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RESEARCH ARTICLE

REFORMING CIVIL SERVANT PENSION (PNS) PROGRAMS IN INDONESIA: AN INSTITUTIONAL APPROACH ANALYSIS.

Noeroso L. Wahyudi.

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Abstract

There are two objectives of the Civil Servants (PNS) Pension reform in Indonesia such as to improve the pension benefits of civil servants and to reduce the fiscal burden for pension budget spending in the long term. The implication is to observe the current and an alternative system based on good governance in national and international experience. As a result, there is a need to conduct an explorative study which regard to the existing legislation and institutional in Indonesia and various international experiences in some leading countries for conducting pension reform . The method of writing this paper uses qualitative descriptive analysis. The primary data was collected by conducting interviews and focus group discussions (FGD) and secondary data based on literature studies to obtain lesson learnt which provide on national and international papers, important data and documents especially the current legislation and government legal drafting (RPP).

As a background of analysis, this paper presents an introduction and a regulatory framework. The contents of the introduction are the problems and the choices of solutions for PNS pension plans in Indonesia. Whereas a regulatory framework presents a series regulatory reforms to promote social security including private and public pension program and possibility for its implementations. Explorative reform on pension program is learning on the experience of various foreign countries including Chile, Australia and several Asean countries. In short, there is momentum to reform civil servant (PNS) program pension in Indonesia. This momentum indicated by decreasing replacement rate and and increasing budget spending on pension funding which its ratio is relatively still low to total gross domestic product (GDP) . As a result, there is a need an institutional approach analysis on pension reform in PNS pension program based on development on regulatory framework as a legal basis a new governing body managed PNS pension fund professionally.

Introduction:-

The Government of Indonesia (The “GoI”) is wiling to reform of the Civil Servants (PNS) pension program. Officially, it was stated in the Financial Note on the Draft State Budget 2018 (Box II.4.6 page II.4.3). The

Corresponding Author:-Noeroso L. Wahyudi.

obyetives of this reform aims to improve more benefit (adequacy) with regards to the ability of contribution of participants and the Government (affordable). The implication is that employers (Central and local government) should reallocated (additional allocation) employee budget spending carefully. Considering that civil servants are also spread across provinces and districts, contributions from local governments (Pemda) also need to be carefully calculated. In addition, there is a need to promote the governing bodies to manage the public sector pension fund is not only to channel it but also to invest it for getting appropriate return used for additional benefit.

The justification on reforming pension program in public sector is law no. 5/2014 concerning on The civil Apparatus State (ASN). Meanwhile the "GoI" started to reform private sector pension program provided mandatory and voluntary scheme in 1992. In addition, "GoI" has launched a series regulatory framework to promote national social security system (SJSN) since in 2004. Hopefully, the roadmap for its implementation to integrate its governing bodies will be targeted in 2029. The implication of these laws is that there are many possibilities in transformation governing bodies for conducting pension program for the next decade. As a result, there is a need to overview the existing and possibility regulatory framework and governing bodies' pension program in Indonesia. As a result, there is a need of study on *Reforming Civil Servant (PNS) Pension Programs in Indonesia: an Institutional*

Approach Analysis.

The sequences of this study is started to present the current benefit and the growth of pension spending in public sector. Secondly, this paper presents a regulatory framework governing bodies overview. Thirdly, this paper presents research methodology. Fourth, this paper explores lesson learns for some best practice from foreign countries and explores recent development and possibility reformation pension program in Indonesia. This part also discuss on the justification, conceptual and choices on intuitional setting on future governing body supported reformation has been conducting by the "GoI". Considering that currently the program system is a Pay as You Go (Paygo) or unfunded scheme, then one of the solutions to the main problem is to transform the *unfunded* scheme into the funded scheme. The transformation of this system is expected to reduce the burden of the APBN in the future while increasing pension benefits or increasing the replacement rate which is still relatively low.

The benefit and the growth pension spending

One of the issues on civil servant pension benefit is indicating to decrease on amount of pension benefits compared to take home pay (THP) (inadequacy). The indication of decreasing benefit can be seen on the replacement rates. The comparison of replacement rates per group in civilian employees (PNS) can be seen in table-1 as shown below.

Table 1:-Comparison of Replacement Rate Per Group of Civil Servants in Indonesia (IDR).

