

REGIONAL REGULATION OF THE REGENCY OF GRESIK

NUMBER 17 OF 2002

ON

MANDATORY WORK TRAINING FOR COMPANIES AND MANDATORY WORKER TRAINING
FOR COMPANIES IN THE REGENCY OF GRESIK

BY THE BLESSINGS OF ALMIGHTY GOD

REGENT OF GRESIK

Considering: a. That in an effort to utilize human resource potential to the fullest, work training is needed, both technical, managerial, and entrepreneurial, through the skills of workers that can achieve effectiveness and efficiency towards increasing worker and company productivity in general.

b. That in the implementation of the aforementioned worker skills in this consideration, it is deemed necessary to have integrated handling by the government and the private sector, especially companies and the community;

c. That in connection with points a and b of this consideration, it is deemed necessary to incorporate the intended provisions into a Regional Regulation.

Considering: 1. Law Number 2 of 1950 on the Formation of East Java Province juncto Law Number 18 of 1950 on Amendments to Law Number 2 of 1950 concerning the Formation of East Java Province;

2. Law Number 14 of 1969 on Basic Provisions concerning Manpower;

3. Law Number 1 of 1967 on Foreign Investment;

4. Law Number 6 of 1968 on Domestic Investment;

5. Law Number 7 of 1981 on Mandatory Reporting of Employment in Companies;

6. Law Number 2 of 1989 on the National Education System;

7. Law Number 22 of 1999 on Regional Government;

8. Government Regulation Number 14 of 1958 on the Transfer of Authority, Tasks, and Obligations

regarding Labor Welfare matters, Unemployed Welfare, and Job Provision for the Unemployed to the Regions;

9. Presidential Decree of the Republic of Indonesia Number 34 of 1972 on the Functional Responsibilities of Education and Training;

10. Presidential Decree of the Republic of Indonesia Number 4 of 1980 on Mandatory Reporting of Job Vacancies.

With the approval of

THE REGIONAL HOUSE OF REPRESENTATIVES OF REGENCY OF GRESIK

RESOLVES

To Enact: THE REGIONAL REGULATION OF GRESIK REGENCY ON MANDATORY WORKER TRAINING FOR COMPANIES AND THE FUND FOR MANDATORY WORKER TRAINING FOR COMPANIES IN THE REGENCY OF GRESIK.

CHAPTER I

GENERAL PROVISIONS

Article 1

In this Regional Regulation:

- a. Regent means the Regent of Gresik;
- b. Regional Government means the Head of the Region and other Autonomous Regional Apparatus as the Regional Executive Body;
- c. Regional Manpower Council, hereinafter referred to as RMC, means the Regional Manpower Training Council of Gresik Regency;
- d. Mandatory Training means the obligation for every Company to organize a Work Training program;
- e. Mandatory Worker Training for Companies, hereinafter referred to as MWTC, means a work training management system that is Mandatory for Companies that meet certain requirements;

- f. Mandatory Contribution means a contribution in the form of money that must be deposited by the company to the Regional Treasury;
- g. Fund for Mandatory Worker Training for Companies, hereinafter referred to as FMWTC, means a funding management system for the implementation of work training in Gresik Regency;
- h. Training means a human resource development pathway that involves the training and/or learning process to obtain and improve skills outside the applicable formal education system, in a relatively short time and with methods that prioritize practice and theory;
- i. Work Training means training activities aimed at creating workers who are ready to carry out work activities, both for workers and prospective workers (job seekers);
- j. Worker means anyone who is able to perform work, both inside and outside an employment relationship, to produce goods or services;
- k. Company means a business or legal entity run with the aim of making a profit and/or other purposes, both privately or government-owned, that employs one or more workers;
- l. Training Institution means an institution whose main activity is conducting employee and job seeker training, including technical/skill, management/leadership, and entrepreneurship fields;
- m. Job Seeker means a person who is actively seeking employment, mainly aged 17 and above;
- n. Wage Amount means the entire salary actually paid by the employer to the worker, including all forms of allowances.

CHAPTER II

INTENT AND PURPOSE

Article 2

The MWTC is intended to improve the quality and productivity of Workers in the Gresik Regency area, which is held in the form of Work Training through the MWTC, and the cost of implementation becomes the burden of the Company through the FMWTC.

CHAPTER III

TARGETS OF MWTC AND FMWTC

Article 3

The targets of the MWTC are:

- a. Workers or prospective workers or trainees needed by the company or for independent business purposes;
- b. Job seekers to fill job opportunities, both to meet the needs of companies and/or independent business needs, and the needs of Inter-Regional Employment (IRE) and/or Inter-Country Employment (ICE).

Article 4

(1) The targets of the FMWTC are:

- a. All companies that employ a minimum of 25 (twenty-five) workers in their operations;
- b. All companies as referred to in section a of this article that employ less than 25 (twenty-five) workers but use a machine of 5 (five) HP or more;
- c. All companies outside the provisions of a and b, which pay worker wages of a minimum of Rp. 2,500,000 (two million five hundred thousand rupiah) per month;

(2) For companies that have implemented training with funds from the company concerned, the implementation is further regulated by the Regent in accordance with the provisions of this Regional Regulation;

Article 5

Foundations/Cooperatives that conduct business to obtain profits, still require the provisions of the MWTC and FMWTC, the implementation of which is further regulated by the Regent.

