

The Implementation of the Flexible Working Arrangement (Fwa) Policy by Civil Servants (Asn) in Indonesia

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ABSTRACT

The Flexible Working Arrangement (FWA) is a policy to enhance efficiency, promote work-life balance, and increase the productivity of civil servants (ASN) in Indonesia. Through FWA, government institutions are able to provide greater flexibility for civil servants in managing their work schedules, thereby enabling them to work more comfortably and productively. FWA empowers civil servants' personnel to choose their working hours, work location, and when to conclude their workday. The primary consideration in implementing the FWA policy is that the quality of public services provided must not decline. The advancement of technology and the capacity for adaptive mindsets serve as critical enablers for the optimal implementation of FWA. Although it allows flexibility in terms of work location, FWA must still adhere to the regulations and policies set by each respective institution. Institutional leaders hold the authority to determine the types of work and employees eligible for flexible work arrangements.

Keywords: Flexible Working Arrangement (FWA), Civil Servants (ASN), Indonesia.

INTRODUCTION

Civil Servants (ASN) play a crucial role in maintaining the stability and smooth functioning of government operations within a country. In Indonesia, Civil Servants are regarded as a vital pillar for ensuring the continuity of governance, delivering quality public services, and implementing public policies effectively and efficiently (Adriana, 2022). The presence of professional, responsible, and integrity-driven civil servants is essential to support national development and progress. The Indonesian government has undertaken various efforts to reform the governance of civil servants in order to improve efficiency, productivity, and the quality of public services (Jubaedah, et.al., 2023). The government's commitment to establishing clean and authoritative governance is demonstrated by its serious pursuit of bureaucratic reform. A professional, effective, and efficient bureaucracy is considered a fundamental element in building good governance.

In pursuit of improved efficiency, productivity, and the quality of public services, the Government of Indonesia has established a clear framework, direction, and phased implementation plan through Presidential Regulation No. 81 of 2010 concerning the Grand Design for Bureaucratic Reform 2010–2025. Based on this structured framework, all government ministries and institutions (both at the central and regional levels) have demonstrated a commitment to advancing bureaucratic reform with a focus on enhancing governance practices. As a follow-up to the Grand Design for Bureaucratic Reform, the Government of Indonesia has issued several regulations and policies that serve as the foundation for the implementation of the Flexible Working Arrangement (FWA). These include Law No. 20 of 2023 on Civil Servants (ASN), Government Regulation No. 94 of 2021 on Civil Servant Discipline, Presidential Regulation No. 21 of 2023 on Government Agency Working Days and Hours, and Ministerial Regulation of the Ministry of Administrative and Bureaucratic Reform (PerMenpanRB) No. 4 of 2025 concerning the Implementation of Flexible Work Assignments for Civil Servants in Government Agencies.

The issuance of these regulations aims to enhance efficiency, work-life balance, and the productivity of civil servants, thereby serving as the legal and policy basis for implementing the Flexible Working Arrangement (FWA).

From the perspective of administrative law, the Flexible Working Arrangement (FWA) refers to a flexible work system regulated by governmental rules and policies that allow civil servants (ASN) greater freedom in determining their

working hours and locations. This system is designed to improve efficiency, promote a healthier work-life balance, and boost civil servants' productivity.

Consequently, each ministry or agency is expected to determine its own reform priorities based on the characteristics of its resources and the challenges it faces in terms of governance (Gafar, et.al., 2022). Structural reforms and changes in government dynamics are also undertaken to improve the efficiency of public services. Therefore, civil servants must be able to adapt to societal demands and technological advancements, making the FWA a strategic initiative for enabling more responsive and dynamic work practices (Rany and Tyas, 2024).

During the COVID-19 era, public service delivery in the government sector was also affected by the pandemic. In response, the Minister of Administrative and Bureaucratic Reform (MenPANRB) issued a Circular Letter (SE) regarding Large-Scale Social Restrictions (PSBB). It aimed to limit certain activities within regions affected by the virus as part of efforts to control the potential spread of the disease. Through Circular Letter No. 19 of 2020 concerning the Adjustment of the Working System for Civil Servants to Prevent the Spread of COVID-19 in Government Institutions, the foundation was laid for the initial implementation of the Flexible Working Arrangement (FWA) in the form of work-from-home (WFH) policies for civil servants. Subsequently, Circular Letter No. 58 of 2020 was issued, regulating the working system for civil servants in the context of the "New Normal." This regulation authorized civil service staffing officers to establish an accountable and selective working system for civil servants, allowing them to work either from the office or home/residence while complying with health protocols.