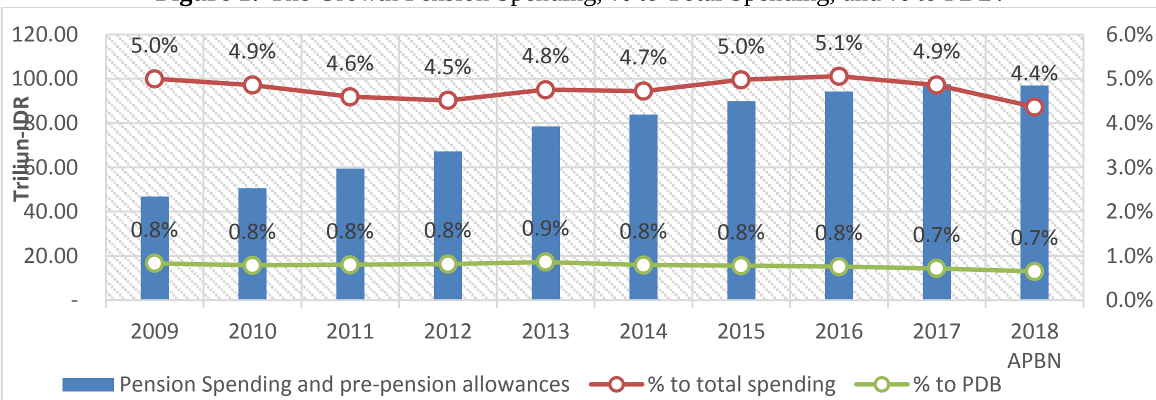
Descriptions	Rank III/c (staf)	Rank III/c (Eschelon 4)	Rank IV/a (Eschelon 3)	Rank IV/e (Eschelon 1)	Legislative Members
Basic Salary (30 years of service)	4,383,300	4,383,300	4,762,000	5,620,300	4,200,000
Performance Allowance	5,786,200	9,193,200	10,910,500	43,492,500	36,108,000
Take home Pay (THP)	10,169,500	13,576,500	15,672,500	49,112,800	40,300,000
Pension Benefit (75% of Basic salary)	3,287,470	3,258,300	3,571,500	4,215,200	3,150,000
Replacement Rate	32%	24%	23%	9%	7,8%

Source : Agustinus Prasetyo,KSP, 2016-2017,.Denpasar, 26 May 2017.

As shown on the table-1 above, it can be inferred that the higher of the rank or class and position of the Government employee ,the lower the pension benefit received by civil servant (decreasing the replacement rate). One of the propose to increase in the replacement rate by adjusting the source of contributions is not only forom employe but also form the employer. This proposal mentioned of the stage of replacement rate supported by a gradual increase in joint contributions (Workers and employers) every two years from the beginning of the operation up to 2029 (Bambang Purwoko, February 2015.) However, the proposed simulation has not calculated yet how much the addition fiscal burden should be allocated to the contribution of employer contributions from both the central (APBN) and local governments (APBD).

Meanwhile source of funding for Civil servant pension benefit has been allocated totally from state budget (APBN) since 2009. PT Taspen (Persero) is State owned Enterprise (SOE) has been assigned to administer to channel civil servants payment in Indonesia. The growth of total pension and pre-pension allowances spending can be seen on figure-1 below:

Figure 1:-The Growth Pension Spending, % to Total Spending, and % to PDB.



Source : Ministry of Finance,2018; APBN : State Budget on Total Revenue and Spending

As describes on figure-1 above, we realize that there has been increasing total spending and pre- pension allowance since 2010. Even though the percentage to Total Budget Spending and to Product Domestic Bruto (PDB) relatively constant. This figure shows a momentum to administer civil servant pension program more professionally.

Regulatory Framework and governing bodies Overview

Regulatory framework overview can be seen on figure-2 as follow.

Figure 2:-A series continuous reform to promote social security in Indonesia.

Source : Various Laws relating Social security.

1. *) a basis law to promote Health program and employment (work accident, old age saving, pension and death benefit
2. **) a basis to legal drafting. on Pension benefit and old age saving for public sector

The figure-2 above mentions that the first reform have been conducted in 1992. This reform focused on private employee pension program on mandatory scheme (Law no. 3/1992) and voluntary scheme (law no 11/1992). Law no. 40/2004 is a legal basis for implementing Social Security National System (SJSN) including Pension scheme comprehensively in 2029. In addition, Law No. 5 of 2014 concerning the State Civil Apparatus (ASN) mandates the Government to reform the Pension Funding system.

