

The Urgency of Wage Regulation for Gig Economy Workers in Indonesia

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Article	Abstract
<p>How to cite: Encik Lukmanul Hakim, 'The Urgency of Wage Regulation for Gig Economy Workers in Indonesia' (2025) Vol. 6 No. 1 Rechtenstudent Journal Sharia Faculty of KH Achmad Siddiq Jember State Islamic University.</p> <p>DOI: 10.35719/rch.v6i1.284</p> <p>Article History: Submitted: 02/02/2025 Reviewed: 18/02/2025 Revised: 07/07/2025 Accepted: 02/08/2025</p> <p>ISSN: 2723-0406 (printed) E-ISSN: 2775-5304 (online)</p>	<p>The advancement of digital technology has driven the emergence of a new work model known as the gig economy, particularly in Indonesia, characterized by the increasing number of freelance workers based on digital platforms. Despite offering flexibility, gig workers face serious challenges related to legal protection and fulfillment of labor rights, such as the lack of recognition of formal employment status and uncertainty of wage guarantees. This study examines the legal protection for gig workers from the perspective of labor law in Indonesia, comparing national regulations and practices in countries such as the United Kingdom and the Netherlands. The findings show that Indonesian regulations are inadequate to ensure fair protection for gig workers, thus policies regulating employment status, minimum wages, and inclusive social security are needed. Proper enforcement of legal protection is expected to create a fair and sustainable work ecosystem in the digital economy era.</p> <p>Keywords: <i>Gig Economy, Legal Protection, Freelance Workers.</i></p> <p>Abstrak</p> <p>Perkembangan teknologi digital telah mendorong munculnya model kerja baru yang dikenal dengan gig economy, terutama di Indonesia, yang ditandai dengan meningkatnya jumlah pekerja lepas berbasis platform digital. Meskipun menawarkan fleksibilitas, pekerja gig menghadapi tantangan serius terkait perlindungan hukum and pemenuhan hak ketenagakerjaan, seperti tidak adanya pengakuan status kerja formal dan ketidakjelasan kepastian upah. Studi ini mengkaji perlindungan hukum bagi pekerja gig dalam perspektif hukum ketenagakerjaan di Indonesia, dengan membandingkan regulasi nasional and praktik di negara lain seperti Inggris and Belanda. Hasil kajian menunjukkan bahwa regulasi di Indonesia belum memadai untuk menjamin perlindungan yang adil bagi pekerja gig, sehingga diperlukan kebijakan yang mengatur status kerja, upah minimum, dan jaminan sosial yang inklusif. Penegakan perlindungan hukum yang tepat diharapkan dapat menciptakan ekosistem kerja yang adil dan berkelanjutan dalam era ekonomi digital.</p> <p>Kata Kunci: <i>Ekonomi Gig, Perlindungan Hukum, Pekerja Lepas.</i></p>

Introduction

The development of digital technology has given rise to a major transformation in the global employment landscape, including in Indonesia. One form of this transformation is the emergence of a work model known as *the gig economy*, a flexible work model based on a digital platform that allows individuals to work as partners or freelancers without a permanent employment bond. In Indonesia, this phenomenon is marked by the increasing number of platform workers such as Gojek, Grab, Shopee, Tokopedia, and various other digital service

providers. According to data from the Central Statistics Agency (BPS), the growth of gig workers in Indonesia has increased by more than 30% in the last five years.¹

The rise of digital technology has profoundly transformed the global employment landscape, a shift acutely felt in Indonesia. This transformation is largely characterized by the emergence of the gig economy, a flexible work model facilitated by digital platforms where individuals operate as partners or freelancers without traditional permanent employment bonds. In Indonesia, this phenomenon is evident in the burgeoning number of platform workers associated with services like Gojek, Grab, Shopee, Tokopedia, and various other digital service providers. According to data from the Central Statistics Agency (BPS), the growth of gig workers in Indonesia has surged by over 30% in the last five years.²

