



# Juridical Analysis of Contract Work Agreements For Honorary Employees and The Right To Obtain Employment and A Decent Livelihood For Humanity (A Study of Honorary Employees In The Environment of Lambung Mangkurat University, Banjarmasin)

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**Abstract.** The issue of contract workers emerged following the enactment of Law Number 5 of 2014 regarding State Civil Apparatus and Government Regulation Number 49 of 2018, which implied the termination of contract workers in government agencies. The objectives of this research are: 1. To understand the process and content of employment agreements signed by the parties, reviewed from a juridical aspect for contract workers in the ULM environment. 2. To determine the right to work and obtain decent income for humanity for contract workers in the ULM environment from a juridical aspect, and 3. To identify legal protection efforts for contract workers in ensuring future employment status in the ULM environment. This research is a normative legal study with a qualitative research paradigm. The research sample was randomly selected among contract workers to obtain credible data. Data collection techniques include documentary studies to gather legal materials, followed by interview techniques to gather empirical data. The results of the study found that the future employment status of contract workers is still unclear from the process and content of the employment agreement. However, contract workers still exist factually. The income earned by contract workers is still below the minimum wage standard due to the absence of regulations on remuneration and salary disbursement based solely on the financial budget capacity, resulting in income that is insufficient to meet the standard of decent living. Furthermore, legal protection efforts for contract workers were not found juridically related to the certainty of future employment. Based on the results of this study, it is recommended to various stakeholders to address the issue of the future status of contract workers working in government agencies in order to avoid social, political, legal, and economic upheavals, namely: (1) creating new regulations in the form of Government Regulations. Legal approaches to addressing contract worker issues are the best way to achieve justice and humanity. (2) every agency needs to take policy measures to address contract workers in the form of contract extensions while awaiting the issuance of Government Regulations (PP) governing the future employment status of contract workers. This is intended to provide certainty that can create a peaceful working environment for contract workers.

**Keywords:** Decent Living, Employment Agreement, Juridical, Honorary, Income

## INTRODUCTION

Every citizen has the right to obtain decent work and livelihood for humanity (Carr et al., 2021; Frey, 2017). This sentence is stated in the Constitution (UUD) of the Republic of Indonesia Year 1945, Article 27 paragraph (2) (Fadjar, 2006). As a constitution, the written mandate must be implemented because it is a juridical necessity. In addition, it is also a moral responsibility embedded in the constitution to be seriously addressed by the government and all components of the nation (Danaher, 2016). According to Titon Slamet Kurnia, the UUD

NRI 1945 is a human rights constitution, as human rights are part of the constitution as stated in Chapter XA of the UUD NRI 1945 (Kurnia, 2014). Human rights are recognized in the constitutions of various countries around the world, including Indonesia (Hariyono & Fadjar, 2013). Human rights are crucial elements in the constitution because they serve as the primary function of the constitution as "power constraints" (Nurtjahjo, 2005). The inclusion in the constitution of the right of citizens to obtain decent work and livelihood for humanity has strategic reasons, including: (1) obtaining decent work and livelihood for humanity is a fundamental right of all citizens, and (2) it is a recognition and highest guarantee provided by the state to all citizens to obtain decent work and livelihood for humanity.

The inclusion of the right of citizens to obtain decent work and livelihood for humanity in the constitution is a recognition and respect by the state that human rights are a fundamental issue in the lives of citizens (Campbell & Miller, 2006). Indeed, the constitution must be the primary shield in the protection of human rights (See Law No. 39 of 1999 concerning Human Rights). Human rights are inherent and a gift from God (Marzuki & Faridy, 2020). The embedding of human rights in the constitution is a noble (moral) intention of the state to uphold the value of humanity. This noble intention inherently receives moral support from all parties to ensure that aspirations become realities in national life, not just formal juridical matters. Law indeed requires moral support for its implementation (Mangesti & Tanya, 2014).

Every citizen has the right to obtain decent work. Decent work is defined as paid work that is meaningful, has good income, and meets the expectations and aspirations of the worker (Braganza et al., 2021). Meanwhile, secure employment with fair wages is a key component in most definitions of a "good life" (Thiede et al., 2018). The right to work and obtain decent livelihood for humanity can be achieved by working in various fields of life (Ferraro et al., 2016; MacNaughton & Frey, 2010). One of them is working in government agencies as a contract worker. The term "contract worker" is more familiar for workers who dedicate themselves to government agencies but are not Civil Servants as known as "Pegawai Negeri Sipil" (PNS) in Indonesia.

