

## THE DOCUMENTS REQUIREMENTS FOR EMPLOYING FOREIGN WORKERS: IMPACT ON LOCAL WORKERS IN INDONESIA

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### **Abstract**

*This research aims to describe the changes in the provisions on the employment of foreign workers in Indonesia. In order to create job opportunities, through Act No. 11 of 2020 on Job Creation, there is a simplification of the requirements for foreign workers. It is different from the previous one based on Act No. 13 of 2003 on Manpower, which the employment of foreign workers is an exception with certain conditions. This research used a normative juridical method with a statutory approach, it can be concluded that the provisions under Act No. 11 of 2020 on Job Creation which only requires the endorsement of Foreign Workers Utilization Plan to employ foreign workers, make it easier for foreign people to work in Indonesia. As a result, there is intense competition between foreign and local workers. The government is responsible for fulfilling the rights of citizens to obtain work, lest the simplification of foreign workers requirements to work in Indonesia causing violations of the human rights of citizens. Therefore, it is necessary to strive so that local workers are not excluded from foreign workers.*

**Keywords:** *Employment; Foreign; Local; Simplification; Workers.*

### **A. INTRODUCTION**

An unemployed person is every person who has entered the age of 15 (fifteen) years or more and is not bound to a particular job. The aforementioned *not being bound by any job* is not because the person is in school, taking care of the household, or carrying out other activities other than personal activities.<sup>1</sup> Furthermore, the International Labor Organization (ILO) does not categorize unemployment based on data recorded by the Government. The ILO places more emphasis on the condition of a person who: (i) does not have a job; (ii) is actively looking for work; and (iii)

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1 *Data Sensus Tenaga Kerja*, Badan Pusat Statistik, accessed October 8, 2021, <https://www.bps.go.id/subject/6/tenaga-kerja.html#subjekViewTab1>.

starting a new job within 15 (fifteen) days at the latest.<sup>2</sup> Therefore, worker/laborer who is not actively working because of being laid off or experiencing suspension cannot be categorized as unemployed.<sup>3</sup> It is because the worker/laborer is still bound to an employment relationship with the employer.

Unemployment is a persistent problem in most countries. Several economists have analyzed the causes of unemployment. According to Thomas Robert Malthus, unemployment can occur because of the number of labor force that exceeds the number of workers needed by the Country.<sup>4</sup> David Ricardo, who agrees with this view, further adds that the excess labor force is also driven by the widespread use of machines that replace the position of workers/laborers in a production process.<sup>5</sup>

These theories are still relevant even today. In Indonesia, the main factor causing the unresolved unemployment problem is the low absorption of the labor force.<sup>6</sup> Especially with the advancement of technology which of course has implications for reducing the number of human resources in several business activities. Meanwhile, the Government is still not able to create enough jobs to absorb the available labor force. Unemployment is one of the causes of social exclusion. Everyone who belongs to the labor force but is still unemployed tends to experience alienation from society, which, in turn, increases other social problems, such as suicide.<sup>7</sup> In addition, the high unemployment rate will also result in low productivity and people's purchasing power.<sup>8</sup> These two problems then have an impact on poverty. It causes a decline in the economy of a country.<sup>9</sup>

To deal with these problems, the Government continues to strive to create a conducive climate for foreign investment, they can expand job opportunities for local workers. However, the openness of foreign investment creates new problems. Foreign investors often come to Indonesia in *one package* with their workers.<sup>10</sup> Moreover, currently, there is a convenience for workers to enter and leave the ASEAN region as a result of the expansion of diplomatic relations between ASEAN countries through

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- 2 Lucia Gorjón, Sara Rica, and Antonio Villar, The Cost of Unemployment from a Social Welfare Approach: The Case of Spain and its Regions, *Social Indicators Research*, Vol.150 No.11, May 2020, page.961
  - 3 Charles D. Stewart, The Definition of Unemployment, *The Review of Economics and Statistics*, Vol.32 No.1, February 1950, page.57
  - 4 W. M. Leiserson, The Problem of Unemployment Today, *Political Science Quarterly*, Vol.31 No.1, March 1916, page.7
  - 5 Leiserson, Unemployment Today, page.7.
  - 6 Didin S. Damanhuri and Muhammad Findi, *Masalah dan Kebijakan: Pembangunan Ekonomi Indonesia*, PT Penerbit IPB Press, Bogor, 2014, page.114
  - 7 Laura Pohlan, Unemployment and Social Exclusion, *Journal of Economic Behavior and Organization*, Vol.164, August 2019, page.273,
  - 8 Vanda Ningrum, Penanaman Modal Asing dan Penyerapan Tenaga Kerja di Sektor Industri, *Jurnal Kependudukan Indonesia*, Vol3 No.2, 2008, page.30
  - 9 Edwin Basmar and Rachmat Sugeng, Respon Fluktuasi Tingkat Upah terhadap Perubahan Tingkat Pengangguran di Indonesia, *Jurnal Mirai Management*, Vol.6 No.1, 2020, page.39
  - 10 Ahmad Jazuli, Eksistensi Tenaga Kerja Asing di Indonesia dalam Perspektif Hukum Keimigrasian, *Jurnal Ilmiah Kebijakan Hukum*, Vol.12 No.1, March 2018, page.93

the ASEAN Economic Community.<sup>11</sup> In the end, the Government seems to have no other choice, but to accommodate the wishes of investors to employ foreign workers in Indonesia.

Consequently, the Government provides requirements that must be met by foreign workers' employers. One of them is the obligation to have certain documents so that employers can employ foreign workers in Indonesia. The provisions regarding the required document for employing foreign workers continue to undergo several changes from time to time.

Previously, through Act No. 13 of 2003 on Manpower ("Act No. 13 of 2003"),<sup>12</sup> employers of foreign workers were required to have 2 (two) official documents, namely: (i) endorsement of Foreign Workers Utilization Plan (hence shorten as "*RPTKA*"), and (ii) issuance of Foreign Workers Employment Permit (hence shorten as "*IMTA*").

Along with the development of employment and regional autonomy, some needs encourage adjustments to the endorsement of the *RPTKA* and *IMTA*. Until 2018, the Government then issued the Presidential Regulation Number 20 of 2018 on Foreign Workers Utilization ("Presidential Regulation No. 20 of 2018").<sup>13</sup> The Presidential Regulation has made very significant changes because it has eliminated the obligation to own *IMTA*. So that employers of foreign workers are only required to have *RPTKA* endorsement only.