Under this Circular, civil servants within government institutions were permitted to carry out official duties from home as a preventive measure against the spread of COVID-19. The adjustment of the working system outlined in this regulation was to serve as the guideline for the implementation of WFH for ASN up to March 31, 2020, subject to further evaluation as needed. In its development, the Minister of PANRB later issued Circular Letter No. 67 of 2020, amending Circular No. 58 of 2020 on the Working System for ASN in the New Normal, and incorporated the COVID-19 risk zone map published by the COVID-19 Task Force, which remained applicable (Febrita & Prasajo, 2023).

Both conditionally and factually, the modern workplace increasingly values flexible working arrangements (FWA) as an essential component, particularly in response to global events such as pandemics, rising workloads, and dynamic organizational changes. Furthermore, advancements in technology and the shift from traditional management frameworks toward adaptability have accelerated this paradigm shift. Numerous international bodies and institutions have praised this transition. While evolving workplace cultures recognize the benefits of flexibility for certain employee groups, its impact on productivity remains varied (Shafei et al., 2024). Governments worldwide acknowledge the importance of FWA; however, its full integration into the public sector remains a gradual process that depends heavily on government policies and decisions.

In Indonesia, the Flexible Working Arrangement (FWA) regained public attention after the Ministry of Administrative and Bureaucratic Reform (PANRB) adjusted its flexible working pattern to support the acceleration of the President's priority programs. FWA enables employees to work with flexibility in terms of both time and location, as stipulated in Presidential Regulation No. 21 of 2023 and Government Regulation No. 94 of 2021 on Civil Servant Discipline. However, despite its apparent advantages, the implementation of FWA within ASN environments requires policy adaptations tailored to the specific characteristics of each institution. The primary objective is to maintain productivity without compromising the quality of public services. The purpose of this research is to identify and analyze the implementation of Presidential Regulation No. 21 of 2023, Government Regulation No. 94 of 2021, and Ministerial Regulation of PANRB No. 4 of 2025 on the Flexible Implementation of Official Duties for Civil Servants in Government Institutions.

METHODS

This qualitative descriptive study involves a conceptualization process aimed at developing a classification scheme (Silalahi, 2006). The research approach is normative juridical (doctrinal) in nature. Doctrinal legal research provides a systematic explanation of rules governing a specific legal category, analyzes the relationships between regulations, identifies areas of ambiguity or difficulty, and may even predict future developments (Marzuki, 2014). The data used in this research were secondary data, sourced from published books, academic journals, websites, and policy

documents relevant to the research topic. The method of analysis was conducted both integratively and conceptually to identify, process, and interpret documents to understand their meaning, significance, and relevance (Bungin, 2008). The findings were subsequently articulated through non-statistical linguistic argumentation.

RESULTS AND DISCUSSION

Flexible Work Arrangement (FWA) is generally defined as a work option that allows flexibility in terms of where work is conducted (often referred to as telecommuting or flexplace) and/or when work is carried out (often referred to as flextime or scheduling flexibility) (Rau & Hyland, 2005). Flexible work arrangements consist of setups involving flexibility of workplace location, which is commonly referred to as flexplace, and flexibility in work schedules, typically known as flextime. Telecommuting primarily involves the ability to work from home. Flextime arrangements generally consist of a set of core hours during which employees are expected to be present at work but allow autonomy in choosing arrival and departure times, as long as the total number of daily or weekly work hours is fulfilled (Baltes, Briggs, Huff, & Wright, 1999).

Workplace practices can fundamentally help reduce work-family conflict among employees, making them a highly relevant topic for both researchers and practitioners (Hammer, Neal, Newsom, Brockwood, & Colton, 2005). Among various organizational practices, Flexible Working Arrangements (FWA), in particular, have been identified as a key strategy to support employees in managing both work and non-work responsibilities. Such practices have become increasingly widespread within organizations and are often embedded as part of core strategies for attracting, motivating, and retaining top talent (Hill et al., 2008).

