



Measuring Access to Justice in Completion of Honorer Employment in Indonesia

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Abstract

The policy for completing honorary workers in government agencies is carried out based on PP Number 49 of 2018 concerning PPPK Management, where Government Agencies are given 5 years until 2023 to complete them. Based on the data collection process, the data for non-ASN personnel came from 66 central agencies and 522 regional agencies where honorary employees reached 2,113,158 as of September 30, 2022 AND there were 152,803 non-ASN data who did not meet the non-ASN data collection requirements. Therefore, non-ASN personnel who have been recorded or who do not meet the data collection requirements are the responsibility of the government and local governments to find a solution that satisfies a sense of justice. This article uses a normative approach and a comparative-descriptive analysis. The conclusions in this article include that the settlement of honorary workers in Indonesia can be pursued through three strategies, including: *First*, appeals and directions for non ASN workers to take part in CPNS and PPPK recruitment; *Second*, the obligation not to re-recruit non-ASN workers as well as imposing strict sanctions on the heads of central and regional agencies if they are indicated to be recruiting; *Third*, The need for synergistic cooperation between the Government, Regional Government, BUMN/BUMD, and the private sector, among others, through revising the provisions regarding the deadline for eliminating honorary workers and providing additional skills through Job Training Centers which then Non ASN workers can be allocated as BUMN/BUMD Employees as well as private employees with an outsourcing mechanism.

Keywords: ASN, CPNS, PPPK, Honorary Staff

1. Introduction

The policy for completing honorary workers in government agencies is carried out based on PP Number 49 of 2018 concerning PPPK Management, where Government Agencies are given 5 years until 2023 to complete them. Non-ASN data collection then becomes a follow-up to the enactment of the Government Regulation which requires employment status in government agencies to consist of 2 (two) types of staff, namely PNS and PPPK until November 28, 2023.

Through the Circular Letter of the Minister of State Apparatus Empowerment and Bureaucratic Reform Number B/185/M.SM.02.03/2022 the process data collection non-ASN workers within the central government and local government agencies.

Based on the data collection process, the data for non-ASN personnel comes from 66 central agencies and 522 regional agencies where honorary employees reach 2,113,158 as of September 30 2022 at 07.10 WIB (Zulnoviana, 2022; Hamzah, 2022).

BKN noted that there were 152,803 non-ASN data (BKN data dated October 7, 2022) that did not meet the requirements for non-ASN data collection. Only positions that meet the requirements are entitled to enter non-ASN data collection at data-nonasn.bkn.go.id.

Power non-ASN referred to in the data collection are honorary (THK-II) contained in the database (database) National State Civil Service Agency and non-ASN employees who have worked in government agencies. Based on the Circular Letter of the Minister of PANRB on May 31, 2022, cleaning officers, drivers, security units, and all other forms of positions are paid with an outsourcing mechanism (outsourcing) are not non-ASN workers, so data collection is not carried out.

Public Service Agencies (BLU) and Regional Public Service Agencies (BLUD) as well as employees with Decrees above December 31, 2021, and a working period of less than 1 year provided that the payment mechanism for the

APBN or APBD is also in the category of non-ASN workers 2022. As for the data collection requirements non ASN, among others, as follows:

1. Still actively working in Non ASN registrar agencies;
2. Receive honorarium with a direct payment mechanism originating from the APBN for Central Agencies and APDB for Regional Agencies. Not through the mechanism of procurement of goods and services, individuals or third parties;
3. Appointed at the lowest level by the head of the work unit;
4. Has worked for at least one year as of December 31, 2021; and
5. Each of these requirements must be met in non ASN data collection.

Therefore, the 2,113,158 non-ASN workers who have been recorded are the responsibility of the government and local governments to find a solution that satisfies a sense of justice. As for the 152,803 Non ASN workers who do not meet the data collection requirements, of course it is the responsibility of the agency that receives them which must also think about a solution. In fact, the recruitment of temporary workers has been prohibited since 2005 through Article 8 of Government Regulation (PP) Number 48 of 2005 concerning the Appointment of Honorary Workers as Candidates for Civil Servants. However, almost all agencies continue to carry out recruitment under the pretext of human resource needs so that the number of honorary workers has swelled sharply and is now a chore.

Based on this description, this article focuses on the discussion on how to settle honorary workers in Indonesia. This article uses a normative approach and a comparative-descriptive analysis.

2. Discussion

Personnel administration in government agencies cannot be separated from administrative activities as a whole. The scope of personnel administration activities, including recruitment, placement, development and termination of workers in order to meet the needs of the organization in accordance with predetermined objectives. Thus, the target and scope of personnel administration activities are employees starting from the time of acceptance to dismissal. The objectives and scope of this activity also provide an understanding of personnel administration (Rafiq & Ahmed, 2000; Garavan, et al., 2012).