CHAPTER IV

OBLIGATIONS AND RIGHTS OF COMPANIES

Article 6

- (1) Every company is obliged to conduct worker training for the company;
- (2) Every company subject to the MWTC as referred to in section 4 (1) of this Regional Regulation is obliged to pay the FMWTC and the wage amount as follows:

a. Labor-intensive at 0.25;

b. Capital-intensive at 0.35;

(3) Further details of the imposition of the FMWTC as referred to in section (2) of this article are further regulated by the Regent.

Article 7

The companies referred to in Article 6 of this Regional Regulation have the right to:

a. Obtain a certificate or proof as a MWTC participant;

b. Submit proposals for Training needs for their Workers and/or proposals for Training needs for New Workers, including their funding.

Article 8

(1) The payment procedures for the FMWTC and the procedures for proposal submission and training implementation are further stipulated by the Regent.

(2) The use of the FMWTC as referred to in section 6 (2) of this Regional Regulation is accountable to the Head of the Manpower Office.

CHAPTER V

ORGANIZATION

Article 9

(1) To implement this Regional Regulation, the Regent shall form the RMC;

(2) The RMC consists of government, business, and worker elements;

(3) The organization and work procedures of the RMC are further determined in accordance with applicable guidelines.

CHAPTER VI

CRIMINAL PROVISIONS

Article 10

(1) Violations of the provisions in section 6 (2) of this Regional Regulation may be subject to imprisonment of not less than 1 (one) month and not more than 3 (three) months or a fine of Rp. 5,000,000.00 (five million rupiah);

(2) The criminal act referred to in section (1) of Article 10 is a misdemeanor.

CHAPTER VII

INVESTIGATION PROVISIONS

Article 11

In addition to general investigating officials who are tasked with investigating criminal offenses, investigations into violations of criminal offenses as referred to in this Regional Regulation may also be carried out by Civil Servant Investigating Officials (CSIO) within the Gresik Regency Regional Government, whose appointments are determined in accordance with applicable laws and regulations.

Article 12

In carrying out investigative duties, the Civil Servant Investigating Officials as referred to in Article 11 of this Regional Regulation have the authority to:

- a. Receive reports and complaints from individuals regarding the existence of a criminal offense;
- b. Take the first action at the scene and conduct an examination;
- c. Order a suspect to stop and check the suspects identification;
- d. Conduct the seizure of objects or documents;
- e. Take fingerprints and photograph a person;
- f. Observe a person to be heard and examined as a suspect or witness;
- g. Summon experts needed in connection with the examination of the case;
- h. Stop the investigation after receiving instructions from the general investigator that there is insufficient evidence or that the incident is not a criminal offense, and then through the general investigator inform the public prosecutor, suspect, or their family of this;
- i. Take other legally justifiable actions.

CHAPTER VIII

FINAL PROVISIONS

Article 13

Matters not sufficiently regulated in this Regional Regulation shall be further determined by the Regent Head of Region as long as it concerns their implementation.

This Regional Regulation shall come into force on the date of its enactment.

In order for everyone to be aware of it, it is ordered that the Regional Regulation be enacted by placing it in the Regional Gazette of Gresik Regency.

Ratified in Gresik

On September 28, 2002

REGENT OF GRESIK

signed

Drs. KH. ROBACH MA'SUM, MM.

Promulgated in Gresik

On September 28, 2002

SECRETARY OF REGENCY OF GRESIK

signed

Drs. GUNAWAN, M.Si.

Senior Supervisor

NIP. 010 080 491

REGIONAL GAZETTE OF GRESIK REGENCY YEAR 2002 SERIES NUMBER CP

EXPLANATION OF THE REGIONAL REGULATION OF REGENCY OF GRESIK

NUMBER 17 OF 2002

ON

MANDATORY WORK TRAINING FOR COMPANIES

AND MANDATORY WORKER TRAINING FOR COMPANIES IN THE REGENCY OF GRESIK

I. GENERAL EXPLANATION

That basically, mandatory worker training for companies located in Gresik Regency is a form of guidance that must be carried out by entrepreneurs to improve the performance of workers, both those who have been working and those who are still prospective workers, with the aim that in the implementation of tasks, there are no differences in principle that result in a deadlock in work.

That in order to avoid undesirable situations in providing work innovation, the Manpower Office has a moral obligation to anticipate possible situations. Therefore, every effort to provide guidance to Workers carried out by employers needs basic supervision.

That because mandatory worker training for company employees is required by law, so that every employer complies with their obligation to improve worker performance, it needs to be stipulated in a Regional Regulation.

II. EXPLANATION BY ARTICLE

Article 1 to 14: Sufficiently clear

SUPPLEMENT TO THE REGIONAL GAZETTE OF GRESIK REGENCY NUMBER 17.