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## **Reconstructing Employment Law in the Gig Economy: A Legal Perspective on the Employment Relationship of Gig Workers**

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### **Abstract**

The rapid expansion of the gig economy has transformed the traditional framework of labor relations, creating significant challenges in defining the employment status of gig workers. This article examines the employment relationship of gig workers from a legal perspective, focusing on the blurred boundaries between independent contractors and employees. Through doctrinal legal research and comparative analysis, the study explores how existing labor laws inadequately address the unique characteristics of gig work, such as algorithmic management, flexible work arrangements, and lack of social protection. The findings reveal that conventional definitions of employment fail to capture the hybrid nature of gig work, leading to gaps in legal protection and enforcement. To address these issues, the article proposes a reconstruction of employment law by adopting a more inclusive and adaptive legal framework that balances flexibility with fair labor standards. Such reform is essential to ensure that gig workers are not excluded from fundamental labor rights, including job security, collective bargaining, and access to social protection. Ultimately, this study contributes to the ongoing discourse on labor law reform in the digital era by highlighting the urgent need to reimagine the employment relationship within the gig economy.

**Keywords:** gig economy, employment law, gig workers, labor rights, legal reform.

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### **1. Introduction**

One of the central issues in the literature and practice of law regarding the gig economy is how to determine the status of gig workers: whether they should be classified as employees, independent contractors, or a new category such as dependent self-employment. This classification is important because it determines the type and level of legal protection that workers receive. In some countries, courts and policymakers are beginning to adapt or develop new legal approaches to address gaps in traditional legal systems. For example, a court ruling in the United Kingdom in *Uber BV v Aslam* recognized that Uber drivers are entitled to minimum wage and paid leave from the moment they are active on the app (Muldoon, 2024).

In Indonesia itself, the employment relationship of gig workers remains in a legal grey area. Labour regulations are still largely designed based on the assumption of traditional employment relationships, which require fixed working hours, a subordinate relationship, and formal obligations between employers and workers. Workers on digital platforms such as online motorcycle taxis, food delivery, or goods delivery services are often classified as partners or contractors, rather than employees, so many basic workers' rights are not fully recognized by law (Ulil Albab, 2023).

In view of this phenomenon, there is an urgent need to reconstruct employment law to make it more adaptive to the new realities of the gig economy. This reconstruction includes, among other things: a more inclusive definition of employment relationships; regulations on worker status that take into account elements of control, risk, and benefits; and a regulatory framework that guarantees fairness, legal certainty, and worker welfare without sacrificing the flexibility that is one of the main attractions of gig work.

This study aims to provide a legal perspective on the employment relationship of gig workers through an analysis of doctrine, court practice, national and international regulations, and a comparison of various approaches to worker status classification. Thus, it is hoped that this study can propose relevant legal reforms for policymakers, courts, and related parties in ensuring that the gig economy does not become a source of legally and socially vulnerable work.

Based on the background described above, several key legal issues that are the focus of this study can be formulated, namely:

1. What is the legal relationship between gig workers and digital platforms from the perspective of labour law in Indonesia?
2. What are the legal obstacles to the application of labour laws and regulations to gig workers in Indonesia?
3. What is the ideal model for reconstructing labour law to provide fair legal protection for gig workers without hindering the flexibility of the digital economy?
4. How can the ideal formulation of the Minister of Manpower Regulation provide fair legal protection for digital platform-based workers in Indonesia?

These issues are expected to form the basis for analysis in examining the gap between positive legal norms and the reality of working relationships in the gig economy, as well as finding directions for relevant and applicable legal reforms.

## **2. Research method**

This study uses a normative legal research method (doctrinal legal research) with a conceptual and comparative approach. This approach was chosen because the study focuses on analysing positive legal norms, doctrines, and labour law principles relevant to employment relationships in the gig economy. Normative legal research aims to examine the law as a system of written norms (law in books), rather than its implementation in the field (law in action) (Mamudji, 2019).

The conceptual approach is used to understand the concepts of ‘employment relationship’ and ‘employment status’ from a labour law perspective, as well as how these concepts need to be reconstructed to suit the characteristics of gig work, which is flexible, algorithm-based, and involves minimal direct subordination. This approach helps researchers identify and critique the conceptual boundaries between independent contractors and employees as defined in Law No. 13 of 2003 in conjunction with Law No. 6 of 2023 on Labour (Marzuki, 2017).

Meanwhile, the comparative approach is used to analyse and compare the legal status of gig workers in various jurisdictions, such as the United Kingdom, the United States, and the European Union. This approach aims to identify best practices in labour law reform that can be adapted to the Indonesian legal context. Examples include the application of the ‘control and dependence’ test in the case of *Uber BV v Aslam* UKSC 5 in the United Kingdom, as well as the ABC Test model in California Assembly Bill No. 5 (AB5), which broadens the definition of an employee in the United States (V., 2016), (Prassl, 2018).

The legal materials used in this study consist of:

1. Primary legal materials, including national legislation (the Manpower Act, the Job Creation Act, and its implementing regulations), court decisions, and international legal instruments such as International Labour Organisation (ILO) Recommendation No. 198 concerning the Employment Relationship ((ILO), 2006).
2. Secondary legal materials, in the form of scientific literature, textbooks, international journal articles, research results, and expert opinions relevant to the issue of employment relationships in the gig economy.
3. Tertiary legal materials, such as legal dictionaries and encyclopaedias used to clarify legal terms.

The analysis technique used is descriptive qualitative analysis, which involves systematically and argumentatively interpreting legal materials to identify legal principles, concepts, and norms that can be used as a basis for reconstructing labour law in response to the gig economy phenomenon. This analysis is carried out by identifying the gap between existing legal norms and employment practices on digital platforms, then formulating a new legal model that is more inclusive and adaptive to developments in the digital economy (Marzuki, 2017), (Mamudji, 2019).

### **3. Results and Discussion**

The development of digital technology has given rise to a new phenomenon in modern working relationships known as the gig economy. This concept describes a digital platform-based work system that allows individuals to offer services flexibly without being tied to a specific time or place, as is the case with ride-hailing services, delivery services, and freelance platforms. This type of work model provides convenience and new economic opportunities for the public, but at the same time poses serious challenges to the labour law system, which is still oriented towards traditional employment relationships (V., 2016).

