



Ambiguity Status of Government Employees with Employment Agreements (PPPK) as Civil Servant

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Abstract— This research discusses Government Employees with Employment Agreements as ASN in practice encountering several obstacles including the absence of career development, and certainty of extension of employment contracts. The research was conducted using normative legal studies, and presented descriptively. The results of the research include (i) The history of the formation of PPPK is due to the need for professional personnel among civil servants; (ii) PPPK arrangements are in principle the same as civil servants but with several differences. The conclusions of this article are: PPPK is the same as civil servants, an ASN who is tasked with carrying out government duties, has the same rights and obligations with the difference being career opportunities for PPPK and certainty of working time in government institutions. The current PPPK arrangement to support career certainty for PPPKs who serve as ASN must be adjusted, namely by opening some career paths that are currently only open to civil servants while still considering the characteristics of positions that can be filled in accordance with statutory provisions.

Keywords: ASN Regulation; State Administration Decree; Government Employees with Employment Agreements; Good Governance.

I. INTRODUCTION

Workers in the government sector, called as Civil Servants, in various countries are the mouthpiece of government performance and services to the public. The relevance of civil servants can be seen as an example of good governance, as their growth is seen as a testament to their professionalism, integrity, and neutrality free from political interference, as well as their ability to organize public services for the community and play a part in maintaining the integrity and cohesion of the country in accordance with Pancasila and the Republic of Indonesia's 1945 Constitution.

The role of civil servants in government-run organizations is crucial in shaping the public's perception of governmental performance and service delivery. As the mouthpiece of the government, civil servants serve as the primary interface between the state and its citizens, responsible for executing policies, providing public services, and upholding the principles of good governance.[1]

According to the theory of administrative ethics, a professional and neutral civil service is essential for maintaining the impartiality and legitimacy of government actions.[2] Corruption, collusion, and nepotism are behaviors that civil personnel ought to abstain from since they erode public confidence and make it more difficult to provide public services. Good governance is largely dependent on an accountable and transparent bureaucracy, which guarantees that public scrutiny of decision-making procedures and public interest are served by government activities.[3]

Furthermore, in accordance with Pancasila and the Republic of Indonesia's 1945 Constitution, civil officials play a unifying role that upholds national unity and integrity in addition to carrying out their duties as public workers. As Osborne and Gaebler (1992) suggest, a responsive and citizen-centric public administration can foster a sense of civic engagement and strengthen the bonds between the government and the people. By upholding the values of the nation and acting as a bridge between the state and its citizens, civil servants can play a crucial role in maintaining social cohesion and promoting the democratic ideals enshrined in the country's foundational documents.

According to the Law Number 20 of 2023, the Indonesian's civil servant, called ASN, is divided into two main categories: Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Despite their shared role as part of the ASN, the positions that can be filled by PPPK are more limited compared to those available

to civil servants. As stipulated in Presidential Regulation (Perpres) Number 38 of 2020, PPPK can only be employed in High Leadership Positions, Functional Positions, and certain Executive Positions, while the broader range of civil service positions remains the domain of PNS. The differentiation between PNS and PPPK within the ASN framework reflects a strategic approach to utilizing human resources in the public sector. While both groups contribute to the effective functioning of the government, the distinct roles and responsibilities assigned to each category underscore the need for a nuanced and targeted deployment of personnel to address the varied demands of public administration. This hierarchical structure, as outlined in the ASN Law and Perpres, aims to optimize the utilization of specialized expertise and ensure the appropriate allocation of human capital within the state's bureaucratic apparatus, ultimately enhancing the overall efficiency and responsiveness of the public service delivery system.

