

GOVERNMENT REGULATION OF THE REPUBLIC OF INDONESIA

NUMBER: 46 YEAR 2008

CONCERNING

THE AMENDMENT OF THE GOVERNMENT REGULATION  
NUMBER 8 YEAR 2005

CONCERNING

THE WORK SYSTEM AND ORGANIZATIONAL STRUCTURE OF  
THE TRIPARTITE COOPERATION INSTITUTION

WITH THE GRACE OF GOD THE ALMIGHTY

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. That in order to improve the function and effectiveness of the Tripartite Cooperation Institution, it is necessary to have a balanced composition between the representatives and sufficient numbers of the membership and broader opportunity to become member;
  - b. That the Government Regulation Number 8 Year 2005 concerning the work System and Organizational Structure of the Tripartite Cooperation Institution need to be revised;
  - c. That based on the consideration as meant in letters a and b, it is necessary to stipulate the Government Regulation concerning the Amendment to the Government Regulation Number 8 Year 2005 concerning the Work System and Organizational Structure of the Tripartite cooperation Institution;
- In view of :
1. Article 5 paragraph (2) of the 1945 Indonesian Constitution;
  2. 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);
  3. Government Regulation Number 8 Year 2005 concerning the Work System and Organizational Structure of the Tripartite cooperation Institution (State Gazette of the

Republic of Indonesia Year 2005 Number 24, Supplement to the State Gazette the Republic of Indonesia Number 4482);

DECIDING:

To Stipulate : GOVERNMENT REGULATION CONCERNING THE AMENDMENT OF THE GOVERNMENT REGULATION NUMBER 8 YEAR 2005 CONCERNING THE WORK SYSTEM AND ORGANIZATIONAL STRUCTURE OF THE TRIPARTITE COOPERATION INSTITUTION

ARTICLE I

Several provisions in the Government Regulation Number 8 Year 2005 concerning the Work System and Organizational Structure of the Tripartite cooperation Institution (State Gazette of the Republic of Indonesia Year 2005 Number 24, Supplement to the State Gazette the Republic of Indonesia Number 4482), shall be amended as follow:

1. The provision under Article 1 number 1 and number 2 shall be amended, so that the Article 1 shall be read as follow:

ARTICLE 1

Under this Government Regulation, the following definitions shall apply:

1. Tripartite Cooperation Institution hereinafter referred to as LKS Tripartite is a communication, consultation and deliberation to reach consensus forum for manpower affairs whose members consist of elements from Government, employers' organization, and trade unions.
  2. Sectoral Tripartite Cooperation Institution hereinafter referred to as LKS Sectoral Tripartite is a communication, consultation and deliberation to reach consensus forum for manpower affairs in certain business sector whose members consist of elements from Government, employers' organization, and trade unions from certain business sector.
  3. Employers' Organization is an employers' organization that is appointed by the Chamber of Commerce and Industry to address manpower issues.
  4. Workers' union/trade union is an organization established from, by and for workers both within the company and outside the company, that is free, open, independent, democratic and accountable in nature in order to strive for, defend and protect the rights and interests of the workers and to improve welfare of the workers and their families.
  5. Minister means the Minister responsible for manpower affairs.
2. The provision under Article 6 shall be amended and added two (2) new paragraphs, so that the Article 6 shall be read as follow:

## ARTICLE 6

- (1) Number of members in the National LKS Tripartite membership composition as contemplated in Article 5, shall be maximum 45 (forty-five) persons, who are stipulated with due observance to the representation composition of Government, employers' organization, and workers' union/trade union elements, each element shall be maximum of 15 (fifteen) persons.
- (2) The representation composition of the National LKS Tripartite as meant in paragraph (1) with the composition of 1 (one) Government element, 1 (one) employers' organization element, and one (1) workers' union/trade union element.
- (3) In case one or more of the elements could not fulfill the same numbers of membership with the other elements as meant in paragraph (1), then the provision of representation composition as meant in paragraph (2) shall not be valid.
3. The provision under Article 7 shall be deleted.
4. The provision under Article 12 letters c and d shall be amended and added one (1) new paragraph, so that the Article 12 shall be read as follow:

## ARTICLE 12

- (1) To be appointed in the membership of the National LKS Tripartite, the candidate shall fulfill the following requirements:
  - a. Indonesian citizen;
  - b. Physically and mentally health;
  - c. Minimum education of Senior High School (SMA)/equal;
  - d. Be a civil servant in the governmental institution responsible for manpower and/or related governmental institution for the candidate from the element of government;
  - e. member or official of employer organization, for prospective members who originate from the element of an employers' organization; and
  - f. member or official of workers' union/trade union, for prospective members who originate from the element of a workers' union/trade union.
- (2) The chairperson of National LKS Tripartite could be exempted from the provision as meant in paragraph (1) letter d.
5. The provision under Article 24 shall be amended to be read as follow:

## ARTICLE 24

The Provincial LKS Tripartite members shall consist of elements form the provincial government, employers' organization and workers' union/trade union.