Almost all government agencies have contract workers. This has been going on for a long time and is necessary due to the lack of human resources available to carry out public service functions (Burgess & Connell, 2006). The number of contract workers in Indonesia as of October 2022 is 2,215,542 people, consisting of 335,639 from central agencies and 1,879,903 from regional agencies (Febriana et al., 2023). Central agencies with a significant number of contract workers are State Universities across Indonesia. One example is the State University of Yogyakarta with 985 contract workers and Lambung Mangkurat University with

655 contract workers. The detailed information on the number of contract workers at Lambung Mangkurat University is 561 administrative staff and 94 contract lecturers, as sourced from the Rector's Decree of ULM No: 1336/UN8/KP/2022. They work under a contract system, as they are contract workers.

Given the above-mentioned significant number of contract workers, it seems important and necessary to analyze from a juridical approach the right to work for citizens and decent livelihoods for humanity for contract workers. This is considering that contract workers are in a dilemma situation after the enactment of Law No. 5 of 2014 on State Civil Apparatus and Government Regulation No. 49 of 2018 concerning Government Employee Management with Employment Agreements (P3K). The research findings by Made Aditya Pramana Putera (2016) on legal protection for contract workers affirm that the legal status of contract workers is unclear after the enactment of Law No. 5 of 2014; similarly, according to the research findings by Antonius Ferry Bastian et al. (2020), the legal status of contract workers does not exist and is unclear; contract workers are merely equated with freelance workers. Meanwhile, according to Khusnul Ikhsana et al. (2022), the research findings on legal protection for contract workers based on the law on civil apparatus mention that protection regarding contract workers' wages is unclear because there are no clear regulations on this matter. Regarding this phenomenon, there are three important aspects that need to be studied:

1. How is the process and content of the employment agreement (contract) signed by the parties reviewed from a juridical aspect for the future status of contract workers in the ULM environment?
2. How is the income of ULM contract workers from the aspect of decency for humanity reviewed from a juridical aspect?
3. What legal protection efforts are there for contract workers in ensuring future employment status in the ULM environment?

The research on the above issues is based on the consideration that the right to work and the right to obtain a decent livelihood are human rights. On another note, studies on this matter have not been conducted extensively from the perspective of legal protection after the enactment of Law Number 5 of 2014 concerning State Civil Apparatus.

Research on the above issues is highly principled given that the right to work for citizens and the right to obtain decent livelihoods for humanity are explicitly mandated in the constitution, as a form of guarantee and protection of human rights.

## **RESEARCH METHODS**

### **Paradigms and Research Data**

This research is a normative legal study with a qualitative research paradigm. The qualitative legal research paradigm involves gathering legal materials, including primary, secondary, and tertiary legal materials, and analyzing and interpreting the facts holistically to find meaning regarding the object under study (McConville, 2017). Based on these legal materials, the researcher conducts analysis and interconnection to draw conclusions as the research findings. Essentially, this type of research involves analyzing legal materials (beyond mere explanation or description) and can also involve hermeneutic (interpretation) and evaluation (assessment) of applicable laws or regulations, as well as recommending a theoretical model for practical purposes (Russo, 2005). In the context of this study, recommendations are intended for improvements (reorientation and reformulation) related to realistic policies regarding honorary workers, with the expectation that these will reflect policies that consider justice, recognition, and upholding human rights (Sulaiman, 2018).

Although this research leans towards normative research, it will also present empirical facts related to the future status of honorary workers, job characteristics, and wages received by honorary workers. The research sample is randomly selected to determine credible research informants, namely educational and administrative honorary workers at Lambung Mangkurat University. The data collection technique involves documentary studies to gather legal materials, followed by interview techniques to collect empirical data. Empirical data is collected based on research field categories. The empirical explanations are intended to strengthen or support the presentation and analysis of the researched issues (Chui & McConville, 2007).

### **Research Approach**

#### **a. Philosophical & Legal Approach**

The philosophical approach involves thinking logically and deeply to the root of the problem (Mertokusumo, 2014). Through this approach, an in-depth analysis is conducted regarding the status of honorary workers' jobs and livelihoods, seeking to understand the juridical essence of the right to work and the welfare of honorary workers. The legal approach guides the research process by collecting various legislative products and regulations, mainly related to the research issue (Floridi, 2022). Legislative products include laws, and regulatory products refer to decrees, concrete and specific decisions issued or determined by public officials/administrators. In a more

specific sense, the legal approach is used to examine the researched issues based on applicable laws and regulations.

