



Application of the law on the use of foreign workers (TKA) by private companies in Mandailing Natal Regency

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Abstract

Employment problems in Indonesia, such as high unemployment and low labor quality, are increasingly complex with the presence of Foreign Workers (TKA). This study examines the application of the law on the use of foreign workers by private companies in the Mandailing Natal Regency with normative juridical methods and analytical descriptive approaches. Data were collected through literature studies, covering primary, secondary, and tertiary legal materials, and were analyzed qualitatively and deductively. The results of the study show that regulations on the use of foreign workers are strictly regulated to ensure legal compliance and protection of local workers, with written permits and conditions for assistance and technology transfer training. The use of TKA is limited to specific positions and a certain period. The Mandailing Natal Manpower Office protects foreign workers through licensing facilitation, socialization of salary payments, dispute resolution, and socialization of legal rules. The implementation of this regulation is expected to increase transparency and optimal protection of the rights of foreign workers.

Keywords: Foreign workers, application of job creation law, Mandailing Natal

Introduction

In Indonesia, labor problems such as the number of unemployed people are still high, termination of employment, and the low quality of domestic workers are still not resolved (Bungkuran *et al.*, 2022; Fajri & Rizki, 2019; Sembiring & Augustin, 2023) ^[1, 4, 13]. Foreign Workers (TKA) will add new problems so to maintain investment and avoid legal problems, the government must carefully determine the policies to be taken to maintain a balance between Foreign Workers (TKA) and Indonesian Workers (TKI) (Eta *et al.*, 2017; Napitupulu *et al.*, 2019; Suharno, 2019) ^[3, 8, 15]. One way to overcome these problems is to prepare for employment by creating competent and skilled Indonesian Workers (TKI) so that they can compete with Foreign Workers (TKA) so that Indonesian Workers (TKI) do not become spectators in their own country (Martias, 2022).

The use of foreign workers in Indonesia must be limited both in the number and fields that can be occupied by Foreign Workers (TKA), for that there must be a completeness of regulations that regulate the requirements for the use of Foreign Workers (TKA). The entry of Foreign Workers must continue to prioritize Indonesian Workers (TKI) so that the presence of Foreign Workers (TKA) in Indonesia is not considered a serious threat to Indonesian Workers (TKI), in fact, their presence is a trigger for Indonesian Workers (TKI) to be more professional and always increase their abilities so that they can compete both between fellow Indonesian Workers (TKI) and with Foreign Workers (TKA) (Ihsan *et al.*, 2019; Nuraeny, 2015; Sastrohadiwiryo & Syuhada, 2021) ^[6, 10, 12].

Mandailing Natal Regency is one of the areas that cannot escape the target of Foreign Workers (TKA) because in Mandailing Natal Regency there are several private companies engaged in mining and plantations that require skilled and professional labor that cannot be filled by Indonesian Workers (TKI). Based on data in Mandailing Natal Regency in 2022 there are around 47 (forty-seven)

Foreign Workers (TKA) working in private companies in Mandailing Natal Regency with details of 46 (forty-six) people working at PT. Sorik Merapi Geothermal Power (PT. SMGP) and 1 (one) person working at PT. Sorikmas Mining.

The use of foreign workers is nothing but intended to improve the ability and knowledge of domestic human resources, within a certain period, it is hoped that foreign workers can transfer technology, especially transfer of knowledge, and have been mastered or at least understood well by the domestic workforce (Napitupulu *et al.*, 2019; Suharno, 2019; Sutriadi *et al.*, 2018) ^[8, 15, 16]. The existence of foreign workers is inevitable, we must pay attention to the interests of the free labor market (globalization) and the national interest that in national development requires capital/investment, technology, and foreign expert labor, because the domestic labor market has not been able to provide expert labor, both in quantity and quality (Hanifah, 2020; Putri, 2019; Suharno, 2019) ^[5, 11, 15].

The use of Foreign Workers (TKA) is currently regulated in Law Number 13 of 2003 concerning Manpower (Manpower Law). Jo Law Number 11 of 2020 concerning Job Ideals (Job Creation Law) Jo Government Regulation Number 24 of 2021 concerning the Employment of Foreign Workers Jo Regulation of the Minister of Manpower Number 8 of 2021 concerning Implementation Regulations of Government Regulation Number 24 of 2021 concerning the Employment of Foreign Workers so that every Foreign Worker (TKA) working in Indonesia must comply with and be obliged to obey the applicable laws and regulations (Novanto & Herawati, 2022) ^[9].