However, despite the flexibility and ease of access to work offered, gig workers face significant challenges, particularly concerning legal protection and the fulfillment of employment rights. The majority lack a formal employment relationship recognized by Law No. 13 of 2003 concerning Manpower, consequently missing out on fundamental rights such as minimum wages, social security, or work safety protection. A study by Indra and Nawangsari (2025) revealed that 70% of gig workers do not receive wages meeting minimum standards, and more than 60% lack any form of social protection.³

The ambiguous legal status of gig workers in Indonesia means they are not legally protected in the same way as formal workers. Yet, in practice, digital platform companies often exert control over working hours, assessment mechanisms, and even work rates, elements that typically indicate an employment relationship. This creates an imbalance in protection between formal and non-formal workers, leaving gig workers vulnerable.⁴

However, behind the flexibility and ease of access to work offered, gig workers face a number of serious problems, especially in terms of legal protection and fulfillment of employment rights. The majority of them do not have a formal employment relationship recognized by Law No. 13 of 2003 concerning Manpower, so they do not receive the right to minimum wages, social security, or work safety protection.⁵ A study by Indra and Nawangsari (2025) showed that 70% of gig workers do not receive wages that meet minimum standards, and more than 60% do not receive any social protection.⁶

The unclear legal status of gig workers in Indonesia means they are not legally protected like formal workers. In practice, however, digital platform companies still have control over working hours, assessment mechanisms, and even work rates, which should indicate an element of employment. This creates an imbalance in protection between formal and non-formal workers.⁷

¹ Indra and Sefti Afi Nawangsari, "Legal Protection for Gig Economy Workers from the Perspective of Labor Law in Indonesia", *HAKIM: Journal of Law and Social Sciences*, Vol. 3, No. 1, Februari 2025, 937.

² Alex De Ruyter and Riani Rachmawati, "Understanding the working conditions of gig workers and decent work: evidence from indonesia's online ojek riders", *Sozialpolitik Ch*, Vol. 2 (2020), 159.

³ Izanatul Najiha & Sebastian Herman, "Factors affecting the gig economy of labor productivity in ride hailing services", *DER*, Vol. 1, No. 1, (2024), 474.

⁴ Arianna Tassinari and Vincenzo Maccarrone, "Riders on the storm: workplace solidarity among gig economy couriers in Italy and the UK", *Work Employment and Society*, Vol. 34, No. 1, (2019), 39.

⁵ Akhand Adityo Latri, et al., "Workers' Rights in the Gig Economy Era: Legal Protection for Freelance and Contract Workers", *Indonesian Legal Media*, Vol. 2, No. 2, (2024), 376.

⁶ Indra and Sefti Afi Nawangsari, *op. cit.*, 939.

⁷ Qolbi Hanif Fadhlulloh, et al., "Comparison of the Legal Status of Gig Economy Workers in Indonesia, the Netherlands, and the UK", *Fundamental Journal*, Vol. 12, No. 2, 2023, 307.

In countries such as the UK and the Netherlands, gig workers have gained legal recognition as workers entitled to employment protections. The UK Supreme Court in *Uber v Aslam* ruled that Uber drivers should be considered “workers” entitled to the minimum wage and other employment rights.⁸ This is an important precedent showing that digital platforms cannot simply abdicate their employment responsibilities by claiming a partnership relationship.⁹

Unfortunately, in Indonesia there is no regulation that specifically regulates wage provisions for gig workers. The Job Creation Law and its derivative regulations are still biased towards conventional work models and have not been able to address the complexity of digital-based employment relationships.¹⁰ As a result, gig workers are vulnerable to exploitation through a non-transparent profit-sharing system and a partnership contract mechanism that does not provide legal certainty.

Given the significant contribution of gig workers to the national digital economy, it is important to formulate policies that can guarantee legal certainty and wage fairness for them. Clear recognition of work status, setting appropriate minimum wages, and expanding the scope of employment protection are urgent steps to create an inclusive and fair work system in this digital era.