#### **b. Historical Approach**

One of the approaches used in this research is the historical approach. The historical approach involves identifying the development of laws, narrowing its scope to the history of legislation (Ali, 2021). This approach is used to trace the history of legal rules and regulations over time, understand their changes and developments, especially those related to honorary workers (Lawless et al., 2010).

#### **Procedure for Collecting Legal Materials**

The legal materials collected, analyzed, and concluded in this research include primary, secondary, and tertiary legal materials. According to Zainuddin Ali, primary legal materials are authoritative and binding (Ali, 2021). These materials are prioritized in this research and include all laws and policies related to honorary workers, starting from the Constitution, laws, government regulations, administrative decisions, and other regulations related to honorary workers. Primary legal materials are obtained through legal documentation studies. The method of collecting legal materials involves using documentary studies with citation card systems to gather all legal regulations related to honorary workers from the highest to the lowest levels of regulations (Watkins & Burton, 2017). Furthermore, the research uses interview methods to gather legal materials by interviewing all relevant parties. The interview method and the use of citation card systems in collecting legal materials are based on the classification of issues studied in the research (Chui & McConville, 2007).

#### **Technique for Analyzing Legal Materials**

All collected legal materials will be studied and analyzed using logical legal reasoning to ensure that the analysis is based on systematic and coherent thinking steps. In this regard, the technique of legal hermeneutic interpretation analysis is employed. Hermeneutics involves interpreting and explaining a subject, initially abstract and obscure, to make it understandable through clearer expressions in easily comprehensible language (Watkins & Burton, 2017). In the legal context, hermeneutics means interpreting and explaining legal texts in the context of real-life situations. Hermeneutics can be understood as the process of transforming something from a state of ignorance to understanding (Hamidi, 2011). The analytical work on the legal materials is carried out critically, with systematic interpretation using a holistic legal hermeneutic approach.

## FINDINGS AND DUSCUSSION

### Findings

#### 1. Process and Content of Employment Agreement (Contract) signed by the parties reviewed from a juridical aspect for the future status of honorary employees in the ULM environment

**Table 1. Interview Results with informants and Legal Material Research**

No	Process and Content of Employment Agreement	Legal Material Research Results/Informant Answers
1)	Interview	Informants; Ast, Sn., Ms, Ar, Dn, Rs, Ai; Sty; nd others in their explanations as honorary employees (staff and lecturers) stated that the employment agreements they signed were actually prepared by the institution (university), and they were only asked to sign the agreement.
2)	Documentary Study	Related to the content of the employment agreement, based on the examination of the employment contracts signed by the parties, it can be stated that in principle, the content of the agreement elaborates on (1) the rights and obligations of the parties (2) sanctions for honorary employees if they violate the terms of the agreement (3) the duration of the employment agreement for 6 months (4) wages (5) there is no explanation of continued employment after the end of the employment period based on the agreement.
No	Future Status of Honorary Employees	Informant Answers/Legal Material Research Results
1)	Interview	Informants Ast, Sn, Ms, Rs, Al, and others in their explanations as honorary employees (staff) said that initially they felt calm because of their status as honorary employees that did not limit their employment period, but now their status as honorary employees after the enactment of Law No. 5 of 2014 concerning State Civil Apparatus and Government Regulation No. 49 of 2018 concerning Government Employees with Employment Agreements (P3K), has become stricter with the existence of employment agreements that must be signed. In the previous two years, the employment period as honorary employees in the employment agreement was for one year, while lately the employment period has been limited to only 6 months. According to them, this condition has become very risky in terms of the continuity of their employment. The same sentiment was expressed by And, At, Md, St, As; Sty who work in the educational field (Contract Lecturers); expressing anxiety and concern about the future of their working lives. This is very reasonable, because with the existing employment agreement, there is no long-term job certainty that can provide peace of mind in their work. According to the informant's research conclusion, their future employment status is very uncertain because they work based on employment agreements signed

with limited time frames, and they could be terminated at any time despite having worked for so long in this institution. Honorary employees actually hope for a solution and policy that allows them to continue working, considering their relatively old age and the difficulty of finding other jobs. They hope that their concerns receive attention from institutional leaders so that the future of their work can be addressed as best as possible, creating peace and tranquility in their work.

