

Legal Status of Government Employees with Employment Agreements in the State Civil Service System

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This study aims to analyze the legal position of Government Employees with Work Agreements (PPPK) within the State Civil Apparatus (ASN) system, as well as to examine the rights and obligations of PPPK and their differences from Civil Servants (PNS). The research method used is a qualitative method with a normative juridical approach through a literature study of relevant laws and regulations. The results show that PPPK holds a legitimate legal position as part of ASN and has a strategic function in the administration of government. However, the contractual nature of PPPK's employment status has implications for job security, social security, and career development. In addition, there remain differences in treatment between PPPK and PNS that have the potential to create inequality within the civil service system. Therefore, more comprehensive strengthening of regulations and policies is needed to ensure legal certainty and to create a fair and professional ASN system.

Keywords: PPPK, ASN, legal position, civil service and public policy..

I. INTRODUCTION

Government Employees with Work Agreements (PPPK) are a crucial element of the Indonesian Civil Service (ASN) system. The presence of PPPK is inseparable from bureaucratic reform efforts aimed at realizing professional, effective, and efficient governance. PPPK is an effort to create various innovations within the government sector by exchanging competencies and sharing knowledge and experience between the public and private sectors. Therefore, the inclusion of PPPK will stimulate bureaucratic adrenaline to accelerate ASN implementation.¹

Article 6 of the law states that ASN employees can be categorized into two types: permanent civil servants (PNS) and non-permanent civil servants (PPPK), employees with work contracts. PPPK is interesting to discuss, given their non-permanent status, necessitating regulations that clearly govern their future. Furthermore, the number of non-permanent employees in both central and regional government organizations is currently quite large.²

Conceptually, PPPK (National Civil Servants) are part of the ASN (State Civil Apparatus) that carries out government duties, public services, and national development. However, PPPK's employment status differs from that of PNS (National Civil Servants) because it is based on a fixed-term employment agreement. This difference has significant legal implications, particularly regarding rights, obligations, social security, and career security. In practice, this distinction often gives rise to debate about the extent to which PPPK have equal standing with PNS in the state civil service system.

The existence of the PPPK (Personnel Employment Reform) also reflects a paradigm shift in human resource management in the public sector. The government is no longer entirely reliant on a permanent staffing system, but is instead adopting a more flexible approach that takes organizational needs into account. This approach is expected to improve the quality of public services by recruiting a more competent workforce tailored to the specific needs of government agencies. However, on the other hand, the contract-based system also raises issues related to legal protection and employee welfare.

In its implementation, Government Employees with Work Agreements (PPPK) face various challenges, not only technical but also normative. These challenges arise from both regulatory aspects and practices in the field, which are not yet fully harmonized. One of the most prominent issues is the unclear

career path for PPPK. Unlike Civil Servants (PNS), who have a structured and hierarchical career system, PPPK tend to be in a more limited position due to their reliance on temporary work agreements. This situation results in low long-term career certainty and the potential for professional stagnation for PPPK.

Furthermore, limited social security is also a crucial issue affecting the welfare of PPPK (Community Employee Recipients). The lack of pension security, similar to that enjoyed by civil servants (PNS), creates uncertainty for PPPK regarding their future after their employment ends. This situation is further exacerbated by disparities in administrative practices, such as access to facilities, training, and competency development. These differences indirectly create disparities in the work environment, which can ultimately undermine PPPK's motivation and performance as part of the state apparatus.³

This situation raises fundamental questions regarding legal certainty and the principle of justice within the civil service system. As part of the state apparatus, PPPK should receive proportional treatment commensurate with their roles and responsibilities. However, the reality on the ground shows that there is still an imbalance between the rights and obligations received by PPPK. If this situation is not seriously managed by the government, it could create structural inequalities in the national civil service system and potentially weaken the overall quality of public services.