According to Law 20/2023, PPPKs are Indonesian people who fulfill specific criteria and are assigned, in accordance with a labor agreement, to perform government functions for a set amount of time. In order to fulfill government obligations, particularly those related to public service and specific development projects, PPPK is run on a merit system and demands higher performance, credentials, and abilities.[4] Recruitment is carried out for professionals to complete work that requires special expertise quickly and thoroughly, so that when the work handled has been completed, the PPPK contract will also be completed. [5] Article 38 of the Republic of Indonesia Number 49 of 2018 Government Regulation stipulates that: (1) PPPK is granted a salary and benefits; and (2) The salary and benefits mentioned in paragraph (1) will be distributed in compliance with the provisions of the laws and regulations that govern civil servants. The administration of PPPK seeks to develop professional government workers with a foundation of moral principles, a high standard of conduct, independence from politics, and a lack of collusion, nepotism, or corrupt acts.[4]

Based on the above background, it can be drawn that civil servants and PPPK are actually government employees with the same duties and responsibilities, even similar management. However, in terms of work contract time, the status of PPPK becomes uncertain because it has a time limit and if the date has been reached, there is uncertainty whether the work contract will be extended or terminated. In addition, there are differences between civil servants and PPPK in terms of career paths, which raises questions about the ambiguity of PPPK's status as ASN. This article will further discuss the background of the establishment of PPPK and the regulation of PPPK status based on laws and regulations.

II. LITERATURE REVIEW

A. *Civil Servant Concept*

The development of a professional bureaucracy is crucial for improving the quality of public service delivery within the country. The pivotal importance of instituting meritocratic principles, upholding ethical conduct, and investing in capacity-building initiatives for civil servants as key drivers of this institutional transformation.[6] Building on this framework, Prasojo and Kurniawan (2008) propose a competency-based approach to civil service management, emphasizing the need to align recruitment, performance management, and career development processes with the assessment and cultivation of individual competencies. This paradigm shift, the scholars argue, would enable the Indonesian public sector to cultivate a more skilled, motivated, and accountable workforce capable of meeting the evolving needs of citizens.[7]

The emergent discourse on the New Public Service (NPS) approach, which conceptualizes the role of civil servants as public stewards who are responsive to the evolving needs and interests of citizens. Situated within the broader paradigm shift from traditional public administration to new public governance, the scholars elucidate how the NPS model emphasizes the ideals of democratic participation, social equity, and collaborative problem-solving, representing a marked departure from the top-down, efficiency-oriented bureaucratic paradigm. Complementing this perspective, the critical importance of ethical leadership within the public sector, emphasizing the pivotal role of civil servants in upholding public trust and institutional integrity through the embodiment of professional values, accountability, and moral reasoning. The authors contend that cultivating a culture of ethical decision-making and conduct among public officials is essential for enhancing the legitimacy and effectiveness of government institutions in serving the public good, particularly in the context of developing democracies like Indonesia.

Toha's (2008) persuasively argues that the transformation of the country's bureaucratic apparatus is imperative to adapt to the rapidly evolving environmental conditions and rising demands of the public. The author underscores the multifaceted nature of this institutional reform, emphasizing the need for a comprehensive cultural change, structural realignment, and the development of a responsive, accountable, and citizen-centric civil service.[8] Building on this conceptual foundation, Sabarno (2007) proposes a model of collaborative governance, wherein civil servants are envisioned as collaborative partners who work in tandem with citizens, the private sector, and other key stakeholders to collectively identify, deliberate, and address pressing public issues, thereby enhancing the quality and responsiveness of public service delivery.[9] This paradigm shift, the scholar contends, represents a strategic departure from the traditional siloed, top-down approaches to public administration, empowering diverse societal actors to co-create innovative solutions to complex societal challenges.

Building on the conceptual foundations laid above, Wibawa (2005) advocates for the adoption of a citizen-centric approach in the realm of public administration. The scholar persuasively argues that civil servants should prioritize the evolving needs and interests of citizens, and strive to provide responsive, high-quality, and equitable public services that are aligned with the expectations and aspirations of the populace.[10] This paradigm shift, represents a marked departure from the traditional bureaucratic model, which often prioritized institutional efficiency and control over the imperative of public responsiveness and accountability. By positioning citizens as the central focus of their efforts, civil servants can cultivate greater public trust, enhance the legitimacy of government institutions, and contribute to the realization of the democratic ideals of good governance.