In addition to the *RPTKA* endorsement, Presidential Regulation No. 20 of 2018 also requires employers to have a notification as a form of approval for the employment of foreign workers issued by the Government.<sup>14</sup> The preamble of Presidential Regulation No. 20 of 2018 states that this change in requirements is needed to support the national economy and expand job opportunities through increased investment. This, of course, triggered various reactions from the community at that time, because the foreign workers become more unfettered to fill employment opportunities and narrow opportunities for local workers.<sup>15</sup>

A lot of negative stigmas that emerged after the enactment of Presidential Regulation No. 20 of 2018 do not encourage the Government to immediately improve existing regulations. The provisions on the requirements for foreign workers as regulated in the Presidential Regulation are reinforced in Act No. 11 of 2020 on Job Creation ("Act No. 11 of 2020").<sup>16</sup>

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11 Imas Novita Juaningsih, Muhammad Saef El Islam, Alliza Khovshov, and Widiya Hakim, *Rekonsepsi Pengawasan Tenaga Kerja Asing sebagai Eksistensi Kedaulatan Negara*, *Jurnal Legislasi Indonesia*, Vol.17 No.3, September 2020, page.327

12 Indonesia, *Law on Manpower*, Act No. 13 of 2003, LN No. 39 of 2003, TLN No. 4279, Art. 42 paragraph (1) and Art. 43 paragraph (1).

13 Indonesia, *Presidential Regulation on Foreign Workers Utilization*, Presidential Regulation No. 20 of 2018, LN No. 39 of 2018.

14 Presidential Regulation No. 20 of 2018, Art. 1 point 15.

15 Sisis Noer Anindita, *Perlindungan Hukum Tenaga Kerja Lokal atas Masuknya Tenaga Kerja Asing Pasca Berlakunya Perpres No. 20 of 2018*, *Jurist-Diction*, Vol.2 No 3, July 2019, page.1130

16 Indonesia, *Law on Job Creation*, Act No. 11 of 2020, LN No. 245 of 2020, TLN No. 6573.

Act No. 11 of 2020 continue states that employers are not required to have an *IMTA*. In fact, the obligation for notification required under Presidential Regulation No. 20 of 2018 is also no longer regulated in Act No. 11 of 2020 and its implementing regulations, namely Government Regulation No. 34 of 2021 on Foreign Workers Utilization ("Government Regulation No. 34 of 2021")<sup>17</sup> and Minister of Manpower Regulation No. 8 of 2021 on Implementing Regulations of Government Regulation No. 34 of 2021 on Foreign Workers Utilization ("Minister of Manpower Regulation No. 8 of 2021").<sup>18</sup>

It shows the simplification of the required documents for foreign workers utilization in Indonesia. Because currently, employers are only required to have a RPTKA endorsement and are not required to have an *IMTA* and notification. Simplification of these documents will certainly threaten the opportunities for local workers to find work due to the ease of working in Indonesia for foreign workers.

As stated, the right to work is a human right for every Indonesian citizen, without exception, which stipulated under Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) mandating that "*every citizen shall have the right to work and to earn a humane livelihood*".<sup>19</sup> These human rights are constitutional guarantees rooted in *Pancasila* (Indonesia's five moral principles)<sup>20</sup> and are born out of human dignity.<sup>21</sup> For this reason, the Government is fully obliged to ensure that the rights of local workers to work opportunities are fulfilled.

Based on the description, this study aims to identify and analyze the required document for foreign workers utilization after the enactment of Act No. 11 of 2020 and its impact on the local workers, as well as the Government's role in ensuring the fulfillment of citizens' rights to work.

## B. RESEARCH METHODS

The research was conducted using normative juridical method and literature research. The normative juridical method was carried out by analyzing legal norms by law as it is written in the books or based on provisions of regulations.<sup>22</sup> The literature research was performed using secondary data such as published articles, legal books, and doctrines related to legal issues discussed in this study.

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17 Indonesia, *Government Regulation on Foreign Workers Utilization*, Government Regulation No. 34 of 2021, LN No. 44 of 2021, TLN No. 6646.

18 Indonesia, Minister of Manpower, *Regulation on Foreign Workers Utilization*, Minister of Manpower Regulation No. 8 of 2021, BN No. 301 of 2021.

19 Indonesia, *1945 Constitution of the Republic of Indonesia*, UUD 1945, Art. 27 paragraph (2).

20 Majda El Muhtaj, *Hak Asasi Manusia dalam Konstitusi Indonesia dari UUD 1945 Sampai dengan Perubahan UUD 1945 Tahun 2002*, Kencana, Jakarta, 2015, page.88

21 Franz Magnis Suseno, *Etika Politik: Prinsip-prinsip Moral Dasar Kenegaraan Modern*, PT Gramedia Pustaka Utama, Jakarta, 2001, page.121

22 Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. Raja Grafindo Persada, Jakarta, 2001, page.1.

## C. RESULT AND DISCUSSION

### 1. Requirements For Employing Foreign Workers After the Enactment of Act No. 11 of 2020

Foreign workers can only be employed by employers in the form of legal entities (*rechtspersoon*) or other entities, and are prohibited from being employed by individuals, including companies in the form of individual legal entities.<sup>23</sup> Under Article 3 paragraph (1) Government Regulation No. 34 of 2021, employers in the form of legal entities or other entities may include:<sup>24</sup>

- a. Government institutions, representatives for foreign countries, and international agencies;
- b. Representative office of foreign trade, representative offices of foreign companies, and foreign news offices conducting activities in Indonesia;
- c. Foreign private companies conducting business in Indonesia;
- d. legal entities in the form of limited liability companies or foundations which established under Indonesian law or foreign business entities registered in the authorized institution;
- e. Social, religious, educational, and cultural institutions;
- f. Impresario services business; or
- g. Business entities as long as permitted by law to employ foreign workers (such as lawyers' offices and accounting firms).<sup>25</sup>

Act No. 11 of 2020 states that employers must have *RPTKA* endorsement.<sup>26</sup> Each employer is still required to obtain an *RPTKA* endorsement, even though they employ the same foreign worker.<sup>27</sup> Later, the *RPTKA* endorsement will become the basis for foreign workers<sup>28</sup> in carrying out their work and recommendations for applying for visas and residence permits for foreign workers while working in Indonesia.<sup>29</sup>

The obligation to own the *RPTKA* endorsement is an administrative obligation. Employers who do not have *RPTKA* endorsement and/or do not follow the *RPTKA* endorsement in employing foreign workers, therefore, will be threatened with administrative sanctions. The sanctions are in the form of fines, temporary suspension of the application process for *RPTKA* endorsement, and/or revocation of *RPTKA* endorsement<sup>30</sup> under the applicable provision.