Explicitly, this mandate is stated in Article 91 paragraph (5), which states that the source of funding for pension benefit and old age saving for civil servants comes from the government as the employer (Government) and the employee contribution (PNS) .. At present pension contributions are only from Civil Servants (PNS), while the government does not contribute but pays benefits as Pay As You Go. Implementation every month, civil servants' salaries are deducted through the mandatory civil servant (IWP) contribution system. The amount of discount for IWP is 10 percent for three components, namely: i) health insurance, ii) pension program (JHT), and iii) pension program. Furthermore, Law No. 24 concerning the Indonesian National Security System (SJSN) mandates that there are only 2 (forms) of the Agency, namely: i) BPJS Employment and ii) BPJS Kesehatan. In relation to the implementation of the Pension Fund, the latest development of PT Jamsostek has changed to BPJS governing bodies on pension program based on existing regulatory framework can be seen on tabel-3 as follow Employment while PT Taspen has still not transform to BPJS employment.[1]
Meanwhile the

Table 3:-Regulatory framework on governing bodies on pension program in Indonesia

Program	Pension Program			
Sector/description	Public		Private	
Legal Basis	LAW no 40 Year 2004 :SJSN[2] LAW no 24 Year 2011 : BPJS [3] LAW No. 5 Year 2014) : ASN[4]		LAW No. 11 Year 1992 : Pension Fund (Voluntary) Law No. 3 Year 1992: Jamsostek dan LAW No.13 Year 2003 (Mandatory)	
Governing Bodies	PT Taspen (Persero)	PT Asabri (Persero)	Provident Fund BPJS Employement	Limited Company, Foundation. DPPK,DPLK*)
Mandatory	Mandatory	Military, Police, Civil in Defense Affair.	State Owned Enterprise and informal workers	
Ministry of SOE and MOF	Minsitry of SOE and Defense Affair and Headquarter of Police Administration.		Mandatory	Voluntary
Supervisory			Commute on National Security (Dewan Jaminan Nasional)	Financial Service Authority (Otoritas Jasa Keuangan)

Source : The existing regulatory framework on Pension Program on Private and public sector. Note *) :DPPK : Employer Pension Fund. DPLK : Financial Institution Pension Fund.

In summary figure-1 and table-1 above, there is a conculsion concerning the implementation of pension program. The conclusion mention there are 2 (two) laws which are the main references, namely: i) Law No. 5 of 2014 concerning the State Civil Apparatus (ASN), and ii) Law No. 24 concerning the National Social Security System SJSN). From the explanation of the two laws mentioned above, the management of the ASN pension program will result in institutional and program system transformation.

[1] Road Map PT Taspen (persero) 2014 -2029 describes that this company has difficulty to implement law 40/2004 and law 24/2011. This company suggest it should be amended (page 36).

[2] *implementing* multi pillar system (Mandatory on security and voluntary on protection

[3] **BPJS Emploeyement (article 62)**

a. PT JAMSOSTEK transformed to BPJS Employment on January, 1, 2014
b. PT Asabri will integrate to BPJS Employment in 2029 .
c. PT Taspen will integrate to BPJS Employment in 2029.

[4] Legal Drafting (RPP),Pension Benefit (JP) and Old age saving (JHT)

Regulatory Approach And Research Methodology:-

Regulatory Approach.

Reforming public sector pension progam with regard to the amount of the State Budget burden for pension expenditure is not for all civil servants. The stages of institutional transformation and integration of the ASN Pension Program system can be seen in Figure -2 below

Note : *) A stage to transform from Paygo to fully funded scheme based on fiscal sustainability.

In Figure-3 above, the proposition of the implementation of a pension plan for civil servants needs to be examined from the perspective of fiscal sustainability. This study begins with exploring the pension program implementation lessons in various countries which were launched by presenting the latest picture of the implementation of pension programs in Indonesia. The next step is to compare the Pay as You go scheme with the Fully Funded scheme. The next discussion is the prospect of organizing a pension program in Indonesia based on institutional choices based on the applicable laws and regulations. At the end of this study, conclusions and recommendations on public policies that need to be carried out will be presented.