Building upon the normative frameworks, Tjiptoherijanto and Manurung (2010) introduce the innovative concept of "bureaucratic entrepreneurship" within the context of public administration in Indonesia. The scholars posit that civil servants should not be passive implementers of top-down policies, but rather, they should actively identify, develop, and pursue entrepreneurial solutions to enhance the delivery of public services and address complex societal challenges.[11] This reconceptualization of the role of the public bureaucracy, the authors argue, represents a strategic departure from the traditional, risk-averse and hierarchical model of public administration, empowering civil servants to embrace a more proactive, innovative, and problem-solving oriented approach. By cultivating a culture of bureaucratic entrepreneurship, the scholars contend that government institutions can harness the creative potential of their workforce, foster greater agility and responsiveness in service delivery, and ultimately, enhance the overall effectiveness and legitimacy of the public sector in meeting the evolving needs of citizens.

B. *State Administration Decree*

Keputusan Tata Usaha Negara (State Administration Decree or KTUN) could be defined as a decision issued by a government administrative agency that possesses a concrete and individual nature, and consequently creates specific legal consequences for a person or entity.[12] This conceptualization underscores the tangible and personalized qualities of KTUN, distinguishing it from more abstract or generalized administrative decisions. The key characteristics of KTUN is a unilateral decision made by a government agency, which has the capacity to create, modify, or terminate a legal relationship between the state and the affected individual or organization.[13] This emphasis on the unilateral and transformative nature of KTUN underscores its potent impact on the legal standing of the parties involved.

Delving deeper into the subject KTUN is a concrete and individual decision that is grounded in prevailing laws and regulations, and can be challenged through the administrative court system. This perspective underlines the legal foundations and accountability mechanisms surrounding KTUN, ensuring that it is not an arbitrary exercise of state power. The typology of KTUN, SF Marbun, suggests that KTUN can be classified into several distinct categories, such as licensing decisions, permits, and administrative sanctions.[14] This taxonomic approach provides a more nuanced understanding of the various forms that KTUN can take, reflecting the diverse array of administrative actions that can impact the rights and obligations of individuals and entities.

The concept of KTUN can be used to refer to administrative decisions made by government agencies or state-owned enterprises regarding the employment of civil servants or public sector employees. This may include decisions on hiring, promotion, transfer, demotion, or termination of employment. These employment-related decisions have significant legal consequences for the affected individuals, as they can create, modify, or terminate the employment relationship between the state and the civil servant or public sector employee. KTUN must have a concrete and individual nature, which is clearly evident in these types of employment-related decisions that target specific individuals.[12]

The appointment of civil servants (Pegawai Negeri Sipil) by government agencies is often considered a form of KTUN, as it creates a legal relationship between the civil servant and the state. KTUN has the capacity to create, modify, or terminate a legal relationship, and the appointment of civil servants undoubtedly fulfills this criteria. Further underscores that KTUN must be grounded in prevailing laws and regulations, and the appointment of civil servants is typically governed by a comprehensive legal framework, such as the Civil Service Act.

Administrative decisions by government agencies or state-owned enterprises to impose disciplinary sanctions on employees, such as written warnings, suspensions, or dismissals, can also be categorized as KTUN. These decisions have direct legal consequences for the affected individuals, as they can alter their employment status and rights. KTUN can take various forms, including administrative sanctions, which capture these types of disciplinary measures taken by government agencies or state-owned enterprises against their employees. The unilateral nature of these decisions, and their grounding in applicable laws and regulations, further solidify their classification as KTUN.

