

ABSTRAK

KEDUDUKAN HAK DAN KEWAJIBAN PEGAWAI PEMERINTAH DENGAN PERJANJIAN KERJA (PPPK) DALAM SISTEM APARATUR SIPIL NEGARA

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Perbedaan hak dan kewajiban antara Pegawai Negeri Sipil (PNS) dan Pegawai Pemerintah dengan Perjanjian Kerja (PPPK) merupakan isu krusial dalam sistem Aparatur Sipil Negara (ASN) di Indonesia. Lahirnya Undang-Undang Nomor 20 Tahun 2023 tentang ASN memberikan kepastian hukum baru dengan menegaskan bahwa PPPK merupakan bagian integral dari ASN bersama dengan PNS. Regulasi ini menetapkan bahwa PPPK berhak atas gaji, tunjangan, jaminan kesehatan, cuti, serta perlindungan hukum sebagaimana ASN pada umumnya. Namun demikian, meskipun secara normatif hak-hak dasar PPPK telah diatur secara jelas, dalam praktik masih terdapat kesenjangan terutama pada aspek jaminan pensiun dan keamanan kerja yang menimbulkan persoalan di lapangan.

Permasalahan dalam penelitian ini dirumuskan sebagai berikut: (1) Bagaimana kedudukan hukum PPPK dalam sistem ASN di Indonesia? (2) Apa perbedaan hak dan kewajiban antara PPPK dan PNS dalam aspek hak sosial, jaminan pensiun, dan keamanan kerja? Penelitian ini menggunakan metode yuridisempiris dengan mengkaji ketentuan normatif dalam Undang-Undang Nomor 20 Tahun 2023 dan melalui wawancara dengan Guru PPPK, Tenaga Kesehatan PPPK dan Badan Kepegawaian Daerah Provinsi Lampung.

Hasil penelitian menunjukkan bahwa: (1) Kedudukan hukum PPPK secara normatif telah setara dengan PNS sebagai bagian dari ASN sesuai amanat Undang-Undang Nomor 20 Tahun 2023, tetapi secara sosial PPPK masih sering dipandang berbeda karena statusnya kontraktual, (2) Perbedaan hak dan kewajiban masih signifikan, khususnya terkait jaminan pensiun dan keamanan kerja. PNS memperoleh pensiun dengan skema lump sum atau bulanan sesuai masa kerja dan memiliki status kerja permanen hingga usia pensiun, sedangkan PPPK hanya memperoleh jaminan sosial ketenagakerjaan serta kontrak yang selalu bergantung pada evaluasi kinerja. Perbedaan ini memunculkan keresahan psikologis, sosial, dan ekonomi di kalangan PPPK, meskipun kewajiban mereka sama dengan PNS.

Kata Kunci: PPPK, PNS, Undang-Undang Nomor 20 Tahun 2023, hak sosial, jaminan pensiun, keamanan kerja.

ABSTRACT

POSITION OF RIGHTS AND OBLIGATIONS OF GOVERNMENT EMPLOYEES WITH WORK AGREEMENTS (PPPK) IN THE STATE CIVIL APPARATUS SYSTEM

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The differences in rights and obligations between Civil Servants (PNS) and Government Employees with Work Agreements (PPPK) represent a crucial issue within Indonesia's Civil Service (ASN) system. The enactment of Law Number 20 of 2023 concerning the State Civil Apparatus provides new legal certainty by affirming that PPPK are an integral part of the ASN alongside PNS. This regulation stipulates that PPPK are entitled to salaries, allowances, health insurance, leave, and legal protection, as generally granted to ASN. Nevertheless, although the fundamental rights of PPPK have been clearly regulated normatively, in practice disparities remain, particularly in the areas of pension benefits and job security, which create challenges in implementation.

The research problems are formulated as follows: (1) What is the legal status of PPPK within Indonesia's ASN system? and (2) What are the differences in rights and obligations between PPPK and PNS in terms of social rights, pension benefits, and job security? This study applies an empirical juridical approach by examining the normative provisions contained in Law Number 20 of 2023 and collecting empirical data through interviews with PPPK teachers, PPPK healthcare workers, and the Regional Civil Service Agency (BKD) of Lampung Province.

The findings reveal that: (1) The legal status of PPPK has been normatively positioned as equal to PNS as part of the ASN in accordance with Law Number 20 of 2023; however, PPPK are still often socially perceived as different due to their contractual status, and (2) The differences in rights and obligations remain significant, particularly concerning pension benefits and job security. PNS are entitled to pensions through either a lump sum scheme for service under sixteen years or monthly payments for service of sixteen years or more, and they maintain permanent employment status until retirement age. In contrast, PPPK only receive employment-related social security benefits and are bound by contracts dependent on performance evaluations. These differences have generated psychological, social, and economic concerns among PPPK, even though their responsibilities are equivalent to those of PNS.

Keywords: *PPPK, PNS, Law Number 20 of 2023, social rights, pension benefits, job security.*