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23 Act No. 11 of 2020, Art. 82 paragraph (2) *jo.* Art. 185.

24 Government Regulation No. 34 of 2021, Art. 3 paragraph (1).

25 Government Regulation No. 34 of 2021, Exp. Art. 3 paragraph (1) point g.

26 Act No. 11 of 2020, Art. 42 paragraph (1).

27 *Op.cit.*, Art. 5 and Art. 6.

28 *Ibid.*, Art. 6 paragraph (3).

29 *Ibid.*, Art. 14 paragraph (6).

30 *Ibid.*, Art. 36.

However, Article 42 paragraph (3) Act No. 11 of 2020 excludes the obligation to endorse the *RPTKA* for:<sup>31</sup>

- a. Directors or commissioners with particular share ownership or shareholders by the provisions of laws and regulations;
- b. Diplomatic and consular officers at the representative offices of foreign countries; or
- c. Foreign workers are needed by employers in the types of production activities that are stopped due to emergencies, vocational training, technology-based start-ups, business visits, and research for a certain period of time.

The *RPTKA* endorsement application submitted by the employer will then be subjected to a feasibility assessment by the Government, through the Minister of Manpower or an appointed official.<sup>32</sup> If all requirements are met and the employer has paid for the Compensation Fund for Foreign Workers Utilization (hence shortened as *DKPTKA*), the Government will endorse the *RPTKA*, in the form of (i) *RPTKA* for temporary work; (ii) *RPTKA* for work more than 6 (six) months; (iii) non-*DKPTKA RPTKA*; or (iv) Special Economic Zones (SEZ) *RPTKA*, depends on the terms and conditions as regulated under the prevailing laws and regulations.

The *RPTKA* endorsement can be revoked by the Government. The revocation of the *RPTKA* endorsement is a form of imposing administrative sanctions for employers who violate the following norms for the use of foreign workers:<sup>33</sup>

- a. The employer does not carry out its obligations related to the provision of sanctions for temporary suspension of application process for the *RPTKA* endorsement;
- b. The employer employs foreign workers without following the *RPTKA* endorsement;
- c. The employer employs foreign workers in multiple positions within the same company;
- d. The employer employs foreign workers in positions that deal with personnel; and/or
- e. The employer does not pay *DKPTKA* for every foreign worker employed.

The revoked of *RPTKA* endorsement will then be followed up with immigration actions following the regulations on immigration.<sup>34</sup> It is considered that the *RPTKA* endorsement is a document used in obtaining visas and residence permits for foreign workers while working in Indonesia.<sup>35</sup>

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31 Act No. 11 of 2020, Art. 42 paragraph (3).

32 Government Regulation No. 34 of 2021, Art. 13 paragraph (1).

33 Government Regulation No. 34 of 2021, Art. 39 and Art. 40.

34 Government Regulation No. 34 of 2021, Art. 41.

35 Government Regulation No. 34 of 2021, Art. 14 paragraph (6).

Although Act No. 11 of 2020 has provided provisions regarding the RPTKA endorsement, but it is unavoidable the fact that currently there has been a simplification of the required documents for foreign workers. Employers are only required to have an *RPTKA* endorsement and no longer need to have 2 (two) other documents, namely, (i) *IMTA* as required under Act No. 13 of 2003; and (ii) notification as required under Presidential Regulation No. 20 of 2018. The simplification of required documents will particularly increase the investors' interest to invest their money in Indonesia. On the other hand, it can also have an impact on the local workers utilization.

## 2. The Impact of Simplifying the Required Documents for Employing Foreign Workers on the Local Workers Utilization

As previously described, Act No. 11 of 2020 currently requires employers of foreign workers to have *RPTKA* endorsement only. It is different from the previous provision, which also requires employers to have: (i) *IMTA* as regulated under Act No. 13 of 2003; and (ii) notification as stipulated under Presidential Regulation No. 20 of 2018. The change in the requirements that brings the highest impact is elimination of obligation to obtain *IMTA*. Not only does it make the required documents simpler but also causes a shift in legal norms.

Following the Elucidation of Article 42 paragraph (1) of Act No. 13 of 2003, the requirement to obtain *IMTA* is intended to ensure selective employment of foreign workers so local workers can be employed optimally.<sup>36</sup> Therefore, the foreign workers utilization without *IMTA*, including acts that violate the law (illegal), is subject to criminal sanctions.<sup>37</sup>

However, the *IMTA* ownership obligation has been removed since the enactment of Presidential Regulation No. 20 of 2018, reinforced in Act No. 11 of 2020. The loss of *IMTA* obligations will result in more undemanding documents for the employment of foreign workers because employers only need to endorse the *RPTKA*. In consideration of Act No. 11 of 2020, it is explained that the change in requirements is carried out to improve the investment ecosystem that can support job opportunities for local workers.<sup>38</sup>

If we compare the two regulations, it can be seen that there are differences in the political will desired by the authorities under Act No. 13 of 2003 and Act No. 11 of 2020 in connection with the employment of foreign worker. For clarity, here is a table showing the differences:

Regulation	Required Documents	Purpose
Act No. 13 of 2003	<i>RPTKA</i> endorsement; and <i>IMTA</i> .	Local workers can be employed optimally.
Act No. 11 of 2020	<i>RPTKA</i> endorsement.	Supporting job

<sup>36</sup> Act No. 13 of 2003, Exp. Art. 42 paragraph (1).

<sup>37</sup> Act No. 11 of 2020, Art. 185 paragraph (1).