Research Method

This study uses a normative legal approach combined with a comparative approach. The normative legal approach is used to examine relevant laws and regulations, such as Law No. 13 of 2003 concerning Manpower, Law No. 11 of 2020 concerning Job Creation, and its derivative regulations, in order to analyze the adequacy of legal protection for the wage rights of gig economy workers. Meanwhile, a comparative approach is used to compare the regulation and protection of wages for gig workers in Indonesia with several countries such as the UK and the Netherlands, which have provided legal recognition for platform workers. Secondary data was obtained through a literature study of related literature, journals, regulations, and court decisions, which were then analyzed descriptively qualitatively to gain an in-depth understanding of the urgency and direction of legal reform in the context of wage regulation for gig economy workers in Indonesia.

Results and Discussion

Indonesia's current legal framework, particularly Law No. 13 of 2003 on Manpower, isn't equipped to handle the realities of gig economy workers. Despite digital platforms labeling these individuals as “partners,” the significant control they exert over work assignments, pricing, and penalties strongly suggests an employment relationship as defined by Indonesian labor law. This mismatch leaves gig workers vulnerable, often without access to crucial protections like minimum wage guarantees, occupational safety, or social security. It's a critical gap that needs urgent attention to ensure fair treatment for this growing segment of the workforce.

⁸ Ibid., 312.

⁹ Jeremias Prassl, *Humans as a Service: The Promise and Perils of Work in the Gig Economy*, (Oxford: Oxford University Press, 2018), 65.

¹⁰ Akhand Adityo Latri et al., op. cit., 382.

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A normative analysis reveals that the three essential elements of an employment relationship work, wages, and subordination are frequently present in platform-based work, even if they are denied contractually. This legal inconsistency puts gig workers at a severe disadvantage, as they lack the fundamental protections enjoyed by traditional employees. For example, platform-controlled profit-sharing models often fall outside the legal definition of "wages," further complicating their claim to fair compensation. This creates a power imbalance, significantly weakening the bargaining position of these workers.

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A comparative review underscores these findings, highlighting how other jurisdictions have addressed similar issues. In the UK, the *Uber v. Aslam* judgment by the Supreme Court notably reclassified platform drivers as "workers," entitling them to minimum wages and other employment protections. Similarly, the Netherlands has initiated legal reforms to recognize platform workers' rights to basic labor protections under specific conditions of dependency and control. These international precedents demonstrate that legal innovation is possible and necessary to ensure gig workers receive their due rights.¹³

Ultimately, the study's findings highlight the pressing need for Indonesia to update its labor regulations to reflect the evolving nature of work in the digital age. This could involve expanding the current definition of an employment relationship or introducing an entirely new framework specifically for digital labor. Ensuring the right to fair wages for all types of

¹¹ Kirabo Anan, "The Evolution of Employment Law in The Gig Economy," *Journal of Modern Law and Policy*, Vol. 4 No. 2, (2024), 31.

¹² Ni Kadek Ayu Sri Undari and Haruka Sugiyama, "Gig Economy Worker's Legal Status: Employee or Independent Contractor?," *Focus Journal Law Review*, Vol. 4 No. 1 (2024), 40.

¹³ Jamie Woodcock and Mark Graham, *The Gig Economy: A Critical Introduction*, (Cambridge: Polity Press, 2020), 41.

workers, including those in the gig economy, is not just about legal compliance but also about promoting social justice and fostering sustainable economic development. It's a fundamental step toward creating a more equitable work environment.

