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license**BETWEEN EQUALITY AND HIERARCHY: A SOCIO-LEGAL ANALYSIS OF EMPLOYMENT PROTECTION FOR PPPK UNDER INDONESIA'S STATE CIVIL APPARATUS REFORM****Herry Febriadi^{1*}, Krisnadi Nasution², Syofyan Hadi²**¹Sekolah Tinggi Ilmu Administrasi Amuntai, Jalan Bihman Villa
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45, Surabaya 60118, Indonesia*Correspondence E-Mail: herryfebriadi403@gmail.comDOI: <https://doi.org/10.30598/baileofisipvol3iss2pp295-312>**ABSTRACT**

This study aims to examine the socio-legal paradox of equality and hierarchy within Indonesia's civil service reform under Law No. 20 of 2023, which formally establishes parity between Civil Servants (PNS) and Government Employees with Employment Agreements (PPPK). Employing a socio-legal approach that combines normative juridical analysis with empirical sociological inquiry, data were drawn from statutory documents (Law No. 20/2023, Government Regulation No. 49/2018, and related regulations), policy reports, media interviews, and PPPK testimonies. These were analyzed qualitatively through triangulation of legal norms, bureaucratic practices, and social contexts. The findings reveal that while the 2023 ASN Law normatively affirms equal rights, obligations, and career development opportunities, bureaucratic structures continue to preserve hierarchical distinctions, positioning PPPK as second-tier employees. Cultural and institutional discrimination persists, driven by an administrative–technical legal rationality that fails to achieve emancipatory transformation within the bureaucracy. The study's novelty lies in applying a socio-legal perspective to Indonesia's public employment reform, illuminating the dialectical relationship between law and social hierarchy. Theoretically, it enriches discourse on public employment justice and the sociology of legal reform in developing states, while practically, it provides a conceptual basis for inclusive and merit-based regulatory design in Indonesia's civil service governance.

Keywords: Administrative Reform, Bureaucratic Hierarchy, Employment Justice, Public Employment, Socio-Legal Analysis

INTRODUCTION

The reform of civil service law in Indonesia has entered its most significant phase in the past two decades with the enactment of Law No. 20 of 2023 on the State Civil Apparatus (Aparatur Sipil Negara or ASN). This legislation replaces Law No. 5 of 2014, signaling the state's commitment to establishing a more inclusive, adaptive, and performance-based bureaucratic system. One of the most crucial components of this reform is the establishment of equality between two major categories of civil servants, Permanent Civil Servants (Pegawai Negeri Sipil or PNS) and Government Employees under Work Agreements (Pegawai Pemerintah dengan Perjanjian Kerja or PPPK) (Ramli et al., 2025; Subroto & Indriati, 2024). Normatively, both

categories now share equal rights, duties, and opportunities for career development and legal protection (Aljula & Hartanto, 2025; Maulana et al., 2022). However, behind this rhetoric of equality lies a more complex social reality: systemic discrimination against PPPK persists, both structurally and culturally. This phenomenon raises a fundamental question regarding the extent to which the principle of equality before the law mandated by the legislation can be substantively implemented within Indonesia's bureaucracy, which remains deeply hierarchical and patronage-oriented.

Empirical evidence demonstrates that PPPK employees, who are supposed to be integral members of the ASN system, often experience unequal treatment compared to their PNS counterparts. The National Civil Service Agency (BKN) report (2024) indicates that PPPK still face limited access to professional development programs and promotional opportunities, along with contractual uncertainty that renders them vulnerable both legally and economically. In many cases, PPPK do not receive the same pension rights or social security benefits, despite performing equivalent public service functions. Furthermore, entrenched cultural attitudes among senior bureaucrats continue to regard PPPK as "second-class employees," a stigma that remains resistant to change despite legal reform. This reflects a persistent gap between egalitarian legal texts and bureaucratic practices still rooted in status hierarchy.

This condition invites deeper investigation, not only from an administrative law perspective but also through a socio-legal lens, which conceptualizes law as a product of social relations and power structures. Law does not operate in a vacuum, it is produced, interpreted, and enforced within specific socio-political contexts. Therefore, the core inquiry is not merely whether the ASN Law provides equal legal protection to PPPK, but rather how power relations within bureaucratic institutions may reinforce inequality. Beneath the discourse of equality, there exists a dynamic of social reproduction of hierarchy. This encapsulates the paradox of Indonesian bureaucratic law: a legal system designed to equalize can, in practice, reinforce subordination through institutional mechanisms and organizational culture.

