

LEGAL CERTAINTY REGARDING THE STATUS OF PART-TIME PPPK AS MEMBERS OF THE CIVIL SERVICE IN THE NATIONAL CIVIL SERVICE SYSTEM

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ABSTRACT; *This study aims to analyze the legal certainty of the status of Part-Time Government Employees with Work Agreements following the enactment of Law No. 20 of 2023 on the Civil Service. There is ambiguity in the norms and the potential for disparities in rights arising from the transition of honorary staff status to the part-time scheme. This study employs a normative legal research method using a legislative approach and a conceptual approach. The analysis focuses on the synchronization of regulations and the protection of workers' constitutional rights within the national civil service system. The research findings indicate that although the 2023 Civil Service Law provides stronger legal legitimacy compared to the previous honorary staff status, there remains a gap in detailed implementing regulations regarding payroll mechanisms, workload distribution, and a proportional social security formula. This situation creates a risk of legal uncertainty that could threaten job security and employee welfare. In conclusion, legal certainty for Part-Time Government Employees with Employment Agreements can only be achieved through policy harmonization that ensures the fulfillment of normative rights on an equal footing with other civil service elements. The implications of this research emphasize the importance of the government immediately issuing concrete implementing regulations to avoid maladministration in national talent management.*

Keywords: Legal Certainty ; Part-Time PPPK ; Civil Service Law ; Bureaucratic Reform.

INTRODUCTION

Bureaucratic reform in Indonesia is currently entering a crucial phase in efforts to establish a more professional and integrity-driven national civil service system. The government has consistently implemented policy transformations to foster good governance through the restructuring of civil service human resources. The primary focus of this transformation is the simplification of organizational structures and the strengthening of the legal status of all employees working in government agencies to ensure measurable standards of competence and performance¹.

A fundamental change in the civil service system was marked by the enactment of Law No. 20 of 2023 on the Civil Service, which repealed Law No. 5 of 2014. The introduction of this new law brings a new paradigm in national talent management, unifying the status and rights of Civil Servants and Government Employees with Employment Contracts under a single, equitable legal framework². This aims to eliminate the dichotomy that has long hindered talent mobility and career development for non-Civil Servant employees within the government sector.

One of the most crucial points in the 2023 state civil servants, Law is the introduction of the concept of Part-Time Government Employees with Employment Agreements as a

¹ L. N. Qomarani, "Anomali Kehadiran Pegawai Pemerintah dengan Perjanjian Kerja dalam Cakrawala Kepegawaian di Indonesia," *Cepalo*, vol. 4, no. 2, pp. 11-20, (2020).

² E. L. de Jesus, Y. G. T. Helan, and N. Asnawi, "Hak Pegawai Negeri Sipil dan Pegawai Pemerintah dengan Perjanjian Kerja Menurut Undang-Undang Nomor 20 Tahun 2023 Tentang Aparatur Sipil Negara, Ditinjau dari Segi Keadilan," *Jurnal Hukum Administrasi*, vol. 6, no. 1, pp. 32-45, (2024).

solution to the long-standing issue of managing honorary staff that has persisted for decades. Part-Time PPPK is designed as a framework for millions of non-state civil servants personnel to continue working in government agencies without imposing extreme fiscal burdens on the state. However, despite being legally recognized, the status of Part-Time Government Employees with Employment Agreements within the bureaucratic structure still leaves room for debate regarding legal certainty and the protection of their rights as part of the civil service³.

Legal certainty for part-time Government Employees with Employment Agreements has not yet been fully achieved due to ambiguities in implementing regulations and disparities in welfare guarantees. Although their status as civil servants provides stronger legal legitimacy compared to honorary staff, this formal recognition must be accompanied by the fulfillment of substantive rights. The restructuring of the national civil service system must continue to be closely monitored to ensure that the transition toward a world-class bureaucracy remains grounded in the values of justice and legal certainty for all state officials; legal certainty is an absolute prerequisite in a rule-of-law state (*rechtstaat*) to ensure that every policy has a clear operational foundation. In the context of civil service, legal certainty concerns not only the status of an employee but also encompasses the protection of basic rights, social security, and clarity regarding functional duties. Without detailed implementing regulations, the existence of Part-Time Government Employees with Employment Agreements is feared to merely become a new anomaly that replaces the term "honorer" without providing substantial improvements to employee welfare⁴.

