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## Analysis Of The Fulfillment Of Government Employee Needs With A Work Agreement (PPPK) According To Pp No.49 Of 2018 Concerning Management Of Government Employees Work Agreements (Research Study Of The Regional Personnel Agency Office Of Langkat Regency)

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# **Analysis Of The Fulfillment Of Government Employee Needs With A Work Agreement (PPPK) According To Pp No.49 Of 2018 Concerning Management Of Government Employees Work Agreements (Research Study Of The Regional Personnel Agency Office Of Langkat Regency)**

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## **Abstract**

Fulfilling the needs of PPPK according to Government Regulation of the Republic of Indonesia Number 49 of 2018 concerning Management of Government Employees with Work Agreements is the management of government employees with work agreements to produce employees who are professional, have basic values, professional ethics, free from political intervention, clean from practice corruption, collusion and nepotism as one of the efforts made by the government to meet the needs in carrying out government duties. This writing aims to find out how the procedures and mechanisms for fulfilling the needs of Government Employees with a Work Agreement and also to find out how the efforts and obstacles to its implementation according to PP no. 49 of 2018. This study uses empirical juridical research or also called juridical sociological research with a statute approach which is based on juridical facts and field facts that apply in society and analyzed with applicable legislation. This research is in the form of analytical descriptives which is to obtain a precise and clear description to then be analyzed and presented in this study. The results of this study indicate that the procedures and mechanisms for the appointment of PPPK are in accordance with PP. 49 of 2018 concerning Management of Government Employees with Work Agreements through the following stages: Planning, Announcement of Vacancies, Application for Selection, Announcement of selection results and appointment of PPPK. Efforts and obstacles to implementation, the government every year proposes PPPK procurement, but the quota is lacking due to the limited budget and lack of socialization for PPPK engagement. As a suggestion, government agencies must provide equality for Government Employees with Work Agreements in practice and the government must conduct training for PPPK candidates so that they know the procedures for implementing PPPK procurement.

## **Keywords**

Fulfillment, PPPK, Government Employees

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## **A. Introduction**

The fourth paragraph of the Preamble to the 1945 Constitution contains the national goals of the Indonesian nation, namely to protect the entire Indonesian nation and the

entire homeland of Indonesia, promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, eternal peace, and social justice. State Civil Apparatus Employees (ASN) consist of Civil Servants (PNS) and Government Employees with Work Agreements (PPPK). Government Employees with Work Agreements (PPPK) are Indonesian citizens who meet certain requirements who are appointed based on a work agreement within a certain period of time in order to carry out government duties. To be able to carry out public service tasks, government duties, and certain development tasks, Government Employees with Work Agreements (PPPK) must have the profession and management of Government Employees with Work Agreements (PPPK) based on a merit system or comparison between qualifications, competencies, and performance. required by positions with qualifications, competencies, and performance possessed by candidates in recruitment, appointment, and placement in line with good governance.

Article 7 paragraph (2) of the Government Regulation of the Republic of Indonesia Number 49 of 2018 states that the PPPK as referred to in paragraph (1) is carried out through the following stages: (a) Planning; (b) announcement of vacancies; (c) application; (d) selection; (e) announcement of selection results; (f) appointment to become PPPK. Article 8 paragraph (1) of the Government Regulation of the Republic of Indonesia Number 49 of 2018 states that the procurement of PPPK candidates is carried out by Government Agencies through an objective assessment based on competence, qualifications, needs of Government Agencies, and other requirements needed in positions.

Article 38 of the Government Regulation of the Republic of Indonesia Number 49 of 2018 states that: (1) PPPK is given a salary and allowances; (2) The salary and allowances as referred to in paragraph (1) shall apply in accordance with the provisions of the laws and regulations that apply to Civil Servants. Management of Government Employees with Employment Agreements (PPPK) is the management of Government Employees with Employment Agreements to produce government employees with professional Work Agreements, having basic values, professional ethics, free from political intervention, clean from corrupt practices, collusion and nepotism.

This study aims to find out how the procedures and mechanisms for fulfilling the needs of government employees with work agreements (PPPK) and what are the efforts and implementation barriers in procuring prospective government employees with work agreements according to Government Regulation Number 49 of 2018 concerning Management of Government Employees with Work Agreements.

