

A Legal Protection Model for Gig Workers in the Digital Platform Economy: Towards Labor Law Reform in Indonesia

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ABSTRACT

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*Gig Worker,
Digital Platform
Economy,
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The rapid growth of the digital platform economy has given rise to the gig economy, with gig workers serving as its primary workforce, including online ride-hailing drivers, delivery couriers, and app-based freelance workers. Although their number continues to increase and contributes significantly to the national economy, Indonesian labor law has not specifically and comprehensively regulated their legal status and labor rights protection. This study aims to analyze the legal protection of gig workers within the Indonesian labor law system and formulate a legal protection model for labor law reform. This research employs a normative legal research method using statutory, conceptual, and comparative approaches. Legal materials were collected through library research, consisting of primary, secondary, and tertiary legal sources, and analyzed qualitatively using a prescriptive method. The findings reveal that gig workers face legal uncertainty due to partnership-based legal relationships adopted by digital platform companies, excluding them from statutory rights granted to formal employees. Furthermore, unequal bargaining positions exist between platform companies and gig workers, reflected in platform control over fares, incentives, job allocation, and account deactivation. Analysis based on legal protection, welfare state, and modern employment relations theories demonstrates the necessity of state intervention. This study proposes a model comprising recognition of gig workers' legal status, social security and occupational safety protection, algorithmic

transparency, effective dispute resolution mechanisms, and strengthened government supervision of digital platform companies to promote legal certainty, justice, and welfare while supporting sustainable development of Indonesia's digital economy.

ABSTRAK

Kata Kunci:

Gig Worker,
Ekonomi Digital,
Perlindungan
Hukum,
Ketenagakerjaan,
Pembaruan
Hukum

Pesatnya pertumbuhan ekonomi platform digital telah melahirkan gig economy, dengan pekerja gig sebagai tenaga kerja utamanya, termasuk pengemudi transportasi daring, kurir pengiriman, dan pekerja lepas berbasis aplikasi. Meskipun jumlah pekerja gig terus meningkat dan memberikan kontribusi signifikan terhadap perekonomian nasional, hukum ketenagakerjaan Indonesia belum secara khusus dan komprehensif mengatur status hukum serta perlindungan hak-hak ketenagakerjaan mereka. Penelitian ini bertujuan untuk menganalisis perlindungan hukum bagi pekerja gig dalam sistem hukum ketenagakerjaan Indonesia dan merumuskan model perlindungan hukum sebagai kerangka reformasi hukum ketenagakerjaan. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, dan komparatif. Bahan hukum dikumpulkan melalui studi kepustakaan yang terdiri atas bahan hukum primer, sekunder, dan tersier, kemudian dianalisis secara kualitatif dengan metode preskriptif. Hasil penelitian menunjukkan bahwa pekerja gig menghadapi ketidakpastian hukum akibat hubungan hukum berbasis kemitraan yang diterapkan perusahaan platform digital, sehingga mereka tidak memperoleh berbagai hak yang diberikan peraturan perundang-undangan kepada pekerja formal. Selain itu, terdapat ketidakseimbangan posisi tawar antara perusahaan platform dan pekerja gig, yang tercermin dalam pengendalian tarif, insentif, alokasi pekerjaan, dan mekanisme penonaktifan akun oleh platform. Analisis berdasarkan teori perlindungan hukum, negara kesejahteraan, dan hubungan kerja modern menunjukkan perlunya intervensi negara. Penelitian ini mengusulkan model yang mencakup pengakuan status hukum pekerja gig, perlindungan jaminan sosial dan keselamatan kerja, transparansi algoritmik, mekanisme penyelesaian sengketa yang efektif, serta penguatan pengawasan pemerintah terhadap perusahaan platform digital guna mewujudkan kepastian hukum, keadilan, dan kesejahteraan serta mendukung pembangunan ekonomi digital Indonesia yang berkelanjutan.

1. INTRODUCTION

The rapid development of information and communication technology has brought about significant transformations in various aspects of human life, including the world of work. The emergence of digital platforms as intermediaries connecting service providers and consumers has given rise to a

new employment model known as the *gig economy* (Vincent & Lie, 2026). Within this system, work is performed flexibly through digital platforms that directly connect service providers with consumers. Examples of such work include online motorcycle and taxi drivers, delivery couriers, digital freelancers, and other app-based service providers. The emergence of the gig economy has created extensive employment opportunities and become an alternative source of income for many people amid an increasingly competitive labor market (Salsabila et al., 2026).