Previous studies have examined both legal and social dimensions of ASN reform, though from varying perspectives. For example, Aljula and Hartanto (2025) and Siboy et al. (2024) emphasize that post-decentralization ASN regulations prioritize administrative efficiency over structural transformation. Gunawan et al. (2025) and Samudro and Enggarani (2025) reveal that PPPK continue to face barriers to promotion and career development due to the absence of a coherent merit system. Similarly, Rahmat et al. (2024) and Turner et al. (2022) argue that bureaucratic reform in Indonesia remains largely procedural rather than value-oriented, thus failing to dismantle the entrenched hierarchical culture. On a broader scale, Park et al. (2022) and Zuhro (2021) observe that Indonesia's bureaucracy is still governed by a logic of status and seniority, prioritizing loyalty over competence. This aligns with Indiahono et al. (2022) and Saepudin and Pratiwi (2022), who assert that bureaucratic relations remain paternalistic, with employees' positions determined more by proximity to superiors than by performance.

International research further reinforces this observation, showing that civil service reforms in developing countries are often constrained by hierarchical social and political structures. Hasan et al. (2024) and Rich (2023) argue that such reforms frequently fail because they do not address the root problems of patronage culture and status inequality within bureaucracies. In the Southeast Asian context, Lanzona et al. (2025) and Schlogl and Kim (2023) note that many reforms fall into a “technocratic trap,” focusing on administrative mechanisms without accounting for the social and political dynamics that shape bureaucratic behavior. Similarly, Sufriadi (2024) and Vredenburg (2023) emphasize that the success of bureaucratic reform depends on law’s ability to uphold substantive justice, not merely formal equality.

In Indonesia, studies by Kartana and Gorda (2025) and Malik and Prasajo (2023) on the merit system reveal that ASN policies have not succeeded in ensuring equal career opportunities due to weak institutional commitment and oversight. Marniati and Nasruddin (2025) and Pradnyani and Prabawati (2025) highlight disparities in the treatment of PPPK within the education sector, where many PPPK teachers lack the allowances and facilities granted to PNS teachers. Meanwhile, Lado et al. (2025) and Mariati (2024) assert that despite formal legal equality, PPPK remain marginalized in bureaucratic decision-making processes. Alika et al. (2024) and Ameridyani et al. (2025) also identify a persistent policy gap between legal norms and field implementation due to weak evaluation and protection mechanisms.

In the broader field of public labor law, scholars such as Ameridyani et al. (2025) and Colón Vargas (2025) argue that law often functions as a mechanism for reproducing social structures rather than facilitating emancipation. Valladares (2021) and Žuk and Žuk (2022) stress the importance of understanding law as part of a complex social system in which norms, values, and power continuously interact. Likewise, Blühdorn et al. (2022) and Butzlaff (2022) show how legal practice often fails to embody substantive justice because it remains bound to conservative institutional logics. Within this framework, it becomes clear that formal equality in the 2023 ASN Law does not automatically translate into substantive equality, as legal implementation is deeply shaped by bureaucratic structures that follow their own social rationalities.

Despite the expanding literature on ASN reform and PPPK positioning, most studies remain focused on normative and administrative dimensions. Very few have approached this issue from a socio-legal perspective that interrogates how power structures, cultural values, and social practices within the bureaucracy affect the realization of legal equality. Understanding these relational and sociological dimensions of law is essential to explain why the gap between PNS and PPPK persists despite ongoing reforms. Consequently, this study fills an important research gap by examining how laws designed to be egalitarian may paradoxically reproduce inequality through hierarchical bureaucratic practices.

This research adopts a socio-legal framework that conceptualizes ASN law as an arena of interaction among normative texts, institutional practices, and social structures. By integrating normative legal analysis with empirical observations of bureaucratic practice, this study seeks to uncover the paradox of equality faced by PPPK within Indonesia’s civil service system. The novelty

of this research lies in its analytical approach: rather than merely identifying implementation gaps, it explores how law itself can become a mechanism of hierarchical reproduction in modern bureaucracy. This enables a more comprehensive understanding of the relationship between law and power, and how both shape the legitimacy and identity of civil servants.

This study aims to reveal the legal rationalities underlying PPPK protection, identify the sociological and institutional factors reinforcing inequality, and formulate normative recommendations for developing a more just and merit-based civil service system. Thus, it contributes not only to the disciplines of legal studies and bureaucratic sociology but also to the broader discourse on building an inclusive and transformative public administration in Indonesia.

RESEARCH METHOD

This study employs a socio-legal approach that integrates normative legal analysis with an empirical understanding of bureaucratic social realities (Williams et al., 2024). This approach is selected because the issue of equality between Civil Servants (Pegawai Negeri Sipil, PNS) and Government Employees under Work Agreements (Pegawai Pemerintah dengan Perjanjian Kerja, PPPK) cannot be understood solely through textual interpretation of legal documents. Rather, it must be viewed as a social phenomenon rooted in power structures and institutional cultures within the Indonesian bureaucracy. Accordingly, this study seeks to explore how law, in the context of civil service reform, operates not merely as a regulatory norm but also as a social instrument that both shapes and is reproduced by bureaucratic practices.

