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Government Employee with Work Agreement (PPPK) Position and Regulation in Staffing System based on Civil Servant Act

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Abstract: One of the key aspects of this reform is the restructuring of the staffing system, which includes the management of human resources in the public sector. However, the implementation and technical arrangements regarding PPPK still face various challenges, especially related to the position in the overall staffing system. This study uses a normative juridical method with a qualitative approach with a literature study. The position of PPPK and State Civil Apparatus (ASN) is regulated by Law of the Republic of Indonesia Number 20 of 2023 concerning State Civil Apparatus. Arrangements that have been stipulated by laws and regulations related to PPPK include 1) Law of the Republic of Indonesia Number 20 of 2023 concerning the State Civil Apparatus. 2) Government Regulation Number 49 of 2018 concerning PPPK Management. 3) Ministerial Regulation of PAN-RB Number 2 of 2019 concerning PPPK Procurement. Equal Rights and Obligations are PPPK and civil servants entitled to receive salaries and allowances in accordance with applicable regulations. In contrast, PPPK is appointed to fill certain positions without a fixed career path, although they can change positions through re-selection or promotion based on performance.

Keyword: Government Contract Employee; Position and Regulation; Staffing System; Civil Servant Act.

INTRODUCTION

Bureaucratic reform in Indonesia is one of the important efforts to improve the efficiency and effectiveness of public services. One of the main aspects of this reform is the structuring of the staffing system, which includes the management of human resources in the public sector (Dwiyanto et al. 2021). In this context, Government Employees with Employment Agreements (PPPK) have been introduced as one of the categories of civil servants that aim to provide greater flexibility and responsiveness in the implementation of government tasks (Juliani 2021). Staffing status is important to study considering that PPPK is different from civil servants. PPPK is appointed based on a work agreement.

Regulations regarding PPPK have been regulated in the Law of the Republic of Indonesia Number 20 of 2023 concerning the State Civil Servant. However, the implementation and technical arrangements regarding PPPK still need to be revised, especially concerning their position in the overall staffing system. In some cases, PPPK is still considered to have an unbalanced status compared to Civil Servants (PNS), both in terms of rights, obligations, and legal protection.

This study will examine the position of PPPK in Indonesia's staffing system based on applicable laws and regulations. It will also review the arrangements that have been set by laws and regulations related to PPPK. In addition, the author will compare the rights and obligations of PPPK and civil servants in the civil service system in Indonesia.

METHOD

This research uses a normative juridical method with a statute approach. This normative legal research is in the form of a process of determining legal rules, principles, and legal doctrines to overcome legal problems (Rustan, Hsieh, and Umar 2021). In this normative legal research, the law is generally conceptualised as what is written in laws and regulations or as rules/norms that are considered appropriate standards for human behaviour (Asikin and Amiruddin 2016). The data used is secondary data obtained through literature studies and analysis of relevant legal documents, materials, or literature materials such as books, articles and journals related to the problem being researched.

RESULT AND DISCUSSION

The Position of PPPK in the Staffing System in Indonesia Based on Applicable Laws and Regulations

Government Employees with Employment Agreements (PPPK) are one type of employee regulated in the Law of the Republic of Indonesia Number 20 of 2023 concerning the State Civil Servant. According to the law, an ASN consists of two types of employees: civil servants (PNS) and PPPK. The position of PPPK in the staffing system has several special characteristics:

1. PPPK is not a permanent employee like civil servants. They are appointed based on a work agreement for a certain period that can be extended according to government agencies' needs (Juliani 2019).
2. PPPK has a clear legal position in the state civil service system, but it is significantly different from civil servants, especially in terms of pension rights and job security (Saputra 2022).
3. PPPK is appointed to fill certain positions that require special skills and competencies that civil servants cannot always fulfil (Wiyanti and Pradana 2019).

PPPK has a clear position in Indonesia's civil service system as part of the State Civil Apparatus (ASN), which is regulated by Law Number 20 of 2023 concerning the State Civil Apparatus (ASN). Based on this Law, ASN consists of two main categories, namely Civil Servants (PNS) and PPPK.

Main Characteristics and Differences of PPPK:

1. PPPK employment contracts are appointed based on employment contracts for a certain period, in contrast to civil servants who are appointed with permanent status. PPPK work contracts can be extended according to the agency's needs and the performance of the employees concerned.
2. PPPK flexibility is designed to provide flexibility in the management of government human resources, allowing agencies to fill certain positions with special skills that may not be available among civil servants.
3. Structural and functional positions in the organisational structure: PPPK can occupy certain functional or structural positions but cannot occupy echelon positions.