Mandatory Pension contribution (IWP) system. The amount of IWP is 10 percent of basic salary for three components, namely: i) health insurance, ii) pension program (JHT), and iii) pension program. Furthermore, Law No. 24 concerning the Indonesian National Security System (SJSN) mandates that there are only 2 (forms) of the Agency, namely: i) BPJS Employment and ii) BPJS Health. In relation to the implementation of the Pension Fund, the latest development of PT Jamsostek has changed to BPJS Employment while PT Taspen has still not changed

Research Methodology.

Referring to the picture-1 above and its description, the research methodology of this paper is a qualitative descriptive study. This method aims to observe to the recent development and prospects of institutional pension programs in Indonesia. Tjis observation is based on the existing regulations framework and its legal drafting to operate it. The initial step of data collection is to explore conventional and digital library. The purpose of this exploration is to some relevant references provided on both theory and academic writing in various papers. Furthermore, the second step is explore more references which can be accessed both domestic and international journals and also working papers and official government documents or publications. The third step is conducting interviews with experts and practitioners regarding policy developments and the future of pension funds. The final step to presents the results of exploration in the seminar to get input or comments. In the summary, the primary data is obtained from the results of interviews or discussions while secondary data is obtained from books, academically papers and officially documents related to the title of this paper. Based on this methodology, this paper presents discussions and results.

Discussion and Results:-

Based on this methodology mentioned above, this paper explores the experience of foreign countries to get lesson learnt of best practice in conducting pension reform.

Selection of two countries,namely Chili and Australia are based on figure-2. This figure mentions about the cost of social security to the GDP of in these countries is only around 3% (Word Bank Group, September 2018). While Chile has the largest pension fund assets among Latin American Countries. The amount of its fun assets is around 70% of GDP (De La Torre and H. Rudolph, page 14).

Chilean Experience

In general, the reform of pension fund management in Chile can be divided into 3 (three) stages, (Nicholas Barr and Peter Diamond, 2016). The first stage had been started since 1981, the second stage had been started since 2008 and iii) the third stage has been started since 2015. The first stage focused on reforming source of financing by to implement a pre-funded defined contribution system. Indicators of the success of these reforms was reflected in some indicators such as : i) the average annual profit from investment (yields) which reaches 10%, ii) the number of workers participating rapidly increases, iii) and the development of the formal sector compared to the informal sector.

The second phase began in 2008 aimed at increasing pension benefits. This reform calculates pension benefits based on their contribution by implementing a correct pension system. The implication is to eliminate pension operations that are ineffective in the auction mechanism, the third phase begins in 2015 evaluating the list of reforms that have not been implemented. This evaluation proposes developing institutions and financing in a non-controversial pension system. The success of pension fund reform in Chile is a reference for reform in many countries, especially in Latin American countries (Peru, 1992; Colombia and Argentina, 1993; Uruguay, 1995; Mexico, Bolivia, and El Salvador, 1996).

Australian Experience

Australia began a pension fund management reform in 1992 under the name Superannuation Guarantee. Superannuation guarantees are official terms for contributions that employers must make on behalf of their employees. Since its introduction, employers have been obliged to deposit mandatory contributions for this superannuation. Initially at 3% of employee salaries, then it rose to 9% in July 2002. It was planned and announced by the ruling party at that time, that this fund would rise to 12% by 2019. In 2003, the government introduced one more innovative policies called the Super Co-contribution Scheme. The government places additional money in retirement accounts by making voluntary contributions to superannuation funds managed on behalf of the employees concerned. In 2006 it was decided that superannuation fees could be shared with partners. This can allow a tax reduction on superannuation managed.

Comparison of labor contributions and employers in Asean '

The experience of workers and employers in providing the proportion of contributions to the pension program in some Asean countries can be seen in table 2 below:

Table 4:-The comparison of Employee and employers rate of contribution pension program.

Countries	Employee	Employer	Total
SINGAPURA :			
• CPF	20 %	16 %	36 %
: MALAYSIA			
• KWSP	11 %	12 %	23 %
• KWAP	11 %	11 %	22 %
• LTAT	10 %	15 %	25 %
• SOCSO	0,5 %	2 %	2,5 %
THAILAND:			
• GPF	3 %	3 %	6 %
• SSO	0,25 %	0,5 %	0,75 %
FILIPINA :			
• GSIS	9 – 11 %	12 %	21 – 23 %
• SSS	2,5 %	5,59 %	8,09 %
INDONESIA :			
• TASPEN	8 %	0 %	8 %
• ASABRI	8 %	0 %	8 %
• JAMSOSTEK	2 %	10,7 %	12,7 %

Source : **Achmad Subianto**,12 September 2017

The table-4 shows that there are 3 (three) governing bodies administered mandatory pension program in Indonesia. Taspen and Asabri are state owned enterprice (SOE) which administers government employee and military and police. Meanwhile, government as employer has not contributed yet to pension program as resulted from Pay as Yo Go scheme.