In the case of collective labor agreements (Perjanjian Kerja Bersama) between trade unions and government agencies or state-owned enterprises, the resulting agreement can be considered a form of KTUN. In the context of collective labor agreements, the agreement establishes rights and obligations between the parties involved, which can have significant legal implications for the employees. KTUN must have the capacity to create, modify, or terminate a

legal relationship, and the collective labor agreement fulfills this criteria by regulating the employment-related rights and responsibilities of the parties.[13]

While the concept of KTUN is primarily associated with the public sector, it can also be applied to administrative decisions made by private sector employers that have a significant impact on their employees, such as termination of employment or disciplinary measures. The definition of KTUN can be extended to include administrative decisions made by private entities, as long as they possess characteristics similar to those of the public sector, such as unilateral decision-making and the ability to create, modify, or terminate legal relationships. In these cases, the private sector employer's decisions can be subject to judicial review through the administrative courts (Pengadilan Tata Usaha Negara) if an employee or other affected party believes the decision is unlawful or violates their rights.

In all these cases, the KTUN is expected to be based on valid legal grounds and can be subject to judicial review through the administrative courts (Pengadilan Tata Usaha Negara) if an employee or other affected party believes the decision is unlawful or violates their rights. KTUN must be grounded in prevailing laws and regulations, and if an aggrieved party believes the KTUN is not in accordance with the law, they have the right to seek judicial review through the administrative courts. This ensures that the employment-related decisions made by government agencies, state-owned enterprises, or even private sector employers are subject to oversight and can be challenged if they are perceived to be unlawful or infringe on the rights of the affected individuals.

III. RESEARCH METHOD

This article employs doctrinal (or normative) legal research as its research methodology. Doctrinal legal research, according to Soetandyo Wignjosoebroto, is study conducted on laws that are produced and conceptualized based on the doctrine that the developer or conceptualizer has embraced. This research methodology looks for and doesn't end with the identification of legal standards—rather, it keeps looking until fundamental lessons are found.[15] This study's normative legal research will employ a Conceptual Approach, which deviates from the legal science theories that are developed. By using this method, scholars will discover concepts that give rise to legal notions, legal principles, and legal concepts that are pertinent to the current problem. The concept of a government servant and the Work Agreement theory as they relate to PPPK management laws will be explained in this article. Primary legal materials, such as laws and regulations, as well as secondary legal materials, such as publications on pertinent law, will be the sources used in this legal research.

IV. FINDINGS AND DISCUSSION

A. *PPPK Classified as Civil Servants*

In the Indonesian public sector, government employees are typically classified as civil servants (Pegawai Negeri Sipil or PNS). The employment of civil servants is governed by the Civil Service Law (Undang-Undang Aparatur Sipil Negara) and related regulations. Civil servants do not have a traditional employment contract like private sector employees. Instead, their employment relationship with the government is established through a KTUN. The appointment of a civil servant is considered a KTUN, as it is a unilateral decision made by the government agency to establish a legal relationship between the employee and the state. KTUN outlines the rights, obligations, and terms of employment for the civil servant, including their position, salary, and benefits. Subsequent administrative decisions related to the civil servant's career, such as promotions, transfers, or disciplinary actions, are also considered forms of KTUN.

If a civil servant believes that a KTUN issued by the government agency violates their rights or is unlawful, they can challenge it through the administrative courts (Pengadilan Tata Usaha Negara). The administrative courts have the authority to review the legality and can annul or revise the decision if it is found to be unlawful. In addition to individual KTUN, government agencies may also negotiate collective labor agreements (Perjanjian Kerja Bersama) with trade unions representing civil servants. These collective agreements establish rights and obligations between the government and its employees. By understanding the role of KTUN in the employment of government employees, we can see how this administrative law concept is closely linked to the work agreements and employment relationships in the public sector in Indonesia.