Licensing not only regulates the community within a country but also regulates external parties who will enter the country of Indonesia, especially licensing of Foreign Workers (hereinafter abbreviated as TKA). The presence of foreign workers, not only paying attention to positive factors such as employment, wages, rights, and obligations, but also paying attention to the importance of other negative factors

that it causes so that licensing can provide legal certainty (Aprilda, 2012; Siregar, 2019)^[14].

This is accommodated by Article 45 paragraph (a) of Law 13/2003 which stipulates that employers or employers are obliged to appoint domestic workers as foreign workers as assistants to foreign workers for the transfer of technology and expertise from the foreign workers concerned. In using TKA, Article 43 paragraph (1) of Law 13/2003 requires employers of TKA to obtain a written permit from the Minister of Manpower and Transmigration (Minister) or an appointed official, namely the Permit to Employ TKA (IMTA) which can be granted for a maximum period of 1 (one) year and can be extended. The two articles above, it is hoped that it can place foreign workers in Indonesia by expectations, namely not only placing foreign workers in the context of investment development in Indonesia but also emphasizing the development of Indonesian human resources.

From the explanation above, it can be seen that the number of Foreign Workers (TKA) in PT. Sorik Marapi Geothermal Power, the author wants to conduct research related to Foreign Workers (TKA) with the thesis title "Application of Law on the Use of Foreign Workers (TKA) by Private Companies (Study of Manpower Office of Mandailing Natal Regency)"

Research methods

This research was conducted at the Mandailing Natal Regency Manpower Office, located at Jalan Wiliem Iskandar No. 31 A Panyabungan. The type of research used is normative juridical, which includes research on legal principles, legal systems, vertical and horizontal synchronization levels, legal comparisons, and legal history. Normative juridical research is guided by legal norms and legal rules and is descriptive and analytical, to describe problems in detail and systematically and conclude solutions. Research informants are individuals who have physical and spiritual health, insight, experience related to the problems discussed, readiness to become informants, and work in the Human Resource Department of PT. Sorik Merapi Geothermal Power. Data collection is carried out through literature studies or documents (Documentary Study), with secondary data that includes primary legal materials such as Law No. 13 of 2013 concerning Manpower and Presidential Regulation No. 20 of 2018 concerning the Use of Foreign Workers, secondary legal materials in the form of labor law literature, and tertiary legal materials such as legal dictionaries and encyclopedias. Data analysis is carried out qualitatively, with systematic collection and analysis of secondary data to conclude the problem using deductive methods from general to specific.

Results and discussion

Application of the law on the use of foreign workers (TKA) by the manpower office of mandailing natal regency

For employers who want to hire foreign workers, it is required to have written permission from the authorized agency in the field of employment. Meanwhile, individual employers are prohibited from hiring foreign workers. Foreign Workers can be employed in Indonesia only in employment relationships for certain positions and for a certain time. Molengraff argues that a company must have the following elements:

1. Constantly uninterrupted;
2. Overtly (because it is related to a third party);

3. In certain qualities (because in the field of business)
4. Delivering goods;
5. Entering into trade agreements;
6. Must intend to make a profit

Foreign workers are limited, to be able to use foreign workers, the procedure is that the company must have planning in advance about the use of foreign workers, foreign workers are only for the level of directors and managers whose human resources are superior, and are not owned by Indonesian workers. In addition, there must be a companion for Indonesian workers, because it concerns culture, to get to know the culture of a region, especially the country, is very difficult. For this reason, the immigration authorities must be selective in determining foreign workers to work in Indonesia.

For foreign workers employed by employers, they must have education and/or work experience by the law, willing to make a statement to transfer their expertise to Indonesian citizen workers, especially Indonesian workers accompanying foreign workers working in Indonesia who must be able to communicate in Indonesian. Every TKA employer who uses foreign workers must have a Foreign Worker Utilization Plan (RPTKA) approved by the Minister or appointed official, this is by a copy of the Presidential Regulation, Article 6 paragraph (1) of Presidential Regulation Number 20 of 2018 concerning the Use of Foreign Workers. RPTKA must at least contain:

1. Reasons for using TKA;
2. Position and/or position of the TKA in the organizational structure of the company concerned;
3. Period of use of TKA; and
4. Appointment of Indonesian workers as foreign workers' companions employed

The application for RPTKA submission is then addressed to the Minister or appointed official. According to a copy of the Regulation of the Minister of Manpower, Article 5 of the Regulation of the Minister of Manpower Number 10 of 2018 concerning Procedures for the Use of Foreign Workers every foreign worker employed by a Foreign Worker Employer must:

1. Have an education by the qualifications of the position to be occupied by foreign workers;
2. Have a certificate of competence or have at least 5 (five) years of work experience by the qualifications of the position to be occupied by the TKA;
3. Transferring his expertise to the Companion Work Tanaga;
4. Have a taxpayer identification number for foreign workers who have worked for more than 6 (six) months;
5. Have an Attribution for work issued by an authorized agency.