In the context of Indonesian labour law, employment relationships are normatively regulated in Law No. 13 of 2003 on Manpower, as amended by Law No. 6 of 2023 on Job Creation. This regulation emphasises that an employment relationship arises from an employment agreement between a worker and an employer that includes the elements of work, wages, and orders. However, in the practice of the gig economy, the relationship between workers and platforms often does not explicitly fulfil the element of ‘command’, so gig workers are categorised as business partners (independent contractors), not workers in the sense of labour law (Undari N. &, 2024). As a result, many gig workers lose access to basic rights such as social security, occupational health and safety protection, severance pay, and protection against unilateral termination of employment.

The issue of the legal status of gig workers is not unique to Indonesia. In various other jurisdictions, courts and legislators are attempting to formulate new approaches to accommodate the reality of digital work. For example, in the case of *Uber BV v. Aslam*, the High Court of England ruled that Uber drivers are entitled to be considered workers who are entitled to minimum wage and paid leave. Meanwhile, in the United States, several states, such as California through Assembly Bill No. 5 (AB5), are attempting to expand the definition of ‘employee’ to include gig workers based on a test of control and independence (Prassl, 2018).

In Indonesia itself, there are no specific regulations that explicitly regulate the legal status of gig workers. The government still uses a sectoral and administrative approach, such as through Minister of Transportation Regulation No. 118 of 2018 concerning the Operation of Special Rental Transportation for online motorcycle taxi drivers. However, these regulations mostly govern licensing and technical operational aspects, rather than civil or labour relations between platforms and their partners (Ulil Albab S. H., 2023).

Therefore, a reconstruction of labour law in Indonesia is needed in order to respond to the dynamics of working relationships in the gig economy. This reconstruction could include updating the definition of working relationships to be more adaptive to digital models, applying the principle of social justice in flexible working relationships, and strengthening the role of the state in ensuring minimum protection for gig workers without eliminating the flexibility of the digital economy. This study seeks to examine the legal relationship of gig workers from the perspective of Indonesian labour law and offers a normative reconstruction model to achieve a balance between worker protection and legal certainty for digital platforms.

### 3.1. The Legal Relationship Between Gig Workers and Digital Platforms from the Perspective of Labour Law in Indonesia

Based on the results of research by Boy Joshua P. Tampubolon et al., the legal relationship between gig workers and digital platforms does not fulfil the elements of an employment relationship as referred to in Article 1 point 15 and Article 50 of Law No. 13 of 2003 concerning Manpower, which emphasises the elements of command (subordination), work, and wages. In practice, the relationship between gig workers (e.g. online motorcycle taxi drivers) and platform companies such as Gojek or

Grab is categorised as a partnership relationship as stipulated in Article 1338 of the Civil Code, rather than an employment relationship under labour law (Boy Joshua P. Tampubolon, 2025).

‘The legal relationship between gig workers is a partnership relationship... A partnership relationship is based on an agreement as stipulated in Article 1338 of the Civil Code, while an employment relationship is based on an employment agreement as stipulated in Law No. 13 of 2003 concerning Manpower.’

This means that there is no hierarchy between superiors and subordinates in this relationship, so companies have no obligation to fulfil normative rights such as social security, minimum wages, working hours, or protection against termination of employment (PHK) (Boy Joshua P. Tampubolon, 2025).

This partnership is based more on the principles of equality and mutual benefit between the two parties (Boy Joshua P. Tampubolon, 2025).

However, in practice, this study found that the relationship is pseudo-employment because the platform still has strong control over workers through algorithmic systems, assessments, and unilateral sanctions (Boy Joshua P. Tampubolon, 2025).

‘Platform owners have complete control over workers through incentive systems, assessment algorithms, and unilateral sanction mechanisms... This places gig workers in a subordinate position without the legal protection guaranteed by Law No. 13 of 2003 on Manpower.’

Thus, although legally the relationship between gig workers and platforms is a partnership, in reality the relationship contains elements of subordination, creating legal uncertainty. This creates an urgent need for regulatory reconstruction in order to accommodate new forms of employment in the digital age (Boy Joshua P. Tampubolon, 2025).

In the context of Indonesian labour law, the legal relationship between gig workers and digital platform providers such as Gojek and Grab is not an employment relationship as formally regulated in Law No. 13 of 2003 on Manpower, but rather a partnership or ‘dependent self-employment’ relationship (SANGANI).

The journal explains that based on the International Labour Organisation (ILO) classification, employment relationships are divided into two broad categories: standard employment relationships and non-standard employment relationships. It is this second form that covers jobs in the gig economy sector. It states (SANGANI):

‘According to the International Labour Organisation's employment relationships classification, gig workers can be classified as a non-standard employment relationship in the form of dependent self-employment, which falls in a grey area between employee and independent contractor.’

This means that gig workers are not included in the category of ‘workers/labourers’ as referred to in Article 1 point 15 of the Manpower Act, which defines an employment relationship as a relationship between an employer and a worker based on an employment agreement that has the elements of work,

wages, and orders. In practice, the relationship between the platform (application company) and online drivers does not meet these three elements because (SANGANI):

- There is no direct control of orders as in a conventional employment relationship, but there is still supervision through the application system, algorithms, and ratings.
- There is no guarantee of a fixed income, as earnings depend on market demand (on-demand system).
- The relationship is bound by a partnership agreement, not an employment agreement.

This is confirmed by the journal (SANGANI):

“In this scheme, Gojek and Grab are not tied to their drivers in a working relationship. Otherwise, they consider all of the drivers to be self-employed. Thus, they call them their ‘partners’. ... The drivers fall outside of the working relationship and are not entitled to the legal protection of employment rights in employment law.”

Thus, legally speaking, the relationship between gig workers and digital companies in Indonesia is not an employment relationship in the formal sense of labour law, but a civil relationship in the form of a partnership contract. However, this relationship is asymmetrical because the company retains control through its algorithmic system, performance assessments, and the potential for unilateral termination without adequate legal protection mechanisms (SANGANI).

### 3.2. Legal Obstacles to the Implementation of Labour Laws and Regulations for Gig Workers in Indonesia

The main obstacle in the implementation of labour laws for gig workers in Indonesia is the absence of explicit regulations regarding the legal status and protection of gig workers in the applicable laws and regulations. Government Regulation No. 35 of 2021 concerning Fixed-Term Employment Agreements (PKWT) and the National Social Security System does not explicitly mention gig workers, resulting in a legal vacuum (Boy Joshua P. Tampubolon, 2025).