<sup>38</sup> Act No. 11 of 2020, Cons. point b.

		opportunities for local workers.
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The two purposes cannot be contradicted, because they interrelate with each other. It is according to the intended establishment of the State, namely *protect all the people of Indonesia*.<sup>39</sup> Thus, the Government needs to direct development to be employment-growth friendly for local workers following employment orientation, namely the creation of many possible job opportunities so they can achieve local workers utilization optimally.<sup>40</sup>

Local workers utilization is "every activity carried out to organize, use, develop manpower optimally, effectively and efficiently".<sup>41</sup> For this reason, the Government needs to formulate policies in the framework planning that lead to the development of local workers so that local workers utilization can be achieved optimally and humanely.<sup>42</sup> Through utilization, local workers are expected to participate optimally in national development while upholding their human values.<sup>43</sup> The activity of empowering local workers is also included in one of the Government's duties as a state administrator as mandated in Article 27 paragraph (2) UUD 1945, which states that "every citizen shall have the right to work and to earn a humane livelihood".<sup>44</sup>

As known that the problem of employment in Indonesia that continues to this very day is the imbalance between the population growth and the absorption of local workers, which has an impact on the high unemployment rate. Indeed, one of the efforts to overcome the limited absorption capacity of local workers is to create job opportunities through a conducive investment climate. However, this also needs to be accompanied by restrictions on the employment of foreign workers, so that the allocation of job opportunities is right on target, which is for the welfare of local workers.

Hereof, it is necessary to understand that in essence, *IMTA* or the 'Foreign Workers Employment Permit' required by Act No. 13 of 2003 is a written permit granted by the Government to employers who wish to employ foreign workers in Indonesia.<sup>45</sup> The issuance of this permit is a legal act of state administration in the form of management through the issuance of individual and concrete decisions (*beschikking*).<sup>46</sup> Thus,

39 UUD 1945, Preamble to the Constitution paragraph 4.

40 Indonesia, *Government Regulation on Procedures for Obtaining Employment Information and Preparation and Implementation of Manpower Planning*, Government Regulation No. 15 of 2007, LN No. 34 of 2007, TLN No. 4701.

41 Aloysius Uwiyono, Siti Hajati Hoesin, Widodo Suryandono, and Melania Kiswandari, *Asas-Asas Hukum Perburuhan*, Rajawali Pers, Depok, 2018, page.32

42 Act No. 13 of 2003, Art. 4 point a.

43 Act No. 13 of 2003. Art. 4 point a.

44 UUD 1945, Art. 27 paragraph (2).

45 Minister of Manpower Regulation No. 16 of 2015, Art. 1 point 5.

46 Harsanto Nursadi, *Hukum Administrasi Negara: Mengatur dan Mengurus in Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good



permits can be interpreted as a form of direct control from the Government to achieve prosperity as the development goal of the welfare state.<sup>47</sup>

In this case, Bagir Manan defines permit as "*approval from the authorities based on laws and regulations to allow certain actions that are generally prohibited*".<sup>48</sup> This opinion is also in line with the definition given by Prajudi Atmosudirjo, who states that permission (*vergunning*) is defined as the stipulation of dispensation from the prohibition presented by law.<sup>49</sup> If the applicant has met particular requirements and criteria, the Government is authorized to grant a dispensation for the prohibition.

Based on this, the *IMTA* issued by the Government can be interpreted as a form of dispensation for the employment of foreign workers prohibition. Indeed, if traced from the history of the regulation, foreign workers were initially prohibited from working in Indonesia. It is stated under Act No. 3 of 1958 on Placement of Foreign Workers<sup>50</sup> stipulating that "*employers are prohibited from employing foreigners without written permission from the Minister*".<sup>51</sup> Although the reasons for the prohibition of employing foreign workers are not explained, it is particularly related to the Government's efforts to protect the interests of local workers as citizens. Thus, employers are required to meet particular requirements and criteria to obtain a permit (dispensation) from the Government to employ foreign workers in Indonesia.

The authority to issue permits for employing foreign workers is an authority exerted from attribution, namely the authority granted directly by law, in which the implementation of responsibility and accountability rests with the agency or position concerned.<sup>52</sup> The Minister carries out affairs in the manpower sector as a government organ, has the authority to issue permits for the employment of foreign workers, and also to revoke the permit (*contrarius actus* principle) once the employer violates the applicable provisions.<sup>53</sup>

It should be understood that the employment of foreign workers requires government intervention because this is not an activity that can be carried out freely and without being limited by all parties. The permit

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Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok, 2018, page.3-4

47 Tri Hayati, *Perencanaan Pembangunan in Hukum Administrasi Negara Sektor*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok, 2018, page.141.

48 Bagir Manan, *Ketentuan - Ketentuan Mengenai Pengaturan Penyelenggaraan Hak Kemerdekaan Berkumpul Ditinjau dari Perspektif UUD 1945*, Jakarta, 1995, page.8

49 Wiwiek Awiyati and Savitri Nur Setyorini., *Aspek Hukum Administrasi Negara dalam Perlindungan dan Pengelolaan Lingkungan Hidup in Hukum Administrasi Negara Sektor*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok, 2018, page.229.

50 Indonesia, *Law on Placement of Foreign Workers*, Act No. 3 of 1958, LN No. 8 of 1958.

51 Act No. 3 of 1958, Art. 2 paragraph (1).

52 Y.Sri Pudyatmoko, *Perizinan: Problem dan Upaya Pembenahan*, Grasindo, Jakarta, 2009, page.88

53 Pudyatmoko, *Perizinan*, page.123.

also includes certain obligations that must be fulfilled by the applicants, so that their activities do not disturb the community. Observing that the permit is a constitutive decision, it emerges to a legal relationship reflected in new rights and obligations.<sup>54</sup> Initially, employers were not allowed to employ foreign workers, but with the existence of *IMTA*, employers are now allowed to employ foreign workers while still taking their obligations into account. In the end, *IMTA* can be an effective mechanism to regulate the employment of foreign workers in Indonesia for the optimal utilization of local workers.

So, what if the *IMTA* obligation is abolished? Is the *RPTKA* endorsement effective enough to protect local workers?

The *RPTKA* endorsement is "*approval for the employment of foreign workers endorsed by the Minister who carries out government affairs regarding manpower or an appointed official*".<sup>55</sup> This legal product issued by the Government is a decision (*beschikking*) that emphasizes a form of 'endorsement' exists.

