

Reforming the Bureaucratic Frontiers: An Analysis of Legal Implications, Concepts and Challenges for Non-Civil Servant Employees in Indonesia

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Abstract

The regulation of non-civil servant government employees (non-ASN) in Indonesia presents complex legal and administrative challenges amid ongoing bureaucratic reforms. The enactment of Law No. 20 of 2023 on State Civil Apparatus fundamentally redefines the status of non-ASN personnel by limiting the state apparatus to civil servants (PNS) and government employees with work agreements (PPPK), thereby mandating the transition of 2.42 million non-ASN employees into a formalized legal framework. This study employs normative legal research through statute, case, historical, comparative, and conceptual approaches to examine the legal implications of non-ASN management and to formulate a conceptual model for structuring their employment. Findings reveal that while the law introduces transformative elements such as merit-based recruitment, competence development, and digitalization, regulatory inconsistencies remain between statutory provisions and practical implementation. The research highlights the urgency of ensuring fairness, legal certainty, and transparent mechanisms to safeguard the rights of long-serving non-ASN employees. It concludes that sustainable bureaucratic reform requires a meritocratic system, inclusive governance, and continuous adaptation aligned with ethical values and technological advancements, thereby fostering professional and accountable public services.

Keywords: Bureaucratic reform, legal implications, non-civil servant government employees, state civil apparatus.



INTRODUCTION

The enactment of Law No. 5 of 2014 on State Civil Apparatus (ASN) marked an important milestone in the reform of human resource (HR) management within Indonesia's bureaucracy. This regulation underscores efforts to modernize the personnel system to optimize the potential of civil servants in achieving bureaucratic objectives through the redefinition of HR management roles. The law elaborates on various provisions related to bureaucratic governance, including the recognition of Government Employees with Work Agreements (PPPK).¹ Article 6 stipulates that ASN is divided into two categories: permanent civil servants (PNS) and PPPK. The PPPK category warrants further examination due to its non-permanent nature, necessitating a clearer legal framework regarding their future employment status and rights.² Honorary workers in the bureaucracy are classified into several categories, namely Category 1 (K1), Category 2 (K2), and non-category workers. The existence of non-permanent employees (PTT) has significant implications for the bureaucratic system, particularly in terms of workload, which is often heavier than that of permanent civil servants. This has led to the perception that PTT or PPPK represent "the real civil service," as they bear considerable responsibilities despite lacking the legal recognition and protection afforded to PNS.³

Amid the increasingly dynamic local, national, and global environment, the role of HR in the bureaucracy becomes ever more crucial, particularly in ensuring the quality of public services. However, limitations in both the quantity and quality of ASN have prompted the government to recruit contractual employees outside the PNS framework. Data indicate that between 2005 and 2014, the government recruited 860,220 Category I honorary workers and 209,872 Category II honorary workers, in addition to other contractual employees whose numbers remain unrecorded. Despite the prohibition on new contractual recruitment stipulated by Government Regulation No. 48 of 2005, the practice of appointing non-ASN employees has persisted.⁴

The policy of phasing out honorary workers and non-civil servant government employees (non-ASN) has been in effect since 2005, with an extension granted until November 2018. The rationale behind the employment of honorary workers lies in the substantial demand from government institutions for additional personnel to enhance public service delivery, particularly in regions where the need was often considerable. This policy was originally grounded in Law No. 43 of 1999 on the Principles of Civil Service, Article 2 paragraph (3), which stipulates that "in addition to civil servants as referred to in paragraph (1), authorized officials may appoint non-permanent employees."

The enactment of Law No. 20 of 2023 on State Civil Apparatus has altered the legal standing and protection of honorary workers. Under this new legislation, the term "non-ASN" has been replaced with "Government Employees with Work Agreements" (Pegawai Pemerintah dengan Perjanjian Kerja, PPPK). Unlike the provisions under Law No. 43 of 1999, which amended Law

¹ M. Ikhwan Rays and Risno Mina, "Pegawai Pemerintah Dengan Perjanjian Kerja: Tata Cara Pengangkatan Dan Kedudukannya," *Jurnal Yustisiael* 6, no. 2 (2022): 155.