‘Gig workers are not explicitly mentioned in Government Regulation No. 35 of 2021... resulting in a legal vacuum and weak bargaining position, as well as the absence of labour supervision, which has led to cases of unilateral termination of employment without a fair appeal mechanism.’

In addition, existing regulations actually reinforce the position of gig workers as partners, such as in Minister of Transportation Regulation No. 12 of 2019 concerning the Protection of the Safety of Motorcycle Users for Public Interest, which emphasises that the relationship between application companies and drivers is a partnership (Boy Joshua P. Tampubolon, 2025).

However, these regulations do not specify in detail the mechanisms for sanctions, workers' rights, and partnership dispute resolution, thus opening up opportunities for abuse of power by the platform (Boy Joshua P. Tampubolon, 2025).

‘Companies are required to establish procedures for temporary termination of employment and termination of partnerships, but the stages of imposing sanctions on workers are not regulated in

detail... the highest authority in determining rules and sanctions lies with the company, which has the potential to cause uncertainty and arbitrary treatment.'

Other obstacles identified by this journal include (Boy Joshua P. Tampubolon, 2025):

- The absence of labour supervision of partnership relationships.
- Limited access for gig workers to employment social security (BPJS).
- Unclear legal status, resulting in workers not having rights to minimum wages, leave, or protection from redundancy.
- Algorithmic dominance that causes gig workers to work in controlled situations but without formal legal protection.

These conditions create an asymmetry of power between the platform and workers, making the partnership appear equal, when in fact gig workers are in a subordinate position (Boy Joshua P. Tampubolon, 2025).

The main obstacle in applying labour laws to gig workers in Indonesia is the absence of an explicit legal basis that recognises the status of gig workers in the national labour system. Gig workers cannot be categorised as formal workers (employees), but they are also not fully independent (self-employed). The journal emphasises that the position of gig workers is in a 'grey area' between the two categories (SANGANI):

Dependent self-employment is a "grey area" between the two categories. .... This flexibility is not thoroughly enjoyed as a self-employed person because the presence of a platform provider company has control over the work he does and supervises the level of performance.

Another obstacle arises from Indonesia's labour law structure, which is still oriented towards conventional employment relationships between workers and employers with elements of wages and orders. This relationship model is unable to accommodate workers with high flexibility such as those in the gig economy sector. As a result, gig workers do not obtain normative rights such as (SANGANI):

- Minimum wage;
- Employment social security;
- Protection against termination of employment (PHK);
- Workplace safety protection.
- As explained in the journal (SANGANI):  
Employers have considered that hiring self-employed people to complete specific jobs tends to be cheaper than hiring employees. ... When hiring someone as a self-employed person, they are not a subject protected by labour laws, so there is no obligation for the Company or employer to fulfil similar rights as workers.

In addition, other obstacles are sociological and administrative in nature, namely the weak awareness of gig workers regarding their legal status and the absence of institutions that specifically

oversee these digital partnerships. In practice, however, these partnerships are often subordinate in nature, as companies have complete control over algorithms, incentive systems, and sanctions (SANGANI):

The drivers claim that the partnership relationship that binds them does not reflect equality with the principle of mutual benefit but tends to be exploitative by squeezing the sweat of the drivers, while the profits are reaped by the entrepreneurs.

Thus, the legal obstacles faced by gig workers in Indonesia stem from (SANGANI):

- a legal vacuum in the regulation of gig worker status,
- a labour law paradigm that is not yet adaptive to digital forms of work, and
- an imbalance in bargaining power between platforms and workers.

### 3.3. The Ideal Model For Reconstructing Labour Law To Provide Fair Legal Protection For Gig Workers Without Hindering The Flexibility Of The Digital Economy

In the final section of the journal, Boy Joshua et al. propose an adaptive and comprehensive model for reconstructing labour laws, which aims to balance fair legal protection for gig workers with the need for flexibility for digital platforms (Boy Joshua P. Tampubolon, 2025).

A comprehensive and adaptive regulatory framework is needed to ensure protection for gig workers without hindering the operational flexibility of digital platforms.

According to the journal, the ideal reconstruction model includes several key principles (Boy Joshua P. Tampubolon, 2025):

- Application of the principles of social justice and legal equality.  
Based on John Rawls' theory of Justice as Fairness, partnership relationships must guarantee legal equality between platforms and workers, as well as a fair distribution of rights and obligations (Boy Joshua P. Tampubolon, 2025).

This theory emphasises the importance of equality in partnership relationships... implementation of partnerships must prioritise sound business ethics, and the parties involved must have equal legal standing.

- Establishment of a new regulatory framework specifically for the gig economy sector.  
The government needs to formulate derivative regulations from the Manpower Act that explicitly regulate (Boy Joshua P. Tampubolon, 2025):
  - ⇒ The legal status of gig workers (between workers and independent partners).
  - ⇒ The right to social security, fair wages, and occupational safety.
  - ⇒ Mechanisms for resolving partnership disputes.

⇒ Protection from algorithmic exploitation and unilateral sanctions.

- A preventive approach to legal protection.

Legal protection should not only be provided after violations occur, but through the drafting of transparent and good faith partnership agreements from the outset (Boy Joshua P. Tampubolon, 2025).

A preventive approach to legal protection... emphasises efforts to prevent legal violations through the drafting of transparent partnership agreements, based on good faith, and supported by clear sectoral regulations that are adaptive to the dynamics of the gig economy.

- Multi-stakeholder collaboration.

The government needs to involve the private sector, workers' organisations and international institutions (ILO, World Bank) to develop a social security system and legal training for gig workers.

- Gradual adjustment to the national legal system.

This journal recommends short- and medium-term strategies (Boy Joshua P. Tampubolon, 2025):

⇒ Short term: formation of an inter-ministerial team, mapping of workers, public consultation, and drafting of Government Regulations.

⇒ Medium term: revision of Law No. 13/2003, development of a social protection system, and digitisation of labour supervision.

Thus, the ideal reconstruction of labour law is one that can accommodate the flexibility of digital work without sacrificing social protection and the basic rights of workers — a form of ‘hybrid regulation’ that combines the principles of partnership and employment.

The **gig economy phenomenon** represents a manifestation of digital transformation in the field of employment, demanding high flexibility and challenging the structure of conventional labor relations. In Indonesia, application-based work patterns such as Gojek, **Grab**, **ShopeeFood**, and other digital freelance services present **two faces of the law**: on the one hand, they provide new economic opportunities; on the other hand, they generate **legal uncertainty** regarding workers’ employment status (Boy Joshua P. Tampubolon, 2025).