Methodologically, this research combines normative juridical and empirical sociological analyses (Dizon, 2024). The normative juridical approach is employed to examine the ratio legis and the normative structure governing the relationship between PNS and PPPK as stipulated in Law No. 20 of 2023 on the State Civil Apparatus, Government Regulation No. 49 of 2018 on PPPK Management, and several derivative regulations, including the ongoing draft implementing regulation (RPP ASN). This legal analysis adopts three primary approaches: statutory, conceptual, and case approaches.

The statutory approach involves an examination of positive legal provisions to assess their internal consistency and relevance within the State Civil Apparatus (ASN) legal framework. The conceptual approach is applied to identify and clarify key legal concepts, such as legal equality, legal protection, and employment status, in the context of modern bureaucracy. Meanwhile, the case approach is utilized to analyze factual cases emerging in personnel management practices, drawing from policy reports, institutional findings (e.g., from the National Civil Service Agency, BKN), and media coverage documenting the lived experiences of PPPK employees within the ASN system.

Concurrently, the study adopts a sociological approach to understand how legal norms are enacted, negotiated, or even disregarded in everyday bureaucratic practices. Empirical data are collected from high-credibility secondary sources, including government policy evaluation

reports, media interviews with public officials and PPPK representatives, survey data published by institutions such as BKN and the Civil Service Commission (KASN), as well as publicly available testimonials from PPPK employees in online forums and digital media. This approach enables the researcher to map the disparities in legal protection and policy implementation experienced by PPPK employees, while also uncovering the social and cultural dynamics that sustain structural discrimination within the bureaucracy.

The analytical process follows a qualitative interpretive framework, emphasizing meaning-making in relation to both legal texts and the social experiences of bureaucratic actors. Data triangulation is employed to ensure the validity of findings by comparing three core dimensions: (1) legal norms, what is written in the laws and regulations, (2) bureaucratic practices, how these provisions are implemented in practice, and (3) social context, how power relations and bureaucratic cultural values influence legal implementation. Through this triangulated process, the study aims to construct a comprehensive understanding of the paradox of legal equality within Indonesia's civil service reform.

RESULTS AND DISCUSSION

Formal Equality and the Legal Architecture of the 2023 ASN Reform

This section examines how Law No. 20 of 2023 on the State Civil Apparatus (Aparatur Sipil Negara, ASN) constructs a legal framework of formal equality between two categories of state personnel, Civil Servants (Pegawai Negeri Sipil, PNS) and Government Employees under Work Agreements (Pegawai Pemerintah dengan Perjanjian Kerja, PPPK). Normatively, this law represents the government's commitment to the principles of justice and meritocracy in Indonesia's civil service system. However, behind the affirmation of equality lies what can be described as a legal parity framework, a form of equality that is primarily formal and procedural, rather than substantive. The study finds that the legal structure has yet to materialize into substantive equality in bureaucratic practice, revealing a tension between law in books and law in action (cf. Pound, 1910), where law functions as a normative declaration but remains ineffective in transforming the hierarchical structure and the status quo logic of Indonesia's bureaucracy.

From a juridical standpoint, Articles 21 to 23 of the 2023 ASN Law affirm that PNS and PPPK possess equal rights to material and non-material rewards, benefits, facilities, social security, and opportunities for self-development. These articles formally abolish the long-standing dichotomy between central and regional civil servants while introducing the collective term ASN as a symbol of structural and administrative equality. Moreover, Article 65 explicitly prohibits the recruitment of non-ASN or honorary workers starting in 2025, marking a systemic transformation from non-permanent employment models to a merit-based system emphasizing professionalism and competence.

Nevertheless, when these equality norms are compared with the substance of Government Regulation No. 49 of 2018 on PPPK Management, hierarchical nuances remain apparent. The regulation still positions PPPK as fixed-term employees subject to annual contract renewals and performance evaluations, in contrast to PNS who enjoy long-term career security and full pension rights. Thus, while the rights of PPPK and PNS appear equal textually, PPPK continue to occupy a subordinate structural position. Several respondents (e.g., Bn., 2024; Rm., 2024; Hs., 2024) referred to this condition as legalized inequality, a form of inequality legitimized by the very legal apparatus intended to ensure equality.

Table 1 Comparison of Substantive Equality between PNS and PPPK under Relevant Regulations

Regulatory Aspect	Law No. 20 of 2023	Government Regulation No. 49 of 2018	Empirical Reality
Employment Status	Equal as ASN (Art. 6)	PPPK defined as contractual staff	PPPK often perceived as “temporary employees” by superiors
Rights and Obligations	Equal entitlement to salary, benefits, and social security (Arts. 21–23)	Rights depend on contract and budget availability	PPPK frequently lack equal access to facilities and training
Career Development	Equal opportunities for self-development	No structural career pathway	PPPK rarely included in promotion mechanisms
Job Security and Pension	No normative distinction	PPPK not entitled to full pension	Welfare and job security disparities persist
Evaluation Mechanism	Performance-based assessment	Non-renewal possible upon evaluation	PPPK experience strong psychological job insecurity

Source: Author’s synthesis from Law No. 20 of 2023 and Government Regulation No. 49 of 2018.