On the other hand, the legal status of PPPK is also closely related to the principles of state administrative law, particularly regarding the legal relationship between the state as employer and individuals as employees. From this perspective, the state has the authority to regulate, manage, and determine policies related to human resources for civil servants. However, this authority is not absolute; it must be balanced with the obligation to provide fair legal protection and guarantee the certainty of rights for all employees, including PPPK. Therefore, the existence of PPPK must be placed within a clear legal framework to avoid multiple interpretations in its implementation.⁴

Thus, the main problem formulated in this research is the legal status of PPPK within the ASN system, and how differences in employment status affect the fulfillment of employee rights and obligations. This issue is crucial to examine because it directly relates to the effectiveness of government administration, the professionalism of the apparatus, and the state's efforts to create a fair and accountable bureaucratic system.

This study aims to comprehensively analyze the legal status of PPPK within the ASN system by reviewing various regulatory aspects and evolving practices. Furthermore, it aims to identify the rights and obligations of PPPK and compare them with those of civil servants within the applicable legal framework. Therefore, it is hoped that this research will provide theoretical and practical contributions to clarifying the position of PPPK within the state civil service system and serve as a basis for formulating fairer, more transparent, and sustainable policies.

II. METHOD

This study employs a qualitative approach with a normative-juridical approach. This approach was chosen because it focuses on analyzing the legal norms governing the status of Government Employees with Work Agreements (PPPK) within the State Civil Apparatus (ASN) system. This study does not utilize field data but instead examines various relevant laws and regulations and legal concepts. The data sources used in this study are secondary data obtained through literature review. This data includes primary legal materials in the form of laws and regulations related to ASN and PPPK, secondary legal materials in the form of relevant scientific books and journals, and tertiary legal materials to support understanding of the legal concepts used.

Data collection techniques were conducted through a literature study, collecting, reading, and reviewing various literature related to the research topic. The obtained data were then analyzed using qualitative descriptive analysis methods, which involved outlining and interpreting relevant legal provisions and concepts to obtain a clear picture of the legal status of PPPK within the ASN system.

III. DISCUSSION

a. Legal Status of Government Employees with Employment Agreements in the ASN System

The realization of bureaucratic reform requires a state civil apparatus law, namely the Republic of Indonesia Law Number 5 of 2014 concerning the State Civil Apparatus, hereinafter referred to as the ASN Law. This law has the ideals and objectives to realize ASN who have integrity, are professional, neutral and free from political intervention, clean from the practices of corruption, collusion and nepotism, and are able to provide public services for the community and are able to carry out their role as an unifying element of national unity based on Pancasila and the 1945 Constitution of the Republic of Indonesia.⁵

This is in line with the explanation of Ramadhani and Joesoef, who emphasized that "PPPK as explained in the ASN Law Article 1 number 1 of the ASN Law that the State Civil Apparatus (ASN) is a profession for civil servants and government employees with work agreements who work in government agencies. Furthermore, in the same article number 4 it is stated that PPPK are Indonesian citizens who meet certain requirements, who are appointed based on a work agreement for a certain period in order to carry out government duties."⁶

Government Employees with Work Agreements (PPPK) are an integral part of the State Civil Apparatus (ASN), holding legal standing as an element of the state apparatus. Within the national civil service system, PPPK are placed on an equal footing with Civil Servants (PNS) as implementers of public policy, public servants, and the unifier of the nation. This status demonstrates that PPPK normatively possess strong legal legitimacy in carrying out government functions.

However, the primary characteristic of PPPK is its contractual employment relationship. This status distinguishes PPPK from civil servants, who have permanent employment relationships. PPPK's legal standing is based on an employment agreement between the employee and the government agency, so their rights and obligations are defined in the contract and applicable laws and regulations. Consequently, the continuation of the PPPK employment relationship depends on the agreed-upon contract period.

Thus, it is understandable that PPPK occupy a unique legal position, namely as state apparatus with strategic functions but with non-permanent employment status. This situation reflects the state's efforts to accommodate the need for flexibility in managing human resources within the apparatus.

b. Rights and Obligations of PPPK in the State Civil Service System

The provisions for the administration of government have been regulated in a law called the Law on Government Administration. The Law on Government Administration guarantees basic rights and provides protection to citizens and guarantees the implementation of state duties as required by a state based on law in accordance with Article 27 paragraph (1), Article 28 D paragraph (3), Article 28 F, and Article 28 I paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Based on these provisions, citizens are not objects, but subjects who are actively involved in the administration of government.