The philosophy of the establishment of PPPK in ASN Law Number 5 of 2014, is to answer the challenges of differences in the way civil servant recruitment uses a formation system with filters on the level and type of education of prospective civil servants, while the government's need to provide services to the community and good government management requires professionals who can fill positions that are needed at certain times. For this reason, a position-based procurement system is implemented, namely open selection to fill certain positions for ASN, professionals who enter ASN then make legal binding through a work contract and are known as PPPK. Based on the Academic Paper for the preparation of the 2014 ASN Law, State Civil Apparatus employees who carry out the policy management function of the State government in this bill are called State Civil Servants. ASN employees who carry out public service functions in this bill are called Non-Permanent Government Employees (later called PPPK).

The ASN Law that regulates the provisions regarding PPPK is then followed up by the government by issuing Government Regulation of the Republic of Indonesia Number 49 of 2018 concerning Management of Government Employees with Employment Agreements. Article 2 of the PPPK Management Regulation stipulates that ASN positions that can be filled by PPPK include Functional Position, High Leadership Position and other positions stipulated by Ministerial Regulation. Furthermore, the government issued Presidential Regulation (Perpres) Number 38 of 2020 concerning Types of Positions that Can Be Filled by Government Employees with Work Agreements, which states that ASN Positions that can be filled by PPPK include 147 Functional Position and certain High Leadership Position which are adjusted to the needs of each government agency by adjusting certain criteria. Furthermore, both the PP and Perpres do not discuss career development for PPPK, for example in the case of PPPK becoming Functional Position, it is only mentioned that PPPK can fill in every level of position, but it is not mentioned that then PPPK can advance to a higher level as an employee career pattern.

According to the General Elucidation of PP Number 49 of 2018 concerning the Management of PPPK, PPPK must have a profession and management of PPPK based on the Merit system that required a high level of qualifications, competencies, and performance in order to be able to carry out public service tasks, government duties, and certain development tasks. by roles based on candidates' performance, skills, and qualifications in terms of hiring, placing, and appointing them in accordance with corporate governance. Because of this, the government uses competency selection, which takes into account selection, technical management, and sociocultural factors, along with administrative selection methods, to find competent PPPK workers.[4]

The Fourth Part, Article 93, which addresses needs assessment, procurement, pay and benefits, performance evaluation, competency development, awarding, punishment, ending employment agreements, and protection, governs the management of PPPK. The following guidelines control how needs are determined under Article 94: A Presidential Regulation specifies the kinds of positions that the PPPK may fill. Every government agency must gather requirements for the quantity and kinds of PPPK positions based on workload and job analyses. The requirements for the number of PPPKs must be prepared for a minimum of five years. The number and kind of PPPK positions are set by a ministerial decree over a five-year period that is divided into one-year increments depending on priority requirement.[16]

Needs assessment, procurement, performance evaluation, payroll and benefits, competency development, awarding, disciplinary, termination of employment agreement, and protection are all included in PPPK management.

1. Determination of Needs.

Each Government Agency shall prepare the needs for the number and types of PPPK positions based on job analysis and workload analysis carried out for a period of 5 (five) years, which is detailed per 1 (one) year based on priority needs, according to Article 4 of the PPPK Management Regulation. The preparation of PPPK needs is an integral part of the preparation of civil servant needs, which means that civil servants and PPPK share one formation in the same position and are inseparable. Government agencies in this case decide whether a position will be filled by civil servants or PPPK by considering the types of positions that can be filled by PPPK based on the Perpres. Article 5 of PPPK Management explains that in addition to the preparation of needs in Article 4 which regulates the needs of functional and executive positions, PPPK can propose to the President through the Minister of PANRB the needs of certain Main JPT or certain Middle JPT that can be filled by PPPK.