The Permit to Use Foreign Workers (IMTA) is granted by the Director of Procurement and Use of Manpower of the Ministry of Manpower and Transmigration to the employer of Foreign Workers, by previously attaching (article 5 jo article 3), namely:

1. Copy of the Visa for Limited Stay Permit (VITAS) to work on behalf of the worker concerned;
2. Copy of employment agreement;
3. Proof of payment of compensation funds for the use of foreign workers.

Article 10 paragraph (1) of Presidential Regulation Number 20 of 2018 concerning the Use of Foreign Workers states that employers of Foreign Workers are not required to have an RPTKA to hire Foreign Workers which are:

1. Shareholders who serve as members of the Board of Directors or members of the Commissioner of Foreign Employers;
2. Diplomatic and consular employees at foreign representative offices
3. Foreign Workers who are the type of jobs required by the government

This Permit to Use Foreign Workers (IMTA) can be extended by the Director/Governor, to obtain VITAs, and first apply to the Director General of Immigration. In addition to VITAs, the Director General of Immigration also issues visas to work in Indonesia to obtain recommendations for obtaining visas to work and VITAs, employers of foreign workers attach:

1. Photocopy of the RPTKA ratification decree;
2. Photocopy of the passport of the foreign worker to be employed.

The IMTA must be issued by the Director no later than 7 (seven) days from the completion of the requirements and if the IMTA has not been issued, the temporary IMTA can be issued first for a maximum period of 30 (thirty) working days. Meanwhile, the validity period of IMTA is the same as the validity period of the residence permit. The Compensation Fund for the use of foreign workers is set at US\$ 100 per month for each foreign worker and is paid in advance by Article 6 Paragraph (1) of the Decree of the Minister of Manpower and Transmigration Number 20 of 2004 concerning Procedures for Obtaining Permits to Employ Foreign Workers. If you only hire for less than 1 month, then the compensation fund that must be paid is 1 full month. The payment is made by the employer and deposited in the Expertise and Skills Development Fund (DPKK) at the government bank appointed by the Minister. Although the company has certain rights, namely the right to personal secrets to know the curriculum vitae and certain personal data of each employee, employees have the right to keep their data confidential. The company must accept that there are certain things that the company should not know and want to keep confidential employees^[17]. The other rights of the entrepreneur are as follows:

1. It is permissible to postpone the payment of temporary incapacity allowance until a maximum of five days from the time the accident occurred, if the worker who is affected by the accident is not through the intermediary of the company or if he has not obtained a doctor's certificate explaining that the worker is unable to work because of the accident;
2. It is permissible to submit a request to the supervisory officer to determine the amount of allowance that has been determined if there is a real change in the situation of being permanently unable to work;
3. You can file an objection in writing to the Minister of Manpower if the request for a permit or a request to extend the validity period of the permit is rejected within 60 days from the date of refusal;
4. Get services to obtain prospective Indonesian workers who will be sent abroad from the Office of the Ministry of Manpower.
5. Get job market information.

On the other hand, employees also have obligations to the company, which are in the form of:

1. Obligated to perform achievements/work for the employer;
2. Must comply with company regulations;
3. Must comply with the employment agreement;
4. Obligated to comply with labor agreements;
5. Obligated to maintain company secrets;
6. Must comply with employer regulations;
7. It is mandatory to fulfill all obligations as long as the permit has not been granted if there is an appeal that has not yet been decided.