In order to provide protection guarantees to every citizen, this Law allows citizens to file objections and appeals against Decisions and/or Actions, to Government Agencies and/or Officials or the Superiors of the Officials concerned. Citizens can also file lawsuits against Decisions and/or Actions of Government Agencies and/or Officials to the State Administrative Court, because this Law is the material law of the State Administrative Court system.

This Law serves as the legal basis for the administration of government in an effort to improve good governance and as an effort to prevent the practices of corruption, collusion, and nepotism. Thus, this Law must be able to create a bureaucracy that is increasingly better, transparent, and efficient. Regulation of Government Administration is essentially an effort to build basic principles, mindsets, attitudes, behaviors, culture and administrative action patterns that are democratic, objective, and professional in order to create justice and legal certainty. This Law is an overall effort to re-regulate the Decisions and/or Actions of Government Agencies and/or Officials based on the provisions of laws and regulations and the AUPB.⁷

The rights and obligations of civil servants (ASN) are inherent in both civil servants (PNS) and government employees (PPPK). The regulation of these rights and obligations represents government intervention in the management of ASN. This government intervention must be based on applicable laws and regulations, embodying the principle of legality, a fundamental pillar of the rule of law.⁸ This manifestation of government intervention is the concept of the welfare state, which places the government as the party responsible for the general welfare of its citizens. To achieve this welfare, the government is authorized to intervene in all areas of public life, based on legislation.

Government intervention, as described above, cannot be separated from the general principles of good governance, commonly referred to as AAUPB. AAUPB is the standard of government authority to realize the welfare of the people in a country. In state administrative law, the essence of the government's function is to carry out government functions (*studerende functie*). AAUPB was originally an unwritten legal principle, but since the reform era, AAUPB has become an inevitability that is not implemented in our judicial system to provide legal certainty to people in need of justice.⁹

Meanwhile, the ASN Law imposes the same obligations between PNS and PPPK as stated in Article 23. This article states the obligations of ASN without any separation between PNS and PPPK, namely ASN employees are obliged to be loyal and obedient to Pancasila, the 1945 Constitution of the Republic of Indonesia, the Unitary State of the Republic of Indonesia, and the legitimate government. Furthermore, ASN employees are obliged to maintain national unity and integrity, implement policies formulated by authorized government officials, comply with the provisions of laws and regulations, carry out official duties with full dedication, honesty, awareness, and responsibility. ASN employees are also obliged to demonstrate integrity and exemplary behavior in attitudes, behavior, words and actions to everyone, both inside and outside of the office. ASN employees are obliged to keep official secrets and can only disclose official secrets in accordance with the provisions of laws and regulations, and are willing to be placed throughout the territory of the Unitary State of the Republic of Indonesia.

As part of the civil service (ASN), PPPK have rights and obligations that are fundamentally aligned with the goal of professional and integrated governance. PPPK rights encompass welfare, protection, and competency development, aimed at supporting employee performance in carrying out their duties.

In terms of welfare, PPPK (Community Employee Welfare Officers) are entitled to a decent salary and benefits commensurate with their workload and responsibilities. Furthermore, PPPK are entitled to leave and legal protection while carrying out their duties. They also have the opportunity to improve their competencies through education and training, which aims to maintain professionalism and the quality of public services.

On the other hand, PPPK also have obligations that must be fulfilled as state officials. These obligations include loyalty to the state, adherence to laws and regulations, and carrying out duties with full responsibility and integrity. PPPK are also required to maintain neutrality and professionalism in carrying out government duties.