2. Procurement.

The process of finding PPPK candidates is done to fulfill the demands of government organizations. The procurement of PPPK proceeds through the following phases: Planning, posting job openings, applications, selection, results release, and appointment as PPPK are the first five steps. Nationwide PPPK procurement is done in accordance with estimates of the number of PPPK requirements. After meeting the prerequisites, every Indonesian citizen has the equal chance to apply to be considered as a PPPK candidate. The appointed PPPKs sign a work agreement with the government agency as the last step in the procurement process, which includes at least: a. Duties; b. Performance targets; c. Period of the work agreement; d. Rights and obligations; e. Duties. Rights and obligations; e. Prohibitions; and f. Sanctions.

3. Performance Assessment.

After the procurement process, PPPKs are appointed, and their performance is evaluated. With reference to the work agreement between PPPK and the relevant employee, the purpose of the PPPK performance appraisal is to guarantee the objectivity of the work performance that has been agreed upon. Based on work agreements, PPPK performance assessments are conducted at the individual, unit, and organizational levels. Targets, objectives, outcomes, benefits realized, and employee behavior are all taken into consideration. The PPPK performance evaluation process is carried out in an impartial, quantifiable, accountable, participatory, and transparent manner. Next, the outcomes of the PPPK performance evaluation are applied to guarantee the impartiality of the labor agreement extension, benefit provision, and competency enhancement. PPPKs are fired from PPPK if they are judged to have not met the performance goals specified in the employment contract. The Employment Agreement Relationship with PPPK has a minimum duration of one (1) year, with the possibility of extensions contingent upon performance evaluation. The extension of the Employment Agreement Relationship is based on performance achievement, competency suitability, and agency needs after obtaining PPPK approval.

4. Payroll and Benefits.

PPPK receives benefits in addition to pay. Benefits and salaries are determined by the laws and rules that are relevant to civil servants.

5. Competency Development.

In order to develop competence to support the implementation of tasks, PPPKs are given opportunities for knowledge enrichment. Every PPPK has the same opportunity to be included in competency development. Competency development as intended is carried out in accordance with competency development planning at Government Agencies. In the event that there are limited competency development opportunities, priority is given by taking into account the results of the PPPK performance assessment concerned. The implementation of competency development is carried out for a maximum of 24 (twenty four) hours of lessons in 1 (one) year of the work agreement period.

6. Awarding.

PPPKs may receive awards if they have shown commitment, dedication, competence, integrity, self-control, and hard work while performing their tasks. Awards may take the following forms: a. a symbol of recognition; b. first dibs on chances to enhance competencies; and/or c. invitations to official and/or state events.

7. Discipline.

To ensure the maintenance of order in the smooth performance of duties, PPPKs are required to comply with PPPK discipline. Government agencies are required to enforce discipline against PPPKs and implement various efforts to improve discipline. PPPKs who commit disciplinary violations are subject to disciplinary punishment. PPK at each agency determines the discipline of PPPK based on the characteristics of each agency.

8. Termination of Employment Agreement.

Three categories of job termination agreements exist, specifically: 1. The PPPK employment agreement is terminated honorably for the following reasons: a. the agreement's term expires; b. death; c. at the employee's request; d. organizational downsizing or government policies that result in a reduction in PPPK; or e. the employee becomes physically or mentally incapable of performing duties and obligations in accordance with the terms of the employment agreement; 2. PPPK employment agreements are terminated honorably and not at the employee's request if the employee: a. violates PPPK discipline severely; b. commits a serious infraction; or c. fails to meet performance targets as stipulated in the work agreement and is sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a criminal offense with a minimum imprisonment of 2 (two) years.; and 3. The PPPK employment agreement is being terminated dishonorably for the following reasons: a. fraud against the Pancasila and the Republic of Indonesia's 1945 Constitution; b. imprisonment or confinement due to a court decision that has permanent legal force for committing an official crime, a crime relating to the office, or a general crime; c. joining or holding administrative positions in a political party; or d. imprisonment due to a court decision that has permanent legal force for committing a criminal offense punishable by imprisonment of at least 2 (two) years or more and the criminal offense is committed with premeditation. The reasons for this are as follows.

