

MEMORANDUM OF COOPERATION
ON
THE TECHNICAL INTERN TRAINING PROGRAM
BETWEEN
THE GOVERNMENT OF JAPAN
AND
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA

The Government of Japan (hereinafter referred to as “the GoJ”) and the Government of the Republic of Indonesia (hereinafter referred to as “the GoI”), hereinafter collectively referred to as “the Governments”;

Shared the view that the purpose of the Technical Intern Training Program is to transfer technical skills, techniques and knowledge (hereinafter referred to as “technical skills, etc.”) from Japan to the Republic of Indonesia, to contribute to the human resource development by which the development of the economy of the Republic of Indonesia would be led and thus to promote bilateral cooperation between Japan and the Republic of Indonesia;

Based on this view, the Governments have decided as follows in order to adequately advance the Technical Intern Training Program:

I. Definitions

1. The term “Technical Intern Training” refers to individual-enterprise-type technical intern training and supervising-organization-type technical intern training.
2. The term “individual-enterprise-type technical intern training” refers to a training where an Indonesian national with a status of residence of “Technical Intern Training” who is an employee of an Indonesia-based establishment of a Japanese public or private organization or an Indonesian public or private organization that has a close relationship with a Japanese public or private organization engages in activities relating to technical skills, etc. under an employment contract with such a Japanese public or private organization.
3. The term “supervising-organization-type technical intern training” refers to a training where an Indonesian national with a status of residence of “Technical Intern Training” engages in both of the following activities:
 - a. To attend necessary lectures for the purpose of acquiring technical skills, etc.

- accepted by a Japanese nonprofit juridical person; and
- b. Based on an employment contract with a Japanese public or private organization whose training is supervised by the juridical person, to engage in work which requires the skills at a place of business of the public or private organization in Japan.
 4. The term “Technical Intern Training Plan” refers to a plan relating to implementation of the Technical Intern Training for each technical intern trainee pursuant to the prevailing laws and regulations of the GoJ.
 5. The term “Technical Intern Trainee” refers to an Indonesian national who engages in Technical Intern Training.
 6. The term “Sending Organization” refers to an Indonesian licensed vocational training institution, a registered company, or a government agency authorized by the GoI to send Technical Intern Trainees to Japan.
 7. The term “Approving Standards” refers to the set of standards as described in Attachment 1 that a Sending Organization must meet in order to be approved by the GoI as appropriate to send Technical Intern Trainees to Japan. Approving Standards forms an integral part of this Memorandum of Cooperation (hereinafter referred to as "Memorandum").
 8. The term “Approved Sending Organization” refers to a Sending Organization which has met Approving Standards and been approved by the GoI to send Technical Intern Trainees to Japan.
 9. The term “Supervising Organization” refers to a Japanese nonprofit juridical person that engages in the business of supervision of training based on a license to supervise pursuant to the prevailing laws and regulations of the GoJ.

II. Purpose

The purpose of this cooperation is to transfer technical skills, etc. from Japan to the Republic of Indonesia appropriately and smoothly through the Technical Intern Training Program by setting out the responsibilities of the Governments to send and accept Technical Intern Trainees and thus to promote bilateral cooperation.

III. Contact Points

The Governments will designate respectively the following contact points related for communications and coordination purposes in order to effectively implement the activities under this Memorandum:

1. For Japan:

The International Affairs Department of the Organization for Technical Intern Training (hereinafter referred to as “OTIT”) which is a juridical person approved its

establishment by the Ministry of Justice and the Ministry of Health, Labour and Welfare.

2. For the Republic of Indonesia:

The Directorate of Apprenticeship Development, Directorate General of Training and Productivity Development, the Ministry of Manpower (hereinafter referred to as “MoM”).

IV. Implementation

1. The implementation of this Memorandum will be conducted within the scope of the applicable laws and regulations in each country.
2. For the implementation of this Memorandum, the competent authorities of Japan are the Ministry of Justice, the Ministry of Foreign Affairs, and the Ministry of Health, Labour and Welfare, and the competent authority of Indonesia is MoM.
3. The Governments will establish a regular communication and coordination involving relevant bodies in Japan including OTIT and the Indonesian diplomatic missions in Japan concerning implementation of the Technical Intern Training.

