

**PROBLEMATICS OF CERTAINTY OF WORK PERIOD OF GOVERNMENT EMPLOYEES WITH CONTRACT AGREEMENTS (PPPK) HUMAN RIGHTS PERSPECTIVE**

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**ABSTRACT**

*Government employees with contract agreements or often known as PPPK have been around for quite a long time. PPPK has even provided its own dynamics related to the personnel management system in Indonesia. PPPK can be said to be a transformation and eliminates the terminology of honorary employees. The PPPK nomenclature has actually existed since the birth of Law No. 5 of 2014 concerning the State Civil Apparatus. However, Law No. 20 of 2023 concerning the State Civil Apparatus provides more strengthening of the rights of PPPK. In both laws, PPPK is placed as part of the state civil apparatus (ASN) just like civil servants. However, even though it is included in ASN, the rights obtained by PPPK are not the same as PNS. Even PPPK using a contract system certainly does not provide certainty about its work period. This study uses normative legal research with the approach used being the statutory approach. The results of the study show that the existence of PPPK since 2014/2015 has been known. In 2023, since the birth of Law No. 20 of 2023 concerning State Civil Apparatus, the rights obtained by PPPK are stronger. However, regarding the certainty of the work period, PPPK still has differences with PNS. The work period of PNS will end when they reach retirement age, while PPPK will end their work period when the work agreement period ends. So that PPPK can be extended again or not based on the needs of each agency and an assessment of the achievement of performance targets which causes there to be no certainty regarding the work period for employees with PPPK status.*

**Keywords:** *Problems, Security, PPPK, Human Rights.*

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## INTRODUCTION

The long journey of bureaucracy, which has been full of obstacles and various weaknesses, has now attracted a lot of criticism. This is actually a bureaucratic challenge so the discourse regarding the solution is something that is always interesting to discuss. It cannot be denied that the negative image and poor performance of the bureaucracy greatly influences various aspects of development and makes public trust in the bureaucracy low. It is at this point that improvements and improvements in an effort to reform the bureaucracy become strategic steps that must be taken by the Government as the highest authority holder as a form of responsibility to restore the loss of public trust (distrust).<sup>1</sup>

Before becoming familiar with the PPPK nomenclature, Indonesia was already familiar with the terms non-permanent employees in the bureaucracy, such as outsourced employees who handle issues of cleanliness and safety in the organization's environment, then there were also terms such as honorary employees and non-permanent employees whose job was to assist Civil Servants in carrying out their duties. The difference between outsourced employees and honorary workers lies in the person in charge, where outsourced employees are not handled directly by the bureaucracy or government, while honorary workers are handled directly by the bureaucracy or the government itself.<sup>2</sup>

Dodi (2015), as quoted by Jevon, stated that the birth of PPPK in Law Number 5 of 2014 was an answer and a very meaningful step for honorary staff. The presence of PPPK as part of State Civil Service employees was actually part of the reform agenda. bureaucracy which is allegedly able to accommodate superior and professional human resources. The basis for the birth of PPPK in the State Civil Apparatus Law is that the State Civil Apparatus itself is a profession that has the obligation to manage and develop itself and be accountable for all performance provided by government agencies. Apart from that, there is also the application of a merit system in the implementation of State Civil Service management which of course requires special skills and abilities in working.<sup>3</sup>

In relation to civil service, the state civil service law is a law that reforms the previous law governing Civil Servants, hereinafter referred to as PNS. Law of the Republic of Indonesia Number 8 of 1974 concerning the Principles of Civil Service is a law that updates Law of the Republic of Indonesia Number 18 of 1961 concerning

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<sup>1</sup> Legina Nadhila Qomarani, "Anomali Kehadiran Pegawai Pemerintah Dengan Perjanjian Kerja (Pppk) Dalam Cakrawala Kepegawaian Di Indonesia," *Cepalo* 4, no. 2 (2020): 95–110.

<sup>2</sup> Rike Anggun Artisa, "Pegawai Pemerintah Dengan Perjanjian Kerja Review Terhadap Undang-Undang Nomor 5 Tahun 2014 Tentang Aparatur Sipil," *Jurnal Pembangunan dan Kebijakan Publik* 6, no. 1 (2015): 33–42.

