

REGULATION OF THE REGENCY OF SOUTH LAMPUNG  
NUMBER 5 OF 2018  
ON  
USE OF FOREIGN WORKER

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF SOUTH LAMPUNG,

- Considering : a. that in the context of implementing authority in the field of employment, the Regional Government is obliged to protect local workers by controlling and supervising the use of foreign workers;
- b. that control and supervision over the use of foreign workers must be accompanied by efforts to increase the capabilities of local workers so as to reduce the social gap between local workers and foreign workers;
- c. that in order to implement the provisions in Presidential Regulation Number 20 of 2018 on Use of Foreign Worker, it is necessary to establish Regional Regulation regarding the Use of Foreign Worker;
- Observing : 1. Article 18 section (6), Article 18B of the 1945 Constitution of the Republic of Indonesia;
2. Law Number 28 of 1959 on Establishment of Emergency Law Number 4 of 1956 (State Gazette of the Republic of Indonesia of 1959 Number 57) on Establishment of Level II Regions including Municipalities within the Level I Region of South Sumatra as a Law (State Gazette of the Republic of Indonesia of 1959 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 182)];
3. Law Number 13 of 2003 on Employment (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
4. Law Number 28 of 2009 on Regional Taxes and Regional Levies (State Gazette of the Republic of Indonesia of 2009 Number 130, Supplement to the State Gazette of the Republic of Indonesia Number 5049);
5. Law Number 6 of 2011 on Immigration (State Gazette of the Republic of Indonesia Number 52, Supplement to the State Gazette of the Republic of Indonesia Number 5216);

- 6 Law Number 23 of 2014 on Local Government; (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, last by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58 Supplement to the State Gazette of the Republic of Indonesia Number 5679);
- 7 Government Regulation Number 65 of 2012 on Types and Basic Tariffs for Non-Tax State Revenues that apply to the Ministry of Manpower and Transmigration (State Gazette of the Republic of Indonesia Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5333);
- 8 Presidential Regulation Number 20 of 2018 on Use of Foreign Workers (State Gazette of the Republic of Indonesia of 2018 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 39);
- 9 Regulation of the Minister of Manpower of the Republic of Indonesia Number 10 of 2018 on Procedures for the Use of Foreign Workers (State Bulletin of the Republic of Indonesia of 2018 Number 882);
- 10 Regulation of the Regency of South Lampung Number 7 of 2016 on the Formation and Structure of Regional Apparatus (Regional Gazette of the Regency of South Lampung of 2016 Number 16. Supplement to the Regional Gazette of the Regency of South Lampung Number 16);
- 11 Regulation of the Regency of South Lampung Number 6 of 2017 on Civil Servant Investigators (Regional Gazette of the Regency of South Lampung of 2017 Number 6, Supplement to the Regional Gazette of the Regency of South Lampung Number 6).

With the Joint Approval of  
REGIONAL HOUSE OF REPRESENTATIVE OF  
THE REGENCY OF SOUTH LAMPUNG  
and  
REGENT OF SOUTH LAMPUNG

HAS DECIDED:

To issue: : REGIONAL REGULATIONS ON USE OF FOREIGN WORKER IN  
SOUTH LAMPUNG.

## CHAPTER 1 GENERAL PROVISIONS

### Article 1

In this Regional Regulation:

1. Region means Regency of South Lampung.
2. Local Government means the Regent as the local government organizing element of the Regency of South Lampung who leads the implementation of government affairs which are the authority of the Autonomous Region.