Real-world legal issues have emerged due to a mandate in previous regulations specifically Government Regulation No. 49 of 2018 which required the elimination of honorary staff by the end of 2023, a deadline later extended to December 2024 via the 2023 Civil Service Law⁵. This time pressure creates an urgency for local and central governments to immediately transition the status of their workforce. However, many government agencies remain hesitant to implement the part-time scheme due to the absence of technical guidelines regarding payroll mechanisms and proportional workloads⁶.

This uncertainty is exacerbated by disparities in the provision of social security and welfare benefits between full-time and part-time Government Employees with Employment Agreements. Prior to the enactment of the 2023 state civil servants Law, there was a significant gap regarding pension benefits and retirement allowances for non-civil servant employees⁷. Although the new law promises equal benefits, in practice, the social security contribution scheme for part-time employees still lacks a clear formula, potentially undermining workers' constitutional right to a decent standard of living.

As an example of a legal issue, in several regions across Indonesia, many former Category II contract workers who have served for decades cannot be appointed as Government Employees with Employment Agreements due to limitations in staffing quotas and educational

³ Y. S. Assegaf and W. C. Nugroho, "Perlindungan Hukum bagi Pegawai Pemerintah dengan Perjanjian Kerja Paruh Waktu dalam Sistem Kepegawaian di Indonesia," *Jurnal Kolaboratif Sains*, vol. 8, no. 5, pp. 2571-2576, (2025).

⁴ Op. Cit., L. N. Qomarani.

⁵ L. Sekhuti, "Penghapusan Tenaga Honorer dalam Perspektif Hukum sebagai Sarana Pembaharuan Sosial untuk Mewujudkan ASN Profesional," *Jurnal Legislasi Indonesia*, vol. 19, no. 3, pp. 142-155, (2022).

⁶ R. Rahman, "Recruitment of Non-State Civil Servant Human Resources in Local Governments in Indonesia," *Public Administration and Policy Review*, vol. 5, no. 1, pp. 115-128, (2023).

⁷ A. Zahra, M. A. A, and R. F. Humaira, "Analisis Kesejahteraan Pegawai Pemerintah dengan Perjanjian Kerja Sebelum dan Sesudah Undang-Undang Nomor 20 Tahun 2023," *Journal of Law and Policy Analysis*, vol. 4, no. 2, pp. 65-74, (2024).

qualifications⁸. The introduction of a part-time scheme is expected to be a lifeline for them, but the absence of specific legal protections regarding contract duration and job security leaves these employees in a very weak bargaining position vis-à-vis the Civil Service Supervisory Officials.

Additionally, there is ambiguity regarding the types of positions that can be filled by Part-Time Government Employees with Employment Agreements. Under previous regulations, there were strict limitations on which positions could be filled by Government Employees with Employment Agreements, which often did not align with the actual needs of local government agencies⁹. This issue creates a legal risk of administrative misconduct in the hiring of employees, where the job descriptions of part-time employees often overlap with those of permanent employees, yet with compensation far below the minimum standard.

The need for harmonization between government discretion in personnel management and the protection of human rights. Normatively, the status of civil servants as public servants must be supported by job security so that they can work professionally and free from political interference¹⁰. If legal certainty regarding the status of part-time Government Employees with Employment Agreements is not established immediately, the principle of civil service professionalism envisioned by the law will be difficult to achieve.

A legal analysis of the status of part-time Government Employees with Employment Agreements is also highly relevant for assessing the extent to which the principle of social justice is applied within the Indonesian bureaucracy. The right to work and a decent standard of living for humanity is mandated by Article 27 of the 1945 Constitution. Therefore, any civil service scheme adopted by the government must continue to ensure the fulfillment of minimum standards of welfare and protection against arbitrary termination of employment¹¹.

Thus, this study aims to conduct an in-depth analysis of the legal certainty regarding the status of Part-Time Government Employees with Employment Agreements within the national civil service system following the enactment of Law No. 20 of 2023 on the Civil Service. Additionally, to identify the legal obstacles hindering the fulfillment of the normative rights of part-time Government Employees with Employment Agreements and to formulate an ideal legal protection framework for them as civil service personnel equivalent to other state civil servants components.

Problem

The research questions for this study are as follows: First, what is the legal certainty regarding the status of part-time Government Employees with Employment Agreements within the civil service system following the enactment of Law No. 20 of 2023 on the Civil Service? Second, what is the ideal concept of legal protection for part-time Government Employees with Employment Agreements ?

