

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

NUMBER: PER.02/MEN/I/2010

CONCERNING

PROCEDURE FOR AD-HOC DISMISSAL AND REPLACEMENT OF
MEMBERSHIP OF NATIONAL TRIPARTITE COOPERATION INSTITUTION

MINISTER OF MANPOWER AND TRANSMIGRATION OF
THE REPUBLIC OF INDONESIA,

- Considering : a. That as the implementation of the provision under Article 16 paragraph (2) of the Government Regulation Number 8 Year 2005 concerning Work System and Organizational Structure of Tripartite Cooperation Institution as amended with the Government Regulation Number 46 of 2008, then to facilitate the implementation of tasks and functions of the National Tripartite Cooperation Institution, it is necessary to regulate the Dismissal and Replacement of Ad-hoc Membership of the National Tripartite Cooperation Institution;
- b. That for the above reason, it is necessary to stipulate a Regulation of Minister of Manpower and Transmigration as the Head of National Tripartite Cooperation Institution.
- In view of : 1. Act Number 13 Year 2003 concerning Manpower (State Gazette of the Republic of Indonesia Year 2003 Number 39, Supplement to the State Gazette the Republic of Indonesia Number 4279);
2. Government Regulation Number 8 Year 2005 concerning Work System and Organizational Structure of Tripartite Cooperation Institution as amended with the Government Regulation Number 46 of 2008 (State Gazette of the Republic of Indonesia year 2008 Number 89, Supplement to the State Gazette of the Republic of Indonesia Number 4862);

3. Presidential Regulation of the Republic of Indonesia Number 37/M Year 2009 concerning the Appointment of the Membership of the National Tripartite Cooperation Institution for the period of 2009-2011.
4. Presidential Regulation number 84/P Year 2009.
5. Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia Number PER.355/MEN/X/2009 concerning Work System of the National Tripartite Cooperation Institution.

- Observing : 1. the gist of thoughts of the working committee of the National Tripartite Cooperation Institution dated 15 December and 23 December 2009;
2. The result of the plenary hearing of the National Tripartite Cooperation Institution dated 16 December and 30 December 2009.

DECIDING:

- To Stipulate : THE REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA CONCERNING THE PROCEDURE FOR AD-HOC DISMISSAL AND REPLACEMENT OF MEMBERSHIP OF NATIONAL TRIPARTITE COOPERATION INSTITUTION .

CHAPTER I
GENERAL PROVISION

ARTICLE 1

Under this Ministerial Decision, the following definitions shall apply:

1. National Tripartite Cooperation Institution is a communication, consultation and discussion forum concerning employment matters whose members consist of Government, employers' organization, workers' union/labour union elements at the national level.
2. Adhoc Dismissal is the termination of someone's membership from the membership of the National Tripartite Cooperation Institution before the expiration of his/her period.
3. Adhoc Replacement is the appointment of member of the National Tripartite Cooperation Institution to replace someone's membership who has dismissed before the expiration of his/her period.

CHAPTER II
ADHOC DISMISSAL AND REPLACEMENT
ARTICLE 2

The member of National Tripartite Cooperation Institution shall be appointed and dismissed by the President based on the recommendation from the Minister of Manpower and Transmigration.

ARTICLE 3

- (1) The office period of the member of the National Tripartite Cooperation Institution shall be for 3 (three) years as mentioned in the Government Regulation Number 8 Year 2005.
- (2) The member of national Tripartite Cooperation Institution could be dismissed and replaced before the expiration of his/her membership.

ARTICLE 4

- (1) The member of National Tripartite cooperation Institution shall be dismissed from the membership due to:
 - a. Not fulfilled the requirements as meant in Article 12 of the Government Regulation Number 46 year 2008;
 - b. Died;
 - c. Resign;
 - d. Mental and physical illness, that cause she/he is not able to perform the duties;
 - e. Ignoring or not performing his/her duties;
 - f. Declare guilty because committing criminal action based on the final court decision.
- (2) The dismissed member as meant in paragraph (1), his/her dismissal shall be proposed at the same time with his/her replacement in writing by the institution/organization that proposed him/her to the Head of National Tripartite Cooperation Institution with copy to the Secretary of the National Tripartite Cooperation Institution together with the reason of the dismissal and its evidences.
- (3) The proposal for the dismissal and replacement as meant in paragraph (2) shall be discussed in the meeting of the Working Committee of the National Tripartite Cooperation Institution and shall be filed to the Plenary Hearing of the National Tripartite Cooperation Institution.
- (4) The result of the Plenary Hearing of the National Tripartite Cooperation Institution shall be followed up by the Minister of Manpower and Transmigration as the Head of the National Tripartite Cooperation Institution by proposing the dismissal and replacement to the President.

ARTICLE 5

The member of the National Tripartite Cooperation Institution that will be dismissed due to the reason as meant in Article 4 paragraph (1) letter f shall be proved with the final court decision.

ARTICLE 6

- (1) The Minister of Manpower and Transmigration as the Head of National Tripartite Cooperation Institution shall propose the recommendation for replacement of the member to the President upon receive of the written proposal from the relevant institution/organization which member is terminated before his/her expiration period.
- (2) The proposal for the replacement of the member as meant in paragraph (1) shall be submitted to the President at least 14 (fourteen) working days as of the date of proposal letter is received and completed by the relevant institution/organization.
- (3) The proposed replacement member as meant in paragraph (1) and paragraph (2) could perform his/her duties as the member of the National Tripartite Cooperation Institution.
- (4) The proposed replacement member as meant in paragraph (1), paragraph (2), paragraph (3) shall receive his/her financial rights as of the appointment as the member of National Tripartite Cooperation Institution based on the Presidential Decision.

ARTICLE 7

The member of National Tripartite Cooperation Institution of the adhoc replacement could continue the remaining office period of the replacing member.

ARTICLE 8

This Regulation shall come into effect from the date of its stipulation.

Stipulated in Jakarta
on 13 January 2010

Minister of
Manpower And Transmigration
The Republic of Indonesia,

sgd.

Drs. H.A.MUHAIMIN ISKANDAR, M.Si