Conceptually, endorsement aims to ensure whether a certain status or condition follows the applicable laws and regulations. If unacceptable documents or conditions are found during the endorsement process, the government may postpone the endorsement until the party submits the documents.<sup>56</sup> The approval given will later become a valid document declared as a form of political decision.<sup>57</sup>

Furthermore, Act No. 30 of 2014 on Government Administration<sup>58</sup> stipulates that decision relating to endorsement are included in 'declarative decisions'.<sup>59</sup> In this case, Soehino defines declaratory decision as:

*"An administrative decree that states the existence of a legal right or condition for a person or private legal entity that has applied to the relevant state administration equipment declares its legal rights or legal conditions. While the rights or legal conditions have been declared to exist in the private legal person or entity who receives the administrative determination by the relevant legislation"*.<sup>60</sup>

From this definition, it is clear that a declarative decision is a provision intended to recognize an existing right and is only meant as a

54 Ibid., 162.

55 Minister of Manpower Regulation No. 8 of 2021, Art. 1 point 6.

56 Siti Hajati Hoesin, Widodo Surjandono, and Melania Kiswandari, *Aspek Hukum Administrasi Negara dalam Perburuhan* in *Hukum Administrasi Negara Sektorial*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok, 2018, page.200.

57 Michael Zürn, Global Governance and Legitimacy Problems, *Government and Opposition* Vol.39 No.2, March 2004, page.260,

58 Indonesia, *Law on Government Administration*, Act No. 30 of 2014, LN No. 292 of 2014, TLN No. 5601.

59 Act No. 30 of 2014, Exp. Art. 54 paragraph (1) point b.

60 Victor Yaved Neno, *Implikasi Pembatasan Kompetensi Absolut Peradilan Tata Usaha Negara*, PT Citra Aditya Bakti, Bandung, 2006, page.125.

record for carrying out statutory orders.<sup>61</sup> Even in several decisions of the State Administrative Court, lawsuits against declarative decisions are often declared unacceptable (*niet ontvankelijke verklaard*), because the government officials are considered to have only endorsed (recorded) and do not have the authority to question the substance of the decision,<sup>62</sup> for example, the endorsement of the Notarial Deed or the endorsement of marriage.

It clearly shows that the loss of obligations for *IMTA* has a very big impact. Initially, the employment of foreign workers was prohibited, and therefore the Government was authorized to grant dispensation (through *IMTA*) to applicants who had met particular requirements and criteria. Therefore, *IMTA* is an effort done by the Government to save the interests of local workers utilization. Foreign workers entering Indonesia will be strictly selected because the Government has a powerful position to determine whether the employer will be granted a dispensation or not.

The abolition of the *IMTA* requirement for the employment of foreign workers will indirectly abolish the prohibition of employing foreign workers. It should be noted that regulations that are prohibitive (prohibitor) will be more effectively implemented because employers are considered not entitled to employ foreign workers, and similarly, foreign workers are not entitled to work in Indonesia.

With the current provisions that only require the *RPTKA* endorsement, the implication is that the employment of foreign workers is considered an existing right. Therefore, the employer only needs to obtain recognition from the Government through its endorsement (declarative decision). This will certainly encourage free competition, where local workers will compete with foreign workers.

Every worker, both local and foreign workers, compete for the available job opportunities. Free competition will have an impact on determining competitive wages.<sup>63</sup> Workers who are not able to compete will receive lower wages.<sup>64</sup> Moreover, if the worker has absolutely no previous work experience, the competition with other workers will be more complicated.<sup>65</sup> Looking at these conditions, the next problem will arise. It is whether the local workers are ready to face the free competition or not.

To realize proper free competition, the Government should be responsible for ensuring that local workers already have skills, education

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61 Tri Cahya Indra Permana, *Peradilan Tata Usaha Negara Pasca Undang-Undang Administrasi Pemerintahan Ditinjau dari Segi Access to Justice*, *Jurnal Hukum dan Peradilan*, Vol.4 No.3, November 2015, page.429

62 Permana, *Peradilan Tata Usaha Negara*, 429.

63 Noé M. Wiener, Labor Market Segmentation and Immigrant Competition: A Quantal Response Statical Equilibrium Analysis, *Entropy*, Vol.22, July 2020, page.1

64 Kalandar Khodzhaevich Abdurakhmanov, et al., Labor Migration of the Population and Evaluation of Supply Chain on the Labor Market, *International Journal of Supply Chain Management*, Vol.8 No.2, April 2019, page.904

65 Till von Wachter, The Persistent Effects of Initial Labor Market Conditions for Young Adults and Their Sources, *Journal of Economic Perspectives*, Vol.34 No.4, 2020, page.169

levels, and work experience that are more or less the same as foreign workers.<sup>66</sup> If they do not have this capacity, free competition has the potential to threaten the existence of local workers. Local workers will be unable to compete because they do not have the readiness. In the end, the available local workers will be increasingly unabsorbed, and the local workers utilization cannot be carried out optimally.

The Government (as an institution)<sup>67</sup> has a regulatory function (*regelend*) that is creating regulations.<sup>68</sup> Regulations play an important role in protecting local workers, considering that employment law is not only full of the characteristics of private law (*privaatrechtelijk*) but also of public law (*publiekrechtelijk*).<sup>69</sup> Therefore, every regulation on employment stipulated by the Government will have a direct impact on the employment aspects, particularly on the fulfillment of right to work for local workers as Indonesian citizens.

### **3. The Role of Government in Ensuring the Fulfillment of Citizens' Rights to Work**

To create a conducive investment climate, the Government issued Act No. 11 of 2020 simplifying the required documents for employing foreign workers. This simplification triggers free competition in the field of employment. M. Dawam Rahardjo argues that the enactment of free competition is a reflection of the concept of struggle for existence.<sup>70</sup> Thus, every worker, local and foreign workers, is ultimately required to compete to get work.<sup>71</sup>

Consequently, the Government must seek protection for local workers as citizens. So as not to lose the competition with foreign workers. Because the establishment of the State aims to "*protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare*".<sup>72</sup> This goal was then transformed into the provisions under Article 27 paragraph (2) of the 1945 Constitution, which mandates that "*every citizen shall have the right to work and to earn a humane livelihood*".<sup>73</sup> Furthermore, the right to work was later recognized as one of the human rights. It is regulated

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66 Frankiano B. Randang, Kesiapan Tenaga Kerja Indonesia dalam Menghadapi Persaingan dengan Tenaga Kerja Asing, *SERVANDA Jurnal Ilmiah Hukum*, Vol.5 No.1, January 2011, page.69.