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2) Documentary Study

The legal material research results in the form of Law No. 5 of 2014 Concerning ASN; Government Regulation Number 49 of 2018; Rector's Decree of ULM Number: 1336/UN8/KP/2022; Rector's Decree of ULM Number 285/UN8/KP/2019; Employment Contract Number 75/UN8/1.2/KP/2021; can be explained in sequence as follows:

- a. The issue of honorary employees arises after the enactment of the Civil Servant Law which in one of its articles, Article 6 states that Civil Servant Apparatus (ASN) consists of Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Juridically, the enactment of this law is a form of termination of employment for honorary employees who have been working in government agencies for a long time because of the firmness of the law in stating that the employee status in government agencies only consists of PNS and PPPK, while honorary employees are not adopted in the said law.
  - b. Government Regulation Number 49 of 2018 as mentioned in Article 96 states that honorary employees are non-PNS and non-PPPK employees and Civil Servant Officials (PPK) are prohibited from appointing non-PNS and non-PPPK employees to fill ASN positions since the enactment of this Government Regulation. This provision clearly reminds that there is no longer room for honorary employees to be recruited by government agencies. Then what about the future of their lives. In Government Regulation Number 49 of 2018, it is very clear that honorary employees are included in the PPPK selection and that selection will end 5 years from now. This means that since the enactment of this Government Regulation on November 22, 2018, if calculated 5 years from now, it will end on November 23, 2023, the opportunity to work for existing honorary employees who have been working in government agencies.
  - c. Rector's Decree of ULM and Employment Contract for PPNP, regarding the appointment of employees with employment contracts to fill ASN positions in the field of educational staff (staff) and educational personnel (lecturers) with employment contracts, clearly states that honorary employees (PPNP) with 6-month employment contracts (staff) and educational personnel (lecturers) with 1-year employment contracts. In the employment contract description, it contains the starting and ending work periods,
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but there are no provisions in other articles explaining that they can apply for an extension of work time when the employment period from the signed contract ends.

## **2. Income of honorary employees viewed from the perspective of livelihood feasibility based on humanity**

Description of research results on the right to work and income of honorary employees viewed from the perspective of livelihood feasibility based on humanity, will be systematically presented as follows:

**Table 2. Interview Results with informants and Legal Material Research**

No	Income of Honorary Employees	Informant Answers/Legal Material Research Results
1)	Interview	<p>According to the head of the personnel department, Mr./Ms. Ai; the basic salary of honorary employees varies, as it is calculated based on education level and length of service; the higher the education level and the longer the tenure as an honorary employee, the higher their received income will be. However, according to him/her, the total income of honorary employees must not exceed the maximum limit set, which is a maximum of Rp 3,412,000 per month. Furthermore, honorary employees also receive additional income every year in the form of Eid Allowance (THR) with an amount equal to one month's basic salary. While for the 13th-month salary as commonly received by civil servants (PNS) annually, honorary employees have never received it until now. According to honorary employees, At, St, As, Ma, and And, because they work in government institutions, they should also receive the 13th-month salary just like other PNS colleagues, so institutional policies should also include giving Eid Allowance (THR), if civil servants receive THR then honorary employees working in this institution should also receive THR.</p> <p>Furthermore, the question that requires a deep response from honorary employees is whether the income they receive can meet the standards of livelihood feasibility based on humanity. The responses from informants vary relatively, but overall can be classified into two categories, namely the first group assesses that the monthly income obtained from honorary employees is still insufficient to meet the standard living needs for food, clothing, shelter, education, health, transportation, communication, and information; not to mention other social and spiritual needs; While the second group believes that what they earn from working should be managed well to meet basic living needs, meaning they are grateful for what they have and manage it with a very simple lifestyle.</p>



- 2) **Documentary Study** Documentation search in the form of regulations and decision letters related to the salary system for honorary employees; which can be quoted from the Rector's Decree of ULM Nonor 1336/UN8/KP/2022 regarding the salary list and/or income for honorary employees (PPNPN Education Personnel and Contract Lecturers), as follows:
- a. For Education Personnel honorary employees, the overall income received each month from available data ranges from Rp 2,270,000 to Rp 3,412,000.
  - b. For Contract Lecturers honorary employees, the overall income received each month from available data ranges from Rp 2,704,000 to Rp 3,512,000.
- Another document search related to the income of honorary employees is to examine the contents of the Employment Agreement signed by honorary employees and personnel management officials which includes the rights and obligations of the parties, including the amount of wages received by honorary employees. Explicitly about wages, the amount received by honorary employees every month is mentioned as "basic salary" in accordance with the contents of the ULM Rector's Decree regarding the salary system and provision of position incentives for honorary employees in the ULM environment.
- Furthermore, in the ULM Rector's Decree as mentioned above, it also confirms the provision of Religious Holiday Allowance every year, the amount of which is 100% of the basic salary of each honorary employee, with the note that they have worked for more than one year; if less than one year, the percentage of the deficiency is calculated every month at 10%.
- For the 13th-month salary for honorary employees, no rules or Decrees (SK) from institutional leaders recommending payment of the 13th-month salary for honorary employees were found.