3. Regent means the Regent of South Lampung.
4. Regional House of Representative, hereinafter abbreviated as DPRD (*Dewan Perwakilan Rakyat Daerah*), means the Regional House of Representative of the Regency of South Lampung.
5. Regional Secretary means the Secretary of South Lampung Regency.
6. Service means the Manpower and Transmigration Service of the Regency of South Lampung.
7. Head of Service means the Head of Labor and Transmigration of the Regency of South Lampung.
8. Officials mean employees who are given certain specific tasks in the field of regional revenue in accordance with the provisions of legislation.
9. Limited Stay Visa hereinafter referred to as Vitas, means a written statement given by an authorized official at the Representative Office of the Republic of Indonesia which contains approval for foreigners to travel to Indonesian territory and is the basis for granting a limited stay permit for the purpose of work.
10. Local Budget, hereinafter abbreviated to APBD (*Anggaran Pendapatan dan Belanja Daerah*), means the Local Budget of the Regency of South Lampung.
11. Regional Revenue means a Retribution for the Use of Foreign Workers which goes to the Regional Treasury.
12. Compensation Fund for the Use of Foreign Workers, hereinafter referred to as DKP-TKA (*Dana Kompensasi Penggunaan Tenaga Kerja Asing*), means Compensation that must be paid by TKA Employers for the Use of TKA as Regional Recipients.
13. Foreign Workers, hereinafter abbreviated as TKA (*Tenaga Kerja Asing*), mean foreign citizens holding visas with the intention of working in the Regency of South Lampung.
14. TKA employers mean legal entities or other bodies that employ foreign workers by paying wages or other forms of compensation.
15. Companion workers mean Indonesian workers who are appointed and prepared as companions in the context of technology transfer and skills transfer.
16. Online TKA service system, hereinafter referred to as TKA online means a web-based information technology application, to provide services to TKA employers via the page [tka-online.kemnaker.go.id](http://tka-online.kemnaker.go.id).
17. Regional Revenue Sources mean Revenue originating from the Compensation Fund for the Use of Foreign Workers which goes to the Regional Treasury.
18. An entity means a group of people and/or capital which constitutes a unit, whether conducting business or not conducting business or including limited liability companies, other limited liability companies, state-owned enterprises (BUMN), or regional-owned enterprises (BUMD) by name and in any form, firm, company, cooperative, pension fund, partnership, foundation association, mass organization, socio-political organizations, or other organizations, institutions and other forms of bodies

including collective investment contracts and permanent establishments.

19. Investigation of criminal acts in the field of regional levies means a series of actions carried out by Civil Servant Investigators of the Local Government of the Regency of South Lampung to search for and collect evidence which will shed light on criminal acts in the field of regional levies that occurred and find the suspect.
20. Regional Treasury means the Regional Treasury of the Regency of South Lampung.

## CHAPTER II USE OF FOREIGN WORKER

### Article 2

- (1) The use of TKA is carried out by TKA employers in employment relationships for certain positions and certain times.
- (2) The use of TKA as referred to in section (1) is carried out by taking into account domestic labor market conditions.

### Article 3

TKA employers as referred to in Article 2 include:

- a. Government Institutions, representatives of foreign Countries, International bodies and international Organizations;
- b. Foreign trade representative offices, foreign company representative offices and foreign news agencies carrying out activities in Indonesia;
- c. Foreign private companies doing business in Indonesia;
- d. Legal entity established under Indonesian law in the form of a Limited Liability Company or Foundation or Foreign Business Entity registered with the competent authority;
- e. Social, Religious, Educational and Cultural Institutions;
- f. Presidential Services Business; and
- g. Business Entity as long as it is not prohibited by Law.

### Article 4

- (1) Every employer of TKA is obligated to prioritize the use of Indonesian Workers in all types of positions available.
- (2) In the event that the position as referred to in section (1) cannot yet be occupied by Indonesian workers, the position can be occupied by TKA.

### Article 5

- (1) TKA are prohibited from holding positions that handle personnel and/or certain positions.
- (2) Certain positions as referred to in section (1) are regulated by Regent Regulations.

### Article 6

- (1) TKA employers in certain sectors may employ TKA who are currently employed by other TKA employers in the same position.

- (2) TKA as referred to in section (1) are employed not later than the end of the TKA's employment period as stated in the TKA's employment contract with the first TKA employer.
- (3) The types of positions, sectors, and procedures for using TKA as referred to in section (1) and section (2) are further regulated in a Regent Regulation.

#### Article 7

- (1) Every TKA working in the Region is required to have Vitas to work.
- (2) Vitas as referred to in section (1) is checked for correctness and recommended by immigration officials.

### CHAPTER III COMPENSATION FUNDS PAYMENT OF USE OF FOREIGN WORKERS

#### Article 8

- (1) Every TKA Employer who employs TKA is obligated to pay US\$ 100 (one hundred United States dollars) per person per month as Regional Revenue.
- (2) Regional revenues as referred to in section (1) are paid for the second year and beyond until the end of the TKA user by the TKA Employer to Local Government.
- (3) Procedures for the distribution and calculation of DKP-TKA tariffs as referred to in section (1) and section (2) are regulated by a Regent Regulation.