According to Arifin Abdurrachman, personnel administration activities include job analysis, job classification and job evaluation, recruitment, exams and placement, employee discipline and morale, and staff records. Meanwhile, Felix A. Nigro and Lloyd G. Nigro stated that the scope of personnel administration includes appointment and selection activities, development which includes position training (*in-service training*), promotion and termination. Meanwhile Jucius stated that the field of administrative activities

staffing, including procurement, development, construction, and use. In other words, the field of personnel administration activities includes planning, organizing, directing and controlling the activities of procurement, development, payroll and integration of the workforce of employees in a particular organization (Okoye & Ezejiofor, 2013; Yukl & Lepsinger, 2005).

In this regard, the mandate of Law Number 5 of 2014 concerning the State Civil Apparatus (UU ASN) states that State Civil Apparatus Employees (ASN) consist of Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Because of this, the number of non-ASN workers who have been recorded reached 2,113,158 as of September 30, 2022 originating from 66 central agencies and 522 regional agencies. The solution must be found to be a solution and fulfill a sense of justice, given the constitutional mandate in Article 27 Paragraph 2 of the 1945 Constitution which affirms that every Indonesian citizen has the right to work and a decent living for humanity.

The word "livelihood" according to the Big Indonesian Dictionary (KBBI), has the meaning of maintenance of life and livelihood (Satria, et al., 2022; Kuwat, & Astuti, 2022). Therefore, when the settlement of honorary workers who are registered or who do not meet the data collection requirements is deadlocked, then not only do they not fulfill the constitutional mandate, but also a sense of justice for a decent life for Indonesian citizens. Isn't it that one (1) honorary worker, is very likely to be the backbone of the family and not a few of them have served more than five (5) years.

2.1. Honorary Staff in Indonesia

The agreement policy for handling honorary staff by the government is regulated in Government Regulation Number 48 of 2005 in conjunction with Government Regulation Number 43 of 2007 and most recently amended in Government Regulation Number 56 of 2012 concerning Appointment of Honorary Workers to become CPNS. In the Government Regulation (PP), it is written that THK-II is given the opportunity for one-time selection. As a result, from the 648,462 THK-II in the 2012 database, there were 209,872 THK-II who passed the selection and 438,590 THK-II who did not pass (Askar, et al., 2022).

Furthermore, in 2018-2020, a total of 438,590 THK-II participated in the CASN selection (CPNS and PPPK). As of June 2021 (before the 2021 CASN selection), there were 410,010 THK-II remaining. Of the 410,010 THK-II people, there were 123,502 teaching staff, 4,782 health workers, 2,333 extension workers, and 279,393 administrative staff. A total of 184,239 of these administrative staff had D-III education and below, most of whom were educational administration staff, school caretakers, administration at local government offices, and administration at puskesmas/hospitals. Finally, in the 2021 CASN selection (CPNS and PPPK), there were 51,492 THK-II who took part in the selection. While those who pass the selection are still in the process of determining their NIP and appointment (Saulis, et al., 2007).

In line with this fact, the settlement of non-ASN employees (non-PNS, Non-PPPK, and THK-II) is a mandate from Law Number 5 of 2014 concerning ASN. Article 99 paragraph (2) of Government Regulation Number 49 of 2018 concerning PPPK Management also states that Non-ASN Employees who serve in government agencies can be appointed as PPPK if they meet the requirements, within a maximum period of five years from the enactment of the PP. Because PP Number 49 of 2018 was promulgated on November 28 2018, the five-year implementation falls on November 28 2023 which mandates employment status in government agencies to only consist of two types, namely PNS and PPPK.

Conditions in the field show that there are quite a lot of nomenclature types of employees in government agencies other than PNS and PPPK, such as: Honorary Workers, Experts, Non-Public Employees (PPNPN), Contract Employees, Non-Permanent Employees (PTT), Assistant Staff, Volunteers, and so on, with different levels of education, skills and salary standards. The timeframe for structuring non ASN employees/ honorary staff is very close, which is before November 28, 2023. PPPK Management PPK mandates PPK in government agencies not to recruit non ASN employees/ honorary workers. However, recruitment continues, which has made the problems of non-ASN employees/temporary workers never end to this day. The problem that then arises is the strength of each government agency's budget to finance PPPK and outsourcing. Law Number 1 of 2022 concerning Financial Relations between the Center and the Regions (HKPD) emphasizes the maximum limit for personnel spending of 30% of the APBD and the minimum limit for capital expenditure of at least 40% of the APBD. The implementation of this policy also raises concerns about the continuity of public services which will be constrained after 28 November 2023.

2.2. Strategic Steps for Completion of Honorary Workers

As previously described, there have been 2,113,158 non-ASN workers who have been recorded. It is the responsibility of the government and local governments to find a solution that satisfies a sense of justice. As for the 152,803 Non ASN workers who do not meet the data collection requirements, of course it is the responsibility of the agency that receives them which must also think about a solution.

