

## Hubungan kerja tenaga honorer di instansi pemerintah = Employment relationship of non staff employee in the government institution

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### Abstrak

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Rekrutmen tenaga honorer masih tetap dilakukan oleh instansi pemerintah walaupun larangan rekrut sudah dikeluarkan melalui PP Nomor 48 Tahun 2005. Adanya moratorium penerimaan CPNS juga semakin menyuburkan praktik rekrutmen tenaga honorer. Status tenaga honorer menjadi tidak jelas ketika UU Nomor 5 Tahun 2014 menghapus keberadaan tenaga honorer. Tujuan dari penelitian ini adalah untuk mengetahui hal hubungan kerja yang terjadi terhadap tenaga honorer dan penerapan ketentuan PKWT bagi tenaga honorer. Metode penelitian yang dipergunakan adalah yuridis normatif. Berdasarkan hasil penelitian dapat diambil simpulan bahwa hubungan hukum yang terjadi terhadap tenaga honorer memenuhi unsur pekerjaan, perintah, upah dan waktu sebagai unsur-unsur yang harus terpenuhi dalam hubungan kerja. Penerapan ketentuan PKWT terhadap tenaga honorer dapat diberlakukan dengan mengangkat tenaga honorer sebagai Calon PNS sesuai ketentuan PP Nomor 48 Tahun 2005, sedangkan bagi tenaga honorer yang direkrut setelah tahun 2005 akan berstatus sebagai tenaga kontrak biasa yang tunduk pada hukum perdata. Ketiadaan pengaturan mengenai tenaga honorer menyebabkan sulitnya dilakukan perlindungan bagi tenaga honorer yang berpotensi konflik di kemudian hari.

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#### <b>ABSTRACT</b><br>

Recruitment of non staff employee is still done by the government institution although the prohibition of recruit has been issued through Government Regulation Number 48 Year 2005. The existence of moratorium on acceptance Civil Servant Candidates also increasingly nurtures the practice of recruitment of non staff employee. The status of non staff employee becomes unclear when Law Number 5 of 2014 removes the existence of non staff employee. The purpose of this study is to find out the employment relationship to Non Staff employee and application of the provisions of PKWT Temporary Work Agreement for non staff employee. The research method used is juridical normative. The results of the research showed that the legal relationship that occurs to the non staff employee has covered the elements of work which are order, job, wages and time condition that must be met in a working relationship. The implementation of PKWT 39 s provision to non staff employee can be applied by appointing non staff employee as Candidate of Civil Servant in accordance with Government Regulation Number 48 Year 2005, while for non staff employee recruited after 2005 will be applied as a regular contract subject to private law. The absence of regulation regarding non staff employee causes a difficulty of providing protection for non staff employee and potentially conflict in the future.