In Indonesia, the rapid growth of the digital economy has contributed to a significant increase in the number of workers who rely on digital platforms as their primary source of livelihood (Purba et al., 2025). Flexible working hours, easy access to employment opportunities, and low entry barriers have become the main factors attracting people to this sector. For some segments of society, platform-based work is even considered more accessible than entering the formal labor market, which often imposes stricter requirements (Kamarudin & Arif, 2024). This phenomenon demonstrates that gig workers have become an important component of Indonesia's labor structure (Limiardo & Lie, 2025) and contribute substantially to the growth of the country's digital economy.

However, the expansion of the gig economy has not been accompanied by adequate regulatory development. Indonesian labor law, currently governed by Law Number 13 of 2003 concerning Manpower as most recently amended by Law Number 6 of 2023 concerning Job Creation, remains oriented toward conventional employment relationships based on the elements of work, wages, and employer control. Meanwhile, the relationship between digital platform companies and gig workers is generally constructed as a partnership based on civil contractual arrangements. As a consequence, the legal status of *gig workers* remains unclear, positioned somewhere between employees and independent business partners. This ambiguity creates various legal issues regarding the fulfillment of workers' fundamental rights (Nofiyanti et al., 2025).

In practice, gig workers face numerous occupational risks without receiving legal protections equivalent to those enjoyed by formal employees (Amir, 2026). They generally lack guarantees of minimum wages, income security, protection against termination, paid leave, clear working-hour limitations, and adequate access to social security benefits (Latri et al., 2024). Furthermore, the use of algorithmic management systems by platform companies allows unilateral policy changes, including fare determination, job

allocation, and account suspension without transparent appeal mechanisms (Indra & Nawangsari, 2025). Such conditions place gig workers in a vulnerable position and create the potential for unfairness in their legal relationship with platform companies (Putra et al., 2024).

From the perspective of the rule of law, these conditions indicate the existence of a legal vacuum within Indonesia's labor law system. In fact, Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution of the Republic of Indonesia guarantee every citizen the right to employment, a decent livelihood, and fair treatment in employment relations. The state therefore has an obligation to ensure that emerging forms of work resulting from digital transformation remain within the framework of human rights protection and social justice principles. Consequently, the continuously growing number of gig workers necessitates a legal framework capable of providing both adequate protection and legal certainty for all parties involved.

Various countries have begun implementing regulatory reforms to accommodate digital platform workers. Some jurisdictions have introduced specific employment categories such as *dependent contractors*, while others have expanded labor protections for platform workers without altering their formal legal status. These developments reflect a global trend toward strengthening legal protection for gig workers while preserving the flexibility that characterizes the digital economy. The experiences of these countries may serve as valuable references in formulating policies that are compatible with Indonesia's social, economic, and legal conditions.

Based on the foregoing discussion, research entitled "*A Legal Protection Model for Gig Workers in the Digital Platform Economy: Towards Labor Law Reform in Indonesia*" is both timely and necessary. This study aims to identify the shortcomings of the existing regulatory framework, analyze the legal protection needs of *gig workers*, and formulate an ideal regulatory model as part of Indonesia's labor law reform. The findings are expected to contribute theoretically to the development of labor law scholarship and provide policy recommendations for legislators and policymakers in designing regulations that are more adaptive to the development of the digital economy and the evolving nature of work in the future.

2. RESEARCH METHODS

This study employs a normative legal research method (Marzuki, 2017) aimed at analyzing and formulating a legal protection model for *gig workers* in the digital platform economy as an effort to reform labor law in Indonesia. The research utilizes a statutory approach, a conceptual approach, and a comparative approach. The research data consist of primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 concerning Manpower, Law Number 6 of 2023 concerning Job Creation, and other legislation related to labor and the digital economy. Secondary legal materials comprise books, scholarly journal articles, and previous studies relevant to the protection of digital platform workers. Legal materials were collected through library research by identifying, inventorying, classifying, and examining all legal sources relevant to the research object in order to establish a sound legal basis for formulating a legal protection model for *gig workers* that is consistent with the development of the digital economy and the Indonesian labor law system.