According to **Boy Joshua P. Tampubolon et al.**, the legal relationship between gig workers and digital platforms **does not fulfill the elements of an employment relationship** as defined in **Article 50 of Law No. 13 of 2003 on Manpower**, because there is **no element of command or subordination**, which constitutes the foundation of a formal employment relationship. Therefore, their relationship is constructed as a **partnership** based on **Article 1338 of the Indonesian Civil Code** (Boy Joshua P. Tampubolon, 2025).

However, factual evidence shows that digital platforms **retain full control** over the work mechanism through algorithms, performance evaluations, and incentive systems, which in essence create a covertly **subordinative relationship (pseudo-employment relationship)**. This ambiguity underscores the urgency for the state to undertake an **adaptive reconstruction of labor law** to align with the dynamics of the digital economy (Boy Joshua P. Tampubolon, 2025).

The **reconstruction of labor law** is necessary because the current regulatory framework does not explicitly cover gig workers. The **Government Regulation No. 35 of 2021** only regulates workers under formal employment relations, while gig workers are categorized as **independent partners**, thus not entitled to social security, minimum wage, or protection against termination of employment (Boy Joshua P. Tampubolon, 2025).

This **legal vacuum** weakens the bargaining position of gig workers and opens space for **algorithm-based exploitative practices**, whereby platforms can unilaterally deactivate partners without any fair appeal mechanism. Therefore, legal reconstruction is needed to place gig workers within a **proportionate protection system** without undermining the **inherent flexibility** of digital work (Boy Joshua P. Tampubolon, 2025).

According to Boy Joshua et al., the reconstruction of labor law must be grounded in the **principles of social justice and legal equality** as formulated in **John Rawls' theory of Justice as Fairness**. This principle affirms that every individual is entitled to equal basic freedoms and a fair distribution of rights and obligations within the social structure (Boy Joshua P. Tampubolon, 2025).

In the context of gig workers, labor law reconstruction should be based on the following principles (Boy Joshua P. Tampubolon, 2025):

- **Principle of Equity and Fairness.**

Partnership relations must not be illusory or unequal; they should guarantee **equal legal standing** between platforms and workers.

- **Principle of Digital Transparency and Accountability.**

Algorithms, rating systems, and sanctions must be **transparent** and subject to review by **labor supervisory** authorities.

- **Principle of Preventive Legal Protection.**

Legal protection must be provided **before disputes arise**, through partnership agreements that are lawful, transparent, and made in **good faith** (Article 1338 in conjunction with Article 1339 of the Civil Code).

- **Principle of Economic Flexibility.**

New regulations should **not restrict digital innovation**, but rather balance **business efficiency** with **social justice** for gig workers.

The proposed conceptual model of labor law is a **hybrid regulation model**, which combines **formal labor law** and **civil partnership law**. This model does not eliminate flexibility but instead adds a **minimum layer of social protection** for gig workers (Boy Joshua P. Tampubolon, 2025).

- Three-Layer Legal Structure

| Layer                                  | Legal Basis                                                            | Type of Protection                                                                 |
|----------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <b>1. Partnership Law (Civil Code)</b> | Articles 1320–1339 of the Civil Code                                   | Equality, good faith, and transparent contracts.                                   |
| <b>2. Minimum Protection Law</b>       | Derivative of Law No. 13/2003 and Government Regulation No. 35/2021    | Rights to occupational safety, social security, and dispute resolution.            |
| <b>3. Digital Flexibility Law</b>      | Sectoral regulations (e.g., Ministerial Decrees, Platform Regulations) | Algorithmic governance, flexible working hours, incentive and sanction mechanisms. |

Under this model, gig workers are **not automatically classified as permanent employees**, yet they remain protected by **basic labor norms**, including social security, protection against unilateral termination, and the right to contractual fairness.

- The Hybrid Category: “Dependent Independent Worker (DIW)”

This model introduces a new category called **Dependent Independent Worker (DIW)** — workers who are legally independent but economically dependent on a primary platform. This category enables the application of limited protections such as:

- ⇒ Mandatory social and health insurance (BPJS),
- ⇒ Access to collective bargaining through partner associations,
- ⇒ Dispute resolution mechanisms based on **digital arbitration**,
- ⇒ Algorithmic transparency (workers’ access to rating and suspension systems).

This category draws inspiration from the **Ley Riders model in Spain** and the **ABC Test (California AB5)** highlighted in Boy Joshua et al.’s study.

To realize this reconstruction model, Boy Joshua et al. propose a **two-stage strategy** (Boy Joshua P. Tampubolon, 2025):

- Short-Term Strategy (1–2 years)

- ⇒ Formation of a **cross-ministerial task force** (Ministry of Manpower, Ministry of Communication and Informatics, Ministry of Transportation, and Ministry of Cooperatives and SMEs).
- ⇒ Mapping of gig workers' status and social protection needs.
- ⇒ Drafting a **Government Regulation on Digital and Platform Workers** as a derivative of Law No. 13/2003.
- ⇒ Involving gig worker organizations such as **Online Driver Associations** and **freelancer unions** in the policy-making process.
- Medium-Term Strategy (3–5 years)
  - ⇒ Comprehensive revision of **Law No. 13 of 2003** to accommodate non-standard forms of employment.
  - ⇒ Development of a **Special Social Security System for Digital Workers (JSKPD)**.
  - ⇒ Establishment of the **Digital Economy and Labor Supervision Commission (KPEDK)** to monitor platform-based partnerships.
  - ⇒ Digitalization of complaint and legal protection systems through an **e-labor compliance platform**.

This **regulatory model** aims to ensure a balance between **digital economic efficiency** and **social justice** guarantees. As emphasized in the journal (Boy Joshua P. Tampubolon, 2025):

Balanced regulations are needed to maintain work flexibility while protecting workers' rights, especially online motorcycle taxi drivers and digital platform workers.

The development of digital technology has given rise to a new work model known as the gig economy, which is a platform-based work system that offers flexibility, efficiency, and easier access to work. However, despite its advantages, gig workers face serious problems related to legal status, wage protection, and social security (Hakim, 2025).