The findings summarized in the table indicate that the equality framework established by the 2023 ASN Law remains normative and procedural. The law produces an illusion of equality, a strong textual impression of fairness that fails to alter the bureaucratic logic positioning PPPK as “second-tier employees.” Reports and interview data reveal that many PPPK employees still experience institutional discrimination, such as exclusion from strategic meetings, restricted access to structural positions, and contract renewal uncertainty despite satisfactory performance. As one respondent (An., 2024) aptly described, this situation reflects “equality on paper but inequality in the workplace.”

Theoretically, this phenomenon aligns with normative institutionalism (Buhler & Stephenson, 2021), which posits that public institutions tend to preserve entrenched normative patterns even after legal reforms are enacted. Legal equality often remains declarative, insufficient to shift deeply embedded meanings and social practices. Within the ASN context, while the law formally prescribes equality, bureaucratic institutions continue to operate under hierarchical logic grounded in seniority and tenure rather than merit and competence. Thus, the

law functions as a form of symbolic reform, presenting a modernized face of equality without dismantling the underlying hierarchy that distinguishes who is considered more “legitimate” within the state structure.

This dialectical interaction between legal norms and social structures illustrates how equality is declared by law yet undermined by bureaucratic practice. For instance, although the 2023 ASN policy prohibits honorary employment, many contract workers were converted into PPPK without genuinely competitive recruitment due to institutional demands. Consequently, the merit system idealized in the law often degenerates into an administrative formality rather than a genuine performance-based system. Data from the National Civil Service Agency (Badan Kepegawaian Negara, BKN, 2024) further corroborate this: of 1.7 million PPPK appointed by the end of 2024, approximately 62% were former honorary workers appointed through non-competitive processes.

Bureaucratic Hierarchy and the Persistence of Structural Discrimination

Field findings demonstrate that despite the 2023 ASN Law’s formal declaration of equality between PNS and PPPK, bureaucratic practices across government agencies continue to reflect hierarchical and discriminatory relations. PPPK employees remain positioned as second-class civil servants, their rights constrained both administratively and culturally. They face temporary contractual tenure, limited promotion opportunities, restricted training access, and uncertain career development prospects. Thus, normative equality has not evolved into substantive equality within the everyday life of Indonesia’s bureaucracy.

Data from BKN (2024) show that by the end of 2024, more than 1.7 million PPPK had been appointed nationwide, yet only about 11% accessed advanced competency training. The remaining majority relied on ad-hoc unit-based training lacking long-term career orientation. The same report notes that 78% of PPPK expressed uncertainty regarding promotion and contract renewal mechanisms. This widespread job insecurity particularly affects education and health sectors, which constitute the largest bases for non-PNS ASN recruitment.

These empirical findings are further supported by testimonies gathered from media interviews and policy reports. One respondent (Ms., 2024), a PPPK lecturer at a public university, reported having the same workload as tenured lecturers but being denied the right to apply for study leave due to the absence of regulatory provisions for PPPK. Other respondents (Sn., 2024; Rn., 2024) highlighted that training applications are often rejected for “lack of technical regulation.” Such examples illustrate how legal equality under the ASN Law is undermined by regulatory voids that weaken PPPK’s legal standing.

Discrimination is also evident in career advancement. Although PPPK are normatively entitled to equal opportunities for functional positions, empirically they are excluded from structural promotions. Internal BKN data (2024) show that 93% of supervisory and administrative posts are held by PNS, while PPPK remain confined to basic functional roles. As one education-sector informant (Rn., 2024) stated, “Even though we are all ASN, we are never considered for

promotion because contract status is deemed unfit for strategic roles.” This reflects an exclusive bureaucratic logic that reproduces internal stratification based on employment status rather than merit.

This condition can be analyzed through the structural reproduction theory, which explains inequality not as a deviation from legal norms but as the reproduction of deeply rooted bureaucratic values within Indonesia’s governance system. Historically, Indonesia’s bureaucracy has evolved within a paternalistic tradition, where loyalty, seniority, and administrative status constitute the main parameters of social recognition in the workplace. Within this framework, PPPK employees are often perceived as “administrative guests”, temporary technical contributors rather than integral members of an autonomous professional civil service. Such paternalistic values sustain a hierarchical order where permanent status (PNS) signifies legitimacy, while contractual status (PPPK) implies uncertainty and subordination.