Based on the data taken by the author from the Manpower Office of Mandailing Natal Regency, the data on foreign workers in private companies in Madina Regency is detailed as follows:

Based on the latest data regarding Foreign Workers (TKA) working at PT. Sorik Merapi Geothermal Power (PT. SMGP) in May 2024, it can be seen that all foreign workers come from China. The full list includes 39 individuals with names such as Li Xu, Chen Kaili, Yu Xingqiang, Zheng Zianjin, Huang Jinfu, Qiu Huili, Wang Jianguang, Tang Xinyu, Hu Qichao, Du Jianfeng, Chen Jiao, Huang Yuexin, Xu Lingjian, Lu Yun, Zhu Shufa, Li Wei, Zhang Xuan, Yan Huaqing, Ye Xiaofei, Zhou Bing, Dong Weixin, Huang Minhuai, Liao Huanqi, Wang Jinguo, Li Sheng, Wang Yuanqin, Jiao Taotao, Liu Fei, Wei Lide, Bai Lianzheng, Fang Xuefeng, Xu Xiaolong, Huang Mingliang, Li Jing, Wang Min, Wu Shaohua, and Cheng Zhiqin. Most names such as Li Xu, Chen Kaili, Yu Xingqiang, Zheng Zianjin, Huang Jinfu, Qiu Huili, and Zhou Bing appear repeatedly, indicating that they are some of the many TKA who work at PT. SMGP. This data indicates that the company relies heavily on foreign workers from China to meet the labor needs of its projects.

Based on the results of an interview with Mr. Herman Gafar, the Head of the Manpower Office of Madina Regency, from the data of foreign workers above, the required files are complete by the rules that have been required and the foreign workers will be employed in a private company, namely PT. Sorik Marapi Geothermal Power.

Article 5 Paragraph (1) of Presidential Regulation Number 20 of 2018 concerning the Use of Foreign Workers stipulates that foreign workers are prohibited from occupying positions that take care of personnel and/or certain positions determined by the Minister which in this case is the position of HR/HRD, this prohibition is not without reason, hiring foreign workers as HR/HRD is the right decision because every company needs to study the Manpower Law. Companies are not allowed to create their own rules for their interests, because complying with the Labor Law means protecting workers' rights.

Personnel or HR is one of the strategic positions that determines the direction of the company's movement, moreover, HR has the authority to create innovations for the improvement of human assets. This HR job will contribute to the development of the Indonesian people as a whole. Therefore, in Article 46 paragraph (1) of Law No. 13 of 2003 concerning Manpower, Attachment to the Decree of the Minister of Manpower and Transmigration Number 40 of 2012 concerning Certain Positions Prohibited from Occupied by Foreign Workers as much as possible HRD

employs Indonesian workers to develop the abilities and expertise of Indonesian people. Other positions are prohibited from being occupied by Foreign Workers, including:

1. Direktur Personalia (Personel Director);
2. Industrial Relations Manager;
3. Manajer Personalia (Human Resource Manager);
4. Personnel Development Supervisor;
5. Supervisor Perekrutan Personalia (Personnel Recruitment Supervisor);
6. Supervisor Penempatan Personalia (Personnel Placement Supervisor);
7. Supervisor Pembinaan Karir Pegawai (employee Career Development Supervisor);
8. Penata Usaha Personalia (Personnel Declare Administrator);
9. Chief Executive Officer;
10. Personnel and Careers Specialist;
11. Spesialis Personalia (Personnel Specialist);
12. Career Advisor;
13. Job Advisor;
14. Job Advisor and Counseling;
15. Employee Mediator;
16. Employee Training Administrator (Job Training Administrator);
17. Job Interviewer;
18. Job Analyst;
19. Occupational Safety Specialist.

In Article 42 Paragraph (4) of the Manpower Law, in addition to the positions that are prohibited from being occupied by foreign workers, it must also be known that foreign workers can be employed in Indonesia only in employment relations for certain positions and for a certain time.

According to Article 185 Paragraph (1) of the Manpower Law, if it is proven that the factory entrepreneur employs foreign workers as workers who do not meet the provisions of laws and regulations so that they do not have a permit to employ foreign workers, the factory entrepreneur as the employer is subject to criminal sanctions of imprisonment for a minimum of one year and a maximum of four years and/or a fine of at least Rp 100 million and a maximum of Rp 400 million.

Based on an interview with Mr. Lion Muslim Nasution, the Head of the Placement and Employment Expansion Bid of the Madina Directorate, foreign workers employed in private companies are only employed in special sections, and are not allowed to work in sections that have been regulated by the Law.

After the issuance of Presidential Regulation Number 20 of 2018, the use of foreign workers is again being discussed. One of the things that is the subject of discussion is how the implementation of this Regulation is associated with the previously existing Labor Regulations. Therefore, business actors and the general public need to know correctly about the purpose, substance, and procedures for the use of foreign workers both based on Presidential Regulation Number 20 of 2018 and other labor regulations.