<sup>3</sup> Jevon Adijenda Adijenda Parkher and Dasril Radjab, "Pengaturan Pegawai Pemerintah Dengan Perjanjian Kerja Dalam Sistem Kepegawaian Berdasarkan Peraturan Perundang-Undangan," *Limbago: Journal of Constitutional Law* 1, no. 3 (2021): 481–501.

the Principles of Civil Service.<sup>4</sup> However, these two laws are no longer in effect and have been replaced by Law No. 5 of 2014 concerning the State Civil Service which has been revoked by Law No. 20 of 2023 concerning the State Civil Service.

From the series of journeys and dynamics of personnel in Indonesia, it can be seen that the legal regulations on personnel have changed several times. Not only that, there are new things that are part of the state civil apparatus. The presence of Law No. 20 of 2023 concerning the State Civil Apparatus is due to the implementation of the nation's ideals and realizing the goals of the state as in the formation of the 1945 Constitution of the Republic of Indonesia, it is necessary to build a state civil apparatus that has integrity, is professional, neutral and free from political intervention, clean from corrupt practices, collusion, and nepotism, and is able to provide public services for the community and is able to carry out its role as an element of national unity based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Furthermore, the reason for the birth of this law is in order to accelerate the implementation of the transformation of the state civil apparatus to realize a state civil apparatus with high work results and service-oriented, accountable, competent, harmonious, loyal, adaptive, and collaborative behavior, it is necessary to improve the implementation of state civil apparatus management.<sup>5</sup>

Efforts to organize bureaucracy in the field of personnel continue to be carried out by the government in order to achieve the goals of the country. It can be seen that Law No. 5 of 2014 concerning the State Civil Apparatus is filled by Civil Servants (PNS) and Government Employees with Contract Agreements (PPPK). This is certainly a new breakthrough in accelerating the transformation of the civil service. Likewise in Law No. 20 of 2023 concerning the Civil Service which states that ASN employees consist of PNS and PPPK.<sup>6</sup>

It can be understood that what is meant by PNS is Civil Servants, hereinafter abbreviated as PNS, are Indonesian citizens who meet certain requirements, appointed as ASN Employees permanently by personnel development officials to occupy government positions.<sup>7</sup> While PPPK is a Government Employee with a Work Agreement, hereinafter abbreviated as PPPK, is an Indonesian citizen who meets certain requirements, who is appointed based on a work agreement for a certain period of time in order to carry out government duties and/or occupy government positions.<sup>8</sup> This means that PNS have more security for their work period, namely until retirement age. However, this is different from PPPK which still has uncertainty regarding the contract system that applies to it.

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<sup>4</sup> Dwi Aryanti Ramadhani dan Iwan Erar Joesoef, "Perlindungan Hukum Pegawai Pemerintah Dengan Perjanjian Kerja (PPPK) Dalam Konsep Perjanjian Kerja Waktu Tertentu Di Institusi Perguruan Tinggi," *Jurnal Yuridis* 7, no. 2 (2020): 1–26.

<sup>5</sup> Konsiderat UU No.20 Tahun 2023 Tentang Aparatur Sipil Negara.

<sup>6</sup> Pasal 5 Undang-Undang No. 20 Tahun 2023 Tentang Aparatur Sipil Negara

<sup>7</sup> Pasal 3 Undang-Undang No 20 Tahun 2023 Tentang Aparatur Sipil Negara

<sup>8</sup> Pasal 4 Undang-Undang No. 20 Tahun 2023 Tentang Aparatur Sipil Negara

More clearly, in the section on dismissal, we can see in Article 52 paragraph 1 which states that dismissal for ASN employees includes:

- a. *at your own request; and*
- b. *not at his own request.*

In paragraph 2 it can be seen that what is meant by *Dismissal at one's own request is carried out if the ASN Employee resigns*. While what is meant by *Dismissal not at one's own request for ASN Employees is carried out if*:

- a. *committing violations of Pancasila and the 1945 Constitution of the Republic of Indonesia;*
- b. *die;*
- c. ***reaching the retirement age limit and/or the end of the employment agreement period;***
- d. *affected by organizational downsizing or government policies;*
- e. *physically and/or spiritually incompetent so that he cannot carry out his duties and obligations;*
- f. *not performing;*
- g. *committing a serious disciplinary violation;*
- h. *punished with imprisonment based on a court decision that has permanent legal force for committing a crime with a minimum prison sentence of 2 (two) years;*
- i. *punished with imprisonment or detention based on a court decision that has permanent legal force for committing a crime of office or a crime related to office; and/or j. being a member and/or administrator of a political party.*

So, based on the above, dismissal on the basis of unwillingness can occur for those with PPPK status provided that the work agreement expires. The end of the work agreement period will certainly be faced by employees with PPPK status. In the event that the agreement period ends, there are two possibilities that employees with PPPK status will face, namely that the work agreement will be extended or the work agreement will not be extended. Referring to the provisions of Article 60 of the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform of the Republic of Indonesia Number 6 of 2024 concerning Procurement of State Civil Servant Employees, it can be seen that "The Employment Agreement Period as intended in Article 59 paragraph (3) with a minimum of 1 (one) years and can be extended as needed and based on performance assessment." This means that it can be seen that employees with PPPK status may not be extended if they do not meet the work assessment and comply with the agency's needs.

In fact, if we look at Law no. 20 of 2023 has regulated that civil servants and PPPK are both classified as State Civil Apparatus. This means that with the same position between PNS and PPPK, there should be no distinction regarding the length of service for both PNS and PPPK. If we refer to the PPPK procurement process in Indonesia, based on Article 35 of Law No. 20 of 2023 concerning ASN, it is stated that every government agency plans to implement the procurement of ASN employees. Furthermore, Article 36 states that every government agency will openly announce the need for positions to be filled by prospective ASN employees. This means that there is a role for the Government/relevant agencies in recruiting ASN employees. Within the scope of regional government, regional government agencies have the right to plan the needs of ASN, both PNS and PPPK.

If we relate it again, a PPPK person can be dismissed on the basis of his own free will because the work agreement expires. This means that there is no certainty for PPPK regarding guarantees of the right to work and job security. From a human rights perspective, this has the potential for violations. Article 28 D paragraph 2 of the 1945 Constitution states that "Everyone has the right to work and receive fair and appropriate compensation and treatment in employment relationships". Furthermore, article 28 G paragraph 1 of the 1945 Constitution states that "Every person has the right to protection of himself, his family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear of doing or not doing something which is a human right." So on this basis, and considering that the Government/Agencies take part in planning the procurement of PPPK, can the government or such agency provide protection for certainty of work tenure for PPPKs who have been standardized by law as state civil servants? On the basis of the above phenomenon, it will be discussed further regarding the role of regional governments in providing certainty regarding the working period of PPPK within regional governments in particular.

## **METHOD**

The research that will be used is normative legal research. This means the activity of identifying legal problems, analyzing legal problems, conducting legal reasoning, analyzing the problems faced and then providing solutions to the problems, where the problems studied in this normative legal research are caused by the existence of problematic norms or rules either because of conflicts in the norms, the existence of unclear meaning in the norms, the existence of contradictions in the norms or the existence of legal vacuums.<sup>9</sup>

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<sup>9</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta Timur: Prenadamedia Group, 2019).h 60



The approach method used in this study is the statute approach. This statute approach is an approach carried out by examining all laws and regulations related to the legal issue being handled.<sup>10</sup>

## DISCUSSION

### **The Existence Of Government Employees With Contract Agreements (PPPK) In Statutory Regulations.**

State Civil Apparatus (ASN) is a profession that includes Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) who work in government agencies. ASN are appointed by personnel development officials and are assigned to a government position or state task in accordance with laws and regulations. ASN as selected human resources play an important role in carrying out government functions and public services in order to achieve the goals of the Indonesian government.