In this regard, according to the author, there are 3 (three) strategic steps that can be implemented by the government, including:

First, an appeal to take part in CPNS Recruitment for Non-ASB workers who are not yet 35 years old, and PPPK recruitment for those who are 35 years and over. Results of interviews with a number *fresh graduated* graduates of the State Islamic Religious College (PTAIN) revealed that they had difficulty registering PPPK formations whose recruitment was opened by the government in 2022, because there were certain requirements that required attaching an Honorary Appointment Decree counted 2 (two) years. The government's tips are of course good so that PPPK really becomes a solution for non-ASN workers. This is because if the PPPK registration requirements do not require an Appointment Decree and length of service, then it is feared that Non ASN workers will have relative difficulties when they have to compete with fresh graduates as happened in the previous 2021 PPPK recruitment.

Second, No longer recruiting honorary workers (Non ASN). Actually, since 2005 there has been Government Regulation Number 48 of 2005 as amended by Government Regulation Number 43 of 2007 and finally amended by Government Regulation Number 56 of 2012 concerning the Appointment of Honorary Personnel to Become CPNS. However, many central and regional agencies are as *ifwayward* ignoring these provisions so that it has implications for an increase in non-ASN workers. Non-ASN personnel who have been recorded reached 2,113,158 as of 30 September 2022 coming from 66 central agencies and 522 regional agencies. In other words, there must be regulations that provide strict sanctions against heads of agencies, both central and regional, who are indicated to be recruiting non-ASN personnel, regardless of the nomenclature.

Third, The need for synergistic cooperation between the Government, Regional Government, BUMN / BUMD and the private sector regarding the settlement of Honorary Workers, with the following tips:

1. The central government revised the provisions in Government Regulation Number 49 of 2018 concerning the deadline for the elimination of honorary workers, namely for central agencies the deadline was added to 31 December 2024 and for regional governments the deadline was added to 31 December 2025.
2. The Provincial Government through the related Services is making efforts so that Non ASN Workers are given certain skills training through the Vocational Training Center, with the hope that the skills they acquire can become additional provisions in the continuity of their livelihoods.

3. The Government, Regional Governments and BUMN/BUMD synergize in terms of the allocation of Non ASN workers who have been given job skills training to be empowered to become BUMN/BUMD employees.
4. The Government and Regional Government work together with the private sector regarding the distribution of certain Non ASN Workers to become Outsourcing Workers where the remuneration mechanism is subject to the Manpower Act which requires wages above the Regional Minimum Wage (UMR).

3. Conclusion

Completion of honorary workers in Indonesia can be pursued through three strategies, including: *First*, appeals and directions for non-ASN workers to take part in CPNS recruitment for those who are a maximum of 34 years old, and PPPK recruitment for those who are 35 years and over; *Second*, the obligation not to re-recruit non-ASN workers as well as imposing strict sanctions on the heads of central and regional agencies if they are indicated to be recruiting; *Third*, The need for synergistic cooperation by the Government, Regional Government, BUMN/BUMD, and the private sector, among others, by revising the provisions regarding the deadline for eliminating temporary workers and providing additional skills through Job Training Centers which can then be allocated to BUMN/BUMD Employees and private employees with a mechanism outsourcing.

References

Ashbaugh, S., & Miranda, R. (2002). Technology for human resources management: Seven questions and answers. *Public Personnel Management*, 31(1), 7-20.

Askar, D. S., Dini, M. N., & Sofiana, I. (2022). Analysis Of Human Resources In Elementary School Using The Stages Of Patton Analysis. *Educan: Jurnal Pendidikan Islam*, 6(1), 101-120.

Garavan, T. N., Carbery, R., & Rock, A. (2012). Mapping talent development: definition, scope and architecture. *European journal of training and development*, 36(1), 5-24.

Hamzah, H. (2022). The Effect of Transparency, Accountability, and Financial Management Responsibility on Teacher Performance. *BJRM (Bongaya Journal of Research in Management)*, 5(2), 25-35.

Kuwat, K., & Astuti, K. S. (2022). Semiotic Analysis of the Elements of Fine Art in Muslim Households. *International Journal of Multicultural and Multireligious Understanding*, 9(3), 58-63.

Rafiq, M., & Ahmed, P. K. (2000). Advances in the internal marketing concept: definition, synthesis and extension. *Journal of services marketing*.

Satria, M. A., Tanjung, D., Farhan, M., Amalia, N., & Siregar, N. Z. (2022). Efforts To Maintain Public Health During The Covid-19 Pandemic With Islamic Education. *At-Tarbiyat: Jurnal Pendidikan Islam*, 5(1).

Saulis, A. S., Mustoe, T. A., & Fine, N. A. (2007). A retrospective analysis of patient satisfaction with immediate postmastectomy breast reconstruction: comparison of three common procedures. *Plastic and reconstructive surgery*, 119(6), 1669-1676.

Yukl, G., & Lepsinger, R. (2005). Why integrating the leading and managing roles is essential for organizational effectiveness. *Organizational dynamics*, 34(4), 361-375.

Zulnoviana, E. T. (2022). Performance Analysis of non Medical Employees (non asn employees) based on Reward System, Discipline, Motivation Working and Contract Status at Dr. Harjono S. General Hospital in Ponorogo. *Journal for Quality in Public Health*, 6(1), 41-48.