In Presidential Regulation Number 20 of 2018 and Permenaker Number 10 of 2018, employers to foreign workers are legal entities or other bodies that employ foreign workers by paying wages or other forms of compensation. The employer bodies are in the form of the following:

1. Government agencies, representatives of foreign countries, international bodies, and international organizations;
2. Foreign trade representative offices, representative offices of foreign companies, and foreign news agencies conducting activities in Indonesia;
3. Foreign private companies doing business in Indonesia;
4. A legal entity established under Indonesian law in the form of a Limited Liability Company (PT), or a foundation, or a foreign business entity registered with an authorized agency;
5. social, religious, educational, and cultural institutions;
6. Impressionist service business; and
7. Business entities as long as they are not prohibited by law.

If you look at the employers listed in the regulation, it may be an impresario service business that is still unfamiliar to the ears. In Permenaker No. 10 of 2018 above, the impresario service business is defined as the activity of managing the implementation of entertainment in Indonesia, both those who bring in and those who repatriate performers in the field of arts and sports who are temporary. For the plan to bring in foreign workers in the following years to run well, several conditions must be possessed by employers, including:

1. Have a Foreign Worker Utilization Plan (RPTKA) approved by the Minister or appointed official;
2. Pay the Compensation Fund for the Use of Foreign Workers (DKP-TKA) for each foreign worker employed by the provisions of laws and regulations;
3. Participating in the insurance program at an Indonesian legal entity insurance company that has worked for less than 6 (six) months;
4. Participating in the National Social Security program for a minimum of 6 (six) months;
5. Appointing Companion Workers in the context of technology transfer
6. Carry out education and training for Assistance Workers; and
7. Facilitating education Appointing Assistance Workers in the context of technology transfer and Indonesian language training to the foreign workers they employ.

The requirements for supporting documents for RPTKA are as follows:

1. To obtain the ratification of the RPTKA, the TKA employer must submit a written application accompanied by the reason for using the TKA by attaching:
 - Completed RPTKA form;
 - Business license from the authorized agency;
 - Deed of establishment as a legal entity that has been ratified by the authorized official;
 - Company domicile information from the local government;
 - Company organizational structure chart;
 - Letter of appointment of migrant workers as companions of employed foreign workers;
 - Copy of proof of mandatory employment reporting that is still valid based on Law Number 7 of 1981 concerning Mandatory Employment Reporting in companies; and
 - Recommendations for positions to be occupied by TKA from certain agencies if needed.

2. The RPTKA form referred to above contains:
- Identity of the employer of the foreign worker;
 - Position and/or position of the TKA in the organizational chart structure of the company concerned;
 - The amount of wages for foreign workers who are required for the position of foreign workers;
 - Number of foreign workers;
 - Job description and job requirements paid by TKA;
 - Worksite;
 - Period of use of foreign workers;
 - Appointment of Indonesian citizen workers as companions of employed foreign workers; and
 - Indonesian workforce education and training program plan.

Some things that need to be understood regarding the latest procedures, namely:

1. RPTKA Can be valid by the TKA Employment agreement.

If the TKA Employment Agreement with the company is only six months, the RPTKA will also be valid for only six months. The validity period of the RPTKA will follow the Employment Agreement between the TKA and the Company.

- Work permit document only RPTKA
The current permission to use foreign workers is only RPTKA. Meanwhile, IMTA has been abolished. So, the ratification of Work Permits is only with RPTKA and Notifications.

- Notification (Issuance of DPKK Payment billing code)
In the Notification process, a billing code will be issued and within only one working day, the Company must pay the Expertise and Skills Development Fund (commonly abbreviated as "DPKK") 100 USD per month.

2. Integration of the ministry of manpower system and the immigration system

The Telex application process is submitted in the Notification submission phase. After the payment of the billing code, the billing code for the Non-Tax State Revenue ("PNBP") Telex Vitas Approval and Limited Stay Permit will be issued. The Company is given 30 (thirty) days on Tuesday to make the payment of the PNBP.

- The issuance of telex and can take a visa at the Indonesian embassy in the destination
If you have made the payment of the PNBP for Telex Vitas Approval and Limited Stay Permit, then the Directorate General of Immigration will issue a Telex Vitas Approval, then the TKA can take the Visa at the Indonesian Embassy at the destination.