BPJS Employment Law in article 62 has stated as follow: a. PT JAMSOSTEK became BPJS Employment on January 1, 2014.,b. PT Asabri entered the BPJS Employment in 2029. c. PT Taspen transform the BPJS Employment in 2029.

Table 5:-Indonesia National Pension Structure

Membership	Program	DB/DC	Funding		Administrator
Military	Compulsory	1.Pension plan 2. OAS 1)	i. DB 2.Endowment	1.Fully funding 2.Fully funding	1.ASABRI /TASPEN 2.ASABRI /TASPEN
Civil Servant	Compulsory	1.Pension plan 2. OAS	1,DB 2.Endowment	1.Fully funding 2.Fully funding	1.TASPEN 2.TASPEN
Formal Workers	Compulsory	1.SS Pension 2. OAS	1.DB 2.Provident Fund / DC	1.Partially funding 2.Fully funding	1.BPJS Employment 2.BPJS Employment
Informal Workers	Compulsory	OAS	Provident Fund / DC	Fully funding	BPJS Employment
Formal Workers	Voluntary	Occupational Pension	1. DB 2. DC	1.Fully funding 2.Fully funding	1.EPF 2) 2.EPF / FIPF 3)
Informal Workers	Voluntary	Individual Pension	DC	Fully funding	FIPF

Source : Agus Susanto Social Security Reform in Indonesia, 2016

Note : i) OAS : Old-age Saving, ii) EPF : Employer Pension Fund iii)FIPF : Financial Institution Pension Fund, iv) DB : Defined Benefit; v) DC : Defined Contribution.

Reforming the Civil Servant (PNS) Pension Program in Indonesia.

Choice of changes to the pension program system,

Table 6:-Comparative components Pay as You Go and Fully Funded scheme.

Components	Pay as You Go	Fully Funded
Fund Sources	Subsidized from employers (government / employers)	Collected from shared contributions, participants and employers
Impacts	There is no accumulation of funds	An accumulation of funds has occurred so that it becomes a future savings
National Financial Reserves	Do not create national financial reserves	Creating national financial reserves
Long-term Impact	Incriminating employers	Relieves employers
Gross Domestic Product (GDP)	Does not increase GDP	Increasing GDP
Impact on Employment	Does not create jobs	Create jobs
Compliant with Productive Capital	Not creating productive Capital because its contribution is immediately channeled	Creating productive Capital because its contribution is collected

Source: Subianto, Achmad in Suryanto. 2014. Pension System for Civil Servants: Realizing a Fully Funded Pension Funding System. Journal of Civil Servants Policy and Management Vol. 8, pg. 87

From table- above which explains there is a change in the fully funded scheme component applied and replacing the pay as you go scheme. Institutionally there are changes where the government will no longer pay pension benefits to retired civil servants because all pension benefits will be paid by the government. by pension institutions designated by the government using funds collected from participants. But in terms of institutional protection, the Government bears the loss of investment experienced by pension institutions which will cause the value of the retirement fund balance of each participant to decrease. When that happens, there is a possibility that the number of pension benefits received by participants is actually smaller than the benefits received when the pay as you go scheme is used. Chile, when implementing the fully funded scheme in its pension system, made a policy that the government bears the minimum amount of pensions in the event of things outside the expected conditions.

The description of the implications of changes in the system inspires the need to make professional institutional choices in order to increase pension benefits while reducing the fiscal or APBN burden in the future. Of course a professional institution is an institution that is managed based on applicable laws and regulations and can maintain and improve the service of its products (basic contributions and development).

Possibility of institutional transformation.

The prospect of organizing a civil servant pension programAt present, a Government Regulation Plan (RPP) has been drawn up regarding the basis for the operationalization of the PNS pension program. The foundation of RRP surveillance is Article 91 paragraph (6) and Article 92 paragraph (4) of Law Number 5 Year 2014 concerning State Civil Apparatus, needing to stipulate Government Regulations concerning Pension benefit (JP) and Old Age saving (JHT) of Civil Servants;

The contents of the government legal drafting (RPP) are as follows:

1. Civil Servants Pension Fund is a collection of government contributions and contributions of Civil Servants to be developed and used as payment for Pension Benefits of Civil Servants
2. Civil Servants Savings Funds are collections of government contributions and contributions from Civil Servants to be developed and used as payments for the Benefits of Savings for Civil Servants.
3. A PNS Pension Fund is formed in the Treasury of the Ministry of State which organizes government affairs in the financial sector.