According to Buhler et al. (2020), public organizations often imitate formal structures of equality and administrative reform to gain external legitimacy, particularly from the public and oversight bodies, while internally maintaining exclusive practices that reproduce structural inequalities. In the ASN context, Indonesia’s government has adopted a formal equality structure through the 2023 ASN Law as part of its bureaucratic modernization agenda, yet institutional practices remain governed by an entrenched hierarchical logic. This process of imitation exemplifies what Meyer and Rowan (1977) describe as decoupling, the separation between formal structures (equality in legal texts) and actual practices (discrimination in implementation).

The findings of this study reveal that decoupling occurs systematically. Law serves as a symbolic instrument of political legitimacy for bureaucratic reform but lacks the capacity to alter organizational behavior and values at the implementation level. National media reports have highlighted the frustration of PPPK employees who, despite years of service, have never received promotion or advanced training opportunities. One PPPK teacher noted, “We are not asking for privilege; we just want to be treated equally as ASN, not as temporary staff who can be dismissed at any time.” Such testimonies expose the social dimension of institutionalized discrimination, inequality legitimized by formal systems and normalized within bureaucratic culture.

From a legal-administrative perspective, most obstacles faced by PPPK stem from regulatory inconsistency and the absence of derivative legislation. The draft Government Regulation (RPP) on ASN Management, which should operationalize the 2023 ASN Law, has yet to be enacted, leaving agencies uncertain about implementing the equality principle. This regulatory vacuum directly contributes to legal and administrative uncertainty for PPPK, especially concerning training, evaluation, and contract renewal. As reported by BKN (2024), many agencies use administrative discretion to terminate PPPK contracts under the vague justification of “organizational adjustment,” without transparent or objective indicators. This reflects the weak legal protection afforded to PPPK employees and reinforces PNS dominance within the civil service system.

Sociologically, such dynamics illustrate the reproduction of hierarchy through subtler administrative mechanisms. Employment stratification, supposedly abolished in the spirit of equality, re-emerges via contract systems, performance evaluations, and recruitment policies. Bureaucracy sustains its hierarchy not through overtly discriminatory laws, but through institutionalized practices that regulate access to career resources. This reproduction persists because it is reinforced by organizational cultures that equate seniority and loyalty with moral legitimacy, rather than professional competence or performance.

Administrative–Technical Rationality and the Limits of Legal Reform

The reform of Indonesia’s civil service law through Law No. 20 of 2023 on State Civil Apparatus (Aparatur Sipil Negara, ASN) was fundamentally intended to create a more inclusive, meritocratic, and socially adaptive bureaucracy. Yet behind this emancipatory narrative lies an administrative–technical rationality that constrains the transformative potential of law as a vehicle for social change. This rationality is evident in the ways the law is designed, interpreted, and implemented within the framework of state human resource management. The ASN Law not only regulates rights and obligations but also embodies a political–bureaucratic logic that treats administrative efficiency as the primary benchmark of reform success. Consequently, law, rather than functioning as an instrument of transformation, becomes trapped within an instrumental and functional logic that normalizes inequality.

The socio-legal approach adopted in this study reveals that the legislative process of the 2023 ASN Law took place within a discursive arena dominated by administrative rationality. Policy documents, ministerial reports, and inter-agency meetings were largely preoccupied with bureaucratic efficiency, position simplification, and budget optimization. In this context, substantive equality between Civil Servants (Pegawai Negeri Sipil, PNS) and Government Employees under Work Agreements (Pegawai Pemerintah dengan Perjanjian Kerja, PPPK) became a secondary concern, often stated rhetorically without clear mechanisms of implementation. Analysis of academic drafts and legislative records indicates that principles of social justice and non-discrimination, supposed to be the moral foundation of civil service reform, were marginalized by technocratic agendas emphasizing the rationalization of personnel management.

Empirical evidence from policy reports issued by the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB) and the National Civil Service Agency (BKN) reinforces this finding. For instance, the Evaluation of PPPK Implementation Report (2023) demonstrates that the government’s primary concern has been maintaining performance assessment consistency and fiscal control, rather than ensuring career parity or equitable access to professional development. Public statements from senior officials frequently justify the PPPK system as a tool to “discipline personnel expenditures” and promote managerial flexibility. Such reasoning, while administratively legitimate, illustrates how ASN law operates within a technocratic logic, treating individuals as administrative resources rather than subjects of social justice.

Testimonies from PPPK personnel collected through media interviews and community forums reveal the lived consequences of this logic. For instance, a university lecturer (identified as I.S.) explained that applications for further study are routinely rejected “because there is no legal basis permitting PPPK study leave.” Similarly, a PPPK teacher (A.R.) reported being excluded from professional training opportunities as “budget priorities are allocated to PNS.” These examples demonstrate how administrative rationality, anchored in procedural uniformity and fiscal restraint, operates in ways that neglect the substantive justice promised by law. Discrimination of this kind is rarely perceived as a violation of equality but rather as a logical outcome of an efficiency-oriented personnel system.