Research Methods

This study employs a normative legal research method (juridical-normative), which aims to address legal issues through legislative and conceptual approaches. This method is used

⁸ M. Rolasta, T. Sudrajat, and S. Hartini, "Pengangkatan Tenaga Honorer Eks Kategori 2 Berdasarkan Skema Pegawai Pemerintah dengan Perjanjian Kerja di Kabupaten Banyumas," *Jurnal Dinamika Hukum*, vol. 20, no. 2, pp. 88-102, (2020).

⁹ H. Juliani, "Imbas Peraturan Pemerintah Nomor 49 Tahun 2018 dalam Penataan Pegawai di Instansi Pemerintah," *Administrative Law and Governance Journal*, vol. 4, no. 1, pp. 21-35, (2021).

¹⁰ S. Khasna and A. Diniyanto, "State Authority in Appointing ASN: Comparison of Issues between KPK Employees and Honorary Teachers," *Journal of Law and Legal Reform*, vol. 2, no. 4, pp. 545-558, (2021).

¹¹ *Op.Cit.*, E. L. de Jesus, Y. G. T. Helan, and N. Asnawi.

to identify legal rules, principles, and legal doctrines to address the issue of legal certainty regarding the status of Part-Time Government Employees with Employment Agreements within the national civil service system. The focus of the research lies in the inventory and critical analysis of the norms contained in legislation, as well as the values of justice that should be embedded within them.

Discussion

The rule of law (*rechtstaat*) requires the supremacy of law and the recognition of human rights in every government action. In the context of civil service, the theory of legal certainty proposed by Gustav Radbruch is relevant as a parameter for assessing the effectiveness of regulations governing part-time Government Employees with Employment Agreements. Radbruch states that law must embody the values of legal certainty, justice, and utility¹². Legal certainty in this context is not merely the existence of written rules in Law No. 20 of 2023, but rather predictability for employees regarding their status, rights, and obligations as part of the civil service.

Legal protection for civil servants is a form of recognition of the dignity and worth of human beings working for the public interest. Preventively, legal protection should be manifested in regulations that provide clarity regarding work arrangements and compensation before conflicts arise. Meanwhile, in a repressive sense, such protection encompasses mechanisms for resolving civil service disputes in cases of termination of employment or violations of normative rights by the Civil Service Supervisory Officer¹³.

The relationship between the government and civil servants is a special public law relationship (*bijzondere bestuursrechtelijke verhouding*). The state possesses the authority to regulate its employees; however, this authority is constrained by the general principles of good administration. The implementation of a part-time scheme for Government Employees with Employment Agreements must align with the principles of legal certainty and due diligence¹⁴. This is crucial to ensure that policies regarding non- state civil servants personnel are not merely tools for budgetary efficiency but continue to uphold the standards of professionalism and integrity in public service the primary duty of the state apparatus¹⁵.

Legal protection for part-time Government Employees with Employment Agreements in Indonesia still faces challenges at the level of technical regulations. The study emphasizes that although the 2023 state civil servants Law has provided a legal framework, the lack of details regarding social security for part-time Government Employees with Employment Agreements has the potential to create new discrimination within the national merit system. This reinforces the argument that legal certainty must not stop at the level of the law but must be articulated down to implementing regulations¹⁶.

Furthermore, a comparison of the rights between civil servants and Government Employees with Employment Agreements as outlined in Law No. 20 of 2023 from an equity perspective indicates that the unification of civil service rights is a progressive step toward achieving equity for all government employees. However, challenges arise in the implementation of welfare schemes for Government Employees with Employment Agreements, where variables such as length of service and social security contributions often remain out of sync with the requirements for a decent standard of living. This study serves as a crucial

¹² Op.Cit., L. N. Qomarani.

¹³ Op.Cit., Y. S. Assegaf and W. C. Nugroho.

¹⁴ Op.Cit., H. Juliani

¹⁵ Op.Cit., L. Sekhuti.

¹⁶ Op.Cit., Y. S. Assegaf and W. C. Nugroho.

foundation for this research to examine whether the “part-time” scheme can still fulfill the elements of justice mandated by the constitution¹⁷.

The concept of part-time Government Employees with Employment Agreements can be viewed as a form of legal adaptation to economic realities and the state’s fiscal constraints. However, from a legal perspective, this adaptation must not disregard the principle of equality before the law. The anomalous presence of Government Employees with Employment Agreements within the civil service system is often trapped in an ambiguity between the status of civil servants and private-sector workers. If this ambiguity is carried over into the part-time scheme, it will prolong the legal uncertainty experienced by honorary staff for years.