#### Article 9

- (1) The Department provides a warning letter to TKA employers, 1 (one) month before the DKP-TKA payment for the 2nd (second) year and beyond.
- (2) The warning letter as referred to in section (1) is given to TKA employers who employ TKA for more than 1 (one) year.

#### Article 10

- (1) DKP-TKA is paid through Bank Perception with the following conditions:
  - a. TKA employers who employ TKA for less than 1 (one) month are required to pay DKP-TKA for 1 (one) full month;
  - b. TKA employers who employ TKA on emergency and urgent work or temporary work are obligated to pay DKP-TKA according to the period of time the TKA are employed; and/or
  - c. TKA employers who employ TKA for more than 1 (one) year are required to pay DKP-TKA every year.
- (2) DKP TKA payments for regional revenues are paid through banks appointed by the Local Government.

#### Article 11

DKP-TKA payment obligations are excluded again:

- a. employers of TKA, government institutions, representatives of foreign Countries and international agencies.
- b. Use of TKA in social institutions, religious institutions and use of TKA in certain positions in Educational Institutions; or
- c. TKA employers who employ TKA as members of the board of directors or members of the board of commissioners with share ownership in accordance with the provisions of legislation.

### CHAPTER IV SANCTIONS

#### Article 12

- (1) Administrative Sanctions consist of:
  - a. service delays;
  - b. temporary suspension of the TKA licensing process;
  - c. revocation of Notification; and/or
  - d. other sanctions in accordance with the provisions of legislation.
- (2) In the event that the DKP TKA employer as referred to in Article 8 does not pay on time or underpays the DKP-TKA, he will be subject to administrative sanctions in the form of interest of 2% (two percent) per month on the Regional Revenue owed which is not or underpaid.

### CHAPTER V DKP-TKA INCENTIVES

#### Article 13

- (1) Institutions that carry out DKP-TKA collection can be given incentives based on certain performance achievements.
- (2) The provision of incentives as referred to in section (1) is determined in the APBD.
- (3) Further provisions regarding the procedures for granting and utilizing incentives as referred to in section (1) are regulated in a Regent Regulation.

### CHAPTER VI COACHING

#### Article 14

Coaching for TKA Employers in the use of TKA as well as the implementation of education and training for accompanying workers is carried out by the Office.

Article 15

Coaching for TKA Employers as referred to in Article 14 is carried out in the form of:

- a. dissemination of Legislation and procedures for Using TKA; and or
- b. counseling about rights, and prohibitions on the use of TKA.

CHAPTER VII  
PROVISIONS OF INVESTIGATION

Article 16

- (1) Investigations into violations of this Regional Regulation are carried out by Civil Servant Investigators within the Local Government.
- (2) Investigators as referred to in section (1) are certain Civil Servant Officials within the Local Government who are appointed by the Authorized Officials in accordance with the provisions of legislation.
- (3) The authority of investigators as referred to in section (1) is:
  - a. receive, search for, collect and examine information or reports relating to criminal acts in the field of Regional Revenue so that the information or report becomes more complete and clear.
  - b. research, search for and collect information about individuals or bodies regarding the truth of actions carried out in connection with Regional Revenue crimes.
  - c. request information and evidence from individuals or entities in connection with criminal acts in the field of Regional Revenue.
  - d. examine books, records and other documents relating to criminal acts in the field of Regional Revenue;
  - e. carry out a search to obtain evidence of bookkeeping, records and other documents, as well as carry out confiscation of such evidence;
  - f. request assistance from experts in carrying out the task of investigating criminal acts in the field of Regional Revenue;
  - g. order to stop and/or prohibit someone from leaving the room or place while the inspection is in progress and check the identity of the person, object and/or documentation being brought;
  - h. photographing someone related to a Regional Revenue crime;
  - i. summon people to hear their statements and be questioned as suspects or witnesses;
  - j. stop investigation; and/or
  - k. carry out other actions necessary for the smooth running of criminal investigation in the field of Regional Revenue in accordance with the provisions of legislation.
- (4) The investigator as referred to in section (1) notifies the commencement of the investigation and submit the results of the investigation to the public prosecutor through an

investigator official from the State Police of the Republic of Indonesia, in accordance with the provisions regulated in the Criminal Procedure Code.