In conception there are several choices of forms or institutions of the PNS Pension Fund seen in the picture below:
Figure-4 above mentions that there are 3 (three) institutional alternatives of the Pension Fund of the Civil Servants. The first choice is as planned in one of the articles in the JP and JHT RPP. The concept is basically the payment of pension benefits no longer through third parties (PT Taspen (Persero), considering that payments can be made directly to retirees. The second option is to integrate PT Taspen and Pt Asabri into BPJS Employment. The second choice base is Government Regulation (PP) Number 45 of 2015 explaining the Implementation of the Pension Guarantee Program. The Government Regulation (PP) was compiled to implement the provisions of Article 41 paragraph (8) and Article 42 paragraph (2) of the Law concerning the National Social Security System. Based on the Government Regulation (PP), the Pension Guarantee Program consists of:

1. Workers who work for the employer of state administrators;
2. Workers who work for employers other than state administrators

In article 3 paragraph (1.2) Government Regulation (PP) "Participation in the Pension Guarantee program starts effective from the time the worker is registered and the first contribution has been paid and paid by the employer other than state administrators to BPJS Employment, as evidenced by the existence proof of payment from BPJS Employment ". Can be noted that the membership of the Guarantee. The pension benefit will be ended if the participant passed away.

The third option is to keep PT Taspen and PT Asabri still as a form or institution for the PNS Pension Program. This third choice basis is Roadmap PT Taspen (Persero) know 2014-2029. This Roadmap presents the disharmony of laws and regulations in the BPJS Law and the ASN Law.

While there is a fourth option in forming a new institution for civil servant pension plans. The fourth option can be seen in Figure - 5 below:

The form of the institution of the civil servant pension program is part of the business process of the trustee institution.

Conclusions and recommendations:-

The current data shows that there are a decreasing benefit indicated by decreeing replacement ratio and increasing the growth pension spending in Indonesia. Compare to some foreign countries, the growth total spending on Paygo scheme to gross domestic product (GDP) is relatively constant and low which is only 1%. This means there is a momentum to reform civil servant (PNS) pension program. The legal basis is Law No. 5 of 2014 concerning the State Civil Apparatus (ASN) mandates the Government to reform the Pension Funding system. Explicitly, this mandate is stated in article 91 paragraph (5), which states that the source of funding for pension benefit and old age saving for civil servants comes from the government as the employer (Government) and the employee contribution (PNS). In addition the “GoI” has experienced in reforming private pension program since 1992. In addition, the “GoI” is willing to implement national social security system which is target will be achieved in 2029.

Explorative study on international experience from various countries in the implementation of pension program includes: i) Asean countries (Singapore, Malaysia, Thailand, Philippines and Vietnam) the need for the Government as employer to contribute contributions, ii) Program management with the principle of "Mutual Cooperation" (Chile and Peru), Legislative support is needed (Chili, Australia). In the principle of "mutual cooperation" Indonesia implements a multi-billion dollar system model (mandatory retirement plan, voluntary pension program and voluntary savings) as Chiei has done since 1980. Considering the application of this model requires a very large pension cost, funding sources need to be explored business from the private sector and the public sector. In this case the Government of Indonesia could adopt the Chilean experience with various adjustments based on applicable legislation and existing fiscal capabilities.

In Indonesia, there are 4 (four) choices in the form of institutions for implementing PNS pension programs, namely: i) within the Ministry of Finance, ii) Integrating PT Taspen into BPJS Employment, iii) PT Taspen becomes an insurance institution that synergizes with existing Institutions, iv) Establish Trustee institution that manages investment funds as a national reserve. The four institutional models involved in implementing the pension program must be in compliance with laws and regulations that in operationalization must be able to improve their adequacy, can be funded by workers and affordable workers and can reduce the burden of the National Budget in the long term (Sustainable). In the initial stages of reform from PAYGO to Fully Funded, Indonesia was able to adopt the Chilean experience in implementing the system account from an individual funded (pre funded define contribution

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