² 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.

³ Ridwan, "Kedudukan Hukum Pegawai Tidak Tetap Di Lingkungan Instansi Pemerintah," *Jurnal Kebijakan Dan Manajemen PNS* 7, no. 2 (2013): 55-56.

⁴ Fanani, "Sepakat Dihapus, Begini Nasib Tenaga Honorar," *Liputan 6*, 2020.

No. 8 of 1974 on the Principles of Civil Service and allowed non-permanent employees to be appointed as prospective civil servants (CPNS) without examination, PPPK employees are not granted such privileges.

While Law No. 20 of 2023 does provide limited legal recognition for non-ASN personnel, this recognition is essentially confined to the prohibition imposed on staffing authorities from appointing non-ASN employees to official positions, with sanctions applied in the event of violations. Furthermore, Article 66 of the law stipulates that the status of non-ASN employees, regardless of nomenclature, must be resolved through verification and appointment by the competent authorities no later than December 2024. Data collected by the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB), the National Civil Service Agency (BKN), and other government ministries and institutions – further substantiated by the Circular Letter of the Deputy for Information Systems of BKN No. 38970/B-SI.01.01/SD/E/2022 – recorded a total of 2,421,100 non-ASN employees across Indonesia.

The prospect of directly terminating 2,421,100 non-ASN employees will inevitably create significant challenges for both the government and the continuity of public services in state institutions. Nevertheless, the implementation of Law No. 20 of 2023 cannot be disregarded, as it clearly stipulates that the state civil apparatus (ASN) shall only consist of PNS (civil servants) and PPPK, thereby requiring the transition of non-ASN employees into ASN status. This situation is further complicated by regulatory inconsistencies, as Government Regulation (PP) No. 49 of 2018 on PPPK Management does not recognize non-ASN government employees, while PP No. 12 of 2019 on Regional Financial Management continues to allocate budgetary provisions for non-ASN personnel.

The urgency of this research lies in the fact that the transitional phase stipulated by Law No. 20 of 2023 directly affects millions of individuals and the institutional stability of Indonesia's public sector. The elimination of non-ASN positions without a comprehensive and just legal framework risks not only disrupting public service delivery but also exacerbating social and economic vulnerabilities among affected workers. Addressing this issue is therefore crucial for ensuring bureaucratic continuity, legal certainty, and protection of labor rights in the context of Indonesia's administrative reform.

In light of these issues, this study aims to analyze the legal implications of regulating non-ASN employees within the framework of bureaucratic reform and to propose a conceptual model for their structuring based on principles of justice. Beyond its theoretical contribution to the study of administrative law and bureaucratic reform, this research also offers practical benefits for policymakers and government institutions. This research offers a significant scholarly contribution by providing a fresh perspective on the complex issue of non-ASN employment in Indonesia. Unlike prior studies that focus predominantly on the management⁵ or efficiency

⁵ Mahezha Jennar, "Manajemen Kepegawaian Dalam Meningkatkan Kinerja Aparatur Sipil Di Sekretariat Daerah Provinsi Kalimantan Timur," *Jurnal Paradigma* 5, no. 2 (July 10, 2017): 95–107, <https://doi.org/10.30872/JP.V5I2.432>; Wahyu Widayat, "Pengelolaan Pegawai Honorer Pemerintah Daerah Daerah Istimewa Yogyakarta," *Jurnal Politik Dan Pemerintahan Daerah* 4, no. 2 (December 19, 2022): 215–22, <https://doi.org/10.36355/jppd.v4i2.47>; Riris Katharina, "Reformasi Manajemen Aparatur Sipil Negara: Evaluasi Peran Pejabat Pembina Kepegawaian Dan Komisi Aparatur Sipil Negara," *Spirit Publik: Jurnal Administrasi Publik* 13, no. 2 (October 29, 2018): 1, <https://doi.org/10.20961/sp.v13i2.24864>.

aspects of bureaucratic reform,⁶ this article highlights the normative gaps and conceptual challenges arising from the dual status of ASN. there is a distinct gap in the literature concerning the legal status, challenges, and equitable solutions for the massive population of non-ASN employees in the context of recent legislative changes. Thus, The findings are expected to serve as a reference for formulating regulations that are more consistent, equitable, and implementable regarding the status of non-ASN employees. Thus, this study not only enriches academic discourse but also provides normative and practical foundations for the development of sustainable public policy.

METHOD

This study employs normative legal research, or juridical-normative research, which doctrinally examines the legal foundations and statutory regulations governing personnel issues encountered in the implementation of the ASN Law. The objective of this approach is to reveal the essence of the regulation of non-ASN government employees from the perspective of legal certainty and to develop a conceptual framework or model for their governance. Through this methodological design, the research seeks to obtain comprehensive information from multiple dimensions of the legal issues under investigation. The approaches applied within this normative legal research include the statute approach, case approach, historical approach, comparative approach, and conceptual approach.

The data collection technique adopted in this research is library research or document study, whereby data are gathered from written sources using content analysis. Legal materials relevant to the subject matter are inventoried and classified through library research to ensure their relevance to the core legal questions addressed. Once classified, these materials are analyzed qualitatively by examining and interrelating them to provide a clear and systematic answer to the central legal problems under study.

The reasoning method applied is deductive, which is the conventional method in legal scholarship. Following the Aristotelian model of syllogism, deductive reasoning begins with the establishment of a major premise, followed by the formulation of a minor premise, from which a logical conclusion is then derived.

RESULT AND DISCUSSION

Legal Implications in the Structuring of Non-Civil Servant Employees within the Bureaucratic Framework

The management of the State Civil Apparatus (ASN) constitutes a series of activities and strategies aimed at organizing human resources within government institutions, encompassing both ASN and non-ASN employees. The enactment of Law No. 20 of 2023 is expected to provide a comprehensive response to unresolved issues in the structuring of non-ASN employees that were inadequately addressed through the implementation of Law No. 5 of 2014. This new law introduces seven major transformation agendas: (1) transformation of recruitment and ASN positions, (2) facilitation of national talent mobility, (3) acceleration of competency development,

⁶ Evi Satispi et al., "Optimalisasi Efisiensi Penyederhanaan Birokrasi Pemerintah Daerah Di Indonesia," *KAIS Kajian Ilmu Sosial* 5, no. 1 (May 13, 2024): 49–58, <https://doi.org/10.24853/kais.5.1.49-58>.

(4) structuring of non-ASN employees, (5) reform of performance and welfare management, (6) digitalization of ASN management, and (7) strengthening of work culture and institutional image. One of the expected outcomes of these agendas is the establishment of a professional, world-class bureaucracy.

The structuring of non-ASN employees following the enactment of Law No. 20 of 2023 cannot merely be implemented through direct termination. Instead, grounded in the principle of humanization, the government must provide appropriate and just solutions. One such solution is workforce planning (*het plan*) that maps non-ASN employees for potential integration as ASN. In administrative law, *het plan* refers to the obligation of government authorities to formulate state plans within a specific period. This requires a comprehensive mapping of organizational human resource needs, aligned with job analysis and workload assessment, while simultaneously encouraging non-ASN employees to apply for ASN positions through fair recruitment processes.⁷ Priority should be granted to long-serving non-ASN employees – particularly those with more than ten years of service – while also considering performance evaluations as a measure of merit for recruitment.

Government policies are not intended to restrict human freedom but to guarantee existential continuity. Legal liberation can be understood as the spirit of ensuring individuals are safeguarded from arbitrary practices that may undermine their existence. In the context of legal protection for non-ASN employees, the structuring process under Law No. 20 of 2023 must avoid arbitrariness and ensure equality of rights. The constitutional mandate under Article 27(2) of the 1945 Constitution, which guarantees every citizen the right to work and to a livelihood worthy of humanity, provides a normative foundation for extending equal protection to non-ASN employees.⁸ Therefore, policy formulation and implementation in this regard should aim to provide pathways for non-ASN employees to transition into ASN positions, provided they meet established recruitment standards.

The principle of transcendence directs human life towards meaningful existence. These transcendental values, rooted in religious teachings such as Islam, serve as the basis for humanistic (*amar ma'ruf*) and liberative (*nahi munkar*) policymaking, oriented toward preserving human dignity, ensuring public welfare, and establishing a civilized legal order. The presence of non-ASN employees has significant implications for the operational efficiency of government institutions. While often entrusted with responsibilities equal to those of ASN employees, they remain subject to different statuses and benefits. Their flexibility in adapting to dynamic institutional needs highlights their crucial role, yet it simultaneously raises concerns over their legal rights, welfare, and job security.⁹

One of the primary challenges faced by non-ASN employees lies in employment uncertainty. Many are engaged under short-term contracts without guarantees of renewal, creating financial

⁷ Jevantio Yosua Maki, Lendy Siar, and Harly Stanly Muaja, "Penyelesaian Sengketa Aparatur Sipil Negara Melalui Upaya Administratif," *Jurnal Fakultas Hukum UNSRAT Lex Privatum Vol.13 NO.4 2024* 7, no. 2 (2020): 3.

⁸ Rossi Suparman, "Pelaksanaan Diskresi Aparatur Sipil Negara Dalam Rangka Penegakan Hukum," *Jurnal Hukum Mimbar Justitia* 6, no. 1 (2020): 7.

⁹ Mardiasmo, *Manajemen Sektor Publik* (Jakarta: Rineka Cipta, 2021).

and emotional instability. Moreover, disparities in treatment between ASN and non-ASN employees—particularly in terms of salaries, allowances, and access to professional development—often lead to dissatisfaction and workplace tensions.¹⁰ Employees engaged as non-ASN personnel through contractual agreements with local governments cannot automatically transition into PPPK status. Article 99 of the Government Regulation on PPPK stipulates that non-ASN employees may continue their duties for a maximum of five years from the regulation's enactment. During this period, they may be appointed as PPPK if they meet the requirements. The regulation further guarantees protection in the form of health insurance, work accident insurance, and death benefits equivalent to those provided to PPPK employees.

For the state to fulfill its constitutional functions and objectives, a bureaucracy capable of operationalizing governance is indispensable. Bureaucracy is often regarded as the machinery of the state. Hegel conceptualized state administration (bureaucracy) as the bridge connecting the state with society, which itself comprises diverse professional groups and interests. Bureaucracy thus mediates between particular interests and the general will. While bureaucracy ideally embodies administrative efficiency, in practice it may also become the source of inefficiency. Consequently, bureaucratic reform must be understood as a movement to correct inefficiencies and establish a more effective governance system.¹¹

The primary function of bureaucratic reform is to serve as a framework guiding the executive in carrying out duties and responsibilities, while also providing benchmarks for evaluating the character, behavior, and performance of civil servants. Bureaucratic ethics therefore include values such as efficiency, separation of personal and official interests, meritocracy, responsibility, accountability, and responsiveness.¹² Bureaucracy, as an indispensable component of governance, must embody the values encapsulated in the ASN's professional code of conduct, articulated under Law No. 20 of 2023, known as "BerAKHLAK." These values include service orientation, accountability, competence, harmony, loyalty, adaptability, and collaboration, which collectively aim to foster professional, ethical, and citizen-focused governance.

The incomplete structuring of non-ASN employees has compelled the government to revise existing regulations. The enactment of Law No. 20 of 2023 on October 31, 2023, introduced significant changes to ASN management, particularly Article 66, which mandates that all non-ASN employees must be restructured by December 2024. This provision overrides Law No. 5 of 2014 and Government Regulation No. 49 of 2018 on PPPK Management, which previously required the completion of non-ASN structuring by November 28, 2023. The inability to fully integrate non-ASN employees into ASN ranks stems from challenges such as weaknesses in recruitment processes, biases in selection that inflated the workforce, and mismatches between skills and institutional performance needs. Consequently, non-ASN employees often bear disproportionate workloads compared to PNS. Therefore, policy decisions regarding the

¹⁰ Sedarmayanti, *Manajemen Sumber Daya Manusia, Reformasi Birokrasi Dan Manajemen Pegawai Negeri Sipil (Cetakan Kelima)* (Bandung: PT. Refika Aditama, 2019).

¹¹ Martin Albrow, *Birokrasi (Bureaucracy) Terjemahan: M. Rusli Dan Totok Daryanto*, 2nd ed. (Yogyakarta: Tiara Wacana Yogya, 1989), 106.

¹² Fitri, Andi Rosdianti Razak, and Ansyari Mone, "Etika Birokrasi Di Dinas Kependudukan Dan Catatan Sipil Kabupaten Bone," *Jurnal Unismah* 3, no. 1 (2022): 32.

structuring of non-ASN employees must be firmly grounded in bureaucratic ethics to ensure fairness, accountability, and sustainability in public administration.¹³

The Concept of Structuring Non-Civil Servant Employees Based on the Value of Justice

In the structuring of non-civil servant employees (Non-ASN) in Indonesia, the concept of civil service management (ASN) aims to create a more efficient, responsive, and high-performing personnel system to support public service and national development. The structuring of ASN encompasses several aspects, including workforce planning, recruitment, competency development, performance management, and talent development.

The era of Industry 4.0 is already at hand, presenting increasingly complex global challenges.¹⁴ In this fast-paced era, every nation is required to be agile in responding to transformative changes that transcend spatial and temporal boundaries. A moment of negligence may lead to being left behind. Bureaucratic reform has therefore become a critical leverage factor in national development. Developed countries have long benefited from bureaucratic reform,¹⁵ and it is unsurprising that they continue to pursue reform agendas without pause. Advances in information and communication technology, globalization, societal dynamics, and the need to strengthen national competitiveness provide compelling justification for this reform. Bureaucratic reform has been proven to directly enhance the quality of public policy, promote transparency for the welfare of society, and improve the quality of public services.¹⁶ Its successful implementation in Indonesia contributes significantly to comprehensive national development and strengthens investor confidence to continuously invest in the country.¹⁷

The Ministry of Administrative and Bureaucratic Reform (Kementerian PANRB), as the primary driver of bureaucratic reform, has been mandated by the President of the Republic of Indonesia to formulate and establish reform policies through the optimization of state apparatus. These policies cover several domains, including bureaucratic reform, bureaucratic accountability and supervision, institutional and governance arrangements, human resource management, and public service delivery.

In order to achieve the objectives of good, dynamic, and integrative governance, the establishment of a clean and accountable bureaucracy constitutes the first priority within the

¹³ Gugun Geusan Akbar, Novianita Rulandari, and Widaningsih Widaningsih, "Reformasi Birokrasi Di Indonesia, Sebuah Tinjauan Literatur," *Transparansi: Jurnal Ilmiah Ilmu Administrasi* 4, no. 2 (2021): 188, <https://doi.org/10.31334/transparansi.v4i2.1981>.

¹⁴ Julian Marius Müller, Daniel Kiel, and Kai-Ingo Voigt, "What Drives the Implementation of Industry 4.0? The Role of Opportunities and Challenges in the Context of Sustainability," *Sustainability* 10, no. 1 (January 18, 2018): 247, <https://doi.org/10.3390/su10010247>.

¹⁵ Tiara Tsani, Santi Marlina, and Anisa Kesuma Arum, "Systematic Literature Review: Pembelajaran Dari Reformasi Birokrasi Global Untuk Indonesia," *Publikauma: Jurnal Administrasi Publik Universitas Medan Area* 12, no. 2 (December 11, 2024), <https://doi.org/10.31289/publika.v12i2.13053>.

¹⁶ Didik Supriyanto et al., "Navigating Bureaucratic Changes: A New Public Service Perspective on Tourism and Culture Governance in Malang Regency, Indonesia," *Journal of Governance and Public Policy* 12, no. 1 (January 25, 2025): 37–50, <https://doi.org/10.18196/jgpp.v12i1.22391>.

¹⁷ Habibi, *Loc.Cit*, 207.

national apparatus reform strategy. To realize this objective, the policies and strategies of bureaucratic reform prioritize the following areas:

1. Implementation of an Effective Bureaucratic Values and Integrity System

National policies governing bureaucratic integrity are strengthened to ensure effective implementation across all ministries, agencies, and local governments. Integrity systems are promoted through strategies such as: internalizing integrity values within the bureaucracy to establish a clean character and culture; enforcing codes of ethics and conduct for state and government officials; effectively managing conflicts of interest; regulating asset disclosure of employees; applying whistleblowing mechanisms; managing gratification reporting; and ensuring transparency in the implementation of integrity systems across institutions.

2. Implementation of Independent, Professional, and Synergistic Supervision

Strategies include harmonizing regulatory frameworks governing supervision; establishing a Law on Government Internal Control Systems; enhancing supervisory capacity by increasing the independence of internal audit bodies (APIP); and improving the number, competence, and integrity of both internal and external auditors. Additional strategies involve strengthening synergy among internal supervision, external supervision, public oversight, and law enforcement; increasing transparency in monitoring and follow-up of audit results; developing a national internal supervision plan focused on development priorities; and establishing effective public complaint systems to encourage greater citizen participation in supervising development.

3. Improvement of the Quality and Integration of Financial and Performance Accountability Systems

Strategies pursued include accelerating the adoption of accrual-based government accounting standards (through improved financial information systems and management); aligning functions of planning, budgeting, procurement, monitoring and evaluation, and ICT-based reporting; and strengthening the implementation of the Government Performance Accountability System (SAKIP), including policy refinement and enhanced effectiveness. Additional measures include promoting transparency by improving the management and accessibility of information in central and regional government institutions, requiring them to produce performance reports and disclose public information in accordance with Law No. 14 of 2008.

4. Enhancing Fairness, Transparency, and Professionalism in Public Procurement

Measures include refining and strengthening procurement policies, particularly in restructuring procurement markets and strengthening national industries; improving the e-procurement system and its implementation, including expanding e-catalog product coverage; standardizing electronic procurement services (LPSE); implementing consolidated procurement schemes; supporting provider databases; strengthening the competence and integrity of procurement human resources, including enhancing the role of functional procurement officers; refining governance mechanisms through the strengthening of Procurement Service Units (ULP);

increasing their effectiveness; and applying internal control systems (SPIP) to large-scale procurements with the use of probity audits.

5. Reconstruction and Regulation of Non-ASN Management

Bureaucracy constitutes one of the essential pillars in the life of a state.¹⁸ It serves as the primary catalyst and the frontline institution in improving the quality of life of society through public services. As the foremost service provider, bureaucracy represents the most fundamental benchmark for assessing the extent to which government machinery functions effectively.¹⁹ The aspiration to establish a high-quality bureaucracy has been accompanied by amendments to several laws concerning the civil service. One of the pioneering regulations in this regard was Law No. 43 of 1999 on the Principles of Civil Service, which laid the foundation for the merit system. The official realization of bureaucratic reform occurred when the Government and the House of Representatives ratified Law No. 5 of 2014 concerning the State Civil Apparatus (ASN).