The state’s authority in determining civil servant status also intersects with the government’s discretion in organizational restructuring. Khasna and Diniyanto argue that the state’s authority in appointing civil servants must be based on objective and transparent organizational needs¹⁸. In the context of Part-Time Government Employees with Employment Agreements, this discretion must be guided by clear legal standards to prevent nepotism or abuse of authority in determining who is eligible for the full-time or part-time scheme. Therefore, the transition criteria must have a strong legal foundation to avoid triggering administrative disputes in the future.

The concept of the welfare state, where the state is responsible for ensuring the well-being of its citizens through the provision of decent employment. The existence of Part-Time PPPK should be viewed as the state’s effort to avoid mass layoffs of non-ASN staff, while simultaneously fulfilling the state’s obligation to provide social security on a phased basis¹⁹. Synchronization between labor law and administrative law is key to analyzing how basic rights such as a living wage, rest periods, and health insurance are accommodated in part-time employment contracts within government agencies.

The transformation of civil service status through Law No. 20 of 2023 has created a fundamental repositioning for Government Employees with Work Agreements, including a new category: Part-Time PPPK. Normatively, the status of Part-Time PPPK is now explicitly recognized as part of the Civil Service, aiming to provide a legal framework for millions of non-ASN workers who previously faced status uncertainty²⁰. This confirms that the state is striving to integrate all workers in government agencies into a single, integrated talent management system.

An analysis of the legal framework of the 2023 Civil Service Law reveals that part-time PPPK have unique employment characteristics compared to full-time Government Employees with Employment Agreements. Although both are civil servants, the part-time scheme is designed with more flexible working hours and compensation, tailored to the needs of the agency and the region’s fiscal capacity. However, from a legal perspective, this flexibility poses challenges regarding legal certainty, particularly concerning job security guarantees and standards for the protection of basic rights which should not be differentiated among fellow civil servants.

Regarding legal certainty, there is an “operational legal vacuum” despite the existence of overarching legislation. To date, specific criteria regarding positions that can be filled by part-time staff, as well as the mechanisms for their appointment, remain dependent on subsidiary regulations that are not yet fully comprehensive. This ambiguity risks creating new

¹⁷ *Op.Cit.*, E. L. de Jesus, Y. G. T. Helan, and N. Asnawi

¹⁸ S. Khasna and A. Diniyanto, "State Authority in Appointing ASN: Comparison of Issues between KPK Employees and Honorary Teachers," *Journal of Law and Legal Reform*, vol. 2, no. 4, pp. 545-558, (2021).

¹⁹ *Op.Cit.*, E. L. de Jesus, Y. G. T. Helan, and N. Asnawi.

²⁰ *Ibid.* E. L. de Jesus, Y. G. T. Helan, and N. Asnawi

anomalies within the bureaucracy, where state civil servants status is granted but without clarity regarding core duties and functions, commensurate with the workload assigned²¹.

The principle of equal rights advocated by the 2023 state civil servants, Law has not yet been fully implemented for Part-Time Government Employees with Employment Agreements. The fulfillment of rights such as pension guarantees and retirement benefits for Government Employees with Employment Agreements still faces disparities compared to civil servants. Meanwhile, for part-time Government Employees with Employment Agreements, the social security contribution scheme remains a subject of debate because the basis for calculating contributions typically depends on the minimum wage, while part-time working hours may result in income below that standard.

The part-time scheme serves as a mitigation tool to prevent mass layoffs following the implementation of the mandate to phase out honorary staff. However, without strong legal protections, Part-Time Government Employees with Employment Agreements risks merely becoming a terminological shift from “contract workers” to “part-time civil servants” without significant improvements in welfare²². This necessitates a minimum wage standard that upholds the dignity of workers as state officials.

The appointment of part-time Government Employees with Employment Agreements is a form of discretionary authority exercised by government officials that must be strictly monitored. State authority in determining civil servant status must be based on the principles of transparency and accountability to prevent administrative misconduct during the transition process²³. Local agencies face challenges in mapping the need for part-time staff due to the absence of technical guidelines regulating maximum working hours and proportional salary ratios.