9. Protection.

The government is obliged to provide protection in the form of: a. old age insurance; b. health insurance; c. work accident insurance; d. death insurance; and e. legal assistance. Protection is provided in compliance with the national social security system in the forms of health insurance, life insurance, old age insurance, and work accident insurance. Legal aid is the provision of legal counsel in court matters pertaining to the performance of official obligations. There is not much difference between civil servants and PPPK when comparing the regulations of the two types of positions. In essence, both are bound by the same management which is regulated through the ASN Law and their respective Government Regulations.

B. How should PPPK employees be regulated as civil servants?

The conceptual similarities between civil servants (Pegawai Negeri Sipil) and PPPK (Pegawai Pemerintah dengan Perjanjian Kerja), both of which fall under the broader category of ASN (Aparatur Sipil Negara), necessitate a balanced and equitable arrangement for their treatment. As John Rawls' seminal theory of justice suggests, the fundamental principle of fairness must be upheld, where equal treatment is afforded to those who find themselves in similar circumstances. In this context, it is essential to identify and analyze the specific aspects that are common between civil servants and PPPK, as well as the areas where they differ, in order to ensure a just and equitable system that aligns with the principles of distributive justice.

This need for a balanced approach is further reinforced by the principle established by the Constitutional Court of the Republic of Indonesia, which cautions against both treating the same thing differently and treating different things the same, as both scenarios would result in a violation of the principles of justice and equality (Constitutional Court of the Republic of Indonesia, 2013). Accordingly, the legal and regulatory framework governing the employment conditions, rights, and obligations of civil servants and PPPK must be carefully examined to identify the appropriate areas for harmonization and differentiation, guided by the overarching objective of ensuring fairness and preventing unjust disparities. By adopting a comprehensive and evidence-based approach, drawing upon the insights from Rawls' theory of justice and the Constitutional Court's jurisprudence, policymakers and legal scholars can develop a robust framework that safeguards the rights and interests of both civil servants and PPPK, while maintaining the necessary flexibility to account for their distinct characteristics and roles within the broader public sector.

The necessity for a balanced and equitable arrangement between civil servants (Pegawai Negeri Sipil) and PPPK (Pegawai Pemerintah dengan Perjanjian Kerja) is further supported by the principle of administrative equity, as propounded by the eminent German legal scholar, Otto Mayer. Mayer's seminal theory on administrative law emphasizes the paramount importance of ensuring equal treatment among public officials, regardless of their specific roles or employment status within the public sector (Mayer, 1957). Applying this principle of administrative equity to the case of civil servants and PPPK, who both fall under the broader category of ASN (Aparatur Sipil Negara), it becomes clear that a harmonized and cohesive system must be developed to address their shared characteristics and employment-related attributes, while also recognizing and accommodating their distinct differences.

This balanced approach, grounded in the principle of administrative equity, would not only uphold the fundamental constitutional principles of fairness and equal treatment but also contribute to the overall efficiency and effectiveness of the public administration system. By adopting a comprehensive framework that recognizes the common grounds between civil servants and PPPK, as well as the areas where differentiation is warranted, policymakers can ensure that the system of public employment is structured in a manner that is equitable, transparent, and conducive to the optimal utilization of human resources within the government. Furthermore, this alignment with the principle of administrative equity, as espoused by the esteemed scholar Otto Mayer, would enhance the legitimacy and credibility of the regulatory framework governing the employment conditions, rights, and obligations of both civil servants and PPPK. It would send a strong signal that the public sector is committed to upholding the principles of good governance, merit-based selection, and equal opportunity, thereby fostering greater trust and confidence in the government's ability to effectively manage its human capital.