## **B. Research Methods**

The formulation of the problem in this study includes the procedures and mechanisms for meeting the needs of Government Employees with Work Agreements (PPPK) as well as efforts and implementation barriers in government regulation number 49 of 2018 concerning management of government employees with work agreements. The type of research used is empirical juridical research with a library and field approach. The library approach is used to produce theoretical secondary data, while the field approach is used to obtain primary data through interviews with respondents and informants. The

legal materials used are primary legal materials (PP No. 49 of 2018 concerning Management of Government Employees with Employment Agreements), secondary legal materials (books and legal scientific writings bound to the object of research), and tertiary legal materials (general dictionaries and encyclopedias, magazines and newspapers, etc.), Data analysis is carried out qualitatively, data analysis is carried out from the beginning and continues throughout the research process (cycling process), legal materials (data) resulting from processing of secondary data are analyzed qualitatively namely by interpreting the data in the form of sentences in detail and systematically, then a discussion is carried out. Based on the results of the review after which conclusions were drawn inductively as an answer to the problems studied. The nature of this research is descriptive, where this research aims at a form of research aimed at providing an overview of existing phenomena, both describing individuals, circumstances, symptoms or the spread of certain symptoms and relationships, as well as trying to describe the phenomenon of research on the phenomenon of procedures, mechanisms. and implementation of the fulfillment of the needs of the state civil apparatus.

### **C. Research Results and Discussion**

#### **1. Procedures and Mechanisms for Fulfilling the Needs of Government Employees with a Work Agreement (PPPK) in PP No. 49 Years 2018**

In the implementation of fulfilling the needs of the state civil apparatus where the author uses the theory of good governance or good governance, every citizen has the right to receive the opportunity to meet the needs of the state civil apparatus, one of which is a government employee with a work agreement. In terms of procurement of PPPK candidates, they must meet the requirements set out in Government Regulation no. 49 of 2018, the government regulation has explained what things must be completed to become a government employee with a work agreement.

The General Elucidation of PP Number 49 of 2018 concerning the Management of PPPK states that to be able to carry out public service tasks, government duties, and certain development tasks, PPPK must have a profession and management of PPPK based on the Merit system or a comparison between the required qualifications, competencies, and performance. by positions with qualifications, competencies, and performance possessed by candidates in recruitment, appointment, and placement in line with good governance. For this reason, the government seeks to recruit qualified PPPK personnel, based on a merit system through administrative selection procedures and competency selection which includes selection, technical management, and socio-culture. Horror employees must meet the requirements and pass the administrative selection and competency selection whose implementation is the same as the CPNS selection, to be designated as PPPK candidates.

In the implementation mechanism for the appointment of PPPK, the management of PPPK includes determining needs, purchasing, performance reviews, salaries and benefits, competency development, awarding, disciplining, termination of employment contracts and protection. The appointment of PPPK in this case must pay attention to:

- a) need determination

The types of work that may be filled by PPPK are regulated by Presidential Regulation. Based on job analysis and workload analysis, each government agency must determine the number and types of PPPK posts required. Within a period of 5 (five) years which is divided into 1 (one) year based on priority needs, the number of PPPK needs is prepared as referred to in paragraph (2). The Ministerial Decree stipulates the type and number of PPPK roles required.

In determining the needs that can be filled by the PPPK if there are Civil Servants in an agency who retire, are transferred to other agencies and have broken an agreement in which an employee is fired or has committed a criminal act, therefore it is necessary to determine the fulfillment of the needs of an employee. agency. However, to become a PPPK, you must follow the established procedures and have worked for several years in the agency, at least you have to get a permanent decree that you have become a permanent employee in that agency.

b) Procurement

After fulfilling the requirements, every Indonesian citizen has the same opportunity to apply to become a PPPK candidate. The procurement of PPPK candidates is carried out to meet the needs of government organizations. The stages of planning job vacancies, accepting applications, selecting applications, disclosing selection results, and recruiting PPPK candidates are used to find candidates.

Reza Safrullah explained that in the application to become a PPPK, he received information that the registration for PPPK candidates had opened and then prepared the required files to be collected through the SSCASN, then the administrative selection or filing selection, if the announcement of the selection results passed, the next stage of the exam was in accordance with their respective professions. PPPK registration, after that if it is declared to have passed the results of the exam, then the appointment to become PPPK.

c) Performance Assessment

Objective work performance that has been agreed based on job opportunities between the Personnel Guidance Officer and the employee concerned is something to be ascertained in the PPPK performance assessment. Based on the work agreement, PPPK performance evaluation is carried out at the individual, unit, and organizational levels by taking into account the goals, objectives, results, realized benefits, and employee behavior.