3. RESULTS AND DISCUSSION

3.1 Legal Protection for Gig Workers in Indonesia's Labor Law System

The development of the digital economy has given rise to a new form of employment known as the *gig economy*, a work system based on digital platforms that connect service providers with consumers through applications. In Indonesia, this employment model has expanded rapidly in sectors such as online transportation services, food and goods delivery services, and various platform-based digital jobs. The presence of digital platform companies such as Gojek, Grab, ShopeeFood, Maxim, and various freelance digital platforms has created employment opportunities for millions of people. Nevertheless, the increasing number of *gig workers* has not been accompanied by the development of regulations that provide adequate legal protection (Wiguna & Raditya, 2026).

The findings of this study indicate that Indonesian labor law has not yet specifically regulated the legal status of *gig workers*. Law Number 13 of 2003 concerning Manpower, as amended by Law Number 6 of 2023 concerning Job Creation, continues to define employment relationships based on the elements of work, wages, and employer control. Meanwhile, the relationship between platform companies and *gig workers* is generally constructed as a partnership arrangement (Habibah & Erliana, 2025) and therefore falls outside the category

of employment relationships as defined by labor legislation. As a consequence of this partnership-based arrangement, *gig workers* are excluded from various statutory rights enjoyed by formal employees, including minimum wage guarantees, paid leave, protection against termination of employment, limitations on working hours, and comprehensive social security coverage. This condition reflects the existence of a legal vacuum that creates legal uncertainty for digital platform workers.

3.2 The Imbalance of Bargaining Power between Platform Companies and *Gig Workers*

The partnership model adopted by platform companies does not fully reflect the principle of equality between contracting parties as recognized in contract law. In practice, platform companies occupy a highly dominant position in determining the terms and conditions of work through standard contracts ([Syahbana, 2025](#)).

A clear example can be found in the relationship between online motorcycle taxi drivers and platform companies. Drivers have no authority to negotiate fare rates, incentive schemes, application commission fees, or job allocation mechanisms. All of these conditions are determined unilaterally by the company through its application system. In several instances, platform companies have also unilaterally modified incentive and bonus schemes, triggering protests by online drivers in various regions ([Ramanian & Lie, 2026](#)).

Another example concerns account suspension or deactivation mechanisms ([Khawarizmi, 2023](#)). Many drivers and delivery couriers have reported that their accounts were suspended based on algorithmic assessments or customer complaints without a transparent clarification process. Once an account is deactivated, workers lose access to their primary source of income. To date, however, there is no specific dispute resolution mechanism that provides adequate legal protection against such actions.

These facts demonstrate that although *gig workers* are formally classified as partners, they are substantively characterized by a high degree of economic dependence on digital platforms. This dependence is evident in the platform companies' control over market access, customers, payment systems, pricing structures, and job allocation through algorithmic management. Consequently, the legal relationship between platform companies and *gig workers* cannot be fully characterized as an equal partnership relationship.

3.3 Analysis from the Perspective of Legal Protection Theory

The findings of this study can be analyzed through the legal protection theory proposed by Satjipto Rahardjo. According to Satjipto Rahardjo, law should serve as an instrument for safeguarding and protecting the interests of society, particularly those of individuals or groups occupying a weaker position within a legal relationship (Raharjo, 2021). The primary objective of legal protection is to create a balanced social relationship and to prevent the domination of one party over another.

In the context of the *gig economy*, *gig workers* occupy a weaker position compared to platform companies (Izzati, 2022). Platform companies control the technology, algorithms, user data, and operational systems, whereas workers can access employment opportunities only through the platform. When workers have no meaningful ability to influence or negotiate work conditions that are unilaterally determined by the platform, legal intervention becomes necessary to address such inequality.

From the perspective of legal protection theory, the state cannot allow the legal relationship between platform companies and gig workers to be governed solely by the principle of freedom of contract. Freedom of contract can operate fairly only when the contracting parties possess relatively equal bargaining power. Therefore, regulations are needed to provide minimum legal protections for gig workers, particularly with respect to social security coverage, occupational safety and health protection, algorithmic transparency, and accessible dispute resolution mechanisms.

3.4 Analysis from the Perspective of Welfare State Theory

The findings of this study also indicate that the inadequate legal protection afforded to gig workers may be inconsistent with the principles of the welfare state. Under the welfare state concept, the state functions not only as the guardian of legal order but also bears an active responsibility to ensure the social and economic welfare of its citizens (Lismanto & Utama, 2020).

The Indonesian Constitution explicitly guarantees every citizen the right to employment, a decent standard of living, and fair treatment in employment relations. Therefore, the increasing number of digital platform workers should be accompanied by policies that ensure they receive adequate social protection.