### 3. Legal protection efforts for honorary employees in ensuring future employment status in the ULM environment

**Table 3. Interview Results with informants and Legal Material Research**

No	Legal Protection Efforts	Informant Answers/Legal Material Research Results
1	Interview	The issue of honorary employees arises after the enactment of the Civil Servant Law which in one of its articles, Article 6 emphasizes that Civil Servant Apparatus (ASN) consists of Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Juridically, the enactment of this law is a form of termination of employment for honorary employees. The concern about the termination of employment is expressed by honorary employees from the

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		<p>interviews conducted, this was also stated by Ast, as the head of the personnel department of one of the faculties at ULM. This concern is quite reasonable because according to them there are no legal provisions that are considered to guarantee the certainty of future employment for honorary employees.</p> <p>2 Documentary Study The results of legal material research in the form of Government Regulation Number 49 of 2018 concerning PPPK Management, as mentioned in Article 96, Civil Servant Officials (PPK) in government agency environments are prohibited from appointing non-PNS and non-PPPK employees to fill ASN positions since the enactment of this regulation. For existing honorary employees, they can participate in PPPK selection and the selection will end 5 years after the regulation comes into effect. This means that since the enactment of that regulation on November 22, 2018, if calculated 5 years from now, it will end on November 23, 2023. Thus, juridically there are no legal provisions that provide guarantee for the certainty of future employment for honorary employees. Currently, one legal protection effort being undertaken is to extend the employment contract starting from July 2023 to December 2023, and this is also limited to the next 6 months. After that, there is no certainty about the future employment of honorary employees in the ULM environment.</p>
2	Documentation Study	<p>The results of legal material research consist of Government Regulation Number 49 of 2018 concerning PPPK Management, as mentioned in Article 96, which states that Personnel Development Officials (PPK) in government agency environments are prohibited from appointing non-PNS and non-PPPK employees to fill ASN positions since the enactment of this regulation. For existing honorary employees, they can participate in PPPK selection and the selection will end 5 years after the regulation comes into effect. This means that since the enactment of that regulation on November 22, 2018, if calculated 5 years from now, it will end on November 23, 2023. Thus, juridically, no legal provisions are found that provide guarantee for the certainty of future employment for honorary employees. Currently, one legal protection effort being undertaken is to extend the employment contract starting from July 2023 to December 2023, and this is also limited to the next 6 months. After that, there is no certainty about the future employment of honorary employees in the ULM environment.</p>

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## DISCUSSION

### **The Process and Content of Employment Agreements (Contracts) signed by the parties reviewed from a juridical perspective for the future status of honorary employees at ULM**

The issue of honorary employees emerged after the enactment of the Civil Servant Law, which in one of its articles, Article 6, states that Civil Servants consist of Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Juridically, the enactment of this law constitutes a termination of employment for honorary employees who have long worked in government institutions because of the clarity of the law, which states that the employee status in government institutions consists only of PNS and PPPK, while honorary employees are not adopted in the said law (Marbun et al., 2022). Juridically formal, the enactment of the Civil Servant Law implies that honorary employees have been abolished and are no longer positioned as employees working in government institutions (Sudrajat et al., 2019). The question that needs to be explored is when is the certainty of the end of honorary employee status juridically determined? From the legal material research available in the form of Government Regulation Number 49 of 2018 concerning PPPK Management, as mentioned in Article 96, Personnel Development Officials (PPK) in government agencies are prohibited from appointing non-PNS and non-PPPK employees to fill ASN positions since the enactment of this regulation. For existing honorary employees, they can participate in PPPK selection, and the selection will end 5 years after the regulation comes into effect. This means that since the enactment of that regulation on November 22, 2018, if calculated 5 years from now, it will end on November 23, 2023.

