
SOCIAL SECURITY FOR GOVERNMENT EMPLOYEES WITH EMPLOYMENT AGREEMENTS AND WORKERS: COMPARATIVE STUDY AND IDEAL MODEL

Adila Azani
Universitas Sriwijaya
adila.azani@gmail.com

ABSTRACT

Government Employees with Work Agreements (PPPK) are in the realm of civil service law and workers are in the realm of labour law, where PPPK and workers have rights stated in the laws and regulations according to their respective positions, one of which is to obtain social security protection. However, the problem is the gap in the rights to social security obtained between PPPK and workers. The benefits of social security protection for workers are considered more comprehensive compared to the social security benefits received by PPPK. In fact, both PPPK and workers carry out work based on an employment agreement. This means that both statuses work for a certain period and have the same level of risk of losing their jobs. This paper discusses the formulation of the problem, namely How is the social security protection for PPPK and workers and the ideal social security formulation for PPPK? This study uses a juridical-normative approach and a descriptive research nature. Based on the research conducted, the results obtained are: Social security for PPPK includes health insurance, work accident insurance and death insurance while the benefits of social security programs for workers include health insurance, old age insurance, pension insurance, work accident insurance, death insurance and job loss insurance. There is a gap in the benefits of the social security program between PPPK and workers, even though the basis of the employment relationship between PPPK and workers is the same, namely a fixed-term and temporary work agreement. The status of workers based on an employment agreement has a greater risk of losing their jobs compared to workers who are permanent for a long period of time such as civil servants. To protect PPPK from the risks that arise in an employment relationship, the ideal formulation of a social security program for PPPK is to provide the same social security program benefits as workers.

Keywords: Government Employees with Employment Agreements; Social Security; Workers

INTRODUCTION

The State Civil Apparatus (hereinafter abbreviated as ASN) is defined as a profession for civil servants and government employees with work agreements who work in government agencies. According to article, ASN consists of 2 elements, namely Civil Servants (PNS) and Government Employees with Work Agreements (PPPK). PPPK are Indonesian citizens who meet certain qualification and are appointed based on a work agreement for a certain period of time in order to carry out government duties and/or occupy government positions. As part of ASN, PPPK are responsible for delivering public services, and fostering national unity. The period of the work agreement for PPPK is at least 1 (one) year and can be extended as needed and based on performance assessment. The extension of the work agreement for PPPK who occupy certain main JPT and middle JPT is a maximum of 5 (five) years.

In the private sector, the term “worker” refers to human resources who carry out business activities, both for the purpose of producing goods and for producing services. A worker/laborer is anyone who works for wages or other forms of compensation. Workers are employed

by employers and are bound by an employment relationship. An employment relationship is a legal relationship between an employer and a worker based on an employment agreement, which contains the essential elements of work, wages, and supervision or orders.

The employment agreement serves as the basis for the establishment of an employment relationship between workers and employers or entrepreneurs. Based on its duration, an employment agreement can be categorized as either a Fixed-Term Employment Agreement (PKWT) or an Indefinite-Term Employment Agreement (PKWTT). For workers under a PKWT, the agreement may be implemented for a maximum period of 5 years. If the PKWT period is about to end and the assigned work has not yet been completed, the agreement may be extended for a period agreed upon by both the employer and the worker, provided that the total duration of the initial PKWT and its extension does not exceed 5 years.

From the normative definition of PPPK and workers, we can identify a common thread between PPPK and workers, namely the existence of a work agreement that is the basis for their work. When viewed from a structural perspective, both PPPK and workers are engaged in employment relationships for the purpose of carrying out work. However, the key distinction lies in the parties involved in these relationships. The relationship between PPPK in carrying out its duties and functions is with the government, while in the work relationship there are 2 actors involved, namely workers and employers (entrepreneurs). Workers in the scope of this article are workers who are based on PKWT.