67 Fitriani Ahlan Sjarif, *Peraturan Perundang-Undangan in Hukum Administrasi Negara Sektor*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) dan Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok, 2018, page.35.

68 Nursadi, *Mengatur dan Mengurus*, page.4.

69 Hoesin, *Aspek Hukum Administrasi Negara dalam Perburuhan*, page.194.

70 FX. Adji Samekto, *Pergeseran Pemikiran Hukum dari Era Yunani Menuju Post-Modernisme*, PT Citra Aditya Bakti, Bandung, 2020, page.94.

71 Subhan Purwadinata and Ridolof Wenan Batilmurik, *Pengantar Ilmu Ekonomi: Kajian Teoritis dan Praktis Mengatasi Masalah Pokok Perekonomian*, CV Literasi Nusantara Abadi, Malang:, 2020, page.57.

72 UUD 1945, Preamble to the Constitution paragraph 4.

73 Ibid, Art. 27 paragraph (2).

under Act No. 39 of 1999 on Human Rights ("Act No. 39 of 1999"),<sup>74</sup> particularly Article 38 paragraph (1), which regulates that "*all citizens have the right to work as befits a human being, in line with his or her ability and capacity*".<sup>75</sup>

Human rights are defined by John Locke as rights that are given directly by God as a natural thing, and therefore there is no power whatsoever that can revoke these human rights.<sup>76</sup> Meanwhile, according to C. De Rover, human rights are legal rights that are owned by everyone as human beings, which are universal and owned by everyone, whether rich or poor, male or female.<sup>77</sup>

In brief, Karel Vašák divides the concept of human rights into 3 (three) generations, namely: (i) civil and political rights; (ii) economic, social, and cultural rights; and (iii) collectivity rights.<sup>78</sup> The state must respect all of these human rights as a unit. This is following the principle of universality in human rights, that:

*"All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".*<sup>79</sup>

As one of the socio-economic rights, the Government as the organizer of state affairs must respect, protect, and fulfill the right of every citizen to work (right to work). It is following the international commitments in the promotion and protection of human rights that have been stated by the Government, by ratifying the International Covenant on Economic, Social and Cultural Rights.<sup>80</sup> Therefore, the fulfillment of citizens' rights to work is not only based on providing job opportunities. The Government also needs to seek various steps in the context of empowering local workers.

*First*, the Government needs to develop the potential of local workers. The development of the potential of local workers is pursued through the implementation of compulsory education as a minimum

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74 Indonesia, *Law on Human Rights*, Act No. 39 of 1999, LN No. 165 of 1999, TLN No. 3886.

75 Act No. 39 of 1999, Art. 38 paragraph (1).

76 Ruslan Renggong and Dyah Aulia Rachma Ruslan, *Hak Asasi Manusia dalam Perspektif Hukum Nasional*, Kencana, Jakarta, 2021, page.25-26.

77 C. De Rover, *To Serve & To Protect: Acuan Universal Penegakan HAM*, translated by Supardan Mansyur, RajaGrafindo Persada, Jakarta, 2000, page.47.

78 Spasimir Domaradzki, Margaryta Khvostova, and David Pupovac, Karel Vašák's Generations of Rights and the Contemporary Human Rights Discourse, *Human Rights Review*, Vol.20, September 2019, page.424-425

79 Alberto Quintavalla and Klaus Heine, Priorities and Human Rights, *The International Journal of Human Rights*, Vol.23 No.4, January 2019, page.680

80 Indonesia, *Law on Ratification of International Covenant on Economic, Social and Cultural Rights*, Act No. 11 of 2005, LN No. 118 of 2005, TLN No. 4557.

education program for Indonesian citizens.<sup>81</sup> However, in practice, there is often a gap between the educational curriculum and actual needs, so that the education program also needs to be accompanied by a job training program.<sup>82</sup> So, the knowledge gained by local workers can be applied in the work.

The implementation of education and job training programs is the Government's responsibility. It is recognized that employers have been required to pay *DKPTKA*, as a form of compensation for every foreign worker they employ.<sup>83</sup> Following Article 9 of the Minister of Manpower Regulation Number 20 of 2019 on Administration of Non-Tax State Revenues from Compensation Fund for Foreign Workers Utilization,<sup>84</sup> *DKPTKA* is for financing activities that increase competence and protect local workers. Therefore, the Government should guarantee the implementation of the education and job training programs for local workers by using funding sources originating from the *DKPTKA*.

*Second*, the Government needs to strive so that the available local workers can become professionals. Article 2 paragraph (2) of Government Regulation No. 34 of 2021 regulates that if the position has not been able to be occupied by Indonesian workers, the position may be occupied by TKA. It can be understood that every employer is required to prioritize local workers. However, what if there are no local professionals which makes them have not been able to occupy the required positions?

If the local workers cannot obtain a position due to professionalism, employers can employ foreign workers. The phrase *cannot be occupied* in Article 2 of Government Regulation No. 34 of 2021 means that local workers are considered *not yet able* to hold the required position. Thus, employers need to bring in professional foreign workers who have particular competencies. So, they can transfer technology and expertise to local workers who accompany them.

*Third*, the Government needs to narrow the possibility of using foreign workers by determining which positions can be occupied by foreign workers. It is an opportunity to control the use of foreign workers so that these foreign workers do not occupy all positions. Furthermore, in the Elucidation of Article 4 paragraph (1) Government Regulation No. 34 of 2021, it is stated that "*what is meant by 'particular positions' include positions at the commissioners, directors, managerial, and professional levels*". Consequently, foreign workers are not allowed to work on rough jobs or unskilled works.

*Fourth*, the Government also needs to ensure the implementation of the provisions regarding prohibited positions for foreign workers.

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81 Indonesia, *Government Regulation on Compulsory Education*, Government Regulation No. 47 of 2008, LN No. 90 of 2008.