Quoting the contents of the legislation as mentioned above, the future employment status for honorary employees in government institutions is automatically no longer permitted. According to Setiawan, honorary employees cannot automatically become civil servants with PPPK contracts unless they participate in an open selection (Setiawan et al., 2021). For existing honorary employees, there is an opportunity to participate in selection through the PPPK route to continue working if they pass the selection. The results of information retrieval related to the selection process for honorary employees have shown that the number of formations is very small, while the number of honorary employees is very large, resulting in many honorary employees in existing state universities whose fate is still unclear by the end of 2023.

In anticipation of honorary employee issues, especially at the University of Lambung Mangkurat Banjarmasin, after the enactment of Civil Servant Law Number 5 of 2014 and Government Regulation Number 49 of 2018, the ULM Rector's Decree and Employment Agreement for PPNPN have been issued, concerning the appointment of non-PNS employees

with employment contracts to fill ASN positions in the fields of educational personnel (Tendik) and educational staff (Lecturers) with a "contract work" system. When carefully examined, the contents of the existing employment contracts clearly stipulate that honorary employees (PPNPN) with 6-month work contracts (Tendik) and educational staff (Lecturers) with 1-year work contracts. The employment contract description includes the starting and ending work time limits, but there are no provisions in other articles explaining that they can apply for an extension of work time when the work period ends. Such conditions appear to be common because research conducted by Aqlia & Wales also found that in the employment agreements of non-PNS educators and educational personnel in DKI Jakarta, the limit for extending employment contracts is not regulated in the rules and agreements made by the parties (Aqlia & Wales, 2022). "It means the opportunity to continue working under the employment agreement is not provided.

Upon careful examination, it is evident that the future employment status for honorary workers in government agencies, juridically as of the year 2023 specifically on November 23, should have already ended. In other words, honorary workers are no longer allowed to work in government agencies (Cahyaningsih et al., 2021). This will undoubtedly raise issues amidst challenging economic circumstances (Simandjorang & Kurniawan, 2022). The question arises: whether the juridical basis as mentioned in Presidential Regulation No. 49 of 2018 must be strictly enforced for the termination of honorary workers in government agencies. By meticulously referring to Law No. 5 of 2014 regarding Civil Service Personnel (ASN), there are articles related to the dismissal of civil servants. According to the ASN Law, civil servants can be dismissed in three ways:

- a. Dismissal with honor; for civil servants who have passed away; have reached the retirement age; due to permanent illness preventing them from working; or have voluntarily resigned; or required due to organizational streamlining.
- b. Dismissal without honor; this occurs when civil servants have clearly violated statutory regulations; such as criminal law violations and received criminal sanctions; or other violations of the law.
- c. Temporary dismissal; temporary cessation of work in government agencies occurs when individuals are assigned to perform other duties, such as serving in other government agencies. Subsequently, upon completion of the assignment, they will be reactivated to work in their original agency.

It is important to note that honorary workers are those who work in government agencies, and all rules related to government agencies must be adhered to as the basis for

management policies and work procedures, including termination of employment (Gumbel & Hoover, 1990; Whitehouse, 2006). In other words, the issue of terminating honorary workers in government agencies must also refer to and be based on the ASN Law, as honorary workers are those who work within government agencies (Gobel et al., 2023). Based on such legal perspectives, honorary workers can actually only be terminated under two circumstances. First, with honor, if they have passed away; reached the retirement age; due to permanent illness preventing them from working; or have voluntarily resigned; or required due to organizational streamlining. The first reason cannot be applied to the termination of honorary workers because, from direct information gathering, their conditions are healthy, they still want to work and do not want to resign, they are still of productive age; the agency lacks human resources; there are no organizational streamlining programs or policies within the agency. Second, dismissal without honor; this also cannot be used as a basis for the termination of honorary workers because they have not violated statutory regulations; such as committing criminal acts or other violations of the law.

The explanation above can be summarized that the requirements for termination according to the ASN Law are not met for justifying the termination of honorary workers. The further confusing question, especially for honorary workers, is that they are asked to sign a "Employment Agreement," with a work period limit of 6 months for administrative staff (Tendik PPNPN), and 1 year for Contract Lecturers. A contract is a legal force that forms an individual legal relationship to be followed and enforced (Hart et al., 2012). Employment agreements are a legal concept widely used in formal private sector employment, as stipulated in Law No. 13 of 2003 concerning Manpower. According to Naony Fenti Istiqlalia and Herini Siti Aisyah, an employment agreement is a legal relationship between someone acting as a worker and someone acting as an employer (Istiqlallia & Aisyah, 2020). According to Zaenal Asyhadie, the employment agreement regulates employment relations including wages (Zaeni, 2007). Furthermore, every agreement made must meet four conditions to fulfill the elements of law; namely 1) Made based on agreement; 2) Made by legally competent persons; 3) the agreement must regulate clear objects and 4) for something that is lawful and not contrary to the law (Collins, 2010; Rudman, 2013).