Most gig workers in Indonesia do not have a formal employment relationship as defined in Law No. 13 of 2003 on Manpower, meaning they are not entitled to minimum wages, social security, or occupational safety protection (Hakim, 2025).

This situation has led to structural inequality between formal and informal workers, as well as widening the welfare gap. A study by Indra & Nawangsari (2025) found that 70% of gig workers do not receive wages in accordance with minimum standards and only 20% have a written employment agreement (Hakim, 2025). This indicates legal uncertainty that requires progressive and adaptive labour law reform.

Digital platforms tend to categorise gig workers as 'partners' or independent contractors in order to avoid labour obligations such as minimum wage payments and social security. However, in practice, platform companies still control service rates, ordering systems, and even sanction mechanisms. These

conditions indicate factual subordination, i.e. a substantive working relationship, even though it is not formally recognised by law (Hakim, 2025).

This phenomenon is in line with the views of Stewart and Stanford (2017), who argue that the modern platform business model has transcended traditional legal boundaries regarding employment relationships and requires a redefinition of the category of ‘worker’ in labour law. They argue that the law must move ‘beyond the employee-contractor binary’ by creating a universal umbrella of protection for all forms of digital work (Hakim, 2025).

- Hybrid Approach: Expansion and Special Regulation.

According to Encik Lukmanul Hakim (2025), the ideal form of legal reconstruction can be realised through two main approaches (Hakim, 2025):

- ⇒ Expanding the definition of employment relationships in the Labour Law to include digital work relationships that have elements of subordination even though they are packaged as partnership contracts. This allows gig workers to obtain normative rights such as minimum wages, reasonable working hours, and protection from arbitrary termination of employment.
- ⇒ The establishment of a Special Law on Digital Labour (Digital Labour Law) that regulates the classification of gig workers as independent workers with minimum rights to basic income, social security, and protection from algorithmic exploitation (Hakim, 2025).

Both approaches can create a balance between social protection and digital economic flexibility. Thus, the law no longer functions only repressively, but also responsively to social and technological dynamics.

- Reform of the Wage System and Platform Algorithms.

Hakim emphasises the need for a minimum wage system based on working hours or output that is fair and transparent. The state needs to supervise tariff-setting algorithms and open up space for worker participation in setting fair income standards (Hakim, 2025).

Furthermore, De Stefano (2016) in the *Comparative Labour Law & Policy Journal* highlights the importance of regulating ‘just-in-time’ digital work mechanisms so as not to cause income volatility. The state must uphold the principles of decent work and fair pay for all workers, including those who work on platforms (Rhogust, 2023).

- Integration of Social Protection and Welfare Rights.

Legal reforms must also integrate gig workers into the national social security system, such as BPJS Ketenagakerjaan (Employment Social Security) and BPJS Kesehatan (Health

Social Security), as suggested in Labour Law Reform in the Gig Economy Era (Rhogust, 2023).

The government can provide subsidies or incentives for freelance workers with irregular incomes to join the programme.

This approach aims to create a social safety net for all workers without eliminating the flexibility that characterises the digital economy.

- Digital Dispute Resolution Mechanisms.

Hakim also proposes the establishment of a mediation and digital dispute resolution mechanism between platforms and gig workers. The function of the Industrial Relations Court (PHI) can be expanded or a new unit can be formed under the Ministry of Manpower to handle algorithm-based and digital contract disputes quickly and efficiently (Hakim, 2025).

The reconstruction of ideal law in Indonesia can learn from:

- ⇒ The United Kingdom, through the *Uber v. Aslam* (2021) ruling, in which the court recognised Uber drivers as workers with rights to minimum wages and annual leave (Hakim, 2025).
- ⇒ The European Union, through the Platform Work Directive (2025), which introduces a presumption of employment to prevent misclassification and guarantee workers' rights under algorithmic systems (Schmidt & Haryanto, 2025).
- ⇒ Singapore, with its third category model, which classifies platform workers as having basic rights such as work accident insurance and pension contributions without making them full employees (Schmidt & Haryanto, 2025).

These models show that regulations can be designed flexibly without compromising the principle of social justice.

Based on a synthesis of various academic journals, the ideal model for reconstructing labor law for gig workers in Indonesia can be described as follows:

| Aspect                | Proposed Reconstruction                                                                         |
|-----------------------|-------------------------------------------------------------------------------------------------|
| Legal Foundation      | Revision of Law No. 13 of 2003 on Manpower or the establishment of a new law on Digital Workers |
| Worker Classification | Introduction of a new category: <i>dependent self-employed</i> workers                          |
| Wage Protection       | Implementation of time/output-based minimum wages that are transparent and state-supervised     |

| Aspect                   | Proposed Reconstruction                                                                            |
|--------------------------|----------------------------------------------------------------------------------------------------|
| Social Security          | Integration into the national social security systems (BPJS Ketenagakerjaan and BPJS Kesehatan)    |
| Labor Dispute Resolution | Establishment of a digital dispute resolution mechanism under the Industrial Relations Court (PHI) |
| Algorithmic Oversight    | Public audits of work distribution and pricing algorithms                                          |
| Worker Participation     | Recognition of the right to unionize and engage in collective bargaining with platforms            |

This model seeks to balance social protection (social justice) and economic flexibility (economic efficiency) — the two fundamental pillars of modern labor law that must coexist harmoniously.

The characteristics of gig workers in Indonesia have unique distinctions compared to the general concept of gig work. Gig work, which is ideally a side job, has instead become a primary source of employment due to the declining availability of formal job opportunities. This condition has a positive impact, as it creates new job opportunities, supports the economy, and helps reduce the negative effects of unemployment (Nola, 2025).

The main issue is that protection for gig workers remains very limited. Technological advancement has created an imbalance in bargaining power between gig workers and platform owners. Therefore, the state must step in to provide protection. Currently, the Draft Bill on the Amendment to the Manpower Law has been included in the 2025 National Legislative Program (Prolegnas), making this the right time for Commission IX of the House of Representatives (DPR RI) to include provisions on the protection of gig workers as part of non-standard employment. These protections should include social security, working hours, rest periods, information transparency, and the right to organize (Nola, 2025).