V. Information Sharing and Consultation

1. The Governments will hold a periodic meeting and share information regarding cooperation on the Technical Intern Training Program under this Memorandum, and will consult from time to time through diplomatic channels, as necessary.
2. Either of the Governments will not disclose confidential information obtained from the other Government through cooperation and exchange of information within the framework of this Memorandum without the written consent from the other Government.

VI. Responsibilities of the GoJ

After the commencement of cooperation under this Memorandum, the GoJ, will be responsible for:

1. Publishing the list of Approved Sending Organization upon receipt of such information from the GoI;
2. Accepting only Technical Intern Trainees who fulfill the requirements stipulated in the Ordinance for Enforcement of the Act and are sent by Approved Sending Organizations under accredited Technical Intern Training Plans;
3. Acknowledging the list of Approved Sending Organization provided by the GoI as a substitution to the letter of recommendation for the Sending Organization provided by the GoI;

4. Providing the updated number of Technical Intern Trainees during the regular coordination pursuant to prevailing laws and regulations of the GoJ;
5. Publishing the information on the revocation of an approval of Approved Sending Organizations in Japan upon receipt of such information from the GoI;
6. Providing the GoI a full list of Supervising Organizations and to make it publicly available in Japan;
7. Sharing the results with the GoI, when carrying out any administrative measures, such as revocation of license and issuance of order for suspension or improvement, taken against a Supervising Organization;
8. Providing necessary information when the GoJ receives inquiries from the GoI pertaining to the issues such as the status of implementation of the Technical Intern Training Program, any revisions of the program, or any additions of the occupations covered by the program; and
9. Cooperating with the GoI in regards to the protection towards Technical Intern Trainees in Japan.

VII. Responsibilities of the GoI

After the commencement of cooperation under this Memorandum, the GoI will be responsible for:

1. Issuing and publishing a recommendation which consists of list of Approved Sending Organizations. Such publication may not be made by any public authorities other than MoM;
2. Issuing the list of Technical Intern Trainee to be sent to Japan and providing it to the GoJ;
3. Examining and ensuring Sending Organizations meet the Approving Standards before approvals can be granted to a Sending Organization;
4. Publishing the names and other information of Approved Sending Organizations;
5. Providing the GoJ with the information on the list of Approved Sending Organization in the form specified in Attachment 2 which forms as an integral part of this Memorandum;
6. Taking appropriate measures, such as conducting investigation and providing necessary guidance and supervision, and sharing the results with the GoJ, when an Approved Sending Organization seems to have exercised activities inconsistent with the Approving Standards or other improper activities;
7. Providing guidance to Approved Sending Organizations in order to select and send Technical Intern Trainees in an appropriate manner;
8. Revoking an approval when an Approved Sending Organization no longer meets the Approving Standards, and notifying such revocation to the GoJ;

9. Cooperating on follow-up surveys conducted by the GoJ concerning the utilization of acquired technical skills, etc. after the Technical Intern Trainees return to the Republic of Indonesia, by, in particular, providing guidance to Approved Sending Organizations in order to obtain accurate feedbacks as many as possible from those former Technical Intern Trainees; and
10. Providing the GoJ with information required, pertaining to guidance and supervision records of the Approved Sending Organizations, records related to approval of Sending Organizations, matters related to the types of training categories in demand for technical transfer in the Republic of Indonesia and so forth.

VIII. Settlement of Issues

The Governments will consult each other with respect to the implementation of activities under this Memorandum or issues arising in relation to the implementation, and will settle such issues amicably and in close cooperation.

IX. Commencement, Modification, Duration, and Termination

1. This Memorandum will commence on the date its signature. The duration of this Memorandum is for a period of five years and may be extended by mutual written consent for another five years period.
2. In case either Government wishes to modify the cooperation based on this Memorandum after its commencement, such Government will express its desire by written notice.
3. Either Government may terminate this Memorandum at any time by giving a written notification to the other Government no later than ninety days before the desired termination date.