Gig Economy Workers' Minimum Wage Rights in Indonesia

The rapid development of digital technology in Indonesia has given birth to a new work system known as the gig economy, a flexible digital platform-based work system that is not bound by time or place. Gig workers such as online motorcycle taxi drivers, instant couriers, and other digital service workers work through applications and are generally categorized as partners, not as permanent employees. This raises legal issues because these gig workers do not automatically receive legal protection for employment as regulated in Law Number 13 of 2003 concerning Manpower, especially regarding the right to minimum wages, social security, and other work protections.¹⁴

According to the Employment Law, an employment relationship is formed by three main elements, namely work, wages, and orders. However, in the practice of the gig economy, the element of "orders" is often not explicitly visible because the employment relationship is constructed as a partnership. In fact, digital platforms still control many aspects of work, such as the assessment system, order distribution, to penalties or account suspensions that function like supervision in formal employment relationships.¹⁵ Due to the lack of formal recognition of the employment relationship, gig workers are not entitled to the minimum wage as stipulated in applicable regulations.¹⁶

Research conducted by Indra and Nawangsari (2025) shows that more than 70% of gig workers do not receive minimum standard wages, and only 20% have written employment contracts.¹⁷ This shows a clear gap between the work flexibility promised by the gig economy and the reality of the weak legal protection received by its workers. In fact, around 60% of gig workers do not have access to basic social security such as BPJS Employment and health.¹⁸

The absence of specific provisions for gig workers in the Employment Law places them in a legal gray area. The term "partner" in contracts used by digital platforms is a form of evasion of legal responsibility as an employer. In practice, however, the platform determines service rates, sets work rules, and facilitates payments, so that the bargaining position of workers is very weak.¹⁹

In other countries such as the UK and the Netherlands, the status of gig workers has been legally recognized. The UK Supreme Court ruling in *Uber v. Aslam* (2021) established that Uber drivers have a legitimate employment relationship and are entitled to a minimum wage, annual leave and reasonable working hours. In contrast, in Indonesia, there is no

¹⁴ Law Number 13 of 2003 concerning Manpower

¹⁵ Qolbi Hanif Fadhlulloh, et.al., "Comparison of the Legal Status of Gig Economy Workers in Indonesia, the Netherlands, and the UK", *Fundamental Journal*, Vol. 12, No. 2, 2023, 307.

¹⁶ Xunyi Wang, Yu Wei Lin, Wencui Han, "Does regulation help? The impact of California's AB5 on Gig Workers". In T. X. Bui (Ed.), *Proceedings of the 56th Annual Hawaii International Conference on System Sciences, HICSS 2023* (pp. 3557-3566). (Proceedings of the Annual Hawaii International Conference on System Sciences; Vol. 2023-January). IEEE Computer Society.

¹⁷ Indra and Sefti Afi Nawangsari, op. cit., 939.

¹⁸ Ibid., p. 939

¹⁹ Akhand Adityo Latri, et al., *Workers' Rights in the Gig Economy Era*, Indonesian Legal Media, Vol. 2 No. 2, (2024), 375.

regulation or jurisprudence that explicitly states the status of gig workers as workers entitled to a minimum wage.²⁰

In addition, the profit-sharing system commonly used in the gig economy often does not meet the element of "wages" as stipulated in Article 1 number 30 of the Manpower Law. Payment to workers is based on the number of services successfully completed, not on hours worked or consistent workload. This model places workers in a vulnerable position of exploitation due to income uncertainty and the absence of a minimum income guarantee.

Another problem is the absence of protection in *force majeure situations* or drastic declines in orders due to internal company policies. Not a few gig workers have experienced unilateral rate cuts by platforms, without any legal channels that can be taken to express objections. This indicates the importance of the state being present through firm legal policies that side with workers. In the context of legislation, the government has issued Regulation of the Minister of Manpower Number 5 of 2021 which regulates fixed-term work agreements and casual daily workers. However, this regulation does not explicitly regulate digital application-based gig workers. Therefore, there is a legal vacuum that causes many gig workers to not receive adequate employment legal protection.