3.4. The Ideal Formulation of The Minister of Manpower Regulation in Providing Fair Legal Protection for Digital Platform-Based Workers in Indonesia

**Concept Draft**

**PERATURAN MENTERI KETENAGAKERJAAN REPUBLIK INDONESIA**

**NOMOR .... TAHUN 2025**

**TENTANG**

**PERLINDUNGAN PEKERJA PADA ERA EKONOMI DIGITAL BERBASIS PLATFORM**

**(*GIG ECONOMY*)**

DENGAN RAHMAT TUHAN YANG MAHA ESA  
MENTERI KETENAGAKERJAAN REPUBLIK INDONESIA,

Menimbang:

- a. bahwa perkembangan teknologi digital telah melahirkan bentuk hubungan kerja baru berbasis platform digital (*gig economy*) yang menimbulkan perubahan signifikan terhadap pola kerja, hubungan kerja, dan perlindungan pekerja;
- b. bahwa pekerja dalam ekosistem ekonomi digital belum memperoleh kepastian dan perlindungan hukum yang memadai sebagaimana diatur dalam peraturan perundang-undangan ketenagakerjaan yang berlaku;
- c. bahwa untuk menjamin perlindungan, keadilan, dan kepastian hukum bagi pekerja dan pelaku usaha berbasis platform digital, perlu disusun pengaturan mengenai perlindungan pekerja dalam ekonomi digital;
- d. bahwa berdasarkan pertimbangan sebagaimana dimaksud pada huruf a, b, dan c, perlu menetapkan Peraturan Menteri Ketenagakerjaan tentang Perlindungan Pekerja pada Era Ekonomi Digital Berbasis Platform (*Gig Economy*).

Mengingat:

1. Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan sebagaimana telah diubah dengan Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja menjadi Undang-Undang;
2. Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik sebagaimana telah diubah dengan Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE);
3. Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah sebagaimana telah diubah beberapa kali terakhir dengan Undang-Undang Nomor 9 Tahun 2015

- tentang Perubahan Kedua atas Undang-Undang Nomor 23 Tahun 2014 tentang Pemerintahan Daerah;
4. Peraturan Pemerintah Nomor 35 Tahun 2021 tentang Perjanjian Kerja Waktu Tertentu (PKWT), Alih Daya, Waktu Kerja dan Waktu Istirahat, dan Pemutusan Hubungan Kerja;
  5. Peraturan Presiden Nomor 18 Tahun 2020 tentang Rencana Pembangunan Jangka Menengah Nasional (RPJM Nasional) Tahun 2020-2024;
  6. Peraturan Menteri Ketenagakerjaan Nomor 1 Tahun 2017 tentang Struktur dan Skala Upah.

**MEMUTUSKAN:**

Menetapkan:

**PERATURAN MENTERI KETENAGAKERJAAN REPUBLIK INDONESIA NOMOR .... TAHUN 2025 TENTANG PERLINDUNGAN PEKERJA PADA ERA EKONOMI DIGITAL BERBASIS PLATFORM (*GIG ECONOMY*).**

**BAB I**  
**KETENTUAN UMUM**

**Pasal 1**

Dalam Peraturan Menteri ini yang dimaksud dengan:

1. Pekerja Platform (*Gig Worker*) adalah setiap orang yang melakukan pekerjaan atau memberikan jasa kepada pengguna layanan melalui sistem atau aplikasi digital berbasis platform.
2. Platform Digital adalah sistem elektronik yang mempertemukan penyedia jasa dengan pengguna jasa secara daring.
3. Hubungan Kerja Digital adalah hubungan hukum antara pekerja platform dengan perusahaan penyedia platform yang mencakup unsur kerja, upah, dan perintah kerja, baik secara langsung maupun tidak langsung.
4. Perusahaan Platform adalah badan hukum atau badan usaha yang mengelola aplikasi digital tempat transaksi jasa dilakukan antara pekerja platform dan pengguna jasa.
5. Perlindungan Pekerja adalah jaminan hak-hak dasar pekerja yang mencakup aspek ekonomi, sosial, keselamatan, dan kesejahteraan kerja.

**BAB II**  
**RUANG LINGKUP DAN PRINSIP PERLINDUNGAN**

**Pasal 2**

1. Peraturan Menteri ini berlaku bagi seluruh pekerja yang bekerja melalui platform digital, termasuk namun tidak terbatas pada sektor transportasi daring, pengantaran barang, belanja daring, dan jasa profesional lepas (*freelancer*).

2. Prinsip perlindungan pekerja platform meliputi:
  - a. kesetaraan;
  - b. keadilan sosial;
  - c. transparansi;
  - d. akuntabilitas; dan
  - e. keberlanjutan.

### **BAB III**

#### **STATUS DAN HUBUNGAN KERJA DIGITAL**

##### **Pasal 3**

1. Hubungan kerja antara pekerja platform dengan perusahaan platform dapat berbentuk:
  - a. Perjanjian Kerja Digital (*Digital Employment Contract*); atau
  - b. Perjanjian Kemitraan Digital (*Digital Partnership Agreement*).
2. Perjanjian sebagaimana dimaksud pada ayat (1) wajib dituangkan dalam bentuk tertulis elektronik dan disertai ketentuan mengenai:
  - a. hak dan kewajiban para pihak;
  - b. mekanisme pembayaran/upah;
  - c. waktu kerja dan istirahat;
  - d. jaminan keselamatan kerja;
  - e. mekanisme penyelesaian sengketa.

### **BAB IV**

#### **PERLINDUNGAN HAK DASAR PEKERJA PLATFORM**

##### **Pasal 4**

Pekerja platform berhak memperoleh:

1. upah yang adil dan proporsional;
2. jaminan sosial ketenagakerjaan;
3. jaminan keselamatan dan kesehatan kerja;
4. perlindungan terhadap pemutusan hubungan kerja sepihak;
5. akses terhadap pelatihan dan peningkatan kompetensi digital.

##### **Pasal 5**

1. Perusahaan platform wajib mendaftarkan pekerja platform dalam program BPJS Ketenagakerjaan dan BPJS Kesehatan.
2. Kontribusi iuran jaminan sosial dapat ditanggung bersama antara pekerja platform dan perusahaan platform sesuai kesepakatan kerja digital.

### **BAB V**

#### **UPAH DAN MEKANISME PEMBAYARAN**

## **Pasal 6**

1. Upah pekerja platform ditetapkan berdasarkan:
  - a. satuan waktu, atau
  - b. satuan hasil (*output-based*).
2. Perusahaan platform wajib mengumumkan secara transparan algoritma dan kebijakan perhitungan upah.
3. Pemerintah dapat menetapkan standar minimum imbalan jasa digital (*Digital Minimum Remuneration*) untuk jenis pekerjaan tertentu.