## CHAPTER VIII CRIMINAL PROVISIONS

### Article 17

- (1) Employers of TKA are required to pay DKP-TKA as referred to in this Regional Regulation. violating the obligations in this Regional Regulation is punishable by imprisonment for a maximum of 3 (three) months or a fine of a maximum of 3 (three) times the amount of DKP-TKA owed.
- (2) The criminal act as referred to in section (1) is a violation.
- (3) The imposition of a criminal offense as referred to in section (1) does not eliminate the obligation to pay DKP-TKA.
- (4) Fines as referred to in section (1) is a Regional Revenue.

## CHAPTER IX CLOSING PROVISION

### Article 18

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



In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Regency of South Lampung.

Issued in Kalianda  
on 9 November 2018

REGENT OF SOUTH LAMPUNG AD INTERIM,

signed

NANANG ERMANTO

Promulgated in Kalianda  
on 9 November 2018

REGIONAL SECRETARY OF THE REGENCY  
OF SOUTH LAMPUNG,

signed

FREDY SM

REGIONAL GAZETTE OF THE REGENCY OF SOUTH LAMPUNG OF 2018  
NUMBER 5

Jakarta, 19 December 2024  
Has been translated as an Official Translation  
on behalf of the Minister of Law  
of the Republic of Indonesia  
DIRECTOR GENERAL OF LEGISLATION,

DHAHANA PUTRA



ELUCIDATION  
OF  
REGULATIONS OF THE REGENCY OF SOUTH LAMPUNG  
NUMBER 5 OF 2018  
ON  
USE OF FOREIGN WORKER

1. GENERAL

The use of TKA by employers does not only have an impact on increasing regional income, but the negative impacts must also be taken into account, especially in relation to competition for job opportunities between TKA and local workers. The use of TKA *mutatis mutandis* reduces employment opportunities for local workers. Therefore, the requirements for the use of TKA must be tightened in order to protect local workers.

South Lampung Regency, as one of the closest regency from Java Island, is a strategic area for investment in both PMDN and PMA. Industrial growth in the Regency of South Lampung certainly goes hand in hand with the use of TKA for industry in South Lampung. To minimize the negative impacts of using TKA as explained previously, it is necessary to create clear regulations that can protect the interests of Indonesian workers and TKA with certainty. Apart from that, in order to carry out the broadest possible autonomy to regulate and manage government affairs themselves based on the principles of autonomy and assistance duties, the Local Government of the Regency of South Lampung requires funding which is as far as possible to be explored and obtained from exploration of the resources it has. In accordance with Presidential Regulation Number 20 of 2018 on Use of Foreign Workers and Minister of Manpower Regulation Number 10 of 2018 on Procedures for Using Foreign Workers.

Determining Regional Revenue from DKP-TKA as Regional Revenue provides an opportunity for regions to increase sources of income in order to fund matters that are the responsibility of the regional government. Collecting DKP-TKA relatively does not add to the burden on the community, considering that DKP-TKA was previously a Central Government levy in the form of Non-Tax State Revenue which later became Regional Revenue.

This Regional Regulation is not only a legal umbrella for the implementation of DKP-TKA collection by the Local Government of the Regency of South Lampung, but also as an instrument for realizing justice and equality of livelihood through:

- a. realization of legal order in the administration of Foreign Workers in the Regency of South Lampung;
- b. monitoring optimization, supervision and guidance of Foreign Workers in companies located in the Regency of South Lampung; and
- c. increasing the ability of Local Workers as assistants for TKA in the context of developing expertise and skills.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear

### Article 3

Sufficiently clear

### Article 4

Sufficiently clear.

### Article 5

Sufficiently clear

### Article 6

Sufficiently clear

### Article 7

Sufficiently clear

### Article 8

Sufficiently clear

Article 9

Sufficiently clear

Article 10

Section (1)

The term perception bank means a commercial bank appointed by the Minister of Finance to receive state revenue deposits,

Section (2)

Sufficiently clear

Article 11

Sufficiently clear

Article 12

Sufficiently clear

Article 13

Sufficiently clear

Article 14

Sufficiently clear

Article 16

Sufficiently clear

Article 17

Sufficiently clear

Article 18

Sufficiently clear