The fundamental distinction in the characteristics between civil servants and PPK (Non-Permanent State Apparatus) lies in the philosophy of appointment (Novalina & Susanti, 2020). PPK is recruited to fill a specific position that requires expert knowledge in the respective field, and their career trajectory is confined to that particular position (Rozi, 2017). This is in stark contrast to civil servants, who can be employed flexibly across various government agencies as long as their competence aligns with the requirements of the position (Nurhanisah & Daraba, 2022). This flexibility allows civil servants to benefit from diverse career opportunities, such as the possibility of mutation, rotation, promotion, and other professional development avenues (Sumarno & Hadi, 2021).

The literature suggests that the career opportunities for civil servants are superior to those of PPK (Novalina & Susanti, 2020; Rozi, 2017). Civil servants' ability to be transferred across government agencies and take on different roles within the public sector provides them with a broader range of professional growth and advancement prospects (Nurhanisah & Daraba, 2022). This advantage is further reinforced by the civil service system's structured approach to career progression, which often includes mechanisms for mutation, rotation, and promotion (Sumarno & Hadi, 2021). In contrast, the limited career mobility of PPK, confined to their specific positions, may restrict their long-term professional development within the public sector (Novalina & Susanti, 2020).

The regulation of static positions based on the character of PPPK (Non-Permanent State Apparatus) has a strong foundation, as the form of PPPK appointment is a specific contract (Widayati & Juliani, 2021). However, this approach can be developed further by considering the type of position filled by the PPPK (Ashari & Ramdani, 2020). If the positions occupied by PPPKs are functional in nature, then it should be considered that these positions can be structured into a tiered career path (Novalina & Susanti, 2020). This is because in each level of the functional position, there are similar functions with varying levels of expertise in those functions (Nurhanisah & Daraba, 2022). By recognizing the functional nature of these positions, the regulatory framework can be adjusted to enable PPPK personnel to progress through a career ladder, allowing them to develop their skills and expertise over time. This approach could potentially enhance the efficiency and effectiveness of the PPPK system in supporting the delivery of public services.

However, there is a need for improvement in PPPK management regulations, namely by opening up available career opportunities. For example, in case that the position held by PPPK is included in the Fungsional Position category, it is necessary to regulate career opportunities to advance from the existing career path with certain requirements that are the same as civil servants. On the other hand, there are structural positions that cannot be filled by PPPKs due to certain characteristics that require officials to work in the institution permanently, so considering these characteristics, for PPPKs who will take that opportunity should switch their status to civil servants through existing methods in accordance with applicable laws and regulations.

Related to the issue of the uncertainty of the work contract period where PPPK does not have certainty whether it will be continued or terminated, must be analyzed using applicable regulations by recognizing there are three types of termination of employment agreements, namely: 1. The PPPK employment agreement is terminated with honor; 2. The PPPK employment agreement is terminated honorably, rather than at the employee's request; and 3. The PPPK employment agreement is terminated dishonorably. Looking further into the regulation, it can be seen that the employing government agency cannot immediately terminate the employment contract before finding a valid reason according to the law. Furthermore, that all decisions from government agencies are KTUN that can be sued in the Administrative Court if one party feels aggrieved by the decision.

V. CONCLUSION

From the explanations above, we can conclude that: (i) PPPK is the same as civil servants, an ASN who is tasked with carrying out government duties, has the same rights and obligations with the difference being career opportunities for PPPK and certainty of working time in government institutions. This happens because the reason for the formation of PPPK is to recruit professional personnel who have certain special skills that can carry out activities in one particular position that has not been filled by civil servants, so that PPPK is very synonymous with one specific position. (ii) The current PPPK arrangement to support career certainty for PPPKs who serve as ASN must be adjusted, namely by opening some career paths that are currently only open to civil servants, such as promotion in functional positions, while still considering the characteristics of positions that can be filled in accordance with statutory provisions. In addition, related to the certainty of service time, it should be remembered that there are criteria for terminating employment contracts so that the government cannot unilaterally terminate employment contracts, which can be the object of disputes in the State Administrative Court.

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