The State Civil Apparatus which includes PPPK as an element in it is one of the job opportunities provided by the government in the field of personnel other than civil servants. PPPK was born as an answer to the urgent need for professional human resources whose competence has not been optimally obtained in civil servants.<sup>11</sup>

Government Employees with Contract Agreements is a term that has been used since the birth of Law No. 5 of 2014 concerning State Civil Apparatus. Before the PPPK nomenclature became popular, there were other terms that were known in Indonesian society. Many other terms can describe the term for this type of non-permanent worker, such as non-permanent employees, contract employees, temporary workers, and others. The term non-permanent employee or *temporary employee* is an employee or worker who is recruited for a job based on a contract and is limited by a certain time. In addition, Kirk and Belcovics define non-permanent employees as individuals who are directly recruited or through employment agencies and then employed by an organization to fill positions or jobs with a certain or limited period of time.<sup>12</sup>

Purwoko also defines *temporary employees* as employees who are contracted for a certain period of time and certain tasks or contract employees with a fixed period of time, employees who come from labor supply agencies, freelance workers and

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<sup>10</sup>Ibid

<sup>11</sup> Sri Hartini dan Tedi Sudrajat, *Hukum Kepegawaian Di Indonesia* (Jakarta: Sinar Grafika, 2017).

<sup>12</sup> Rike Anggun Artisa, "PEGAWAI PEMERINTAH DENGAN PERJANJIAN KERJA (PPPK): Review Terhadap UU No. 5 Tahun 2014 Tentang Aparatur Sipil Negara," *Jurnal Pembangunan dan Kebijakan Publik* 6, no. 1 (2015): 33–42, <https://journal.uniga.ac.id/index.php/JPKP/article/download/214/pdf>.

workers for seasonal work.<sup>13</sup> The existence of non-permanent employees is certainly motivated by a reason. Initially, temporary employees were a response to the need for organizations to meet the demands of change. Organizations are faced with increasingly developing environmental conditions with increasingly complex problems. This requires flexibility in working relationships so that all problems can be overcome. This flexibility is considered beneficial because the organization does not need to spend large recruitment costs because temporary employee recruitment tends to be done simply. In addition, the organization's workload can also be resolved and the organization is not obliged to provide various facilities and benefits like permanent employees because of their temporary nature.

Many people identify PPPK and almost the same as the PKWTT work concept. Given the time period given based on the agreement/contract. More clearly, the existence of PPPK can be seen since Law No. 5 of 2014 concerning the State Civil Apparatus. However, recently, there has been a law that replaces and regulates the State Civil Apparatus, namely Law No. 20 of 2023 concerning the State Civil Apparatus. The provisions of this law state that in Article 31 to carry out ASN management, it consists of at least:

- a. needs planning;
- b. procurement;
- c. strengthening work culture and institutional image;
- d. performance management;
- e. talent and career development;
- f. competency development;
- g. awarding and recognition; and
- h. termination .

So in planning needs and procurement, Article 35 of Law No. 20 of 2023 concerning ASN states that *"Every Government Agency plans the implementation of ASN Employee procurement"* . Referring to the provisions of Article 1 paragraph 12 of Law No. 20 of 2023 concerning ASN, it can be seen that what is meant by Government Agencies are Central Agencies and Regional Agencies.

This means that PPPK, if reviewed normatively, is part of the State Civil Apparatus. Although there are differences related to the work period of PPPK with PNS, PPPK is something that is recognized by the state. So that the existence of PPPK in Indonesia which is a State Civil Apparatus is justified according to laws and regulations.

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<sup>13</sup> Anang P Purwooko, "Pegawai Tidak Tetap:Tinjauan Literatur Sebagai Perbandinga Dengan Praktek Pada Organisasi Publik Di Indonesia.," *Jurnal Kebijakan dan Manajemen PNS* 7, no. 2 (2013): 12–23.

### **Certainty of Employment Period of Government Employee Employment Agreement with Contract Agreement (PPPK) from Human Rights Perspective**

National development is carried out to create the nation's human resources fully with the aim of becoming a prosperous and equitable nation based on Pancasila and the constitution.<sup>14</sup> Pancasila has an a priori nature because it has exceeded the position of positive law, which cannot be grouped as part of positive law. Its position makes the values of Pancasila should be used to determine the validity of all positive legal systems and legislation, which must be sourced from the values of Pancasila.<sup>15</sup>

Human rights in Indonesia originate from and lead to Pancasila. Which means that human rights have a strong guarantee from the nation's philosophy, namely Pancasila. Leading to Pancasila, it means that the implementation of human rights must pay attention to the lines that have been determined in the provisions of the Pancasila philosophy. For the Indonesian people, exercising human rights does not mean exercising freely, but must pay attention to the provisions contained in the Indonesian people's view of life, namely Pancasila. This is due to the fact that basically there are no rights that can be exercised in multiple ways without considering the rights of others. Each right will be limited by the rights of others. If in exercising our rights, we do not pay attention to the rights of others, then what will happen is a conflict of rights or interests in the life of the community, nation and state.<sup>16</sup>

R. Herlambang Perdana Wiratraman in Rudy Hendra Pakpahan, Eka NAM Sihombing, in the 1945 Constitution, there is a conception of state responsibility in human rights (state responsibilities), as seen in articles 28I (4) and (5), which state "The protection, promotion, upholding and fulfillment of human rights are the responsibility of the state, especially the government and to uphold and protect human rights in accordance with the principles of a democratic rule of law, the implementation of human rights is guaranteed, regulated and set forth in statutory regulations. . " Both are key in seeing the constitutional responsibility that must be carried out by the state, in this case the government, to carry out efforts to promote human rights.<sup>17</sup>

One form of fulfilling and protecting human rights in Indonesia is the right to work. Work is a type of human rights because everyone has the right to work. The 1945 Constitution mentions it in Article 28D Paragraph (2). Indeed, the commitment to make explicit the right to work in the Constitution has only occurred since the amendment to the 1945 Constitution of the Republic of Indonesia in 2000. Even though it seems late,

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<sup>14</sup> Barzah Laputomo, "Perlindungan Hukum Dan Hak Asasi Manusia Terhadap Pekerjaan Kontrak (Outsourcing)," *Jurnal Sasi* 17, no. 3 (2011): 59.

<sup>15</sup> Lutfhi Wldagdo Eddyono, "Quo Vadis Pancasila Sebagai Norma Konstitusi Yang Tidak Dapat Diubah," *Jurnal Konstitusi* 16, no. 3 (n.d.): 602.

<sup>16</sup> Eka N.A.M Sihombing, "Pemberlakuan 'Parliamentary Threshold' Dan Kaitannya Dengan Hak Asasi Manusia," *Jurnal Konstitusi* 1, no. 1 (2009): 28.

<sup>17</sup> Rudy Hendra Pakpahan & Eka N.A.M. Sihombing, "Tanggung Jawab Negara Dalam Pelaksanaan Jaminan Sosial (Responsibility State In The Implementation Of Sosial Security)," *Jurnal Legislasi Indonesia* Vol. 9, no. 2 (2012): 174.



the existence of an editorial guarantee for work in the Constitution is not something new, completely coincidental or even an international coercion. Its existence was born out of the awareness of the Indonesian people themselves because in fact the embryo of the spirit of respecting the right to work as a human right has occurred since the preparation of the foundations of the Indonesian state which would become independent, precisely at the opening of the 1945 Constitution. This spirit was found in the objectives of the founding of the Indonesian state, which among others was to advance general welfare. The struggle of the Indonesian people to gain independence and establish the Unitary State of the Republic of Indonesia aims for the state to guarantee the right of every citizen to obtain work and a decent and dignified living in order to advance general welfare.<sup>18</sup>

If it is related to the status of PPPK as part of ASN, of course it needs to be seen whether it is in accordance with human rights principles or not related to the system and implementation. The ratification of Law no. 5 of 2014 concerning State Civil Apparatus (ASN) is a breath of fresh air in efforts to reform human resources in the bureaucracy. In general, the law seeks to create a system that can optimize human resource potential to achieve bureaucratic goals. This is done by redefinition of the role of HR management. The law outlines various matters relating to HR arrangements in the bureaucracy, including regarding non-permanent employees or what in the law are known as Government Employees with Work Agreements (PPPK). However, this regulation has been revoked and replaced with Law No. 20 of 2023 concerning State Civil Apparatus.

PPPK is not something new and unfamiliar in Indonesia, since 2015 it has been known as this to refer to honorary staff or PKWTT. So there is confusion regarding the PPPK status. PPPK in Law no. 20 of 2023 concerning ASN has included that PPPK is part of ASN. This also applies to civil servants who are included and classified as ASN. Regarding the workload or rights and obligations between PPPK and PNS, they have been equalized in this law. However, there are differences regarding the dismissal process. Civil servants will be dismissed of their own free will because they have reached retirement age and have clear job security. In contrast to PPPK, PPPK can be terminated against their will when the work agreement expires. This means that there is no certainty of employment for people with PPPK status. Even though PNS and PPPK are both categorized as state civil servants.

PPPK is not something new and foreign in Indonesia, since 2015 this term has been known to refer to honorary workers or PKWTT. So there is confusion in the status of PPPK. PPPK in Law No. 20 of 2023 concerning ASN has included that PPPK is part of ASN. Likewise with PNS who are included and classified as ASN. Regarding the workload or rights and obligations between PPPK and PNS have been equated in the law. However, there is a difference regarding the dismissal process. PNS will be dismissed of their own volition because they have entered retirement age and have certainty of clear employment. Unlike PPPK, PPPK can be dismissed of their own

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<sup>18</sup> Subiakto Tjakrawerdaja, *Sistem Ekonomi Pancasila* (Depok: Rajawali Press, 2020) hal 47.

volition when the work agreement period ends. This means that there is no certainty of employment for people with PPPK status. Even though PNS and PPPK are both included in the category of state civil servants.

The problem that occurs in PPPK is related to the work period which tends to be uncertain for PPPK status in Indonesia . If we refer to Article 33 of PP No. 49 of 2018 on Management of Government Employees with Work Agreements, it states that the work agreement as referred to in Article 32 paragraph (4) at least contains:

- a. Task;
- b. Performance targets;
- c. Employment contract period;
- d. Rights and obligations;
- e. Prohibition; and
- f. Sanctions

This means that the agreement made in PPPK status is still the same as the agreement in general in civil law teachings. If we look at the period of the work agreement, we can see Article 37 of PP No. 49 of 2018 which states:

1. The Employment Agreement Relationship Period for PPPK is at least 1 (one) year and can be extended as needed and based on performance assessment.
2. Extension of the Employment Contract Relationship as referred to in paragraph (1) is based on performance achievement, competency suitability, and agency needs after receiving approval from the PPK.
3. Extension of the Regional Relations as referred to in paragraph (2) for JPT originating from non-PNS circles must receive approval from the PPK and be coordinated with the KASN.
4. In the event that the PPPK work agreement is extended as referred to in paragraph (1), the PPK is obliged to submit a copy of the decision letter on the extension of the work agreement to the Head of BKN.
5. Extension of the Employment Agreement for PPPK occupying certain main JPT and middle JPT for a maximum of 5 ( five ) years.

If we look at the termination of employment process, Law No. 20 of 2023 states that it can occur without one's own request. Referring to PP 49 of 2018, there are various types of termination of employment agreements with respect and without one's own request, one of which is Termination of Employment Agreement for Not Meeting Performance Targets. Article 60 paragraph 1 states that

1. PPPK who do not meet performance targets will have their employment agreement terminated as referred to in Article 53 paragraph (2) letter c based on the results of the performance assessment.
2. PPPK who are subject to termination of employment agreements without their own request as referred to in paragraph (1) are given rights in accordance with the provisions of statutory regulations and can still apply as PPPK.

Meanwhile, if we look at the PPPK performance assessment, we can see this in Article 35 of PP No. 49 of 2018 which states:

1. The PPPK performance assessment aims to ensure the objectivity of work performance that has been agreed upon based on the work agreement between the PPK and the employee concerned.
2. The PPPK performance assessment as referred to in paragraph (1) is carried out based on an agreement at the individual level and unit or organizational level by taking into account targets, objectives, results, benefits achieved and employee behavior.
3. PPPK performance assessment is carried out objectively, measurably, accountably, participatively, and transparently.
4. PPPK performance assessment is under the authority of PyB in each Government Agency.
5. The PPPK performance assessment as referred to in paragraph (1) is delegated in a hierarchical manner to the PPPK's direct superior.
6. The PPPK performance assessment as referred to in paragraph (1) may take into account the opinions of colleagues at the same level and subordinates.
7. The results of the pppK performance assessment are submitted to the PPPK performance assessment team .
8. The results of the pppK performance assessment are used to ensure the objectivity of the extension of work agreements, provision of benefits, and competency development.
9. PPPK who are assessed by their superiors and the PPPK performance assessment team as not achieving the performance targets agreed upon in the work agreement will be dismissed from PPPK.

The provisions of the rules above are related to the concept of human rights, then we can judge that employees with PPPK status still do not have certainty about whether their contract will be extended or not. Again, the right to work is actually a human right.<sup>19</sup> If seen, because of the importance of Indonesia clearly stating, and fully guaranteeing, this right to work can be seen in Article 27, paragraph 2, UUD 45: "Every

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<sup>19</sup> A. Sonny Keraf, *Etika Bisnis, Tuntutan Dan Relevansinya* (Yogyakarta: Kanisius, n.d.).

citizen has the right to work and a living that is worthy of humanity." Furthermore, there is also the right to protection of safety and health within the scope of work. The basis and right to protection of occupational security, safety and health is the right to life. This guarantee is absolutely necessary from the start as an integral part of a company's policies and operations. Risks must be known from the start, this is necessary to prevent disputes in the future if something undesirable happens.<sup>20</sup> This means that in more detail, it is not only protection while working, but furthermore, there is a job guarantee for someone that must be fulfilled. Guarantees not to lose their jobs and a guarantee of feeling safe while working are rights for workers. This term is often called *job insecurity*.

Mahendrasusila (2021), as quoted by Irwan, Saharuddin, and Muh. Akbar, states that job insecurity is the psychological condition of an employee who feels threatened or worried about the continuity of his or her job in the future. Job insecurity or what can be called job insecurity can be defined as a condition related to a person's fear of losing their job or being demoted from their position as well as various other threats to working conditions that are associated with decreased psychological well-being and decreased job satisfaction.<sup>21</sup>

Job insecurity is a psychological condition of a person (employee) that shows a feeling of confusion or insecurity due to changing environmental conditions (perceived impermanence). This condition arises because there are many types of work that are temporary or contract work. Furthermore, job insecurity is also defined as feelings of tension, anxiety, worry, stress and uncertainty in relation to the nature and existence of the next job felt by workers. Excessive fear creates a desire to always work harder to avoid the risk of (*job insecurity*).<sup>22</sup>

Job insecurity has 3 aspects, namely the fear of losing a job if an employee receives negative threats about their job, which will allow job insecurity to arise in employees and vice versa. Fear of losing social status in people who are threatened with losing social status will have higher job insecurity than those who do not feel threatened about their work. So from the provisions of the existing regulations, it can be seen that the assessment of the performance and needs of agencies certainly has the potential to conflict with human rights. PPPK status who work on a contract basis will certainly experience job insecurity. Which means there is uncertainty about future employment whether to be re-employed or not.

## CONCLUSION

The existence of PPPK in Indonesia is recorded in the legal regulations on personnel or often referred to as the State Civil Apparatus. The term PPPK emerged in

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<sup>20</sup> Ibid.

<sup>21</sup> Irwan et al., "Perlindungan Hukum Terhadap Pemenuhan Hak Keselamatan Dan Kesehatan Kerja," *Jurnal Litigasi Amsir* 10, no. 4 (2023): 538–545, <http://journalstih.amsir.ac.id/index.php/julia/article/view/262>.

<sup>22</sup> Ibid

2015 and has developed until now. More specifically, PPPK is regulated in the provisions of Law No. 20 of 2023 concerning the State Civil Apparatus. In its position, Law No. 20 of 2023 places PPPK and PNS as part of the State Civil Apparatus.

The PPPK conception that uses a contract agreement system is certainly problematic in itself. Employees with PPPK status will be able to have their work contracts extended if their work reaches performance targets and the position is still needed by the agency. This means that this concept illustrates that PPPK employees do not have certainty about their jobs in the future. Employees with PPPK status will always feel job insecurity, so of course there is a potential for human rights protection and security in the field of work to not be fulfilled. The PPPK conception that uses a contract agreement system is certainly problematic in itself. Employees with PPPK status will be able to have their work contracts extended if their work reaches performance targets and the position is still needed by the agency. This means that this concept illustrates that PPPK employees do not have certainty about their jobs in the future. Employees with PPPK status will always feel job insecurity, so of course there is a potential for human rights protection and security in the field of work to not be fulfilled..

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