A comparative study conducted by Fadhlulloh, Azhari, and Rizka shows that Indonesia lags behind the UK and the Netherlands in providing legal protection for gig workers. In both countries, gig workers are recognized as workers who are entitled to employment protection including minimum wages and social security.²¹ This study emphasizes the importance of labor law reform in Indonesia to align with the dynamics of modern digital work.²² Although the gig economy has made a major contribution to the national digital economy, protection for its workers is still very minimal. This is exacerbated by the absence of significant revisions to the Employment Law that can accommodate digital work patterns. As a result, millions of gig workers remain in exploitative working conditions and without adequate legal guarantees.²³

Sandy Satria emphasized that the state has a constitutional obligation to ensure the welfare of all citizens, including digital workers. Therefore, there needs to be a special regulation or an expansion of the meaning of employment relations in the Employment Law to include employment relations based on digital platforms that are increasingly developing massively.²⁴ Steps that can be taken include recognizing the status of gig workers as workers in a new category, establishing a minimum wage scheme based on projects or working hours, and requiring gig workers to register in the labor social security scheme. This will ensure that all workers, without exception, can work safely, properly, and humanely.²⁵ Thus, it is very clear that labor law reform in Indonesia is not only urgent, but also essential in responding to the challenges of digital disruption. The formation of a new work system must be

²⁰ Michael Dunn, "Making gigs work: digital platforms, job quality and worker motivations. *New Technology, Work and Employment*, 35: 232-249."

²¹ Andrew Stewart and Jim Stanford, "Regulating work in the gig economy: what are the options?" *The Economic and Labour Relations Review*, Vol. 28 No. 3 (2017), 425.

²² Supreme Court UK, *Uber v Aslam*, (2021) EWCA Civ 2748.

²³ Fadhlulloh, et al., *Comparison of Legal Position...*, p. 310-311.

²⁴ *Ibid.*, 312.

²⁵ Indonesian Minister of Manpower Regulation No. 5 of 2021.

accompanied by the formation of new regulations that guarantee a balance between business flexibility and social justice for workers.²⁶

The Need and Best Legal Approach to Ensure Fair and Certain Wages for Gig Economy Workers in Indonesia

The rapid growth of the digital economy has made *the gig economy* an integral part of the Indonesian job market. This platform-based work model offers flexibility, efficiency, and easy access to work. However, behind these advantages, there are serious issues regarding legal protection, especially in terms of wage certainty and fairness for workers. Gig workers generally do not have a formal employment relationship, so they are not entitled to the minimum wage as stipulated in the Indonesian Manpower Law.²⁷

The urgency of legal regulation of gig worker wages is motivated by increasing social vulnerability due to unclear legal status. Based on research by Indra and Nawangsari, as many as 70% of gig workers do not receive wages according to minimum standards, and only 20% have written work agreements.²⁸ In fact, most of them work for the same duration and workload or even more than formal workers. This condition creates structural inequality in the labor market and widens the welfare gap between groups of workers.²⁹

Furthermore, the “partner” status attached by digital platforms to gig workers not only implies the loss of the right to minimum wages, but also frees companies from the responsibility of providing social security and work protection.³⁰ In fact, companies have control over service rates, order distribution systems, and sanctions. This shows *factual subordination* even though the legal employment relationship is not recognized.³¹

This inequality requires progressive legal intervention to adjust regulations to the dynamics of digital work. Sandy Satria's research emphasizes that the labor law system in Indonesia is still not responsive to the reality of gig work, so new regulations are needed that are adaptive and contextual.³² In this regard, the Indonesian government needs to learn from countries such as the UK and the Netherlands, which have recognized gig workers as “workers” with the right to minimum wages and basic employment protections.³³

²⁶ Yeni Nuraeni, *Analysis of Indonesian Manpower Law in Facing the Industrial Revolution 4.0*, Jurnal Ketenagakerjaan, Vol. 15 No. 1, 2020.

²⁷ Law No. 13 of 2003 concerning Manpower.

²⁸ Indra & Sefti Afi Nawangsari, *Legal Protection for Gig Economy Workers*, HAKIM, Vol. 3 No. 1, 2025, p. 939

²⁹ Ibid., p. 940.

³⁰ Nikos Koutsimpogiorgos, et.al, “Conceptualizing the Gig Economy and Its Regulatory Problems,” Policy & Internet, Vol. 12 No. 4 (2020), 530.