6. The provision under Article 25 letter b shall be amended, so that Article 25 shall be read as follow:

## ARTICLE 25

Composition of the Provincial LKS Tripartite membership shall consist of:

- a. A Chairperson also serving as member, occupied by Governor.
  - b. 3 (three) Vice Chairpersons also serving as members, respectively occupied by a member who represents the provincial Government responsible for the manpower affairs, employers' organization and workers' union/trade union.
  - c. A Secretary also serving as member, occupied by a member who represents the Government element originating from Provincial apparatus organization unit that is in charge of manpower; and
  - d. several members according to the need.
7. The provision under Article 26 shall be amended and added 2 (two) paragraphs, so that Article 26 shall be read as follow:

## ARTICLE 26

- (1) Number of members in the Provincial LKS Tripartite membership composition as contemplated in Article 25, shall be maximum 27 (twenty-seven) persons, who are stipulated with due observance to the representation composition of Provincial Government, employers' organization, and workers' union/trade union elements, each element shall be maximum of 9 (nine) persons.
  - (2) The representation composition of the Provincial LKS Tripartite as meant in paragraph (1) with the composition of 1 (one) Provincial Government element, 1 (one) employers' organization element, and one (1) workers' union/trade union element.
  - (3) In case one or more of the elements could not fulfill the same numbers of membership with the other elements as meant in paragraph (1), then the provision of representation composition as meant in paragraph (2) shall not be valid.
8. The provision under Article 27 shall be deleted.
9. The provision under Article 32 letters c, d, e and f shall be amended and added 1 (one) paragraph, so that Article 32 shall be read as follow:

## ARTICLE 32

- (1) To be appointed in the membership of the Provincial LKS Tripartite, the candidate shall fulfill the following requirements:
  - a. Indonesian citizen;
  - b. Physically and mentally health;
  - c. Minimum education of Senior High School (SMA)/equal;
  - d. Be a civil servant in the governmental institution responsible for manpower and/or related governmental institution for the candidate from the element of government;
  - e. member or official of employer organization, for prospective members who originate from the element of an employers' organization; and

- f. member or official of workers' union/trade union, for prospective members who originate from the element of a workers' union/trade union.
- (2) The chairperson of National LKS Tripartite could be exempted from the provision as meant in paragraph (1) letter d.

10. The provision under Article 42 shall be amended and read as follow:

#### ARTICLE 42

The membership of the LKS Tripartite at the Regency/City level shall consist of the elements of government at the Regency/City level, employers' organization, and trade unions.

11. The provision under Article 43 letter b shall be amended and read as follow:

#### ARTICLE 43

The composition of the LKS Tripartite membership at the Regency/District level shall consist of:

- a. A Chairperson also serving as member, occupied by the Head of Regency/City.
  - b. 3 (three) Vice Chairpersons also serving as members, respectively occupied by a member who represents the Regency/City Government responsible for the manpower affairs, employers' organization and workers' union/trade union.
  - c. A Secretary also serving as member, occupied by a member who represents the Government element originating from Regency/City apparatus organization unit that is in charge of manpower; and
  - d. several members according to the need.
12. The provision under Article 44 shall be amended and added with 2 (two) new paragraphs, so that Article 44 shall be read as follow:

- (1) Number of members in the Regency/City LKS Tripartite membership composition as contemplated in Article 43, shall be maximum 21 (twenty-one) persons, who are stipulated with due observance to the representation composition of Regency/City Government, employers' organization, and workers' union/trade union elements, each element shall be maximum of 7 (seven) persons.
- (2) The representation composition of the Regency/City LKS Tripartite as meant in paragraph (1) with the composition of 1 (one) Regency/City Government element, 1 (one) employers' organization element, and one (1) workers' union/trade union element.
- (3) In case one or more of the elements could not fulfill the same numbers of membership with the other elements as meant in paragraph (1), then the provision of representation composition as meant in paragraph (2) shall not be valid.