To streamline the performance of PPPK (National Civil Service Officers), the ASN Law incorporates regulations regarding performance assessments and competency development for PPPK. Performance assessments for PPPK aim to ensure the objectivity of work performance agreed upon in the employment agreement between the Personnel Development Officer and the employee concerned (Article 100 Paragraph 1). Assessments include targets, objectives, results, benefits achieved, and employee behavior, and are conducted objectively, accountably, participatively, measurably, and transparently (Article 100 Paragraphs 2 and 3).

Performance assessments for PPPK are conducted by the PPPK's direct superior, as well as by colleagues at the same level and subordinates. (Article 100 Paragraphs 5 and 6). Therefore, the performance assessment mandated by this law is based on assessments from all directions, namely superiors, those at the same level, and subordinates. This is good for maintaining the objectivity of performance assessments, the

hope is that performance assessments can reflect the actual conditions so that the results of the performance assessment can be used as they should. For PPPK whose performance has been assessed but cannot achieve the performance targets agreed upon in the employment agreement, they will be dismissed from PPPK (Article 100 Paragraph 9). This is a firm step to ensure that PPPK who work can truly maintain their professionalism.

Another hope is that the negative image of permanent employees as low-performing can gradually be eroded. Such strict regulations require commitment to their implementation. This, of course, presents a challenge for stakeholders to oversee their implementation.

Thus, despite their contractual status, PPPK still have significant responsibilities in supporting government administration. These rights and obligations form the basis for striking a balance between employee protection and optimal performance requirements.

c. **Differences between PPPK and PNS from a Civil Service Law Perspective**

The distinction between PPPK and PNS is a crucial issue in the state civil service system. This distinction lies not only in employment status but also encompasses aspects of rights, social security, and career development.

Civil servants (PNS) have permanent employment status with guaranteed tenure until retirement age. Furthermore, they receive pension benefits as a form of protection in old age. In contrast, PPPK (Community Employee Retirement) have a contractual employment relationship with a limited term of service, as stipulated in the agreement. PPPK do not enjoy pension benefits like civil servants, resulting in a relatively lower level of long-term security.

The provisions regarding the substance and term of this work agreement are described by Ramadhani and Joesoef as follows: "The work agreement signed by the PPPK candidate, based on Article 33 of Government Regulation Number 49 of 2018, must at least contain: duties; performance targets; work agreement period; rights and obligations; prohibitions; and sanctions. Regarding the work agreement period, Article 37 of Government Regulation Number 49 of 2018 states that the PPPK work agreement period is at least 1 (one) year and can be extended as needed and based on performance assessment. This differs from the provisions applicable to PPPK subject to the Manpower Law, where PKWT renewals can only be made after a grace period of 30 (thirty) days has elapsed since the end of the old PKWT, and this PKWT renewal may only be done 1 (one) time and a maximum of 2 (two) years."¹⁰

Civil servant employment agreements with government agencies are fixed-term employment agreements (PKWT). This is as explained in Article 1 of the Civil Servant Law, which states that PPPK are Indonesian citizens (WNI) who meet certain requirements and are appointed based on a fixed-term employment agreement to carry out government duties. The term "fixed-term" in the Manpower Law refers to a time limit in an employment agreement that is only intended for a specific job, which can only be made for certain jobs that, according to the type and nature or activities of the work, will be completed within a certain time.¹¹

Another difference lies in the career development system. Civil servants (PNS) have a clearer and more structured career path, while PPPK (Personnel Officials) tend to have limited opportunities for promotion. This creates a gap in the personnel system that can potentially impact employee motivation. The government's implementation of PPPK appointments is not based on an employment agreement. An employment agreement between non-PNS ASN is made after the selection process is completed. This differs from the employment agreements applicable to workers subject to the Manpower Law. Under the Manpower Law, an employment agreement is the binding basis between the worker and the company to exercise their civil rights and obligations in accordance with the agreement's contents. However, in terms of function and role, PPPK and PNS have the same responsibility in serving the public. Therefore, it is crucial for the government to manage these differences proportionally to prevent inequities within the ASN system.

d. Problems and Challenges of PPPK Implementation in the ASN System

In its implementation, the PPPK (Community Employment Agency) continues to face various structural and technical issues and challenges. One major issue is limited social security, particularly the lack of pension benefits like those enjoyed by Civil Servants (PNS). This situation creates uncertainty for PPPK in the long term, particularly after their employment ends. This uncertainty not only impacts their welfare but can also affect their psychological stability and loyalty to their employing institution.