If the employment agreement signed violates the 4 conditions for the validity of an agreement as mentioned above, then the employment agreement can be declared legally void (Putra et al., 2020; Rhodes, 2015). The results of examining the employment agreements signed by honorary workers, one of the contents implicitly states termination of employment when the contract period ends. This provision in the agreement can certainly be considered a violation

of the ASN Law regarding the issue of termination of employment. An agreement made in violation of the law can be viewed as not legally binding (Conley et al., 2019; Harris, 2015; Hart et al., 2012). Based on legal analysis regarding the future status of honorary employees post the enactment of the ASN Law and Presidential Regulation No. 49 of 2018, it seems that the rationale for the termination of honorary workers at the end of 2023 is very weak because the provisions regarding the termination of civil servants cannot be met as the basis for the termination of honorary workers. This means that the position of honorary workers is currently unclear, which is consistent with several other research findings. Baiq Sriastuti (2017) in her research mentioned that the future working status of honorary employees is still unclear; this is also in line with the research findings of Antonius Ferry Bastian, et al. (2020); Made Aditya Pramana Putera (2016) stating that the legal status of honorary employees is currently nonexistent and unclear within government bureaucracy.

### **Income Earned by Honorary Workers Reviewed from the Perspective of Humanitarian Livelihood Feasibility**

Based on the information and legal materials available, the income of honorary employees working at Lambung Mangkurat University, Banjarmasin, consists of three elements: basic salary, job incentives, and Religious Holiday Allowance “Tunjangan Hari Raya” (THR).

- a. For Educational Staff Honorary Workers, the total income received per month ranges from the lowest amount of Rp 2,270,000 to the highest of Rp 3,412,000, based on available data.
- b. For Contract Lecturer Honorary Workers, the total income received per month ranges from the lowest amount of Rp 2,704,000 to the highest of Rp 3,512,000, based on available data.
- c. Religious Holiday Allowance is paid annually and amounts to 100% of each honorary worker's basic salary, provided they have worked for more than one year. If they have worked for less than a year, the percentage shortfall is calculated at 10% of the basic salary received so far each month.

Can the income earned by honorary workers as mentioned above be considered sufficient to meet humanitarian-based livelihood needs? The concept of decent work and living is a constitutional mandate. Working is a necessity and can be done independently, according to Munir Fuady, where the legal responsibility is borne by the individual (Munir Fuady & MH, 2014); it can also be done with others or organizations or institutions. Working implies the existence of an "employment relationship" (Edwards, 1971; Holley et al., 2011). his

employment relationship arises as a result of an employment agreement (Asikin, 2012). Working is intended to earn an income. According to Ramli, by working, citizens will earn an income, and with that income, they will be able to meet various living needs and sustain their lives normally as human beings (Ramli, 2020). Therefore, income is another aspect of the meaning of work, which, with that income, can be used to meet various living needs. In essence, income earned from work can meet livelihood needs decently based on humanitarian grounds (Blustein et al., 2019).

How criteria for decent living with earned income are assessed seems to vary. In the formal private sector, there is known as the "Minimum Wage," as a minimum standard for providing wages to meet decent living needs (Boeri, 2012; Harasztosi & Lindner, 2019). The minimum wage varies for each province depending on the economic conditions of each region. For Banjarmasin City, the Governor of South Kalimantan Province has set the minimum wage at Rp 3,236,245 (See Governor's Decree Number: 188.44/0842/KUM/2022). If the minimum wage provision is used as a benchmark against the income earned by honorary workers, it seems that the income of honorary workers can be considered still low because the highest wage received by honorary workers is Rp 3,412,000 to Rp 3,512,000, meaning many wage earners receive far below the minimum standard. This research finding is consistent with the research findings of Khusnul Ikhsana (2022), stating that the wage protection for honorary workers is unclear due to unclear regulations; salary payments are based on the existing financial conditions and tend to be lower than the regional minimum wage as regulated in the labor sector. Another research finding supporting this is as mentioned by Safitta Amnah (2022) that honorary employees experience delays in salary payments and receive amounts below the minimum wage as recommended in Law No. 13 of 2003 concerning Manpower. Therefore, quantitatively, the income of honorary workers is still low. However, honorary workers seem to have differences in their perceptions regarding income.