Previous research was conducted by Achmad Johansyah in the Unram Law Review Journal in 2022 entitled “Implementation of Social Security as a Form of Assurance of Workers’ Rights in Obtaining Employment Social Security Protection in Indonesia”, examines the authority to organize social security for ASN (both PNS and PPPK) referring to the State Civil Apparatus Law (at that time the one that was still in effect was Law Number 5 of 2014 concerning the State Civil Apparatus), Law Number 40 of 2004 concerning the National Social Security System (hereinafter abbreviated as the SJSN Law) and Law Number 24 of 2011 concerning the National Social Security Administering Agency (hereinafter abbreviated as the BPJS Law). The article focuses on examining which institutions are authorized to organize social security for ASN. The results of the study are:

“If in the implementation of social security, it is seen from the legal principle of Lex Specialis Derogat Legi Generalis which regulates social security in Indonesia, it is clear that it must refer to the SJSN Law and the BPJS Law, because the ASN Law regulates ASN in general, not regulating the implementation of social security in Indonesia”.¹

Another previous research was conducted by Nova Scotia Rosita in the Journal Syntax Literate in 2024 with the title “The Concept of Justice and Protection for Government Employees with Employment Agreements (PPPK) Reviewed from Labour Law” examining the basic similarities in the relationship between PPPK and workers in companies in terms of employment agreements, employment status, retirement age, termination of employment, severance pay, and the right to form a trade union.² The novelty of the research conducted by the author focuses on comparing the rights to social security for workers and PPPK which are

¹Achmad Johansyah, “Implementation of Social Security as a Form of Certainty of Workers’ Rights in Obtaining Social Security Protection for Employment in Indonesia”, Unram Law Review Vol. 6 No. 1, (April 2022), p. 125.

²Nova Scotia Rosita, “The Concept of Justice and Protection for Government Employees with Employment Agreements (PPPK) Reviewed from Labour Law”, Syntax Literate: Indonesian Scientific Journal Vol. 9 No. 2, (February 2024), article accessed on May 6, 2025 via <https://jurnal.syntaxliterate.co.id/index.php/syntax-literate/article/view/10811/6371>.

considered unequal and formulating an ideal model of social security benefits that should be given to PPPK as part of ASN.

PPPK falls under the domain of civil service law, while workers are governed by labour law. Both PPPK and workers are entitled to rights outlined in the applicable laws and regulations according to their respective positions, one of which is the right to social security protection. However, a significant issue arises from the disparity in social security benefits received by PPPK compared to those received by workers. The social security benefits for workers are generally considered more comprehensive than those available to PPPK. In reality, both PPPK and workers perform their duties based on an employment agreement. This indicates that both statuses involve fixed-term employment, even though the employment relationships are established with different parties. This article addresses the following problem: the current state of social security protection for PPPK and workers, and the formulation of an ideal social security scheme for PPPK.

METHOD

This study employs a normative juridical research method, which focuses on legal norms found in laws and regulations, as well as norms that are applicable and binding within society. The nature of this research is descriptive-analytical, meaning it seeks to describe or explain the implementation of a particular issue, condition, or phenomenon in order to identify the frequency or pattern of its occurrence. The type of data used in this study is secondary data, obtained to support the research through legal literature and bibliographic sources. This secondary data includes official documents, academic books, and previous research findings.

ANALYSIS AND DISCUSSION

Implementation of PPPK and Worker Social Security Reviewed from the Theory of Welfare State and Theory of Legal Protection

Indonesia is one of the countries that adopts the concept of a welfare state in the world. A welfare state is a concept where a country uses a democratic government system that is responsible for the welfare of its people. This aims to reduce the suffering experienced by the community such as poverty, unemployment, health problems and so on. Therefore, countries that adopt the concept of a welfare state have public policies that are in the form of services, assistance, protection or prevention of social problems.³

Explicit evidence that Indonesia adheres to the welfare state concept is clearly stated in the Indonesian constitution, namely in Paragraph IV of the opening of the 1945 Constitution of the Republic of Indonesia mandates the government to achieve the state's goals, namely "to protect all Indonesian people and all Indonesian territory and to advance general welfare, improve the life of the nation and participate in implementing world order based on independence, eternal peace and social justice".⁴ If examined further, evidence that the Indonesian state adheres to the welfare state concept can also be found in the body of the 1945 Constitution of the Republic of Indonesia, namely in Articles 27, 28, 31, 33, and 34 and their derivative laws and regulations.

³Miftachul Huda, *Social Work & Social Welfare: An Introduction*, (Yogyakarta: Pustaka Pelajar, 2009), p. 73.

⁴V. Hadiyono, "Indonesia in Responding to the Concept of Welfare State and Its Challenges", *Journal of Law, Politics and Power* Vol. 1 No. 1, (August 2020), p. 28.