The term “construction” refers to the structure (model, layout) of a building (such as a bridge or house), or the arrangement and relationship of words within a sentence or phrase. It can also be understood as the configuration and interrelation of building materials so that the resulting structure becomes a unified whole capable of bearing loads and providing strength. In contrast, *reconstruction* – derived from the addition of the prefix “re” to the word *construction* – signifies the act of restoring to its original state. According to scientific dictionaries, reconstruction may be defined as rearrangement, reenactment (by referring to past behavior or action), or restoration to an earlier condition. Terminologically, reconstruction encompasses multiple interpretations, the precise meaning of which depends on the context and the object being reconstructed.

6. Management of Non-ASN Employees from the Perspective of Applicable Legal Regulations

The steps and commitments undertaken by the Government of Indonesia in addressing and managing non-ASN employees have been aligned with prevailing regulations, based on principles of fairness and without disadvantaging any party. The Ministry of State Apparatus Empowerment and Bureaucratic Reform (PANRB), in collaboration with the Ministry of Home Affairs, has consistently encouraged regional leaders to resolve issues concerning non-ASN personnel. This collaborative effort at the central government level seeks to accelerate the management of non-ASN employees as mandated by Law No. 20 of 2023 on ASN.

In addition to the Ministry of Home Affairs, the PANRB has also urged the National Civil Service Agency (BKN) to adopt a more proactive role in this restructuring process. Leveraging the networks of both institutions across the regions is expected to expedite the resolution of non-

¹⁸ Sondika Ragani, Adrian E. Rompis, and Santi Hapsari Dewi Adikancana, “Population and Civil Registration Service of Bandar Lampung City’s Digital Bureaucratic System in Realizing an Effective and Efficient Government,” *Pancasila and Law Review* 2, no. 2 (December 30, 2021): 109–20, <https://doi.org/10.25041/plr.v2i2.2448>; Deddy Bratakusumah, “Rethinking Directions of Politics and Bureaucracy Post Neo-Liberalism: An Indonesian Experience,” *Jurnal Perencanaan Pembangunan: The Indonesian Journal of Development Planning* 3, no. 3 (December 25, 2019): 273–81, <https://doi.org/10.36574/jpp.v3i3.86>.

¹⁹ Janne Tukiainen et al., “What Are the Priorities of Bureaucrats? Evidence from Conjoint Experiments with Procurement Officials,” *Journal of Economic Behavior & Organization* 227 (November 2024): 106716, <https://doi.org/10.1016/j.jebo.2024.106716>.

ASN arrangements. One of the measures already implemented includes a two-stage selection process for Government Employees with Work Agreements (PPPK). However, several challenges remain that require collaborative solutions. Furthermore, the Government seeks to ensure that regional officials (PPK) appoint non-ASN employees who successfully pass the second stage of selection as PPPK, whether on a full-time or part-time basis, and that local governments allocate adequate budgets for both categories.²⁰

7. Management of Non-ASN Employees through the Application of Core Values (*BerAKHLAK*)

The management of non-ASN employees is a critical issue warranting serious attention. Law No. 20 of 2023 outlines seven points of transformation agenda, including the regulation of non-ASN personnel. Despite earlier attempts under Law No. 5 of 2014, the resolution of this matter continues to present significant challenges. Bureaucratic ethics must serve as the foundation to ensure that the management of non-ASN employees is conducted fairly, transparently, and in accordance with moral principles. The core values enshrined in the code of ethics and code of conduct for ASN under Law No. 20 of 2023 provide a guiding framework. The management of non-ASN employees based on the *BerAKHLAK* values is as follows:

a. Service-Oriented

The determination of ASN requirements must be based on an analysis of positions and workloads to identify the appropriate number and types of positions needed. Accordingly, the management of non-ASN personnel must guarantee that the recruitment process aligns with institutional workforce planning, ensuring continuity of government functions and maintaining the quality of public services.

b. Accountable

Policies regarding non-ASN management must be accountable to the public in compliance with prevailing laws and regulations. The Government's commitment has been demonstrated through Government Regulation No. 48 of 2005, subsequently amended by Government Regulation No. 43 of 2007, and most recently revised under Government Regulation No. 56 of 2012. The prohibition on government institutions reappointing non-ASN employees must be strictly enforced, with firm sanctions imposed for any violations.

c. Competent

The management of non-ASN employees must adhere to the principle of meritocracy, whereby decisions are based on qualifications, competencies, potential, performance, integrity, and morality. This requires comprehensive assessments, particularly for non-ASN personnel whose educational qualifications or competencies are not aligned with the required positions. Objective evaluation should be conducted through national-level administrative and technical examinations administered by a national selection committee.