82 Uwiyono, *Asas-Asas Hukum Perburuhan*, page.49.

83 Government Regulation No. 34 of 2021, Art. 23 paragraph (1) *jo*. Art. 1 point 7.

84 Indonesia, Minister of Manpower, *Regulation on Administration of Non-Tax State Revenues from Compensation Fund for Foreign Workers Utilization*, Minister of Manpower Regulation No. 20 of 2019, BN No. 1264 of 2019.

Government Regulation No. 34 of 2021 expressly prohibits foreign workers fill the positions that deal with personnel. This prohibition is appropriate because foreign workers do not necessarily understand the culture of the Indonesian people. In addition, foreign workers are also prohibited from holding concurrent positions in the same company. Although the laws and regulations explicitly regulate, the Government needs to re-assure that the prohibition does not only apply normatively or formally.<sup>85</sup> But rather factually or empirically so that the legal rules are effective.<sup>86</sup>

*Fifth*, the Government needs to consider that local workers can automatically replace the foreign workers they accompany. Government does not provide opportunities for local workers to directly occupy these positions. It can be seen in the Elucidation of Article 45 paragraph (1) point (a) of Act No. 11 of 2020 stating that:

*"Workers accompanying foreign workers do not automatically replace or occupy the positions of foreign workers. The assistance is more focused on technology transfer and expertise transfer so that the accompanying local workers can have a similar ability. Hopefully, they can replace the foreign workers"*<sup>87</sup>

Although there is a hope for local workers to replace the foreign workers, it would be better if the Government also ensures that local workers can immediately occupy these positions. Because the purpose of using foreign workers in Indonesia is the inability of local workers, there is a need for technology transfer and expertise transfer from foreign workers. If these activities have been carried out, the local workers would surely know and/or be able to master particular skills needed.

With the various efforts mentioned above, it is hoped that the simplification of required documents for employing foreign workers that have been set by the current Government can still protect the local workers' interests, that is the fulfillment of human rights to work as guaranteed in the regulations.

#### **D. CONCLUSION**

Simplification of the required documents for employing foreign workers has the potential to encourage free competition that threatens the right to work for citizens. The fulfillment of citizens' right to work is not only based on the creation of job opportunities but also includes the optimal and humane utilization of local workers. To ensure the fulfillment of the right to work as a human right, the Government should seek various methods, to protect local workers from being unable to compete with foreign workers. These efforts may include: (i) developing the potential of the local workers through education and job training programs; (ii) preparing local workers as professionals; (iii) issuing regulations that selectively limit the positions of

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85 Sri Warjiyati, *Memahami Dasar Ilmu Hukum: Konsep Dasar Ilmu Hukum*, Prenadamedia Group, Jakarta, 2018, page.89

86 Warjiyati, *Memahami Dasar Ilmu Hukum*.

87 Act No. 11 of 2020, Exp. Art. 45 paragraph (1) point a.

foreign workers; (iv) ensuring the effective implementation of the provisions of prohibited positions for foreign workers; and (v) providing opportunities for local workers to directly replace the foreign workers positions.

## BIBLIOGRAPHY

### Books:

- Awiyati, Wiwiek and Savitri Nur Setyorini., 2018, *Aspek Hukum Administrasi Negara dalam Perlindungan dan Pengelolaan Lingkungan Hidup*, In *Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok;
- Damanhuri, Didin S. and Muhammad Findi., 2014, *Masalah dan Kebijakan: Pembangunan Ekonomi Indonesia*, PT Penerbit IPB Press, Bogor;
- De Rover, C., 2000, *To Serve & To Protect: Acuan Universal Penegakan HAM*, Translated by Supardan Mansyur, RajaGrafindo Persada, Jakarta;
- Hayati, Tri., 2018, *Perencanaan Pembangunan In Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok;
- Hoesin, Siti Hajati, Widodo Surjandono, and Melania Kiswandari., 2018, *Aspek Hukum Administrasi Negara dalam Perburuhan In Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok;
- Manan, Bagir., 1995, *Ketentuan - Ketentuan Mengenai Pengaturan Penyelenggaraan Hak Kemerdekaan Berkumpul Ditinjau dari Perspektif UUD 1945*, Jakarta;
- Muhtaj, Majda El., 2015, *Hak Asasi Manusia dalam Konstitusi Indonesia dari UUD 1945 Sampai dengan Perubahan UUD 1945 Tahun 2002*, Kencana, Jakarta;
- Neno, Victor Yaved., 2006, *Implikasi Pembatasan Kompetensi Absolut Peradilan Tata Usaha Negara*, PT Citra Aditya Bakti, Bandung;
- Nursadi, Harsanto., 2018, *Hukum Administrasi Negara: Mengatur dan Mengurus In Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) and Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok;
- Pudyatmoko, Y. Sri., 2009, *Perizinan: Problem dan Upaya Pembenahan*. Grasindo, Jakarta;
- Purwadinata, Subhan and Ridolof Wenan Batilmurik., 2020, *Pengantar Ilmu Ekonomi: Kajian Teoritis dan Praktis Mengatasi Masalah Pokok Perekonomian*, CV Literasi Nusantara Abadi, Malang;



- Renggong, Ruslan and Dyah Aulia Rachma Ruslan., 2021, *Hak Asasi Manusia dalam Perspektif Hukum Nasional*, Kencana, Jakarta;
- Samekto, FX. Adji., 2020, *Pergeseran Pemikiran Hukum dari Era Yunani Menuju Post-Modernisme*, PT Citra Aditya Bakti, Bandung;
- Sjarif, Fitriani Ahlan., 2018, *Peraturan Perundang-Undangan In Hukum Administrasi Negara Sektoral*, ed. Harsanto Nursadi, Center for Law and Good Governance Studies (CLGS) dan Badan Penerbit Fakultas Hukum Universitas Indonesia, Depok;
- Soekanto, Soerjono and Sri Mamudji., 2001, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, PT. Raja Grafindo Persada, Jakarta;
- Suseno, Franz Magnis., 2001, *Etika Politik: Prinsip-prinsip Moral Dasar Kenegaraan Modern*, PT Gramedia Pustaka Utama, Jakarta;
- Uwiyono, Aloysius, Siti Hajati Hoesin., 2018, Widodo Suryandono, and Melania Kiswandari. *Asas-Asas Hukum Perburuhan*, Rajawali Pers, Depok;
- Warjiyati, Sri., 2018, *Memahami Dasar Ilmu Hukum: Konsep Dasar Ilmu Hukum*, Prenadamedia Group, Jakarta;

