

MENTERI KETENAGAKERJAAN
REPUBLIK INDONESIA

REGULATION OF THE MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA NUMBER 6 OF 2016 ON RELIGIOUS HOLIDAY ALLOWANCE FOR WORKERS/LABOURERS IN COMPANY

BY THE BLESSINGS OF ALMIGHTY GOD

MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA,

Considering : that in order to implement the provision of Article 7 section (3) of Government Regulation Number 78 of 2015 on Wages, it is necessary to establish Regulation of the Minister of Manpower on Religious Holiday Allowance for Workers/Labourers in Company;

Observing :

1. Law Number 3 of 1951 on Statement of Enacment of Law on Labour Inspection of 1948 Number 23 from the Republic of Indonesia for All Indonesia (State Gazette of the Republic of Indonesia of 1951 Number 4);
2. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
3. Government Regulation Number 78 of 2015 on Wages (State Gazette of the Republic of Indonesia of 2015 Number 237, Supplement to the State Gazette of the Republic of Indonesia Number 5747);

4. Presidential Regulation Number 18 of 2015 on Ministry of Manpower (State Gazette of the Republic of Indonesia of 2015 Number 19);
5. Regulation of the Minister of Manpower Number 8 of 2015 on Preparation Procedures for Making of Draft Law, Draft Government Regulation, and Draft Presidential Regulation as well as Making of Ministerial Regulation in Ministry of Manpower, (State Bulletin of the Republic of Indonesia of 2015 Number 411);

HAS DECIDED:

To issue : REGULATION OF THE MINISTER OF MANPOWER ON RELIGIOUS HOLIDAY ALLOWANCE FOR WORKERS/LABOURERS IN COMPANY.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Ministerial Regulation:

1. Religious Holiday Allowance *(Tunjangan Hari Raya)*, hereinafter referred to as Religious THR, means the non-wage that is required to be paid by Employer to Workers/Labourers or their families before the Religious Holiday.
2. Religious Holiday means Eid Al-Fitr Holiday for Muslim Workers/Labourers, Christmas Holiday for Catholic and Christian Workers/Labourers, Seclusion Day for Hindu Workers/Labourers, Vesak Day for Buddhist Workers/Labourers, and Chinese New Year Holiday for Confucian Workers/Labourers.
3. Employer means:
   a. an individual, a partnership, or a legal entity that operates a self-owned company;
   b. an individual, a partnership, or a legal entity that independently operates a non-self-owned company;

c. an individual, a partnership, or a legal entity located in Indonesia and representing a company as referred to in point a and point b that is domiciled outside the territory of Indonesia.

4. Worker/Labourer means any person who works for a wage or other forms of compensation.

Article 2

(1) Employer is obligated to give Religious THR to Workers/Labourers who have continuously worked for 1 (one) month or more.

(2) Religious THR as referred to in section (1) is given to Workers/Labourers who have employment relationship with the Employer based on work agreement for non-specified time or work agreement for a specified time.

CHAPTER II

AMOUNT OF AND PROCEDURES FOR RELIGIOUS THR DISTRIBUTION

Article 3

(1) The amount of Religious THR as referred to in Article 2 section (1) is determined as follows:

a. Workers/Labourers who have continuously worked for 12 (twelve) months or more, are given Religious THR for as much as 1 (one) month of wages;

b. Workers/Labourers who have continously worked for 1 (one) month but less than 12 (twelve) months, are given proportional Religious THR in accordance with the employment period based on the following formula:

$$\frac{\text{employment period}}{12} \times 1 \text{ (one) month of wage.}$$

(2) Wage for 1 (one) month as referred to in section (1) consists of the wage components:

a. wage without allowance which is clean wages; or

b. basic wage including fixed allowance.

(3) For Workers/Labourers who work based on daily freelance work agreement, the wage for 1 (one) month as referred to in section (1) is calculated as follow:

a. Workers/Labourers whose employment period is 12 (twelve) months or more, the wage for 1 (one) month is calculated based on the average of wage received in the last 12 (twelve) months before the Religious Holiday;

b. Workers/Labourers whose employment period is less than 12 (twelve) months, the wage for 1 (one) month is calculated based on the average wage received monthly during the employment period.

Article 4

If the determination of Religious THR is based on work agreement, company regulation, collective bargaining agreement, or practiced custom and the amount is bigger than the amount as referred to in Article 3 section (1), Religious THR that is paid to Workers/Labourers in accordance with the work agreement, company regulation, collective bargaining agreement, or practiced custom.

Article 5

(1) Religious THR as referred to in Article 2 section (1) is given once a year in accordance with the respective Religious Holiday of each Worker/Labourer.

(2) In the event that the same Religious Holiday occurs more than once in a year, Religious THR is given in accordance with the Religious Holiday.

(3) The Religious THR as referred to in section (1) is paid in accordance with the respective Religious Holiday of each Worker/Labourer, unless regulated otherwise in accordance with the agreement between Employer and Workers/Labourers that is stated in work agreement, company regulation or collective bargaining agreement.

(4) The Religious THR as referred to in section (1) and section (2) is required to be paid by Employer not later than 7 (seven) days before the Religious Holiday takes place.

Article 6

The Religious THR as referred to in Article 2 section (2) is given in the form of cash in rupiah currency of the Republic of Indonesia.

Article 7

(1) Workers/Labourers whose employment relations based on the work agreement for non-specified time and experience termination of employment relation in 30 (thirty) days before the Religious Holiday takes place, are entitled to Religious THR.
(2) The Religious THR as referred to in section (1) applies for the current year during the time of termination of employment relation contract by Employer.
(3) The provision as referred to in section (1) does not apply for Workers/Labourers whose employment relations based on work agreement for a specified time that ends before the Religious Holiday.

Article 8

Workers/Labourers that are transferred to another company with continuous employment period, are entitled to Religious THR in the new company, if they have not received the Religious THR from the previous company.

CHAPTER III
SUPERVISION

Article 9

Supervision on the implementation of this Ministerial Regulation is conducted by labour inspector.

CHAPTER IV
FINE AND ADMINISTRATIVE SANCTIONS

Article 10

(1) Employer that is late in paying Religious THR to

Workers/Labourers as referred to in Article 5 section (4) is fined 5% (five percent) of the total Religious THR that must be paid since the end of deadline for Employer's obligation to pay Religious THR.

(2) Imposition of the fine as referred to in section (1) does not eliminate the obligation of the Employer to pay Religious THR to Workers/Labourers.

(3) The fine as referred to in section (1) is managed and used for the welfare of Workers/Labourers as regulated in company regulation or collective bargaining agreement.

Article 11

(1) Employer that does not pay Religious THR to Workers/Labourers as referred to in Article 5 is imposed by administrative sanctions.

(2) The administrative sanctions as referred to in section (1) are in accordance with the legislation.

CHAPTER V

CLOSING PROVISIONS

Article 12

At the time when this Ministerial Regulation comes into force, Regulation of the Minister of Manpower Number PER.04/MEN/1994 on Religious Holiday Allowance for Workers/Labourers in Company is repealed and declared ineffective.

Article 13

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

In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 8 March 2016

MINISTER OF MANPOWER
OF THE REPUBLIC OF INDONESIA,

signed

M. HANIF DHAKIRI

Promulgated in Jakarta
on 8 March 2016

DIRECTOR GENERAL OF LEGISLATION
OF MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER 375

Jakarta, 18 May 2018
Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia,
DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA