

# The government's Role with Respect to Honorary Workers is Delineated in the 2014 State Civil Apparatus Act.

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**Abstract.** The objective of this study is to determine the role of the government with regards to honorary workers in compliance with Law No. 5 of 2014 concerning the State Civil Apparatus. Furthermore, it seeks to identify the efforts and policies of the Serdang Bedagai Regency government in organizing personnel administration of honorary workers. Furthermore, this study will examine whether there has been an impact on the Government of Serdang Bedagai Regency in accordance with Law Number 5 of 2014, as well as the impact of Law Number 5 of 2014 on honorary workers in the region. The empirical juridical method was employed in this study. Data were collected through interviews and documentation. Upon completion of the data processing stage, it is evident that the Serdang Bedagai Regency Government has consistently implemented its policy of administering honorary staff and similar personnel through the establishment of formal legality, as evidenced by the issuance of a decree (SK) of honorary staff, which was originally initiated by the Regent or Regional Official. This practice has continued, with no changes being made, for the 2019 and subsequent years. Furthermore, the decree has been transferred to each OPD, where it will be administered by both the head of the agency and the head of the service within the agency. In addition, it should be noted that, in order for the Serdang Bedagai Regency Government to function effectively and efficiently, it still requires honorary staff, such as operators, security personnel, and cleaning personnel, whose roles are essential to the smooth running of operations.

**Keywords:** role, government, workers and civil servants

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## INTRODUCTION

The status of non-permanent employees has been a source of debate in the field of personnel management in Indonesia. These employees occupy a position of ambiguity and contradiction, being both necessary and dispensable at various points in time. The dynamic evolution of the status and role of non-permanent employees within the broader context of the state apparatus since the enactment of Law Number 5 of 2014 has been a notable phenomenon. It is said to be very dynamic because there have been significant changes in the selection of non-permanent employees in contemporary state personnel management.

A number of significant changes have been implemented, including aspects related to the provision of main tasks and functions, the relationship between their position and civil servants, the appointment mechanism, and welfare benefits. In order to establish a State Civil Apparatus capable of organising public services and carrying out the role of an adhesive to the unity and integrity of the Republic of Indonesia, it is necessary to replace Law Number 8 of 1974 concerning the principles of employment as amended by Law Number 43 of 1999 concerning amendments to Law Number 8 of In 1974, the principles of employment were established by law number 8 of that year. This was subsequently amended by law number 43 of 1999, which was replaced by a new law number 5 of 2014 concerning the state civil apparatus. This replacement was necessary because the 1999 law was no longer aligned with the country's evolving needs and the challenges of the global environment. The amendment of Law No. 43 of 1999 with Law No. 5 of 2014 establishes transitional conditions for the position of civil service institutions in Indonesia.

The role of honorary workers in the implementation of maximum public services for the community is of great importance. Public services are directly related to the community, and thus the public service process must be able to satisfy the community itself.

The process must be able to satisfy the community itself. The term "honorary staff" refers to individuals appointed by a staffing official or other government official to perform specific tasks at

government agencies or whose income is a burden on the APBN/APBD. This honorary staff is then divided into two categories: K1 category honorary staff and K2 category honorary staff.

The rationale behind the implementation of honorary staff is twofold. Firstly, the recruitment process can be conducted on a large or small scale. This is contingent upon the number of government agencies that require additional personnel as a means of enhancing public services, particularly in regions where the demand for such services is often high. Secondly, this is in accordance with Law Number 43 of 1999 concerning Civil Service Principles, Article 2, paragraph 3, which states: In addition to the civil servants referenced in paragraph 1, authorized officials may appoint non-permanent employees.

In light of the aforementioned background, the problem to be studied in this research is the government's role towards honorary workers in accordance with Law Number 5 of 2014 concerning the State Civil Apparatus.

## **METHODS**

The research methodology employed in this study is empirical juridical. Empirical juridical research entails the investigation of norms as the object of inquiry, encompassing both legal norms enshrined in statutes and those derived from legislation. These legal norms are subsequently analyzed through a court's interpretation of them in a judicial decision. The methodology employed in data acquisition involves the examination of pertinent documents within the library, the identification of pertinent data within said documents, and the development of an understanding of the main problems addressed in this study, which may be answered by a title such as "Role of Law Number 5 of 2014 on the State Civil Apparatus."

## **RESULTS AND DISCUSSION**

The issuance of Government Regulation No. 48 of 2005, which introduced the concept of "honorary staff," prompted interest in the position. The definition of "honorary staff" is outlined in Article 1, paragraph 1 of Government Regulation Number 48 of 2005. An honorary employee is defined as a person appointed by the Personnel Supervisory Officer or other government officials to perform specific duties within government agencies, with their remuneration funded by the State Revenue and Expenditure Budget or Regional Revenue and Expenditure Budget. The rationale behind the issuance of the government regulation was to prioritize the appointment of honorary personnel as civil servant candidates.

This was followed by the issuance of Government Regulation No. 43/2007, the first amendment of Government Regulation No. 48/2005, and the second amendment with the issuance of Government Regulation No. 56/2012. Government Regulation No. 56 of 2012, which concerns the appointment of honorary personnel, is the second amendment to Government Regulation No. 48 of 2005. It regulates three matters: the appointment of honorary personnel in Category I, Category II, and for urgent positions to be filled by civil servant candidates (CPNS). This government regulation will serve as the legal framework for the appointment of category I honorary personnel, also known as "honorary left behind" or "scattered," in a fair and transparent manner. Furthermore, the issuance of Government Regulation No. 56/2012 can bring an end to the honorary regime, thus enabling the management of civil servants (PNS) to be organised in accordance with the principles of the merit system and preventing their utilisation as a political commodity and arena for KKN, which has the consequence of negatively impacting the quality of the country's bureaucracy.

Law No. 5/2014 on State Civil Apparatus (ASN) serves as the legal basis for regulating the state civil apparatus in Indonesia, including honorary workers. In accordance with this law, the government's role towards honorary workers can be described as follows:

1. **Regulating the Status and Rights of Honorary Workers**

This legislation regulates the status and rights of honorary workers. Despite the fact that honorary workers do not possess the status of ASN, this legislation provides protection for their rights, including the right to income, benefits, and social security.

2. **Control and Supervision**

The government is empowered to regulate and oversee the number and distribution of honorary workers within government agencies. This is intended to guarantee that the utilization of honorary workers is aligned with pressing needs and does not contravene the principles of efficiency and effectiveness in public service provision.

3. **Providing Opportunities for Status Improvement**

This legislation provides a framework for the government to facilitate the advancement of honorary workers to the status of ASN in accordance with the established procedures. This may be achieved through a selection process or other mechanisms as outlined in applicable laws and regulations.

#### 4. Controlling the Use of Honorary Workers

The government is also responsible for regulating the use of honorary workers in order to prevent any violations of existing provisions. For instance, it must ensure that honorary workers are not employed in positions that should be filled by ASN, and that they are afforded the same rights as other workers.

#### 5. Enhancing Welfare and Social Protection

The government bears the responsibility to enhance the welfare and social protection of honorary workers. This can be achieved through the implementation of competency development programs, the provision of social security, and the establishment of other facilities that enhance the welfare and protection of honorary workers.

Following the enactment of Law Number 5 Year 2014 on State Civil Apparatus, the legal status of honorary workers became uncertain. This was due to the term "honorary workers" being replaced with "Government Employees with Work Agreements." Consequently, the position of honorary personnel was indirectly eliminated, and replaced by Government Employees with Work Agreements. Upon closer examination, the legal arrangements for Government Employees with Work Agreements are nearly identical. However, it is not possible for honorary employees to be automatically appointed as government employees with work agreements. Government employees with work agreements are distinct from honorary workers, as they have a clearly defined work agreement contract.

It is not possible for government employees with work agreements to be automatically appointed as civil servant candidates. In contrast, honorary employees can be automatically appointed as civil servant candidates following the issuance of Government Regulation No. 48/2008. This appointment can be made if the person concerned has completed a minimum service period of one year. This policy is carried out by the government as an effort to improve integrity and professionalism in the Indonesian civil service. Those who wish to become government employees with work agreements must meet the requisite administrative requirements and must be selected by the government.

The enactment of Law Number 5 Year 2014 is anticipated to be a significant change, particularly in the field of employment, particularly in relation to honorary workers. Law No. 5/2014 was introduced as an effort to provide guarantees to honorary staff, ensuring that their rights are fulfilled, including the provision of fair and equal salaries and the implementation of appropriate labor regulations.

With regard to remuneration and benefits, it is recommended that the government at the very least provide a minimum salary in accordance with the Minimum Regional/City Wage (UMK) of each region. The Minimum Regional/City Wage (UMK) represents the minimum nominal salary to be paid to workers in accordance with their needs. Should the government implement this measure, it would better guarantee the rights of non-permanent employees in government agencies in the regions and further enhance the morale of non-permanent employees.

## CONCLUSIONS

The enactment of Law Number 5 of 2014 concerning the state civil apparatus provides insight into the function and role of the law. However, despite the applicability of this law in most regions, there are still some that do not fully comply with its provisions. The state civil apparatus is tasked with ensuring the implementation of regulations designed to foster prosperity.

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## REFERENCES

- Undang-Undang Nomor 5 Tahun 2014 tentang Aparatur Sipil Negara Undang-Undang Nomor 43 Tahun 1999 Tentang Pokok-Pokok Kepegawaian Peraturan Pemerintah Nomor 48 Tahun 2005. (n.d.).
- Artisa, R. A. (2015). Pegawai Pemerintah Dengan Perjanjian Kerja Review Terhadap Undang-Undang Nomor 5 Tahun 2014 Tentang Aparatur Sipil Negara”, *Jurnal Pembangunan Dan Kebijakan Publik* Vol.6, No. 1, 2015.
- Baiq Sriastuti. (2014). Kedudukan Tenaga Honorer Berdasarkan Undang-Undang Nomor 5 Tahun 2014., *Jurnal Ius* Vol V Nomor 5 Agustus 2017.

- Harahap, H. H. (2024). Peran undang-undang No.13 Tahun 2003 Tentang Pemutusan Hubungan Kerja Di Kota Medan, J. Urnal Hukum Kaidah, 23(2) 194-199.  
<https://doi.org/https://doi.org/10.30743/jhk.v23i2.8727>
- Jati, W. R. (2017). Analisis Status, Kedudukan, Dan Pekerjaan Pegawai Tidak Tetap Dalam Uu No 5 Tahun 2014 Tentang Aparatur Sipil Negara,. Jurnal Borneo Administator/Volume 11/No.1/2015, Pusat Penelitian Politik, Lembaga Ilmu Pengetahuan Indonesia, Hal. 101.
- Suharti, E. (2016). Undang-Undang Aparatu Sipil Negara (Uu Ri No.5 Tahun 2014),. Sinar Grafika.
- Wasisto Raharjo Jati. (2015). Analisa, Kedudukan Dan Pekerjaan Ptt Dalam Undangundang Nomor 5 Tahun 2014,. Jurnal Borneo, 2015, Vol. 11, No.1..