Evaluation of PPPK performance is carried out in an impartial, measurable, accountable, interactive, and transparent manner. Authorized officials in each government agency are tasked with evaluating the performance of PPPK in stages. Opinions of colleagues at the same level and subordinates can be taken into consideration in evaluating the performance of KDP. The government employee performance appraisal team with a work agreement receives the results of the performance evaluation of a government employee with a work agreement.

d) Payroll and Benefits

The government is obliged to provide a decent and fair wage to the PPPK, the salary is determined by the effort of the task, and the risks associated with the work. In Central and Regional Agencies, salaries are charged to the regional and state PPPK revenue and expenditure budgets. In addition to wages, PPPK is entitled to receive benefits in accordance with the law.

e) Competency Development

PPPK is given the opportunity to develop its competence. Government agencies plan opportunities for competency development every year. The Authorized Official must evaluate the projected competency development and use it as one of the pillars for the next work agreement.

f) Awards

Awards can be given to PPPK who have carried out their duties with full dedication, skill, honesty, discipline, and work performance. Honor priority opportunities for competency development, opportunities to attend official events, and or state events are examples of awards.

g) Discipline

The PPPK must adhere to the KDP discipline to maintain order during the efficient completion of tasks. Government organizations should apply discipline to KDP and undertake various initiatives to improve discipline. Disciplinary sanctions will be applied to PPPK who violate the rules.

PPPK therefore needs completeness. Information and skills possessed by PPKK subjects are used optimally and committed to their duties and responsibilities. People who are selected to become PPPK do so because they are passionate about their field of work. The goal is not material rewards, in other words. The result of professional service is material rewards. Social jealousy that often occurs between civil servants and non-PNS can be reduced if every employee is aware of the value of dedication to his profession. PPPK has a moral commitment in carrying out its duties.

h) Termination of Employment Agreement

On the other hand, if the PPPK violates the rules, it can also face disciplinary action. The work arrangement can also be terminated, regardless of how it was done whether it was done with honor, disrespect, or at his request. The PPPK work agreement is respectfully terminated if one of the following occurs: (1) the term of the work agreement expires; (2) Died; (3) At own request; (4) Streamlining government organizations or policies resulting in a reduction in PPPK; or (5) Physical or mental inability to carry out their duties and obligations in accordance with the agreed work schedule.

Due to the following reasons, the PPPK work agreement was terminated with respect and not at his request: (1) Sentenced to imprisonment based on a court decision that has obtained permanent legal force for committing a crime with a minimum imprisonment of 2 (two) years . years and the crime was committed without planning; (2) committing a serious violation of the PPPK discipline; or (3) Not meeting the agreed performance targets in accordance with the work agreement.

The PPPK work agreement was dishonorably terminated because: (a) deviated from Pancasila and the 1945 Constitution of the Republic of Indonesia; (b) is sentenced to imprisonment or confinement based on a court decision that has permanent legal force for committing an office offense, an offense related to an office offense, and/or a general offense; (c) become a member and/or administrator of a political party; or (d) punished.

## **2. Efforts and Obstacles in the Implementation of Fulfilling the Needs of Government Employees with a Work Agreement (PPPK) in PP No. 49 Years 2018**

Every Indonesian citizen, after fulfilling the requirements, has the same option to apply to become a PPPK candidate based on Government Regulation Number 49 of 2018, which relates to the management of first aid workers. Planning, placement of vacancies, acceptance of applications, selection of candidates, disclosure of selection results, and appointment of candidates to PPPK are some of the processes involved in the procurement process. Name of position, number of job vacancies, placement of work units/agencies in need, educational requirements or professional certification, address and location of application, schedule of selection stages, and qualifications that must be met by each applicant. all must be included in the public announcement of the opening of the "PPPK" procurement. As a civil servant candidate, PPPK cannot be automatically appointed. To be appointed as a civil servant, PPPK must follow all the selection procedures used for prospective civil servants as well as the requirements of the relevant laws and regulations.

Each government agency is required to determine the number and type of PNS and PPPK positions based on job analysis and workload analysis, in accordance with Articles 56 and 94 of Law Number 5 of 2014 concerning ASN. The process of collecting, recording, analyzing, and synthesizing job data into information is known as job analysis. Workload analysis, on the other hand, is a methodical management methodology used to assess the effectiveness and efficiency of an organization's operations based on the workload of the position.

Romarlan Harahap also explained that efforts to meet the needs of the State Civil Apparatus, especially in the PPPK are still at the proposal stage, sometimes the proposals proposed to the PANRB are not all fulfilled or accommodated for certain reasons. So with this effort, the regional staff of Langkat Regency always proposes every year to meet the needs of the State Civil Apparatus, especially in Langkat Regency itself so that the honorary employees are fulfilled in terms of basic life.

The amount of real ASN needs, due to the difference in the number of ASN needs planned at the Ministry level and the city level, needs to be reaffirmed by the government. Further research is needed to determine whether this is due to outdated data or the lack of professionalism of the existing apparatus. Since they were unable to complete the work that involved the submission of the proposed ASN requirements documents at different levels, it could be said that they were less than professional. New ASN recruitment can be hampered if the existing apparatus is not professional enough. Because a positive work environment and helpful supervisors are needed for professionalism to develop.