FWA is designed to empower employees to decide when to begin working, where to perform their duties, and when to end their workday. The core idea is to support work-life balance, with the potential benefits of FWA including reduced employee stress and increased overall job satisfaction (Leslie, et al., 2012). The appeal of FWA has been amplified by popular media and policy advocates, motivated at least in part by the notion that FWA serves as an effective tool to reduce work-family conflict (Jarrett, 2010).

According to Maclean (2018), the most commonly implemented forms of FWA are related to the scheduling of work time. Common applications include flexible working hours and compressed workweeks. Flexible hours require employees to work a specific number of hours per day but allow flexibility in start and end times within predetermined limits. A compressed workweek involves working longer hours each day in exchange for additional days off within a given work cycle.

Flexible Working Arrangements (FWA) represent one of a range of work structures that modify the time and/or location at which work is regularly performed. These arrangements consist of (Georgetown University Law Center, 2006) : Scheduling flexibility, such as alternative work schedules (e.g., flextime and compressed workweeks), as well as adjustments to shift schedules and break times; Flexibility in the number of working hours, including part-time work and job sharing; and Workplace location flexibility, such as working from home or at satellite office locations.

Flexible working arrangements refer to specific work patterns or methods applied to Civil Servants in performing official duties in certain locations and/or at specific times to achieve organizational performance targets while optimizing the use of electronic-based government systems. The regulation of flexible work implementation is mandated by Government Regulation No. 94 of 2021 on Civil Servant Discipline and Presidential Regulation No. 21 of 2023 concerning Working Days and Hours for Government Institutions and Civil Servants.

The implementation of flexible working arrangements aims to enhance organizational and individual performance, as well as the quality of life of Civil Servants. This is achieved through the application of measurable performance assessments and the optimal utilization of electronic-based government systems. According to Article 8 of Presidential Regulation No. 21 of 2023, Civil Servants may carry out official duties flexibly, which includes flexibility in terms of location and/or time.

Location-based work flexibility refers to the performance of official duties by Civil Servants that may be carried out at the office, at the Civil Servant's residence, and/or at other locations designated by the Appointing Officer or the head of the respective government institution. Meanwhile, time-based work flexibility refers to the performance of

official duties by Civil Servants that can be conducted through the adjustment of working hours to meet performance targets and the required number of working hours as stipulated by applicable laws and regulations.

Work flexibility is not an inherent right of the employee; rather, it is granted based on objective considerations and must be implemented with full responsibility and accountability to support organizational performance. The application of flexible work arrangements is determined and implemented following the specific characteristics of each government institution's functions.

The Commitment Making Official (PPK), as the official authorized to determine the appointment, transfer, dismissal, and development of Civil Servants within government institutions, is also responsible for managing Civil Servant human resource administration, including the implementation of both location-based and/or time-based flexible working arrangements. Further provisions regarding the flexible performance of official duties by Civil Servants, including the criteria for eligible job types, are regulated through a Ministerial Regulation issued by the Ministry of State Apparatus Utilization and Bureaucratic Reform, namely Ministerial Regulation No. 4 of 2025 concerning the Implementation of Flexible Official Duties for Civil Servants in Government Institutions.

Presidential Regulation No. 21 of 2023 was enacted to replace several outdated provisions regarding the working days and hours of Civil Servants, which no longer align with current legal developments and the evolving dynamics of official duties within government institutions. These replaced regulations include Presidential Decree No. 58 of 1964 on Working Hours at Government Offices of the Republic of Indonesia, Presidential Decree No. 24 of 1972 on Working Hours in the Special Capital Region of Jakarta, and Presidential Decree No. 68 of 1995 on Working Days within Government Agencies.

The provisions regarding working days of government institutions, working days for Civil Servants, working hours of government institutions, and working hours for Civil Servants, as outlined in this Presidential Regulation, apply to both central and regional government institutions. The official working week consists of five working days, from Monday to Friday (Article 3 of Presidential Regulation No. 21 of 2023). The total working hours for both government institutions and Civil Servants amount to 37 hours and 30 minutes per week, excluding break times. Working hours start at 07:30 local time. Break time on Fridays is 90 minutes while on other days it is 60 minutes (Article 4 of the Regulation). During the month of Ramadan, the working hours for Civil Servants are reduced to 32 hours and 30 minutes per week to provide flexibility for those observing the fast.

