan tetap melaksanakan pelanggaran yang sama dan/atau mengirim peserta program pemagangan.
- (2) Lembaga penyelenggara program pemagangan di luar wilayah Indonesia yang terbukti melakukan tindak pidana yang berkaitan dengan penyelenggaraan program pemagangan di luar wilayah Indonesia dapat dicabut izin penyelenggara program pemagangan.
- (3) Lembaga penyelenggara program pemagangan yang izin penyelenggaraan program pemagangannya dicabut, tetap bertanggungjawab terhadap peserta sesuai perjanjian yang telah disepakati.

ARTICLE 15

- (1) The revocation of license as referred to under Article 14 shall follow the following steps:
 - a. Oral warning shall be issued to the job-training institute for the violation it has made;
 - b. Written warning shall be issued to the institute if within a period of 24 (twenty four) days after the issuance of the oral warning the relevant institute continues to make the same violation;
 - c. Temporary suspension of the sending of apprenticeship participants for 6 (six) months if within a period of 60 (sixty) working days after the issuance of the written warning the institute that administers the apprenticeship programs still continues to make the same violation;
 - d. Revocation of the license of the relevant institute if during the period of temporary suspension as referred to under point c, the relevant institute still continues to make the same violation and/ or continues to send participants to the apprenticeship programs.
- (2) If convicted to have committed a crime in relation to the administration of apprenticeship programs outside of the territory of Indonesia, the license to administer apprenticeship programs of relevant institutes that administer the apprenticeship programs outside of the territory of Indonesia may be revoked.
- (3) Despite the revocation of their license, institutes that administer apprenticeship programs outside of the territory of Indonesia shall continue to be held responsible to the participants as agreed upon in the agreement.

**BAB V
PELAPORAN**

PASAL 16

- (1) Lembaga pelatihan kerja yang menyelenggarakan program pemagangan di luar wilayah Indonesia wajib melaporkan penyelenggaraan program kepada Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri.
- (2) Laporan sebagaimana dimaksud pada ayat (1) dilakukan setiap 6 (enam) bulan sekali dan sekurang-kurangnya berisi tentang data peserta, program yang dilaksanakan dan lembaga penerima program pemagangan.

**BAB VI
PEMBINAAN**

PASAL 17

- (1) Pembinaan terhadap lembaga penyelenggara program pemagangan selama di Indonesia dilakukan oleh Direktorat Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri.
- (2) Pembinaan terhadap lembaga penyelenggara program pemagangan selama di luar wilayah Indonesia dilakukan oleh Direktorat Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri bekerjasama dengan Perwakilan Indonesia di luar negeri serta lembaga yang bertanggung jawab di negara setempat.
- (3) Pembinaan sebagaimana dimaksud pada ayat (1) meliputi program, sumber daya manusia,

**CHAPTER V
REPORTING**

ARTICLE 16

- (1) Job-training institutes that administer apprenticeship programs outside of the territory of Indonesia must report the implementation of the apprenticeship programs to Director General in charge of the Development and Placement of the National Workers.
- (2) The report as referred to under subsection (1) shall be generated once every 6 (six) months and shall at least contain data on the participants, programs that have been administered and the institutes that accept the apprenticeship programs.

**CHAPTER VI
GUIDANCE**

ARTICLE 17

- (1) Guidance to the institutes that administer apprenticeship programs during their activities in Indonesia shall be provided by Director General for the Development and Placement of the National Workers.
- (2) Guidance to the institutes that administer apprenticeship programs during their activities outside of the territory of Indonesia shall be provided by Director General for the Development and Placement of the National Workers in cooperation with Indonesia's Representative Office in the foreign country and with institutes responsible for the provision of such guidance in the foreign country in question.

fasilitas, metoda dan sistem penyelenggaraan program pemagangan.

(3) The guidance as referred to under subsection (1) shall include program, human resources, facilities, methods and systems of administering apprenticeship programs.

BAB VII

KETENTUAN LAIN-LAIN

PASAL 18

Ketentuan lebih lanjut mengenai penyelenggaraan program pemagangan di luar wilayah Indonesia diatur oleh Direktur Jenderal Pembinaan dan Penempatan Tenaga Kerja Dalam Negeri.

CHAPTER VII

OTHER PROVISIONS

ARTICLE 18

Further regulations concerning the administration of apprenticeship programs outside of the territory of Indonesia shall be determined by Director General for the Development and Placement of the National Workers.

BAB VIII

KETENTUAN PENUTUP

PASAL 19

Keputusan Menteri ini mulai berlaku sejak tanggal ditetapkan.

CHAPTER VIII

CLOSING PROVISION

ARTICLE 19

This Ministerial Decision shall come into force upon the date of its stipulation.

Ditetapkan di Jakarta
pada tanggal 31 Oktober 2003

**MENTERI
TENAGA KERJA DAN TRANSMIGRASI
REPUBLIK INDONESIA,**

ttd

JACOB NUWA WEA

Stipulated in Jakarta
On October 31, 2003

**MINISTER OF
MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA**

sgd

JACOB NUWA WEA