Krenenburg gave the idea of a welfare state as a state that is not only for the welfare of certain rulers or groups but also for the welfare of all people in the country.⁵The characteristics of a welfare state include the following:

- “1. Separation of powers to prevent the occurrence of absolute power which encourages the abuse of power (power tends to corrupt, power absolutely corrupts absolutely),
2. The state can play an active role in organizing the interests of its people related to the economic, social and cultural fields.
3. NThe welfare state prioritizes social justice and not formal equality.
4. There is a tendency for the role of public law to become increasingly important and increasingly urgent, this is due to the increasingly broad role of the state in the field of life.
5. Sas a consequence of the above matters. So in the concept of a welfare state, property rights are no longer considered as absolute rights, but are seen as a social function, this means that there are limits to the freedom of use.”⁶

Point 2 of the characteristics of the welfare state above explicitly shows that one of the characteristics of the welfare state in the theory of the welfare state emphasizes the active role of the government in ensuring the social welfare of its citizens, including through social security. The main characteristic of this state is the emergence of the government's obligation to realize general welfare for its citizens. In other words, the teachings of the welfare state are a concrete form of change in the principle of *staatsonthouding*, which limits the role of the state and government to interfere in the economic and social life of society, to *staatsbemoeienis* which requires the state and government to be active in the economic and social life of society, as a step to realize general welfare, in addition to maintaining order and security (*rust en orde*).⁷

“The Republic of Indonesia in the 1945 Constitution guarantees that every person has the right to social security that allows for the development of oneself as a dignified human being.”⁸“In order to fulfill the citizens' rights to social security and the mandate of the 1945 Constitution, the Indonesian government has developed various social security programs, both those organized through insurance schemes and assistance schemes.”⁹Furthermore, “the Indonesian government is developing a social security system for all people and empowering the weak and underprivileged in accordance with human dignity.”¹⁰

Normatively, the definition of social security is found in the SJSN Law, namely “Social security is a form of social protection to ensure that all people can meet their basic needs for a decent life.”¹¹The normative definition of social security is also stated in the BPJS Law, “Social Security is a form of social protection to ensure that all people can meet their basic needs for a decent life.”¹²It can be concluded that social security is a state program organized by the government to protect its people so that they are able to fulfill the basic needs of a decent life in order to create social welfare for the entire community.

⁵Isrok and Dhia Al-Uyun, *Science of the State (Walking in the Abstract World)*, (Malang: UB Press), 2010, p. 23.

⁶Ridwan HR, *State Administrative Law*, (Jakarta: Radja Grafindo Persada), 2006, p. 13.

⁷SF Marbun, *State Administrative Law I*, (Yogyakarta: Faculty of Law, Islamic University of Indonesia Press), 2012, pp. 14-15.

⁸Indonesia, 1945 Constitution of the Republic of Indonesia, Article 28H paragraph (3).

⁹Ilham Haqiqie, “Legal Protection for Workers to Take Old Age Security Whose Membership Was Less Than 10 Years Due to Termination of Employment”, *Jurist-Diction* Vol. 3 No. 3, (May 2020), p. 1054.

¹⁰Indonesia, 1945 Constitution of the Republic of Indonesia, Article 34 paragraph (2).

¹¹Indonesia, Law on the National Social Security System, Law no. 40 of 2004, LN No. 150 of 2004, TLN No. 4456, Ps. 1 number 1.

¹²Indonesia, Law on Social Security Administering Bodies, Law no. 40 of 2011. LN No. 116 of 2011, TLN No. 5256, Art. 1 number 2.

The ongoing social and economic development in Indonesia has given rise to challenges and demands for handling various unresolved issues. One of these is the provision of social security for all people as mandated in Article 28H paragraph (3) of the 1945 Constitution of the Republic of Indonesia concerning the right to social security and Article 34 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.¹³ Following up on this, the Indonesian government created and enacted SJSN Law. In line with the objectives of the Indonesian state as stated in the opening of the 1945 Constitution of the Republic of Indonesia, Paragraph 4 can also be seen in the considerations of the SJSN Law which contains the main ideas as the background and reasons for the creation of the SJSN Law by the Indonesian government, namely as follows:

- “a. that everyone has the right to social security to be able to fulfill the basic needs of a decent life and increase their dignity towards the realization of a prosperous, just and prosperous Indonesian society;
- b. that in order to provide comprehensive social security, the state is developing a National Social Security System for all Indonesian people;
- c. that based on the considerations as referred to in letters a and b, it is necessary to form a Law on the National Social Security System.”¹⁴