13. The provision under Article 45 shall be deleted.

14. The provision under Article 50 letter c, letter d, and letter f shall be amended and added with 1 (one) new paragraph, so that Article 50 shall be read as follow:

ARTICLE 50

- (1) To be appointed in the membership of the Regency/City LKS Tripartite, the candidate shall fulfill the following requirements:
- a. Indonesian citizen;
  - b. Physically and mentally healthy;
  - c. Minimum education of Senior High School (SMA)/equal;
  - d. Be a civil servant in the governmental institution responsible for manpower and/or related governmental institution in the relevant Regency/City for the candidate from the element of Regency/City government;
  - e. member or official of employer organization, for prospective members who originate from the element of an employers' organization; and
  - f. member or official of workers' union/trade union, for prospective members who originate from the element of a workers' union/trade union.

- (2) The chairperson of Regency/City LKS Tripartite could be exempted from the provision as meant in paragraph (1) letter d.

15. The provision under Article 53 shall be amended and read as follow:

ARTICLE 53

LKS Tripartite at the Regency/City level shall conduct regular meeting at least 1 (one) time in 3 (three) months or at anytime deemed necessary.

ARTICLE 61

16. The provision under Article 61 shall be amended and read as follow:

(1) The composition of the Sectoral LKS Tripartite membership at the national, provincial and Regency/City level shall consist of Chairperson, Secretary and Members that represent the elements of Government/Government apparatus at the provincial and/or Regency/City level, employers' organization, and trade unions.

(2) The number of the membership of the National Sectoral LKS Tripartite, Provincial Sectoral LKS Tripartite, and Regency/City Sectoral LKS Tripartite in its membership composition as meant in paragraph (1) shall be maximum:

- a. 15 (fifteen) members for the National Sectoral LKS Tripartite;
- b. 12 (Twelve) members for the Provincial Sectoral LKS Tripartite;
- c. 12 (Twelve) members for the Regency/City Sectoral LKS Tripartite.

17. Between CHAPTER V and CHAPTER VI shall be inserted 1 (one) CHAPTER, i.e., CHAPTER VA to be read as follow:

CHAPTER VA  
TRANSITIONAL PROVISION

ARTICLE 64A

- (1) With the stipulation of this Government Regulation, the LKS Tripartite that was established before the issuance of this Government Regulation, Shall adjust with the provision of this Government Regulation at the latest within 1 (one) year.
- (2) For the LKS Tripartite that was established before the issuance of this Government Regulation, could continue to implement its duties until the establishment of the new LKS Tripartite in accordance with this Government Regulation.

ARTICLE II

This Regulation shall come into effect from the date of enactment.

In order for everyone to know it, order the enactment of this Ministerial Regulation to be placed in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta  
On 24 June 2008

PRESIDENT OF THE REPUBLIC OF INDONESIA

Sgd

DR.H.SUSILO BAMBANG YUDHOYONO

Enacted in Jakarta  
On 24 June 2008

MINISTER OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA

Sgd.

ANDI MATTALATTA  
STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 2008 NUMBER 89

ELUCIDATION OF GOVERNMENT REGULATION NUMBER 46 YEAR 2008

CONCERNING

THE AMENDMENT OF THE GOVERNMENT REGULATION  
NUMBER 8 YEAR 2005

CONCERNING

THE WORK SYSTEM AND ORGANIZATIONAL STRUCTURE OF THE  
TRIPARTITE COOPERATION INSTITUTION

I. GENERAL

The efforts to organize good governance are by providing opportunity to wide society to participate in the formulation in the government policy. With such efforts, then the policy determined by the government could be more accommodative against the aspiration and interest of the society.

In the manpower field, the participation of the society in the decision making shall be realized in the tripartism principle, a principle based on the spirit that the interests of the respective elements of the production process actors, which are employer, worker, and government, shall be the common interest.

In line with such principle of togetherness then the balance of the roles from the respective elements in the LKS Tripartite shall be realized in the form of representation of each element in the membership composition. Therefore, the previous composition 2:1:1 shall be amended to 1:1:1.

In order to improve effectiveness, role and function of the LKS Tripartite, then it is necessary to have sufficient membership of it, so that the number of the LKS Tripartite membership shall be added by observing the economic characteristic and financial ability. In reality, not all elements can fulfill the administrative requirements for membership especially related to the education, therefore it is amended to be at least Senior High School or equal.



With the amendment of this Government Regulation, then it is expected that the LKS Tripartite could implement the role and function effectively and optimally.

This Government Regulation contains among others:

- a. The change of composition and number of the membership representation in the LKS Tripartite;
- b. The change of the membership requirements of the LKS Tripartite;
- c. The addition of the Transitional Provision.

a. ARTICLE BY ARTICLE

Article I  
Sufficiently clear.

Article II  
Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA  
NUMBER 4862