³¹ Akhand Adityo Latri, et al., *Workers’ Rights in the Gig Economy Era*, Indonesian Legal Media, Vol. 2 No. 2, 2024, p. 378.

³² I Gde Sandy Satria, *Protection of Gig Economy Workers’ Rights through the Perspective of Employment Law*, Nomos, Vol. 5 No. 1, 2025, pp. 129–130

³³ Sugita Khanal and Madhav Prasad Khanal, “Regulating gig economy in nepal: how can nepal benefitted from the gig platform?,” J. Musikot Campus, Vol. 2 No 1, (2024), 182.

The ideal form of legal regulation can be in the form of two main approaches. First, expanding the definition of employment relations in the Manpower Law to include digital employment relations that contain elements of subordination even though they are packaged in partnership contracts. This will open up legal access for gig workers to normative rights such as minimum wages, working hours, and protection from layoffs.³⁴ Second, the establishment of a special law on digital work (digital labor law), which regulates the classification of gig workers as independent workers who have minimum rights to basic income, social security, and protection against platform exploitation practices. This regulation is important to accommodate the diversity of gig work models that cannot all be adjusted to the formal framework.³⁵ In the context of wages, the regulation must establish a mechanism for determining minimum wages based on working hours or work output that is decent and transparent. This system must involve state supervision of the rate-setting algorithm, as well as provide space for worker participation in determining fair income standards.

In addition, the government can develop a fast and inexpensive mechanism for mediating and resolving digital disputes between platforms and gig workers. Institutions such as the Industrial Relations Court can be expanded in function or a new work unit can be formed under the Ministry of Manpower to resolve digital employment disputes fairly and effectively. Another urgency of this legal update is to prevent the spread of outsourcing practices and fixed-term work agreements (PKWT) which are used to avoid the obligation to pay minimum wages and social security. Article 56 paragraph (3) of the Job Creation Law which allows for an indefinite extension of PKWT has been criticized for opening up loopholes for exploitation of digital workers.

With responsive regulations, gig workers will have legal certainty and justice in obtaining a decent income. This will not only improve their quality of life but also make a significant contribution to national economic stability. When gig workers are legally protected, productivity, loyalty, and social security will increase. Finally, the role of the state is vital in bridging the needs of the business world with social justice for workers. The state must not be neutral amidst the imbalance of power between platform companies and gig workers. Therefore, inclusive labor law reform for gig workers is not only an option, but a necessity in the era of the digital economy.

Conclusion

The legal status of gig economy workers in Indonesia is still in a grey area because they are categorized as “partners” or independent workers, not workers in the formal sense who are subject to the provisions of the Manpower Law. As a result, gig workers are not entitled to minimum wages, social security, and employment relationship protection as they should be.

³⁴ Ibid., 190.

³⁵ Richard A. Bales and Ana Mikhelidze, “Legal responses to the rise of the on-demand economy in georgia and the united states,” *Journal of Contemporary Law*, Vol. 1 No. 1 (2019), 109.

Although in fact digital platforms regulate various aspects of work, including rates and penalty systems, this employment relationship is not legally recognized. This leaves gig workers in a position that is very vulnerable to exploitation and income uncertainty. The inconsistency between digital employment practices and the existing legal framework requires a redefinition of employment relationships so that gig workers gain legal recognition and access to basic employment rights, including the right to a minimum wage.

The urgency of legal regulations that protect gig workers arises from the unclear legal status and high inequality in wage protection and social security. To ensure wage certainty and fairness, an ideal regulatory update is needed in the form of two approaches: first, expanding the definition of employment relations in the Manpower Law to include digital employment relations with an indirect subordination system; second, the establishment of a special law on digital work that sets minimum wage standards based on time or output and social security obligations. Supervision of platform algorithms and digital dispute resolution also need to be formalized. With this approach, the state can ensure that gig workers receive legal protection equal to formal workers and prevent hidden exploitation that occurs in flexible application-based work systems.

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