“The National Social Security System is basically a State program that aims to provide certainty of protection and social welfare for all Indonesian people. Through this program, every resident is expected to be able to meet the basic needs of a decent life if things happen that can result in loss or reduction of income, due to illness, accident, loss of job, entering old age, or retirement.”¹⁵

The government’s active attitude in guaranteeing the social welfare of its citizens through the provision of social security can be seen through the provisions of Article 5 paragraph (1) of the SJSN Law which mandates the establishment of an agency to organize social security through a statutory order. Article 5 paragraph (3) of the SJSN Law states that several agencies authorized to organize social security in Indonesia consist of:

1. Social Security Company for Workers (JAMSOSTEK);
2. State Employee Savings and Insurance Fund (TASPEN) Limited Liability Company (Persero);
3. Indonesian Armed Forces Social Insurance Company (ASABRI); and
4. Indonesian Health Insurance Limited Liability Company (ASKES).

Following up on the mandate of Article 5 paragraph (1) of the SJSN Law, the government enacted Law Number 24 of 2011 concerning the Social Security Administering Body (BPJS Law). Several bodies that are authorized to organize social security in Article 5 paragraph (3) of the SJSN Law have undergone transformation since the BPJS Law was enacted (apart from Asabri and Taspen), namely BPJS Kesehatan which is authorized to organize health insurance programs and BPJS Ketenagakerjaan (for the private sector) which is authorized to organize work accident insurance programs, old age insurance, pension insurance, death insurance, and job loss insurance. After the enactment of the Job Creation Law and specifically regulated in

¹³Indonesia, Law on the National Social Security System, Law No. 40 of 2004, LN No. 150 of 2004, Supplement to LN No. 4456, General Explanation.

¹⁴Indonesia, Law on National Social Security System, Law No. 40 of 2004, LN No. 150 of 2004, TLN No. 4456, Consideration.

¹⁵Indonesia, Law on the National Social Security System, Law No. 40 of 2004, LN No. 150 of 2004, Supplement to LN No. 4456, General Explanation.

Government Regulation Number 37 of 2021 concerning Job Loss Insurance as amended by Government Regulation Number 6 of 2025.

The theory of legal protection used in this study is the theory of labor legal protection. There are 3 aspects of labor legal protection in Indonesia, namely social protection, technical protection, and economic protection. Imam Soepomo in the book *Basics of Labor Law* divides the forms of labor legal protection, namely:

- “1. Economic protection, which is a type of protection related to efforts to provide workers with sufficient income to meet their daily needs and those of their families, including in cases where the worker is unable to work outside of his will. This protection is called social security.
2. Social protection, which is protection related to social efforts, the purpose of which is to enable workers to enjoy and develop their lives as human beings in general, and as members of society and family members; or what is commonly called occupational health.
3. Technical Protection, which is a type of protection related to efforts to protect workers from the dangers of accidents that can be caused by aircraft or other work tools or by materials processed or worked on by the company; or what is commonly called work safety.”¹⁶

Opinions on similar labor protection were also expressed by Abdul Khakim. According to Abdul Khakim, labor protection can be classified into 3 types, namely as follows:

- “1. Economic protection, namely protection for workers in the form of sufficient income, including when workers do not work against their will.
2. Social protection, namely protection of workers in the form of occupational health insurance, and freedom of association and protection of the right to organize.
3. Technical protection, namely protection of workers in the form of security and safety.”¹⁷

Social security as one of the normative rights for both PPPK and workers based on the theory of labor legal protection is part of technical protection that aims to provide security and safety for PPPK and workers from risks or accidents that can arise due to the use of work tools, the process of carrying out work, and travel within the scope of carrying out work obligations.

The theory of the welfare state and the theory of legal protection of labor are the theoretical basis for the state in building a fair and inclusive social security system. Based on the theory of the welfare state, the state has an obligation to create welfare not only for certain groups of people, but also for all groups of people in various aspects of life, one of which is realized in the form of organizing social security. In organizing social security, the state must reach all levels of the population, including the workforce. The government's active attitude in improving the welfare of the community in terms of social security is proven by the establishment of an agency by order of the law that is given the authority to organize social security such as PT. Taspen, PT. Asabri, BPJS Kesehatan and BPJS Ketenagakerjaan.