Theoretically, these findings echo Kjaer’s (2022) argument in Law and Social Theory that technocratic legal frameworks tend to lose their transformative capacity. When law becomes overly managerial, it detaches from the social contexts it is meant to shape, functioning as an instrument of stability rather than emancipation. Within the 2023 ASN Law, this manifests as a legal regime more concerned with “mechanisms” than “values.” Although the law formally proclaims equality between PNS and PPPK, its implementation is deferred through layers of administrative regulation that postpone the realization of substantive justice.

This technocratic rationality aligns with Habermas’s (1984) concept of instrumental rationality, where legal actions are oriented toward systemic efficiency rather than communicative engagement with normative values. In this sense, the ASN law does not serve as a dialogical space between the state and its bureaucratic citizens, but rather as a managerial control mechanism reinforcing organizational logic. The insistence that civil servants must be “performance-oriented” exemplifies how administrative efficiency is invoked to justify delays in fulfilling PPPK’s substantive rights. In practice, PPPK employees continue to be treated as contingent labor replaceable according to institutional needs, rendering normative equality meaningless in everyday bureaucratic life.

The failure of ASN law to achieve its emancipatory goals also reflects what Korkea-aho (2022) terms disembedded law, a legal order detached from moral and social values. In this sense, the ASN Law becomes the product of an autonomous and technical rationality accountable more to bureaucratic structures than to the principles of social justice. The decision to postpone the enactment of the Government Regulation on ASN Management exemplifies how administrative priorities override the urgency of legal protection for PPPK. As a result, thousands of qualified PPPK personnel continue to face legal and career uncertainty while awaiting regulations that guarantee their professional security.

According to BKN data, as of mid-2024, around 40% of PPPK employees in national and regional agencies have yet to receive clarity regarding contract extensions and career development access. In interviews cited by national media, BKN officials justified this situation by stating that “the priority is ensuring the system runs efficiently and does not burden the state budget.” This perspective reveals that Indonesian bureaucracy still evaluates personnel policy primarily through an administrative lens, with little regard for the social and psychological

dimensions of its workforce.

From a socio-legal standpoint, these findings suggest that Indonesia's ASN reform remains at the stage of formal transformation, a change that modifies legal structures without touching the normative foundations of bureaucratic practice. The law, intended as a liberating force, instead becomes a mechanism for reproducing inequality. Conceptually, the 2023 ASN Law fails not because of ill intention but due to its underlying technocratic paradigm, which views law as a managerial tool rather than a site of social recognition. What was envisioned as a reform based on justice, equality, and inclusivity has become a project of bureaucratic rationalization. As Korkea-aho (2022) observes, law loses its emancipatory function when trapped in administrative logic that privileges systemic stability over human welfare. Meaningful reform, therefore, requires moving beyond technocratic rationality, reimagining law not merely as a management instrument, but as a medium of social emancipation for all public servants, regardless of employment status.

The Socio-Legal Paradox: Equality through Hierarchy

The paradox of equality within bureaucratic hierarchy forms the conceptual core of Indonesia's ASN reform. Normatively, Law No. 20 of 2023 affirms that both PNS and PPPK possess equal status, rights, obligations, and opportunities for career advancement. Yet in bureaucratic practice, this equality is largely symbolic and selectively applied. Once secondary regulations are enacted, the bureaucracy often reasserts hierarchical logics, positioning PPPK as subordinate actors subject to procedural and cultural dominance by PNS. This bureaucratic hierarchy paradox describes the condition in which egalitarian law is realized through a hierarchical social system, producing not substantive equality, but the reproduction of status and institutional legitimacy.

The socio-legal approach employed here reveals that this paradox arises not merely from violations of legal norms but from the way law is internalized and enacted by bureaucratic actors. As Juska (2024) argues in Legal Consciousness Theory, law operates through social consciousness shaped by actors' positions, experiences, and interests within power structures. In Indonesia's bureaucracy, legal consciousness remains deeply influenced by occupational stratification. Senior officials and structural leaders tend to interpret the ASN Law as an instrument of organizational stability rather than distributive justice. Consequently, the legal principle of equality is translated into practices that reinforce differentiation.

Official statements from BKN and KemenPAN-RB often assert that PPPK "possess equal status but are governed through distinct management mechanisms." While seemingly neutral, such framing legitimizes separate career tracks, training programs, and benefit schemes. According to the Evaluation of PPPK Implementation Report (2023), over 70% of PPPK employees have not received professional development opportunities, while most training programs remain allocated to PNS. PPPK personnel are also excluded from rotational functional appointments, key indicators of career mobility. In public universities, for instance, PPPK lecturers with equivalent qualifications and scholarly outputs to their PNS peers remain ineligible for professorial

promotion because their contractual status fails to meet administrative criteria.