## **BAB VI**

### **JAMINAN SOSIAL DAN KESELAMATAN KERJA DIGITAL**

#### **Pasal 7**

1. Pekerja platform berhak atas perlindungan jaminan sosial meliputi:
  - a. Jaminan Kecelakaan Kerja (JKK);
  - b. Jaminan Kematian (JKM);
  - c. Jaminan Hari Tua (JHT); dan
  - d. Jaminan Kehilangan Pekerjaan (JKP).
2. Perusahaan platform wajib menyediakan fitur pelaporan insiden dan dukungan darurat dalam aplikasi digital.

## **BAB VII**

### **PEMBINAAN DAN PENGAWASAN**

#### **Pasal 8**

1. Menteri Ketenagakerjaan melakukan pembinaan terhadap perusahaan platform dan pekerja platform dalam pelaksanaan peraturan ini.
2. Pengawasan terhadap pelaksanaan perlindungan pekerja platform dilakukan oleh Pegawai Pengawas Ketenagakerjaan.
3. Dalam rangka efektivitas pengawasan, pemerintah dapat bekerja sama dengan Kementerian Komunikasi dan Informatika untuk mengatur izin operasional dan kepatuhan platform digital.

## **BAB VIII**

### **PENYELESAIAN SENGKETA**

#### **Pasal 9**

1. Sengketa antara pekerja platform dan perusahaan platform diselesaikan melalui:
  - a. mediasi;
  - b. konsiliasi;
  - c. arbitrase digital; dan/atau
  - d. Pengadilan Hubungan Industrial.

2. Hasil penyelesaian sebagaimana dimaksud pada ayat (1) huruf a sampai dengan huruf c bersifat mengikat bagi para pihak sepanjang disepakati dalam perjanjian kerja sama atau perjanjian kerja digital.
3. Dalam hal penyelesaian sengketa sebagaimana dimaksud pada ayat (1) huruf a sampai dengan huruf c tidak mencapai kesepakatan, para pihak dapat mengajukan gugatan ke Pengadilan Hubungan Industrial sesuai dengan ketentuan peraturan perundang-undangan.

## **BAB IX**

### **KETENTUAN PENUTUP**

#### **Pasal 10**

1. Perusahaan platform wajib menyesuaikan sistem kerja dan perjanjian digital paling lambat 12 (dua belas) bulan sejak peraturan ini berlaku.
2. Ketentuan lebih lanjut mengenai tata cara pelaksanaan perlindungan pekerja platform diatur dengan Peraturan Direktur Jenderal Pembinaan Hubungan Industrial dan Jaminan Sosial Ketenagakerjaan.

### **PENJELASAN UMUM**

Peraturan Menteri ini bertujuan untuk menjawab kekosongan hukum dalam perlindungan pekerja gig di Indonesia. Hubungan kerja digital sering kali tidak memenuhi unsur tradisional “perintah kerja”, sehingga pekerja tidak diakui sebagai pekerja formal. Melalui pengaturan ini, negara menjamin hak dasar pekerja tanpa menghambat fleksibilitas dan inovasi ekonomi digital.

The draft regulation of the minister of manpower of the republic of indonesia has the following academic concept:

#### **⇒ Background**

The development of digital technology has created a new economic ecosystem known as the gig economy, which is a platform-based economic system connecting service providers (gig workers) with service users through digital applications. This work model fosters flexibility and new economic opportunities but also gives rise to labour issues such as job insecurity, the absence of social protection, and weak bargaining power for workers.

Indonesia’s current labour law system remains oriented toward the conventional employment model as stipulated in Law Number 13 of 2003 concerning Manpower. In practice, platform workers do not meet the elements of “work order” and “physical presence in the workplace,” and therefore are not legally recognized as employees but rather as partners. As a result, gig workers lose their normative rights, such as minimum wage, social security, and protection against unilateral termination of employment.

This condition creates a regulatory gap that must be addressed through the formulation of new regulations at the ministerial level, which can bridge the flexibility of the digital economy with the principles of social justice in industrial relations.

⇒ **Problem Identification**

1. The absence of specific regulations governing the legal status and protection of workers in the gig economy ecosystem.
2. The inconsistency between the nature of digital work relationships and the elements of employment relationships under the Manpower Law.
3. The lack of minimum standards for social protection, occupational safety, and wages for gig workers.
4. The absence of mechanisms for digital-based labour inspection and dispute resolution.

⇒ **Regulatory Objectives**

1. To provide legal certainty for platform workers and digital companies.
2. To guarantee the protection of gig workers' fundamental rights without hindering innovation and flexibility in the digital economy.
3. To establish monitoring and dispute resolution mechanisms that are adaptive to digital characteristics.
4. To integrate social security and occupational safety systems within digital platforms.

⇒ **Philosophical Foundation**

This regulation is grounded in the value of social justice as mandated by Pancasila and the 1945 Constitution of the Republic of Indonesia, particularly Article 27 paragraph (2), which states that “Every citizen has the right to work and to earn a decent living for humanity.”

In the context of the digital economy, social justice demands that all workers, including gig workers, receive equal legal and social protection as formal workers.

⇒ **Juridical Foundation**

1. Law Number 13 of 2003 concerning Manpower;
2. Law Number 11 of 2008 concerning Electronic Information and Transactions;
3. Law Number 6 of 2023 concerning the Enactment of the Government Regulation in Lieu of Law on Job Creation;
4. Government Regulation Number 35 of 2021 concerning Fixed-Term Employment Contracts, Outsourcing, Working Time, and Termination of Employment;
5. Presidential Regulation Number 18 of 2020 concerning the 2020–2024 National Medium-Term Development Plan (RPJMN), which emphasizes national digital transformation.

⇒ **Sociological Foundation**

The increasing number of gig workers in sectors such as online transportation, delivery services, digital content creation, design, and professional services reflects a shift in work patterns within society. According to data from Statistics Indonesia (BPS, 2024), more than

6.5 million workers in Indonesia depend on digital platforms. They are vulnerable to exploitation and income instability, thus requiring proportional state intervention.

⇒ **Regulatory Principles**

1. Justice – ensuring a fair balance of rights and obligations between workers and platforms.
2. Equality – ensuring non-discriminatory treatment of digital workers.
3. Responsible Flexibility – allowing business innovation without sacrificing basic worker protection.
4. Algorithmic Transparency and Accountability – promoting openness in digital work systems.