In Witness Whereof, the undersigned, being duly authorized thereto by the respective Governments, have signed this Memorandum.

Signed in duplicate on this 25th day of June 2019 at Jakarta, each in English, Japanese and Bahasa Indonesia, all texts being original. In case of any divergence of the interpretation of this Memorandum, the English text will prevail.

For the Government of Japan

**For the Government of the Republic of
Indonesia**

Masafumi Ishii

Ambassador Extraordinary and
Plenipotentiary

Muhammad Hanif Dhakiri

Minister of Manpower

Approving Standards for Sending Organizations

1. A Sending Organization must meet all of the following standards:
 - (1) To appropriately select and send to Japan only those who are motivated to engage in Technical Intern Training with the understanding of the objectives of the Technical Intern Training Program and to contribute to the economic development of the Republic of Indonesia by making use of the achievement through the Technical Intern Training after returning to the Republic of Indonesia.
 - (2) To clearly specify the calculating criteria of commissions and any other fees to be collected from Technical Intern Trainee candidates and make the criteria publicly available, and to explain the details of such commissions and other fees to candidates in order to obtain their understanding sufficiently.
 - (3) Not to collect any fees other than those whose criteria is specified in accordance with paragraph (2) from Technical Intern Trainees before and after departure from the Republic of Indonesia.
 - (4) To provide the Technical Intern Trainees who returned to the Republic of Indonesia after completing the Technical Intern Training with necessary support, such as finding occupations in order for them to appropriately utilize the acquired technical skills, etc.
 - (5) To respond the requests from the Minister of Justice of Japan, the Minister of Health, Labour and Welfare of Japan or the Organizations for the Technical Intern Training with respect to the appropriate implementation of Technical Intern Training Program as well as the protection of Technical Intern Trainees, including cooperation on follow-up surveys on the Technical Intern Trainees who returned to the Republic of Indonesia after completing the Technical Intern Training.
 - (6) As for Sending Organization and its board members, if they had been sentenced to imprisonment, or imposed an administrative sanction for juridical person, or more severe penalty in Japan or in the Republic of Indonesia, at least five years have elapsed after the penalty had been completed or the penalty has been exempted from the execution.

- (7) To carry out all activities in accordance with the laws and regulations of the Republic of Indonesia.
 - (8) As for Sending Organization and its board members, to have never conducted any of the following acts within the preceding five years:
 - (a) Managing money or other properties of Technical Intern Trainees and/ or Technical Intern Trainee candidates, their relatives or other persons concerned, regardless of any reasons such as collecting deposits or any other purposes in connection with Technical Intern Training;
 - (b) Concluding any contracts that impose monetary penalties or that expect undue transfer of money or other properties, for the violation of the contracts in relation to Technical Intern Training;
 - (c) Human rights violations against trainees and candidates such as assaults, intimidations, and restrictions of freedom; and
 - (d) To use or provide forged, altered or false documents, pictures or drawings with the intention of obtaining permissions fraudulently with regards to the procedures of the Technical Intern Training Program as well as the immigration program in Japan.
 - (9) To confirm that trainees and candidates, their relatives or other persons concerned have never been involved in the acts set out in (a) and (b) of paragraph (8), in coordinating applications for Technical Intern Training to Japanese Supervising Organizations.
 - (10) Acknowledging the importance of addressing disappearance of Technical Intern Trainees, to cooperate with Japanese Supervising Organizations and to make efforts in order to prevent Technical Intern Trainees from disappearing.
 - (11) To have other necessary capacities to appropriately coordinate applications for Technical Intern Training to Japanese Supervising Organizations.
2. In terms of approving Sending Organization in the Republic of Indonesia, the GoI will commence the procedure from the 1st day of July in 2019 and provide a full list of Approved Sending Organizations for the GoJ by the 1st day of January in 2020. The GoJ will accept only those trainees who are sent by Indonesian Approved Sending Organizations on the list from the 1st day of May in 2020.

FULL LIST OF APPROVED SENDING ORGANIZATION

No.	Name of Organization	Address	URL	Person in charge of Training			Contact Point in Japan (if any)					
				name	TEL	Email	Name of Person in Charge	Address	TEL	Email		