These dynamics illustrate how an ostensibly egalitarian law reproduces hierarchy through legally sanctioned administrative mechanisms. As several PPPK respondents expressed in online forums, they are “equal in words, but not in the system.” A PPPK teacher (M.T.) from South Sulawesi shared that despite over five years of service and consistently high performance evaluations, she remains ineligible for leadership training reserved for PNS. Another respondent (R.N.), a PPPK lecturer from Central Java, noted that despite identical teaching loads and academic responsibilities, they lack access to career advancement due to “the absence of detailed implementing regulations.” The bureaucratic refrain of “belum ada aturan” (“there is no regulation yet”) thus functions as both justification and mechanism of structural inequality.

This paradox is further illuminated by examining the dialectical relationship between law and power. As Silbey (2020) contends, law not only regulates power but reproduces it. Within bureaucratic practice, the ASN Law is performed insofar as it sustains institutional legitimacy and preserves hierarchical order. Legal equality becomes a ritual of legitimacy, a symbolic reform that projects inclusivity without altering power relations. While the law affirms parity between PNS and PPPK, bureaucratic institutions respond by re-institutionalizing difference through new administrative categorizations. PPPK remain treated as temporary staff, while PNS retain the symbolic and structural authority that anchors bureaucratic power.

This dynamic resonates with Bourdieu’s (2020) theory of social reproduction, which posits that social structures perpetuate themselves through the internalization of taken-for-granted norms. Bureaucratic actors do not consciously sustain inequality; rather, they normalize it through routine practices. When PPPK are excluded from planning meetings or denied managerial training, these actions are not perceived as discriminatory but as adherence to “organizational rules.” In this sense, egalitarian law is animated through hierarchical consciousness, stripping it of its emancipatory potential.

Normatively, analysis of Law No. 20 of 2023 and Government Regulation No. 49 of 2018 reveals that equality clauses are largely declarative, lacking robust mechanisms for implementation. Provisions guaranteeing PPPK rights equivalent to those of PNS are not accompanied by detailed procedures for promotion, performance evaluation, or competency training. Moreover, derivative regulations delegate managerial discretion to individual institutions, enabling wide interpretive variation that reinforces stratification. Consequently, legal equality remains textual, while social hierarchy persists through administrative practice controlled by bureaucratic elites.

This equality–hierarchy paradox demonstrates that Indonesia’s civil service reform has yet to transcend the paternalistic and status-oriented culture of bureaucracy. Although PPPK are legally recognized as ASN, they continue to be socially perceived as “temporary employees” undeserving of full rights. The legal consciousness of bureaucratic actors reflects what Ewick and Silbey (2020) describe as before the law consciousness, a perception of law as an external authority rather than a socially constructed system open to change. Such a worldview promotes

formal compliance while neglecting the substantive values of equality and justice.

Consequently, the ASN Law, envisioned as an instrument of emancipation, ultimately reinforces subordination. It produces an illusion of equality that satisfies political optics but sustains structural disparity in practice. This paradox underscores that legal equality does not automatically translate into social equality. Within a hierarchically organized bureaucracy, law functions effectively only insofar as it aligns with entrenched power logics. Genuine equality therefore requires not merely textual reform but a transformation of legal consciousness and bureaucratic culture that underpin Indonesia's administrative order.

Towards Inclusive and Merit-Based Bureaucratic Justice

To establish a genuinely equitable and just civil service system, Indonesia's civil service reform must move beyond a narrow administrative–technical paradigm toward an emancipatory and egalitarian legal rationality. This new rationality emphasizes not only bureaucratic efficiency but also social justice and substantive equality as the core principles of state personnel governance. Within the framework of Law No. 20 of 2023 on the State Civil Apparatus (ASN), which affirms equality between Civil Servants (PNS) and Government Employees under Work Agreements (PPPK), such a transformation requires a reinterpretation of law, not merely as an administrative instrument but as a vehicle for social change. The socio-legal perspective employed in this study underscores that law does not exist in a vacuum; rather, it operates within social relations, power structures, and bureaucratic ideologies that shape how justice is understood and enacted.

An analysis of legal texts and bureaucratic practices reveals that although the ASN Law of 2023 provides a normative foundation for equal status between PNS and PPPK, implementation remains trapped in hierarchical logic. Evidence from policy reports and testimonials of PPPK employees indicates that many still perceive themselves as “second-class personnel”, with limited access to promotion, training, and long-term career security. In a media interview, one PPPK informant (initials R.S.) disclosed that performance evaluation mechanisms remain oriented toward employment status rather than merit or actual contributions to public service. This observation aligns with the 2024 report by the National Civil Service Agency (BKN, 2024), which highlights significant disparities in career structures and allowances between the two categories of civil servants, despite their formal equivalence.