Government Employees with Employment Agreements (PPPK) in Indonesia play a significant role within the civil service system, as outlined in Law Number 5 of 2014 concerning the State Civil Apparatus (ASN). This law categorizes the ASN into two main groups: Civil Servants (PNS) and PPPK (Remaja 2023). The presence of PPPK alongside State Civil Servants (PNS) is crucial for government administration and the development of a prosperous society in Indonesia (Ratnasari et al. 2023). PPPK are considered part of the State Civil Apparatus (ASN) and hold positions equivalent to civil servants.

Efforts by the State Civil Apparatus (ASN) to enhance public service quality have led to changes in the recruitment system for government teachers in Indonesia. The recruitment of Candidates for Civil Servants (CPNS) has been replaced with the recruitment of Government Employees with Employment Agreements (PPPK) (Andina and Arifa 2021). This shift, however, has been met with challenges and varying opinions from different stakeholders. Performance appraisals are crucial to ensure the professionalism and competence of civil servants. Implementing a performance appraisal system aligned with government regulations is essential for fostering a professional, efficient, and competitive Civil Service. Moreover, enhancing the quality of Civil Servants is vital for successful E-Government service delivery, especially in the era of Industry 4.0 (Nurbaiti 2019).

Regulations Related to PPPK

Some of the regulations that govern PPPK include:

1. Law of the Republic of Indonesia Number 20 of 2023 concerning the State Civil Apparatus

This law explains the basic definition of ASN and PPPK with more emphasis on professionalism and competence in the implementation of ASN duties and functions. Regulate in more detail the status and position of PPPK, including arrangements for the extension of employment contracts, the right to participate in training and development, and performance evaluation mechanisms. This law clarifies and improves the PPPK appointment mechanism by adding new criteria for selection and emphasizing the importance of transparency and accountability in the selection process.

2. Government Regulation Number 49 of 2018 concerning PPPK Management This regulation provides a more detailed explanation of PPPK management, including procedures for selection, appointment, contract extension, and termination.

This regulation regulates the PPPK selection process, which involves competency tests and certain qualifications in accordance with the position to be filled. The appointment is carried out through the decision of the personnel coaching officer after going through a transparent selection process. PPPK Performance Assessment requires periodic performance assessments. Good performance can be the basis for extending the employment contract. Termination regulates the mechanism for dismissal of PPPK, which is both automatic after the contract period ends and caused by disciplinary violations or unsatisfactory performance.

3. Regulation of the Minister of State Apparatus Empowerment and Bureaucratic Reform (PermenPAN-RB)

This regulation regulates PPPK procurement procedures and mechanisms, starting from needs planning and selection announcements to appointment and placement. It emphasizes the importance of transparency and accountability in the entire procurement process to ensure the quality and integrity of the selected PPPK candidates.

Several relevant ministerial regulations provide technical guidelines for the implementation of policies related to PPPK in various government agencies, including:

1. PermenPAN-RB No. 16 of 2009 concerning Teachers' Functional Positions and Credit Scores

2. PermenPAN-RB No. 41 of 2018 concerning the Nomenclature of Executing Positions for Civil Servants in Government Agencies
3. PermenPAN-RB No. 6 of 2022 concerning Performance Management of ASN Employees (State Civil Apparatus).

Comparison Between the Rights and Obligations of PPPK and Civil Servants in the Civil Service System in Indonesia

In comparing the rights and obligations between PPPK and civil servants, some of the main aspects that need to be considered include:

1. Financial Rights and Benefits

Civil servants usually receive basic salary, performance allowances, position allowances, and retirement rights. Meanwhile, PPPK receives salaries and benefits that are regulated based on employment agreements but are not entitled to pensions (Susanto and Darumurti 2022).

2. Social Security and Pensions

Civil servants have pension guarantees and old-age benefits managed by PT Taspen. PPPK does not have the right to a pension, but it can obtain other social security stipulated in the employment contract (Pangestiaji 2024).

3. Career Development

Civil servants have a clear career path with promotions and promotions based on performance and tenure. PPPK, on the other hand, is appointed for a specific period with contract extensions based on performance evaluations and agency needs (Rizki 2024).

Similarity of Rights and Obligations

In examining the roles and responsibilities of government employees with work agreements and civil servants, it is evident that both categories have distinct functions within the government framework. Government employees with work agreements are mandated to provide public services and enhance professionalism, competence, and performance in government agencies (Utami 2022). On the other hand, civil servants are obligated to work in government positions, receiving protection and having their rights fulfilled (Kristiawan and Karjoko 2023). Civil servants are crucial elements in executing government functions and development to achieve state objectives (Lukito and Amali Rivai 2020). The relationship between civil servants and the government is underpinned by legal certainty, ensuring that civil servants adhere to their duties and functions within the government structure (Lantang, Masengi, and Kandou 2024).