Information gathered regarding the income of honorary employees; informant responses vary relatively, but overall can be classified into two aspects:

- a. The first group assesses that the monthly income obtained from honorary workers is still insufficient to meet the standard living needs for food, clothing, shelter, education, health, transportation, communication, and information; not to mention other social and spiritual needs; This view is based on the exchange value of various living needs, which are continuously increasing due to economic crises. They consider the income obtained still inadequate for a decent standard of living.

- b. The second group evaluates that what is earned from work should be managed as best as possible to meet basic living needs, meaning they appreciate what they have and manage it with a very simple lifestyle. In this way, all income earned is endeavored to meet living needs, albeit at a low standard.

According to the understanding of Pancasila, humans are living beings, individuals, social beings, and beings of God. All of these characteristics require the fulfillment of needs that must be met to be considered appropriate for humans (De Schutter, 2019). Therefore, income earned can actually be used to fulfill physical, social, and spiritual needs with the corridor of propriety and reasonableness based on the values of Divinity, Humanity, Unity, Consensus, and by prioritizing the value of social justice.

In this concept lies the meaning of three essential aspects that should not be overlooked to achieve the meaning of social justice, namely process, substance, and outcome. In the process aspect related to "determining" what wages and the amount of wages given to workers need to be done through "consensus consultation." This way, it will be able to accommodate the thoughts, aspirations, and interests of all relevant parties. Deep dialogue and discussion will yield the best decisions. Patterns and mechanisms like this are a reflection of the appreciation of human values, and any products produced with such patterns and mechanisms will be well-received by all relevant parties (De Schutter, 2019; Merrills & Robertson, 2022; Poe, 2019). In other words, there is "social justice when the process is carried out" that can be felt with patterns and mechanisms like this because other people, other groups, and together in determining a decision. Then justice in the substance aspect, which is the essence of social justice value, is that what is discussed and decided about worker wages essentially reflects a proportionality between work responsibilities and the wages received (McGregor et al., 2019). Furthermore, social justice as a reflection of the "outcome of the process" in reality, the wages received can truly meet daily living needs in a fair and civilized humanitarian basis.

### **Legal protection efforts for honorary workers in ensuring their future employment status within the ULM environment post the enactment of the Civil Servant Law Number 5 Year 2014**

The issue of honorary workers arises following the enactment of the Civil Servant Law, which, in one of its articles, Article 6, stipulates that Civil Servants (ASN) consist of Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Legally, the enactment of this law constitutes a termination of employment for honorary workers. Concerns about the termination of employment are expressed by honorary workers in interviews conducted, as also mentioned by Ast, head of the personnel department of one of



the faculties at ULM. Their concerns are quite justified because, according to them, there are no legal provisions perceived to guarantee the certainty of future employment for honorary workers. According to Government Regulation Number 49 of 2018 concerning PPPK Management, as stated in Article 96, Personnel Development Officers (PPK) in government agencies are prohibited from appointing non-PNS and non-PPPK employees to fill ASN positions since the enactment of this regulation. For existing honorary workers, they can participate in PPPK selection, and this selection will end 5 years after the regulation comes into effect. This means that since the regulation was enacted on November 22, 2018, if calculated five years into the future, it will end on November 23, 2023. Therefore, legally, no legal provisions are found to provide guarantees for the future employment status of honorary workers. Currently, one of the legal protection efforts being made is to extend employment contracts to save them from termination of employment. However, these employment contracts are limited in nature and do not provide permanent protection for honorary workers.

## **CONCLUSION**

The results of the research analysis indicate that the process and content of employment contracts related to the future status of honorary workers are still unclear. Although Law No. 5 of 2014 and Government Regulation No. 49 of 2019 no longer recognize the status of honorary workers, in reality, their position still exists factually. This research concludes that legal protection for honorary workers is very weak, with the only available protective instrument being the extension of employment contracts every 6 months. The position of honorary workers is still awaiting clarity from the central government regarding their legal status in the future. From an income perspective, honorary workers still receive wages below the minimum standard recommended by the Manpower Law. This is due to the lack of clarity in the rules governing the payment of wages to honorary workers, which are only based on the financial budgetary capabilities. As a result, their standard of living is low, and the income they receive does not meet the standards of a decent livelihood. In this context, efforts to protect the legal rights of honorary workers are still inadequate. Legal protection primarily depends on extending employment contracts every 6 months and awaiting central government policies regarding their legal status in the future.

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