In essence, the flexible working arrangement (FWA) represents a more comprehensive concept than "work from anywhere" (WFA). While the term WFA is not explicitly used in Presidential Regulation No. 21 of 2023, its provisions can be interpreted to accommodate location flexibility—namely, work performed at the employee's residence or other locations designated by the Commitment Making Official.

FWA may be applied to all employees; however, certain eligibility criteria must be considered. For example, the arrangement should not be granted to employees who are under disciplinary sanctions or are newly recruited. Tasks suitable for FWA are those that require minimal face-to-face interaction, can be performed independently, and can be executed outside the office through the use of information and communication technology. This flexibility enables employees to work from various locations—either in or out of the office—and manage their working hours following their responsibilities, provided continuous supervision is not required. The most critical aspect of implementing FWA is ensuring that the quality of public services remains uncompromised. Technological advancements and a mindset oriented toward innovation serve as key enablers for the effective and optimal implementation of FWA.

However, the provisions on working days of government institutions, working hours government institutions, working days for Civil Servants, and working hours for Civil Servants as outlined in the aforementioned Presidential Regulation do not apply to the Indonesian National Armed Forces (TNI) and its personnel, Civil Servants assigned within the Ministry of Defense who are deployed in TNI environments; the Indonesian National Police (Polri) and its members, as well as Civil Servants working within the Polri institution; and representatives of the Republic of Indonesia abroad, including Civil Servants serving in Indonesian diplomatic missions.

Although the Flexible Working Arrangement (FWA) allows employees to choose their work location more freely, Civil Servants must still comply with the specific regulations established by their respective institutions. The head of each

institution holds the authority to determine which types of work and which employees are eligible to adopt a flexible work system. In this way, the policy maintains the effectiveness of public service delivery while providing greater flexibility for employees in performing their duties.

Based on an analysis of the implementation of Flexible Working Arrangements (FWA) in Indonesia, its strengths and weaknesses can be mapped across four key aspects, namely:

ASPECT	ADVANTAGES	DISADVANTAGES
Civil Servants (ASN)	<ul style="list-style-type: none"> ➤ Increased productivity ➤ Improved work-life balance ➤ Ability to perform multiple activities simultaneously 	<ul style="list-style-type: none"> ➤ Lack of direct communication, leading to coordination difficulties ➤ Potential for boredom and mental stress among some civil servants ➤ Reduced focus ➤ Certain tasks may be more effectively handled through conventional systems ➤ Limited readiness of civil servants to adapt to new technologies
Government	<ul style="list-style-type: none"> ➤ Operational cost savings and efficiency ➤ Reduction in worker absenteeism 	<ul style="list-style-type: none"> ➤ Need to implement systems for monitoring employee location and performance ➤ Financial investment required for digital infrastructure development
Society	<ul style="list-style-type: none"> ➤ Easier access to essential needs 	<ul style="list-style-type: none"> ➤ Public skepticism, with some perceiving civil servants as becoming less productive under a hybrid work model
Environment	<ul style="list-style-type: none"> ➤ Reduction in traffic congestion ➤ Decrease in emissions 	<ul style="list-style-type: none"> ➤ Many regions still lack adequate digital infrastructure

Source: Adapted and modified from Poedjiarso, 2021.

CONCLUSION

Flexible Working Arrangement (FWA) in the context of administrative law refers to a flexible work system governed by government regulations and policies, allowing civil servants (ASN) greater autonomy in determining their working hours and locations. This policy aims to enhance efficiency, promote work-life balance, and improve the overall productivity of civil servants. Flexible Working Arrangement (FWA) is a policy designed to enhance efficiency, promote work-life balance, and improve the productivity of civil servants (ASN). By implementing FWA, government institutions can provide greater flexibility for civil servants in managing their work schedules and locations. This flexibility supports a more comfortable and productive work environment. These regulations and policies are intended to enhance efficiency, promote work-life balance, and improve the productivity of civil servants (ASN). Through the implementation of Flexible Working Arrangements (FWA), government institutions can offer greater

flexibility to civil servants in organizing their work, thereby enabling them to work more comfortably and productively.

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