- Photo and biometrics sessions for foreign workers are carried out at certain airports
Then, when the TKA arrives in Indonesia, the TKA is obliged to report the purpose of their arrival in Indonesia to work. Immigration will process the photo and fingerprint collection of the foreign worker. It can be noted that not all airports in Indonesia accept the arrival of foreign workers. Only

the following airports are the entry routes for foreign workers to work, namely:

1. Soekarno Hatta International Airport (Jakarta);
2. Juanda International Airport (Surabaya);
3. Kualanamu International Airport (Medan); and
4. Ngurah Rai International Airport (Bali)

Based on the results of an interview with Mr. Herman Gafar, the Head of the Manpower Office of Mandailing Natal Regency, the application of the law on the use of foreign workers by the Manpower Office of Mandailing Natal Regency to several private companies in Mandailing Natal Regency is by the procedures or legal rules that have been determined by the government as the maker of laws and regulations, So that private companies that want to hire foreign workers must prepare the required documents so that the licensing process can be taken care of properly without any obstacles that hinder it.

Legal protection carried out by the manpower office of mandailing natal regency for foreign workers (TKA) in private companies

Legal protection arrangements for foreign workers in Indonesia are regulated through various interrelated regulations and laws, including Law Number 13 of 2003 concerning Manpower, Law Number 2 of 2004 concerning Industrial Relations Dispute Resolution, and Law Number 11 of 2020 concerning Job Creation. In addition, there is also Government Regulation Number 34 of 2021 concerning the Use of Foreign Workers and Government Regulation Number 35 of 2021 concerning Fixed-Time Work Agreements, Power Experts, Working Time, and Rest Time as well as Termination of Employment. Legal protection for foreign workers is divided into two main categories, namely preventive legal protection and repressive legal protection. In the context of foreign workers, legal protection includes several important aspects: licensing, employment agreements, industrial relations dispute resolution, as well as supervision and administrative sanctions.

The Manpower Office of Mandailing Natal Regency plays an important role in regulating employment and industrial relations issues in the area. As a responsible institution, the Mandailing Natal Regency Manpower Office is tasked with ensuring that legal protection for foreign workers can be provided effectively. Based on an interview with Mr. Lion Muslim Nasution, Head of the Employment Placement and Expansion Division of the Madina Directorate, several forms of legal protection provided by the agency include: first, assistance in the management of permits and documents for foreign workers that will be ratified by the relevant departments, in this case through the Directorate General of Labor Placement Development. Second, socialization to private companies in Madina Regency to ensure that the salaries or remuneration given to foreign workers are by the employment agreements that have been made. Third, assistance in resolving industrial relations disputes or conflicts between foreign workers and the companies where they work. Fourth, the socialization of legal rules related to the management of foreign workers to private companies to comply with the procedures that have been regulated. Through these various efforts, the Mandailing Natal Regency Manpower Office is committed to protecting the rights and interests of foreign workers, as well as creating a fair work environment by applicable legal provisions.

Conclusion

Regarding the use of foreign workers (TKA) in Indonesia, it can be concluded that regulations related to hiring foreign workers are strictly regulated to ensure compliance with labor laws and local labor protection. Employers must obtain written permission from the competent agencies, such as the Foreign Worker Utilization Plan (RPTKA) approved by the Minister, and meet certain conditions, such as the appointment of Indonesian workers as companions and the implementation of technology transfer training. The use of foreign workers is allowed only for specific positions and certain times, focusing on the level of directors and managers who have special skills that are not possessed by the Indonesian workforce. The regulation also provides for a ban on foreign workers from occupying strategic positions such as HR/HRD, which aims to protect workers' rights and develop the capabilities of the local workforce. In addition, the new work permit system replaces IMTA with RPTKA and Notification, simplifying the administrative process while still emphasizing compliance with applicable regulations. The implementation of this regulation is expected to increase regularity and transparency in the use of foreign workers in Indonesia.

Legal protection for foreign workers (TKA) in Mandailing Natal Regency is a crucial aspect in ensuring compliance with labor regulations and the protection of workers' rights. The Manpower Office of Mandailing Natal Regency plays a central role in this matter, by implementing various legal protection measures based on applicable regulations, including Law Number 13 of 2003 concerning Manpower, as well as Government Regulations Number 34 of 2021 and Number 35 of 2021. Such legal protection covers two main categories: preventive and repressive. In practice, the Manpower Office of Mandailing Natal Regency protects several forms: (1) facilitation of the management of permits and documents for foreign workers authorized by the authorities; (2) socialization to the company regarding the obligation to pay salaries according to the employment agreement; (3) assistance in resolving disputes between TKA and the company; and (4) socialization of legal rules related to the use of foreign workers to companies. Through these efforts, the Manpower Office is committed to ensuring compliance with regulations and creating a fair and legal working environment, so that the rights and interests of foreign workers are optimally protected.

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