There is a need for synchronization between central and local policies, as many local governments feel financially burdened if all honorary staff are appointed as full-time Government Employees with Employment Agreements, making the part-time scheme a rational choice. However, research findings remind us that budget savings must not be achieved at the expense of legal protections for employees. Employee welfare is an absolute prerequisite for the creation of a professional and integrity-driven civil service²⁴.

The differentiation between full-time and part-time positions creates a new stratum within the national civil service system. This raises fundamental questions regarding distributive justice within the bureaucracy. If part-time Government Employees with Employment Agreements are assigned the same workload as full-time employees but receive significantly different compensation, the principle of legal justice which serves as the foundation of the 2023 Civil Service Law will be undermined²⁵.

Part-time Government Employees with Employment Agreements must be protected against arbitrary actions in the termination of their employment contracts. Given their contractual status, performance evaluation mechanisms must be conducted objectively and measurably. Without these safeguards, the position of part-time Government Employees with Employment Agreements will be highly vulnerable to political interference, particularly in

²¹ *Op.Cit.*, L. N. Qomarani.

²² L. Sekhuti, "Penghapusan Tenaga Honorer dalam Perspektif Hukum sebagai Sarana Pembaharuan Sosial untuk Mewujudkan ASN Profesional," *Jurnal Legislasi Indonesia*, vol. 19, no. 3, pp. 142-155, (2022).

²³ *Op.Cit.*, S. Khasna and A. Diniyanto.

²⁴ *Op.Cit.*, L. Sekhuti.

²⁵ *Op.Cit.*, E. L. de Jesus, Y. G. T. Helan, and N. Asnawi.

local government environments where patronage practices in personnel management remain prevalent²⁶.

Civil service transformation is heavily influenced by the readiness of digital infrastructure through the Civil Service Information System. The integration of part-time employees' data into Civil Service Information System is an absolute requirement to ensure they are nationally recognized and systematically granted their rights. However, challenges in data synchronization across agencies remain a major obstacle that could hinder legal certainty for the individuals concerned²⁷.

The government needs to formulate a "standard contract" for Part-Time PPPK that applies nationwide. This contract must include minimum protection clauses, including access to health insurance and workplace accident protection, regardless of the number of working hours. Legal certainty in this employment contract will provide a sense of security for employees, which will ultimately have a positive impact on productivity and the quality of public services in their respective agencies.

Legal certainty for part-time Government Employees with Employment Agreements has not yet been fully achieved due to ambiguities in implementing regulations and disparities in welfare benefits. Although their status as civil servants provides stronger legal legitimacy compared to honorary staff, this formal recognition must be accompanied by the fulfillment of substantive rights. The restructuring of the national civil service system must continue to be closely monitored to ensure that the transition toward a world-class bureaucracy remains grounded in the values of justice and legal certainty for all state officials

Thus, the government must issue a Government Regulation on state civil servants Management that specifically addresses the chapter on part-time work. This regulation must bridge the gap between the interests of bureaucratic efficiency and the protection of human rights. Researchers argue that the ideal legal protection model is one that integrates social security into a pay system based on working hours, while still providing proportional retirement protection.

Conclusion

The recognition of Government Employees with Part-Time Work Agreements as part of the Civil Service under Law No. 20 of 2023 is a transformative step toward providing legal legitimacy for non state civil servants personnel; however, the operational legal certainty remains hindered by the absence of comprehensive technical regulations. Although formal status has been granted, there is a significant risk of disparities in welfare and social security protection compared to full-time employees; therefore, standardization of employment contracts and synchronization of hourly-based social security are necessary to prevent the emergence of new anomalies within the national bureaucratic system. Thus, the state's fiscal efficiency through part-time schemes must not negate the principles of justice and the protection of human rights, and underscores the urgency of accelerating implementing regulations to ensure job security for all state officials in order to realize professional and integrity-driven civil service management.

²⁶ H. Juliani, "Imbas Peraturan Pemerintah Nomor 49 Tahun 2018 dalam Penataan Pegawai di Instansi Pemerintah," *Administrative Law and Governance Journal*, vol. 4, no. 1, pp. 21-35, (2021).

²⁷ Y. S. Assegaf and W. C. Nugroho, "Perlindungan Hukum bagi Pegawai Pemerintah dengan Perjanjian Kerja Paruh Waktu dalam Sistem Kepegawaian di Indonesia," *Jurnal Kolaboratif Sains*, vol. 8, no. 5, pp. 2571-2576, (2025).

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