Furthermore, there are still differences in treatment between PPPK and PNS in practice. These differences can include access to work facilities, opportunities for education and training, and career development. In some cases, PPPK also do not receive full equal recognition within government organizational structures. This situation has the potential to create inequality in the workplace, which ultimately hinders the creation of a professional and equitable bureaucratic system.¹²

Another challenge relates to legal certainty and consistency of regulations governing PPPK. Although the government has established various regulations regarding PPPK management, their implementation across agencies has not been entirely uniform. Differences in interpretation of regulations and a lack of coordination between agencies have contributed to inconsistencies in policy implementation. This demonstrates the need for further strengthening regulatory harmonization and increased oversight of the implementation of the contract-based employment system.

Furthermore, the employment contract system that underpins the legal relationship between PPPK (Permanent Personnel Personnel) also presents its own challenges. Temporary employment contracts can create instability in the employment relationship, especially if they lack transparent evaluation and extension mechanisms. From an employment law perspective, this situation can lead to potential injustice if PPPK rights are not clearly and explicitly stipulated in the agreed-upon employment agreement.¹³

However, despite these challenges, the existence of the PPPK also presents a strategic opportunity to improve the quality of human resources within the state apparatus. With a more flexible system, the government has the space to recruit professionals with specific competencies tailored to the organization's needs. This flexibility is a distinct advantage in addressing the increasingly complex dynamics of public service that demand diverse skill sets.

Therefore, existing challenges need to be addressed through more comprehensive and justice-oriented policies. The government needs to ensure a balance between the flexibility of the PPPK work system and legal protection and employee welfare. This way, PPPK can play an optimal role in supporting effective, professional, and integrity-based governance.

IV. CONCLUSION

Based on the discussion, it can be concluded that Government Employees with Work Agreements (PPPK) have legal standing as part of the State Civil Apparatus (ASN) and play a role in governance, public services, and national development. Normatively, PPPK have an equal position with Civil Servants (PNS), but the difference in contractual employment status has implications for job security, social security, and career development.

In terms of rights and obligations, PPPK are essentially regulated by law. However, in practice, imbalances persist, particularly regarding welfare guarantees and future security. The differences between PPPK and civil servants in terms of status, social security, and career systems indicate a gap in the state civil service system that could potentially impact employee motivation and performance.

Furthermore, the implementation of the PPPK program still faces various challenges, such as unclear career paths, limited social security, and suboptimal implementation of regulations across various agencies. Therefore, policy strengthening and regulatory harmonization are needed to ensure legal certainty and create a fairer, more professional, and more sustainable civil servant (ASN) system.

V. SUGGESTION

Based on the above conclusions, the government, as the policy maker, is advised to immediately formulate a retirement or post-employment security scheme for PPPK that is equivalent to that received by civil servants, considering that the lack of such security has been a major source of uncertainty for PPPK in facing the future after the end of their employment period. Regulations regarding PPPK career levels also need to be further detailed, including transparent and predictable mechanisms for performance evaluation and work agreement extensions, so that the contractual status attached to PPPK does not immediately close off opportunities for their professional development.

Furthermore, regulatory harmonization between central and regional government agencies needs to be strengthened through uniform technical guidelines to minimize differences in interpretation and practice in the management of PPPK, which have led to policy inconsistencies. PPPK's access to work facilities, education, and training should also be equal to that of civil servants, provided it does not conflict with the contractual nature of their employment relationship, to support the professionalism and quality of the public services they provide. Further empirical research is recommended to examine the implementation of the PPPK policy in the field in greater depth, so that the resulting policy recommendations can be more contextual and applicable for improving the state civil service system going forward.

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