PPPK and workers as part of the workforce are given the benefits of a social security program as a form of technical legal protection for workers. The benefits of the social security program for PPPK are in the form of health insurance where the authority to organize it is carried out by BPJS Kesehatan; death insurance and work accident insurance where the authority to organize it is carried out by PT. Taspen. While for workers, the benefits of the social security program

¹⁶Zainal Asikin, *Basics of Labor Law*, (Jakarta: Raja Grafindo, 2007), p. 96.

¹⁷Abdul Khakim, *Introduction to Indonesian Labour Law*, (Bandung: PT. Citra Aditya Bakti, 2003), p. 34.

provided are in the form of health insurance where the authority to organize it is carried out by BPJS Kesehatan as well as work accident insurance, death insurance, pension insurance, old age insurance and job loss insurance where the authority to organize these five social security programs is carried out by BPJS Ketenagakerjaan.

Ideal Social Security Formulation for PPPK

Article 75 of Government Regulation Number 49 of 2018 concerning PPPK Management (PPPK Management PP) requires the government to include PPPK in the social security program for health, death, and work accidents. The authority to organize social security for PPPK lies with BPJS Kesehatan, while for non-health social security for PPPK it is organized by PT. Taspen. Regarding the right to social security, it is also mandated by Law Number 13 concerning Manpower (Labour Law) to be fulfilled by employers towards workers as a form of normative worker rights. Article 99 paragraph (1) of the Labour Law states that “Every worker/laborer and their family have the right to obtain social security for workers”.¹⁸The implementation of social security for workers is currently managed by BPJS Kesehatan for the health insurance program and BPJS Ketenagakerjaan for the old age security program, pension insurance, work accident insurance, death insurance and job loss insurance. If we compare the rights to social security between PPPK and workers, it can be seen as follows:

Table 1. Social Security Benefits Table for PPPK and Workers

Social Security Program	PPPK	Worker
Health insurance	✓	✓
Pension plan	-	✓
Pension guarantee	-	✓
Accident insurance	✓	✓
Death guarantee	✓	✓
Job loss guarantee	-	✓

Source: PPPK Management PP and Labour Law

From the table, it can be seen that the social security protection mandated by the state for employees is more comprehensive when compared to the social security protection received by PPPK. This phenomenon seems to discriminate in granting social security rights between PPPK and workers. In fact, between PPPK and workers in carrying out their obligations or working together are both based on work agreements, of course comparing the rights to social security given to PPPK with workers is considered apple to apple.

Workers have normative rights as guaranteed in the Labour Law, one of which is to obtain social security protection. The social security programs that workers receive benefits from are health insurance, old age security, pension insurance, work accident insurance, death insurance, and job loss insurance. Although the worker's employment relationship is based on PKWT, the worker concerned is still given social security protection in the form of pension insurance and old age security, the authority for which is held by BPJS Ketenagakerjaan. If the employment

¹⁸Indonesia, Indonesia, Law on Employment, Law Number 13 of 2003, LN No. 39 of 2003, TLN No. 4279, Article 99 paragraph (1).

relationship between the worker and the employer ends, the worker can still feel the benefits of the old age security program which can be claimed after the worker meets the administrative requirements for submitting an old age security claim, while the benefits of pension insurance can be felt by the worker when the worker has reached retirement age (to be able to submit a pension security claim).

Throughout the time leading up to retirement age, the worker's existing pension fund will not just disappear but will continue to be developed by BPJS Ketenagakerjaan so that later the worker will receive the benefits of the pension program in the form of a pension balance along with its development funds. This condition is different from PPPK where PPPK is only given social security protection in the form of health insurance, death insurance, and work accident insurance. In fact, if you look at the position, both PPPK and workers have the same position in an employment relationship based on an employment agreement, then PPPK should also be given the right to social security protection in the form of old age insurance and pension insurance.

On February 2, 2021, the government enacted Government Regulation Number 37 of 2021 concerning the Implementation of the Job Loss Guarantee Program (hereinafter abbreviated as PP JKP) as an implementing regulation for the provisions of Article 82 and Article 185 of Law Number 11 of 2020 concerning Job Creation (Job Creation Law) for workers in the private sector. Participants in the job loss guarantee program are workers who have an employment relationship with employers and pay contributions.¹⁹

“The rationale for the birth of the JKP program is the result of the absence of social security for workers/laborers who experience termination of employment, so that to meet daily living needs using JHT benefits, while in essence JHT is social protection when workers/laborers are unable to work because they are entering old age or have permanent total disability. In a situation where workers/laborers lose their jobs, it will certainly have an impact on their social status, especially their residential environment and society in general. Therefore, the implementation of JKP aims to maintain a decent standard of living when workers/laborers lose their jobs/are affected by termination of employment so that it will motivate workers/laborers to want to work again or try to be independent.”²⁰