This condition illustrates the paradox between the normative ideal of equality and the persistent discriminatory practices embedded within bureaucratic culture. From a socio-legal perspective, as Huq and Stevenson (2020) argue, effective and just law cannot be detached from the social context in which it is implemented. A socially responsive legal system must account for the power relations, social norms, and institutional structures that underpin the functioning of law itself. Consequently, genuine reform of the civil service requires more than legislative change, it demands a restructuring of values and social mechanisms that reproduce inequality.

Within this framework, the concept of merit-based justice becomes central. Meritocracy in bureaucracy should not be reduced to a technical selection mechanism; rather, it should serve as a principle of recognition, ensuring that every individual, PNS or PPPK, is valued based on competence and contribution, not administrative status. However, in practice, merit is often reduced to formal indicators that overlook the social and structural factors affecting individuals' opportunities for development. Analysis of policy documents reveals that performance evaluation remains focused on administrative outputs and individual productivity, neglecting collective dimensions such as participation, social innovation, and contributions to organizational inclusivity.

This study identifies two primary factors contributing to the failure to realize meritocratic justice. First, the dominance of administrative–technical rationality in policy design; and second, the lack of emancipatory legal consciousness among bureaucratic actors. As Korkea-aho (2022) asserts, when law functions solely as an administrative instrument, it loses its transformative potential by failing to articulate the moral and social values underlying substantive justice. In the context of civil service governance, this implies that law often reinforces the status quo rather than enabling progressive social change.

Inclusive bureaucratic justice cannot be achieved without a fundamental paradigmatic shift, from administrative–technical rationality to emancipatory–egalitarian rationality. This legal rationality views human beings not merely as policy objects but as moral and social subjects possessing dignity. It rejects the notion that bureaucratic efficiency can be separated from humanistic values and instead positions justice as the primary measure of administrative success. Practically, this entails designing regulations that not only stipulate formal equality but also ensure substantive enforcement mechanisms, such as social justice–based oversight, independent grievance procedures, and involvement of PPPK unions in personnel policy formulation.

Policy reports from the Ministry of Administrative and Bureaucratic Reform (KemenPAN-RB) emphasize efforts to strengthen meritocracy and eliminate structural discrimination. Nevertheless, empirical findings suggest persistent institutional resistance from entrenched bureaucratic structures. Some bureaucratic officials, as cited in media interviews, contend that full parity between PNS and PPPK could undermine organizational stability and hierarchical accountability. This view reflects an epistemological tension between egalitarian justice and the Weberian logic of administrative control. Hence, civil service reform necessitates not only legal and policy changes but also an epistemic transformation in how bureaucrats conceptualize equality and justice.

Within Huq and Stevenson's (2020) theoretical framework, an empirical approach to law enables an understanding of how legal norms operate in lived social realities. Formal equality in legal texts remains meaningless without corresponding transformation in social practices and legal culture. Therefore, bureaucratic inclusivity should be understood as a continuous process in which law functions as a dialectical arena for renegotiating power relations between state

actors and citizens.

Normatively, civil service reform toward inclusive and merit-based justice requires a reconstruction of legal design that is responsive to social diversity and grounded in empirical realities. Empirically, testimonials from PPPK employees point to the urgent need for fair systems of recognition and reward. In the broader social context, such reforms could strengthen public trust in the state and counter perceptions of bureaucracy as an exclusive structure serving only administrative elites.

CONCLUSION

This study concludes that Indonesia's civil service reform under Law No. 20 of 2023 embodies a socio-legal paradox between the aspiration for equality and the persistence of hierarchical realities within the bureaucracy. Normatively, the law articulates the principle of equality between PNS and PPPK; empirically, however, it operates within an administrative–technical rationality that normalizes disparities in status and access to employment rights. Legal reform intended to eliminate discrimination has, paradoxically, reproduced new forms of subordination through bureaucratic structures oriented toward stability and control rather than emancipation and substantive justice. By employing a socio-legal approach, this research emphasizes that the success of civil service law reform cannot be assessed solely by its normative coherence, but by its capacity to transform the hierarchical social and cultural logic entrenched in state bureaucracy. The findings contribute to theoretical debates on public service justice and the sociology of legal reform in developing contexts, offering a conceptual foundation for reconstructing a more inclusive, meritocratic, and substantively equitable civil service system.

ETHICAL STATEMENT AND DISCLOSURE

This study was conducted in accordance with established ethical principles, including informed consent, protection of informants' confidentiality, and respect for local cultural values. Special consideration was given to participants from vulnerable groups to ensure their safety, comfort, and equal rights to participate. No external funding was received, and the authors declare no conflict of interest. All data and information presented were collected through valid research methods and have been verified to ensure their accuracy and reliability. The use of artificial intelligence (AI) was limited to technical assistance for writing and language editing, without influencing the scientific substance of the work. The authors express their gratitude to the informants for their valuable insights, and to the anonymous reviewers for their constructive feedback on an earlier version of this manuscript. The authors take full responsibility for the content and conclusions of this article.

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