At present, some gig workers have been enrolled in the BPJS Ketenagakerjaan (Indonesia's Employment Social Security Agency) program

through certain schemes. However, such participation remains limited and does not provide a level of protection equivalent to that enjoyed by formal employees. Furthermore, there are no guarantees of minimum income or protection against the risk of losing employment due to account suspension or unilateral changes in platform policies. These conditions demonstrate the need for the state to expand the scope of social protection in order to prevent a segment of workers from being excluded from the national labor protection system.

3.5 Analysis from the Perspective of Modern Employment Relations Theory in the Gig Economy

The development of the digital economy has given rise to new forms of employment relationships that cannot be fully explained through the traditional concept of employment. Modern employment relations theory argues that platform workers occupy an intermediate position between formal employees and independent contractors ([Wardhana, 2026](#)).

Gig workers indeed enjoy flexibility in determining their working hours and accepting work assignments. However, such flexibility does not eliminate the control exercised by platform companies through digital technologies. Control mechanisms based on algorithms, rating systems, incentive structures, job allocation systems, and account suspension procedures constitute a form of modern supervision commonly referred to as *algorithmic management* ([Indrawan et al., 2025](#)).

From the perspective of this theory, the element of control or direction is no longer necessarily manifested through direct instructions from an employer, as is the case in traditional employment relationships. Instead, control may be exercised indirectly through digital systems that regulate and influence workers' behavior. Consequently, labor law approaches that focus exclusively on conventional employment relationships have become increasingly inadequate in addressing the evolving realities of work in the digital economy.

3.6 Legal Reforms in Various Countries: A Comparative Perspective

The comparative analysis conducted in this study reveals that several countries have undertaken legal reforms aimed at enhancing the protection of digital platform workers. Spain enacted the *Riders Law* in 2021, which recognizes digital platform couriers as employees and requires platform

companies to provide transparency regarding the use of algorithms in decision-making processes that affect workers. In the United Kingdom, the Supreme Court, in the landmark case *Uber BV v Aslam* (2021), ruled that Uber drivers fall within the category of “workers” and are therefore entitled to the national minimum wage, paid annual leave, and certain employment protections. The European Union has also developed the *Platform Work Directive*, which seeks to clarify the employment status of platform workers, strengthen labor rights protections, and enhance transparency in algorithmic management.

These developments demonstrate a global trend toward providing stronger legal protection for digital platform workers without eliminating the flexibility that constitutes a defining characteristic of the gig economy.

3.7 A Legal Protection Model for Gig Workers as a Framework for Indonesian Labor Law Reform

Based on the findings and theoretical analysis of this study, reform of Indonesian labor law is necessary through the development of a legal protection model for gig workers that encompasses: (1) the recognition of gig workers as a distinct category of workers or digital platform workers; (2) the obligation of platform companies to provide social security and occupational safety protections; (3) the regulation of algorithmic transparency and the prohibition of unilateral account suspension without an accessible appeal mechanism; (4) the establishment of accessible and effective dispute resolution mechanisms; and (5) the strengthening of government oversight and supervision of digital platform companies.

This proposed model is expected to create a balance between the flexibility inherent in the digital economy and the protection of workers’ rights, thereby promoting the fundamental objectives of law—justice, utility, and legal certainty—in the development of Indonesia’s labor system in the digital era.

4. CONCLUSION

The development of the digital platform economy has given rise to gig workers as an increasingly significant segment of Indonesia’s labor force. However, they have yet to receive adequate legal protection, as Indonesian labor law remains primarily oriented toward conventional employment relationships and has not fully accommodated the distinctive characteristics of platform-based work. The partnership-based legal relationship between

platform companies and gig workers has created legal uncertainty and an imbalance of bargaining power, as reflected in the unilateral determination of fares, incentives, job allocation, and account deactivation mechanisms by platform companies. From the perspectives of legal protection theory, welfare state theory, and modern employment relations theory in the gig economy, the state bears a responsibility to protect gig workers as a vulnerable party within such legal relationships. Therefore, labor law reform is necessary through the establishment of regulations that specifically recognize the legal status of gig workers, ensure social security and occupational safety protection, regulate algorithmic transparency and dispute resolution mechanisms, and strengthen governmental oversight of digital platform companies. Such reforms are essential to promoting legal certainty, justice, and worker welfare in the digital economy era.

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