Participants in the unemployment insurance program are wage earners who have not reached retirement age and are in an employment relationship and have participated in the health insurance program, work accident insurance, death insurance, old age insurance, pension insurance for large and medium businesses and health insurance, work accident insurance, death insurance, old age insurance for micro and small businesses.²¹ The benefits of this job loss guarantee program include cash, access to job market information, and job training.²² JKP benefits are provided to participants who experience termination of employment, both for employment relationships based on PKWT and PKWT.²³ The benefits of this job loss insurance

¹⁹Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, Article 1 number 6.

²⁰Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, General Explanation.

²¹Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, Article 4.

²²Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, Article 18.

²³Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, Article 19.

program are excluded if the termination of employment occurs due to resignation, permanent total disability, retirement or death.²⁴

Termination of employment is the beginning of suffering for workers and their families. The workers will certainly lose their livelihood which will impact the survival of themselves and their families. As the general explanation of the PP JKP states that the launch of a new social security program whose implementation authority lies with BPJS Ketengakerjaan aims to guarantee the lives of workers after termination of employment so that workers and their families can maintain a decent standard of living. Then the question arises, “can the risk of termination of employment only be experienced by workers in the private sector?”. This question can be answered clearly that in addition to workers in the private sector, PPPK also certainly have the same risk. As regulated in Article 53 of the PP PPPK Management, it is strictly regulated regarding termination of employment for PPPK as follows:

- “(1) Termination of the PPPK employment agreement is carried out with respect because:
- a. the term of the employment agreement ends; b. dies;
 - c. at one’s own request;
 - d. organizational downsizing or government policies that result in a reduction in PPPK; or
 - e. physically and/or spiritually incompetent so that they cannot carry out their duties and obligations according to the agreed work agreement.
- (2) Termination of the PPPK employment agreement is carried out respectfully and not at one’s own request because:
- a. sentenced to prison based on a court decision that has permanent legal force for committing a crime with a minimum prison sentence of 2 (two) years and the crime was committed without planning;
 - b. committing a serious PPPK disciplinary violation; or
 - c. does not meet the agreed performance targets in accordance with the work agreement.
- (3) The termination of the PPPK employment agreement was carried out dishonorably because:
- a. committing violations of Pancasila and the 1945 Constitution of the Republic of Indonesia;
 - b. sentenced to prison 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 general crime;
 - c. becomes a member and/or administrator of a political party; or
 - d. “Imprisonment sentence based on a court decision that has permanent legal force for committing a crime that is punishable by imprisonment for a minimum of 2 (two) years or more and the crime was committed with planning.”²⁵

The status of workers based on an employment agreement has a greater risk of losing their jobs compared to workers who are permanent for a long period of time such as civil servants and workers based on PKWTT in the private sector because it does not require complex procedures like termination of employment for civil servants and PKWTT workers. Every worker who is laid off from his job or experiences a layoff is a nightmare for workers. According to Prof. Imam Soepomo:

“For workers, layoffs are the beginning of all endings, the beginning of the end of having a job, the beginning of the end of the ability to finance daily living expenses for themselves

²⁴Indonesia, Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021, LN No. 47 of 2021, TLN No. 6649, Article 20.

²⁵Indonesia, Government Regulation on Management of Government Employees with Work Agreements, PP No. 49 of 2018, LN No. 224 of 2018, TLN NO. 6264, Article 53.

and their families, the beginning of the end of the ability to send children to school and so on."²⁶

This condition also applies to PPPK even though their employers are state administrators who are unlikely to experience forced circumstances such as economic pressure that forces employers to terminate employment, but the risk of termination of employment remains and cannot be underestimated. When layoffs cannot be avoided, laws and regulations must guarantee and protect the continued life of employees who no longer have jobs. This is as mandated by Article 28H paragraph (1) of the 1945 Constitution and the ASN Law which requires that the implementation of ASN will ultimately realize an increase in the quality of life of ASN employees. Therefore, PPPK also has the right to benefit from the job loss guarantee program. The absence of a social security program in the form of job loss guarantees for PPPK will certainly reduce the meaning and purpose of the Indonesian state as a welfare state.