²⁰ Panrb, "Pemerintah Mendorong Pemda Perkuat Komitmen Penyelesaian Penataan Tenaga Non-ASN Melalui Seleksi PPPK Tahap II," Kementerian Pendayagunaan Aparatur Sipil dan REformasi Birokrasi Republik Indonesia, 2025.

d. Harmonious

Consistent with the principle of non-discrimination in ASN policy and management, all individuals must be treated equally regardless of ethnicity, race, skin color, religion, origin, gender, marital status, age, or disability. The management of non-ASN employees must uphold these values and avoid discriminatory practices.

e. Loyal

Within the framework of bureaucratic reform, particularly in restructuring human resources, Law No. 20 of 2023 emphasizes that ASN serve as policy implementers, public servants, and agents of national unity. Accordingly, the management of non-ASN employees must ensure that they demonstrate loyalty to the Unitary State of the Republic of Indonesia.

f. Adaptive

To advance toward a professional, world-class bureaucracy, ASN must embrace innovation and remain responsive to change. Workforce restructuring affects both ASN and non-ASN employees and may result from organizational downsizing or the implementation of Electronic-Based Government Systems (SPBE). Workforce planning must therefore be aligned with institutional strategic plans and future organizational needs.

g. Collaborative

The restructuring of non-ASN employees requires the involvement of multiple stakeholders, including central and regional governments, the public, non-ASN professional associations, and the private sector. The Government must balance its regulatory roles between central and regional authorities, as non-ASN personnel are widely distributed across institutions. Public service delivery must remain uninterrupted during this process, while open opportunities for citizens to participate in ASN recruitment must be preserved. Professional associations representing non-ASN personnel should be included to voice concerns and provide input, while the private sector may assist in absorbing employees who do not meet the administrative requirements to transition into ASN, either through outsourcing arrangements or entrepreneurship training.²¹

CONCLUSION

The findings of this study highlight that the enactment of Law No. 20 of 2023 represents a pivotal regulatory reform in addressing the complex issue of non-ASN employee management within Indonesia's bureaucratic framework. The law introduces a transformative agenda encompassing recruitment, talent mobility, competence development, and digitalization, while prioritizing a humanistic and just approach to restructuring. The recognition of non-ASN employees' long-term contributions underscores the necessity of ensuring fairness, equal protection of rights, and transparent mechanisms that prevent arbitrary treatment. Moreover, the study emphasizes that bureaucratic reform rooted in ethical principles and the values of

²¹ Latif Wahyudin, Denok Kurniasih, and Tobirin, "Penataan Pegawai Non-ASN Ditinjau Dari Etika Birokrasi," *Co-Value: Jurnal Ekonomi, Koperasi & Kewirausahaan* 14, no. 7 (2023): 829.

BerAKHLAK is indispensable in building a professional, accountable, and world-class public service system that bridges state and societal interests effectively.

It is recommended that future implementation of non-ASN restructuring be guided by a meritocratic system supported by thorough workforce planning, competency assessments, and transparent recruitment mechanisms. Special consideration should be given to long-serving non-ASN employees, ensuring pathways for transition into ASN or PPPK positions based on performance and dedication. Furthermore, the government must strengthen collaborative governance involving central and regional authorities, professional associations, and civil society to ensure inclusivity and legitimacy in policy enforcement. Finally, ongoing evaluation and adaptation aligned with technological advancements and bureaucratic ethics are crucial to sustaining reforms, promoting legal certainty, and securing a fair and dignified working environment for all public sector employees.

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