#### **Journals:**

- Abdurakhmanov, Kalandar Khodzhaevich, Erkin Madorbekovich Mukhitdinov, Viktor Ivanovich Grishin, Gulnora Kalandarovna Abdurakhmanova, and Gaybullo Faizullaevich Kuchkarov., Labor Migration of the Population and Evaluation of Supply Chain on the Labor Market, *International Journal of Supply Chain Management*, Vol.8 No.2, April 2019;
- Anindita, Sisis Noer., Perlindungan Hukum Tenaga Kerja Lokal atas Masuknya Tenaga Kerja Asing Pasca Berlakunya Perpres No. 20 of 2018, *Jurist-Diction*, Vol.2 No.3, July 2019;
- Domaradzki, Spasimir, Margaryta Khvostova, and David Pupovac, Karel Vašák's., Generations of Rights and the Contemporary Human Rights Discourse, *Human Rights Review*, Vol.20, September 2019;
- Edwin Basmar and Rachmat Sugeng., Respon Fluktuasi Tingkat Upah terhadap Perubahan Tingkat Pengangguran di Indonesia, *Jurnal Mirai Management*, Vol.6 No.1, 2020;
- Gorjón, Lucia, Sara Rica, and Antonio Villar, The Cost of Unemployment from a Social Welfare Approach: The Case of Spain and its Regions, *Social Indicators Research*, Vol.150 No.11, May 2020;
- Jazuli, Ahmad., Eksistensi Tenaga Kerja Asing di Indonesia dalam Perspektif Hukum Keimigrasian, *Jurnal Ilmiah Kebijakan Hukum*, Vol.12 No.1, March 2018;
- Juaningsih, Imas Novita, Muhammad Saef El Islam, Alliza Khovshov, and Widiya Hakim., Rekonsepsi Pengawasan Tenaga Kerja Asing sebagai Eksistensi Kedaulatan Negara, *Jurnal Legislasi Indonesia*, Vol.17 No.3, 2020;

- Leiserson, W. M., The Problem of Unemployment Today, *Political Science Quarterly*, Vol.31 No.1, March 1916;
- Ningrum, Vanda., Penanaman Modal Asing dan Penyerapan Tenaga Kerja di Sektor Industri, *Jurnal Kependudukan Indonesia*, Vol.3 No.2, 2008;
- Permana, Tri Cahya Indra., Peradilan Tata Usaha Negara Pasca Undang-Undang Administrasi Pemerintahan Ditinjau dari Segi *Access to Justice*, *Jurnal Hukum dan Peradilan*, Vol.4 No.3, November 2015;
- Pohlan, Laura., Unemployment and Social Exclusion, *Journal of Economic Behavior and Organization*, Vol.164, August 2019;
- Quintavalla, Alberto and Klaus Heine., Priorities and Human Rights, *The International Journal of Human Rights*, Vol.23 No.4 January 2019;
- Randang, Frankiano B., Kesiapan Tenaga Kerja Indonesia dalam Menghadapi Persaingan dengan Tenaga Kerja Asing, *SERVANDA Jurnal Ilmiah Hukum*, Vol.5 No.1, January 2011;
- Stewart, Charles D., The Definition of Unemployment, *The Review of Economics and Statistics*, Vol.32 No.1, February 1950;
- Von Wachter, Till., The Persistent Effects of Initial Labor Market Conditions for Young Adults and Their Sources, *Journal of Economic Perspectives*, Vol.34 No.4 2020;
- Wiener, Noé M., Labor Market Segmentation and Immigrant Competition: A Quantal Response Stistical Equilibrium Analysis, *Entropy*, Vol.22, July 2020;
- Zürn, Michael., Global Governance and Legitimacy Problems, *Government and Opposition*, Vol.39 No.2, March 2004;

### **Regulations:**

- Indonesia, *1945 Constitution of the Republic of Indonesia*, UUD 1945;
- \_\_\_\_\_, *Law on Placement of Foreign Workers*. Act No. 3 of 1958. LN No. 8 of 1958;
- \_\_\_\_\_, *Law on Human Rights*, Act No. 39 of 1999. LN No. 165 of 1999. TLN No. 3886;
- \_\_\_\_\_, *Law on Manpower*, Act No. 13 of 2003. LN No. 39 of 2003. TLN No. 4279;
- \_\_\_\_\_, *Law on Ratification of International Covenant on Economic, Social and Cultural Rights*, Act No. 11 of 2005. LN No. 118 of 2005. TLN No. 4557;
- \_\_\_\_\_, *Law on Government Administration*, Act No. 30 of 2014. LN No. 292 of 2014. TLN No. 5601;
- \_\_\_\_\_, *Law on Job Creation*, Act No. 11 of 2020. LN No. 245 of 2020. TLN No. 6573;

- \_\_\_\_\_, *Government Regulation on Procedures for Obtaining Employment Information and Preparation and Implementation of Manpower Planning*, Government Regulation No. 15 of 2007. LN No. 34 of 2007. TLN No. 4701.
- \_\_\_\_\_, *Government Regulation on Compulsory Education*, Government Regulation No. 47 of 2008. LN No. 90 of 2008;
- \_\_\_\_\_, *Government Regulation on Foreign Workers Utilization*, Government Regulation No. 34 of 2021. LN No. 44 of 2021. TLN No. 6646;
- \_\_\_\_\_, *Presidential Regulation on Foreign Workers Utilization*, Presidential Regulation No. 20 of 2018. LN No. 39 of 2018;
- \_\_\_\_\_, Minister of Manpower. *Regulation on Administration of Non-Tax State Revenues from Compensation Fund for Foreign Workers Utilization*, Minister of Manpower Regulation No. 20 of 2019. BN No. 1264 of 2019;
- \_\_\_\_\_, Minister of Manpower, *Regulation on Foreign Workers Utilization*. Minister of Manpower Regulation No. 8 of 2021. BN No. 301 of 2021;

**Internet:**

Badan Pusat Statistik, *Data Sensus Tenaga Kerja*, Accessed October 8, 2021. <https://www.bps.go.id/subject/6/tenaga-kerja.html#subjekViewTab1>