It is appropriate for the government to re-formulate the ideal formulation of the social security program for PPPK in Indonesia which should at least be the same as the social security program provided to workers in the private sector. PPPK should be given the right to receive social security protection in the form of old age security, pension security, and job loss security. This social security program should also be organized by PT. Taspen which is authorized to organize social security for ASN, namely PNS and PPPK. If at any time PPPK experiences termination of employment, the person concerned can receive old age security and job loss security benefits in the form of cash as provisions to continue their lives and their families and pension security funds as savings that will be felt later. The benefits of the job loss security program also make it easier for the PPPK concerned to obtain access to labor market information so that it can help the PPPK concerned get a new job and job training that is useful for the PPPK concerned to improve their skills so that they have higher competitiveness in the process of competition and job acquisition.

CONCLUSION

Based on the discussion above, it can be concluded that the implementation of social security for PPPK and workers represents an actualization of the welfare state theory and the theory of labor legal protection. The social security benefits for PPPK include health insurance organized by BPJS Kesehatan, work accident insurance and death insurance organized by PT. Taspen. While the benefits of the social security program for workers include health insurance organized by BPJS Kesehatan, old age insurance; pension insurance; work accident insurance; death insurance and job loss insurance organized by BPJS Ketenagakerjaan. Focusing on the benefits of the social security program provided, there is a gap in the benefits of the social security program between PPPK and workers, even though the basis of the employment relationship between PPPK and workers is the same, namely a fixed-term and temporary work agreement. The status of workers based on an employment agreement has a greater risk of losing their jobs compared to workers who are permanent for a long period of time such as civil servants. To protect PPPK from the risks that arise in an employment relationship, the ideal formulation of the social security program for PPPK is to provide the same social security program benefits as workers.

²⁶Imam Soepomo, *Labor Law in the Field of Implementation of Employment Relations*, (Jakarta: Djambatan, 1998), pp. 115-116.

BIBLIOGRAPHY

Legislation

Indonesia, the 1945 Constitution of the Republic of Indonesia.

Law on Employment, Law No. 1 of 2003.

Law on the National Social Security System, Law No. 40 of 2004.

Law on Social Security Administration Agency, Law No. 40 of 2011.

Law on State Civil Apparatus, Law No. 20 of 2023.

Government Regulation on Management of Government Employees with Work Agreements, PP No. 49 of 2018.

Government Regulation on Fixed-Term Employment Agreements, Outsourcing, Working Hours and Rest Hours, and Termination of Employment, PP No. 35 of 2021.

Government Regulation on the Implementation of the Job Loss Guarantee Program, PP No. 37 of 2021.

Books

Abdul Khakim. (2003). *Introduction to Indonesian Labour Law*. Bandung: PT. Citra Aditya Bakti.

Imam Soepomo. (1998). *Labor Law in the Field of Implementation of Employment Relations*. Jakarta: Djambatan.

Isrok and Dhia Al-Uyun. (2010). *Science of the State (Walking in an Abstract World)*. Malang: UB Press

Miftachul Huda. (2009). *Social Work & Social Welfare: An Introduction*. Yogyakarta: Pustaka Pelajar

Ridwan Hari. (2006) . *State Administrative Law*. Jakarta: Radja Grafindo Persada, 2

SF Marbun. (2012). *State Administrative Law I*. Yogyakarta: Faculty of Law, Islamic University of Indonesia Press.

Zainal Asikin, Basics of Labor Law, (Jakarta: Raja Grafindo), 2007.

Journal Articles

Achmad Johansyah. (2022). "Implementation of Social Security as a Form of Certainty of Workers' Rights in Obtaining Social Security Protection for Employment in Indonesia". *Unram Law Review* 6(1)

- Ilham Haqiqie. (2020). "Legal Protection for Workers to Take Old Age Security Whose Membership is Less Than 10 Years Due to Termination of Employment". *Jurist-Diction*, 3(3)
- Nova Scotia Rosita. (2024). "The Concept of Justice and Protection for Government Employees with Employment Agreements (PPPK) Reviewed from Labour Law". *Syntax Literate: Indonesian Scientific Journal*, 9(2). Article accessed on May 6, 2025, via <https://jurnal.syntaxliterate.co.id/index.php/syntax-literate/article/view/10811/6371>.
- V. Hadiyono. (2020). "Indonesia in Responding to the Concept of Welfare State and Its Challenges". *Journal of Law, Politics and Power*, 1(1): [no page number], August 2020.