The appointment of honorary teachers as prospective government employees with work agreements signifies a binding legal relationship between non-PNS government employees and the government that employs them (Srikanti 2021). Additionally, the protection of workers' rights for government employees with employment agreements is essential for ensuring fair treatment and labour rights (Nugroho et al. 2021). The doctrine of pleasure emphasizes the reciprocal nature of the relationship between civil servants and the government, highlighting the need for unity to enhance decision-making processes (Thapliyal and Rawat 2019). Moreover, the implementation of good governance principles in the recruitment and selection process of government employees underscores the importance of aligning candidate qualifications with the actual needs of government institutions (Azzahra et al. 2024). This alignment ensures that civil servants are well-suited for their roles, contributing effectively to the functioning of government entities.

PPPK and civil servants are entitled to receive salaries and allowances in accordance with applicable regulations. The salary and allowances are regulated by government regulations and adjusted to their respective positions and responsibilities. In addition,

employees have the right to participate in training and competency development to improve performance and professionalism (Rays and Mina 2022).

Difference of Rights and Obligations

One of the main differences is that civil servants have the right to pension security and old-age security, while PPPK does not have these rights. In exchange, PPPK is given access to other social security programs, such as BPJS *Ketenagakerjaan* (Panguliman, Kimbal, and Undap 2018). Civil servants have a permanent employment status that provides long-term job security, while PPPK is appointed based on a work contract that can be extended or terminated as needed (Mulia 2023). Civil servants have a clear career path with opportunities for promotions and positions arranged based on tenure and performance appraisal. In contrast, PPPK is appointed to fill certain positions without a fixed career path, although they can change positions through re-selection or promotion based on performance (Kadarisman 2018).

Government Employees with Employment Agreements (PPPK) are employees who are appointed based on work agreements for a certain period to carry out government duties. Based on Law Number 20 of 2023 concerning this Law, PPPK is still recognised as part of ASN along with civil servants. PPPK is a professional who is appointed based on the needs of government agencies to fill certain positions that require expertise or special skills that are only sometimes available among civil servants. PPPK appointment procedures include the affirmation that selection must be competency-based and transparent and periodic performance evaluations to ensure that the tasks and functions carried out remain relevant to the agency's needs.

PPPK Position in the Staffing System

In the Indonesian staffing system, PPPK has a different position from that of civil servants. Although these two groups are included in ASN, PPPK is appointed based on a contract or work agreement for a certain period, while civil servants are appointed with permanent status. This provides flexibility in the placement and utilisation of government labour according to specific and short-term needs (Ramadhani and Joesoef 2020).

The rights and obligations of PPPK are regulated to provide justice and balance in the implementation of government duties. While there are some common rights, such as the right to salary and benefits, there are significant differences when it comes to pension security and job protection. PPPK does not have the right to pension like civil servants, and this is one of the main issues that is often discussed in the context of social protection for government employees (Kartina and Krustiyati 2023).

In Indonesia, the Government Employees with Work Agreements (PPPK) play a crucial role in the public sector. These employees are appointed based on specific requirements for a defined period to fulfil non-mandatory governmental duties or provide essential public services (Srikanti 2021). The management of PPPK aims to create a cadre of professional, ethical, and politically impartial employees, free from corruption and nepotism, in alignment with Government Regulation No. 49 of 2018 (Alwi Asyraf, Dameria, and Basri 2022).

The introduction of PPPK, as part of the State Civil Apparatus (ASN) under Law No. 5 of 2014, signifies a shift in the employment landscape in the Indonesian f(Saragih, Amancik, and Iskandar 2022). PPPK appointments involve a binding legal relationship between the government and non-PNS employees, granting them similar rights and facilities as civil servants (Rahmawati and Sakapurnama 2023). The recruitment of PPPK is a strategic move by the government to address specific workforce needs in the public sector (Ismiati and Wafa Azizah 2024). However, there are challenges, such as wage discrimination, where PPPK teachers may not receive the same social security benefits as their counterparts in the public sector (Ardhanariswari and Setyadi 2023).

Legal protection for PPPK employees, especially in cases of contract termination, is a critical aspect that needs attention (Utami 2022). Ensuring the well-being of PPPK employees, including old-age security, health insurance, and legal aid, is essential for a prosperous Indonesian society (Nugroho, 2023). Studies have shown that factors like self-efficacy, teaching practices, and information about PPPK roles influence individuals' interest in becoming teachers. The implementation of worker rights protection for PPPK appointments requires clarity and review to ensure the fulfilment of rights and obligations.

CONCLUSION

In conclusion, the position of PPPK in the Civil Service System in Indonesia is clearly defined by the applicable laws and regulations. PPPK is part of the State Civil Apparatus (ASN) and is distinct from Civil Servants (PNS) in terms of appointment, contract type, and career path. The regulations provide a comprehensive framework for the management of PPPK, emphasizing efficiency, transparency, and accountability in public services. While both PPPK and civil servants are entitled to certain rights and obligations, such as salaries and training opportunities, there are differences, especially in terms of pension security, employment status, and career development. The regulations aim to ensure the quality, integrity, and proper management of PPPK in the Indonesian civil service system.

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