Sugiono also explained that the obstacle in meeting the needs of the State Civil Apparatus is in the proposals made by regional staffing, because the proposals are fulfilled based on personnel expenditures, because there are several priority positions that are determined to meet these needs. The situation that must be seen in the field in the agency is a lot of honorary data or non-PNS why they are not appointed as candidates for PPPK, in fact they can become PPPK but they also have rights that must be fulfilled such as salary allowances and others. PPPK is actually the same as PNS, but the only difference is the pension benefits, while PPPK does not get benefits when the contract period has expired.

Kristina also explained that the obstacles in implementing the PPPK selection were the lack of socialization in what learning would be tested, the gamptek in uploading files because everything had gone online for uploading. In the exam there are no obstacles in accordance with the procedures or rules in PP No. 49 of 2018 concerning the Management

of Government Employees on Employment Agreements, the exam has been facilitated by the presence of a stable computer and internet network.

In responding to the efforts and obstacles the author analyzes, the government has tried its best to fulfill the needs of the state civil apparatus in terms of government employees with work agreements. Every year the government will open the procurement of prospective government employees with work agreements, because every year there are civil servants who retire and stop, government employees are needed with work agreements that meet the requirements to fill which agencies need it. Government Regulation No. 49 of 2018 is still in the planning stage for five years, the obstacle is that the government must look again at the needs in each agency and prosper all employees in the Agency.

#### **D. Conclusion**

Sourced from the results of the research above, it can be concluded that Procedures and Mechanisms for Fulfilling the Needs of the State Civil Apparatus, especially for Government Employees with a Work Agreement regulated in Article 7 of the Government Regulation, states that the procurement of PPPK candidates is an activity to meet the needs of Government Agencies. Procurement of PPPK is carried out through the following stages: Planning, Announcement of vacancies, Application, Selection; Announcement of the results of the selection and appointment to become PPPK. Furthermore, PPPK does not automatically become a civil servant, but by following the process to become a civil servant as regulated in article 99 of the ASN Law. However, Article 22 of the ASN Law confirms that the PPPK has the right to receive salaries and benefits, leave, protection, and competency development. The implementation of PPPK appointments has been regulated in Government Regulation Number 49 of 2018 concerning Management of Government Employees with Work Agreements. PP No. 49 of 2018 concerning Management of Government Employees This work agreement is still in the stage of resolving problems regarding honorary staff, therefore the regional personnel agency always strives to propose annually to PANRB in meeting the needs of PPPK candidates. The obstacle in fulfilling their needs is that the proposal is sometimes not fulfilled or accommodated by the central party, because not all of the position budgets are accepted or there are certain reasons and the lack of socialization in the procurement of prospective government employees with work agreements.

#### **E. References**

- 1945 Constitution of the Republic of Indonesia.  
Government Regulation of the Republic of Indonesia Number 49 of 2018 concerning Management of Government Employees with Work Agreements (PPPK).  
God, Moh. Jufri, 2011, *State Administration Law in the Perspective of Public Service*, Unhalu Press, Kenari.  
Faculty of Law, 2019, *Academic Handbook*, Malikussaleh University, Lhokseumawe . City  
Hadjon, Philipus M. et al., 2005, *Introduction to Indonesian Administrative Law*, Gadjah Mada University Press, Yogyakarta.  
Hartini, Sri and Tedi Sudrajat, 2017, *Employment Law in Indonesia (Second Edition)*, Sinar Graphic, Jakarta.



Kristina, Physical Education Teacher at SMP Negeri 1, Stabat Subdistrict who passed the PPPK, *Interview*, On August 8, 2022.

Law Number 5 of 2014 concerning State Civil Apparatus

Moleong, Lexy J. 2013, *Qualitative Research Methodology*. Rodaskarya Youth, Bandung.

Najih, Mokhammad and Soimin. 2014, *Introduction to Indonesian Law, History, Concepts of Legal Order and Indonesian Legal Politics*, Setara Press, Malang.

Nurcholis, H., 2011, *Theory and Practice of Government and Regional Autonomy*, Grasindo, Jakarta.

Reza Safrullah, Physical Education Teacher at SMP Negeri 1, Stabat Subdistrict who passed the PPPK, *Interview*, On August 8, 2022.

Romarlan Harahap, Head of Regional Personnel of Langkat Regency, *Interview*, 8 August 2022.

Soekanto, Soerjono, 1986, *Introduction to Legal Research*, Publisher University of Indonesia (UI-Press), Jakarta.

Sugiono, Head of Regional Personnel Information Division of Langkat Regency, *Interview*, August 8, 2022.