⇒ **Scope of Regulatory Content**

1. Legal definitions and recognition of platform workers.
2. Forms of digital employment relationships.
3. Protection of fundamental rights of gig workers.
4. Mechanisms for digital social security and occupational safety.
5. Provisions on wages and payment mechanisms.
6. Digital-based labour inspection and dispute resolution mechanisms.

⇒ **Expected Impacts**

1. The realization of justice and legal certainty for gig workers.
2. The establishment of a transparent and sustainable digital work system.
3. Increased participation of digital workers in the national social security system.
4. Strengthened governance of the national digital economy.

#### **4. Conclusion and Recommendations**

The results of this study reveal a fundamental structural mismatch between Indonesia's conventional labor law framework and the realities of platform-based work in the digital economy (gig economy).

From the perspective of Indonesian labor law, gig workers are not legally recognized as “employees” under Law No. 13 of 2003 on Manpower because they do not meet the elements of command and continuous employment relationship. In practice, gig workers are classified as partners under Articles 1320–1339 of the Indonesian Civil Code (KUHPperdata).

However, the findings indicate that this so-called partnership is merely illusory. Digital platforms continue to control pricing, job distribution, and performance evaluation through algorithmic systems. In fact, gig workers experience hidden subordination that is substantively similar to a dependent employment relationship.

Thus, the legal relationship between gig workers and digital platforms in Indonesia is contractual in form but subordinative in substance, resulting in a pseudo-employment relationship that lies between the dichotomy of employee and independent contractor.

The study identifies five major legal barriers in applying labor laws to gig workers in Indonesia:

1. Outdated legal definitions, which still strictly separate “employees” and “independent contractors.”
2. Non-transparent algorithmic management, which makes it difficult to prove control or subordination.
3. Fragmented social security systems, such as BPJS, which are incompatible with multi-platform and irregular-income workers.
4. Limited access to dispute resolution mechanisms, since gig workers are not classified as “employees” and therefore cannot file cases before the Industrial Relations Court (PHI).
5. Regulatory and political-economic resistance, where platforms oppose new regulations on the grounds that they might hinder innovation and business efficiency.

These barriers create legal uncertainty, weaken bargaining power, and result in the absence of social protection for millions of digital workers supporting Indonesia’s digital economic growth.

An ideal reconstruction of labor law must be adaptive, inclusive, and hybrid — balancing social protection and economic flexibility.

The ideal model includes:

1. Hybrid classification: Establishing a new legal category called Dependent Independent Worker (DIW) — workers who are legally independent but economically dependent on a primary platform.
2. Portable social protection: Integrating gig workers into the BPJS system with shared contributions from workers, platforms, and the government.
3. Algorithmic transparency: Mandating audits of digital systems and granting workers the right to explanations and appeals against automated decisions.
4. Digital dispute resolution: Creating a Digital Labor Dispute Resolution Body under the PHI to handle platform-based conflicts quickly and affordably.
5. Recognition of collective rights: Granting the right to unionize and engage in collective bargaining for platform worker associations.

This approach forms a Hybrid Regulation Model, combining principles of civil law (partnership), labor law, and digital governance to ensure fairness without sacrificing flexibility.

Policy Recommendations and Solutions :

1. Legislative Reform
  - Revise Law No. 13 of 2003 to cover non-standard and digital forms of work.
  - Draft a Digital Labour Act that explicitly regulates the legal status, social rights, and dispute resolution mechanisms of platform workers.
2. Institutional Innovation
  - Establish a Commission for Digital Economy and Labor Oversight (KPEDK) to monitor platform compliance, conduct algorithmic audits, and facilitate stakeholder dialogue.

- Develop a portable social security system enabling gig workers to accumulate contributions from multiple platforms.
3. Preventive Legal Governance
    - Mandate transparent and good-faith partnership contracts aligned with Rawlsian principles of Justice as Fairness.
    - Develop digital and legal literacy programs to empower gig workers in protecting their rights.
  4. Multi-Stakeholder Collaboration
    - Promote cross-ministerial coordination (Manpower, Communications and Informatics, Transportation, Cooperatives and SMEs), supported by the ILO and World Bank, to build a sustainable social protection ecosystem.
    - Strengthen tripartite social dialogue among the government, platforms, and worker associations.
  5. Algorithmic Accountability
    - Require platforms to disclose algorithmic parameters used for task assignment and performance evaluation to regulators.
    - Formulate a Code of Ethics for Artificial Intelligence in Digital Employment Platforms under the Ministry of Manpower to ensure fairness and non-discrimination in digital labor management.

To bridge the conceptual gap between legal protection and digital flexibility, the researcher introduces a new theoretical concept: **Digital Labour Fairness Theory (DLFT)**.

The core premise of DLFT is that justice in the digital labor market arises from a dynamic balance between algorithmic flexibility and substantive equality.

Unlike classical labor theories that focus on direct subordination, DLFT recognizes that control in the digital era is algorithmic, data-driven, and decentralized, requiring an adaptive legal mechanism.

Its key principles include:

1. Algorithmic Justice Principle: Every platform governing workers through algorithms bears moral and legal responsibility to ensure transparency, fairness, and accountability.
2. Economic Reciprocity Principle: Legal classification must reflect economic reality — if a worker's primary income depends on a single platform, that platform assumes partial social responsibility.
3. Hybrid Flexicurity Principle: Combining market flexibility with social security through shared responsibility between the state, platforms, and workers.
4. Preventive Regulation Principle: Law must be anticipatory, preventing digital exploitation through transparent contracts and fair algorithmic systems, rather than reacting after violations occur.

In its theoretical implications, DLFT extends John Rawls' Justice as Fairness into the digital context — where justice means not only equality of opportunity but also algorithmic equality of treatment and access to digital justice.

DLFT transforms the paradigm of labor law from an industrial model to a post-industrial justice paradigm, where law adapts to data-driven and technology-based economies.

This study concludes that the gig economy in Indonesia requires a paradigm shift in labor law—from a reactive system to a proactive and adaptive one in response to technological developments.

A new legal framework grounded in the Digital Labour Fairness Theory (DLFT) will ensure that technology remains subject to human values, not the other way around.

By balancing justice, flexibility, and transparency, Indonesia can become a pioneer in building an inclusive, fair, and globally competitive digital labor law system.

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