

Legal Protection for Digital Platform Workers: A Legal Analysis of Partnership Relations from the Perspective of Employment Law in Indonesia

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Info Articles	Abstract
<p>Article History Received: 2024-09-06 Revised: 2024-09-16 Published: 2024-09-30</p> <p>Keywords: <i>Platform Workers,</i> <i>Partnership Relationships,</i> <i>Digital Subordination.</i></p>	<p>The rapid development of the digital economy in Indonesia has given rise to a new work model through digital platforms that bases employment relationships on the concept of partnership. However, this model creates legal ambiguity due to the weak bargaining position of platform workers and the existence of elements of employment relationships that are factually fulfilled but formally omitted. This study aims to analyze legal protection for digital platform workers and review the status of partnership relationships from the perspective of labor law in Indonesia, particularly after the implementation of Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into law.</p>

I. INTRODUCTION

The rapid integration of digital technology into the Indonesian economy has catalyzed the emergence of the gig economy, driven primarily by digital platform companies. This shift introduces a "partnership" model that challenges traditional employment paradigms, creating a significant workforce operating outside conventional labor structures. While these platforms offer unprecedented flexibility and employment opportunities, they also present critical legal ambiguities regarding worker status. This transformation in the employment landscape requires a thorough evaluation of how the national legal framework responds to the changing nature of work in the digital age. At the heart of this legal tension lies the classification of platform workers as "independent partners" rather than "employees" under Law No. 13 of 2003 concerning Manpower and its amendments in the Job Creation Law.

In Indonesian legal tradition, employment relationships are strictly defined by three

elements: work, wages, and orders. However, digital platforms often employ sophisticated algorithmic management to exercise control that resembles traditional subordination, while maintaining the contractual facade of an independent partnership. This discrepancy creates a legal vacuum in which workers lack fundamental protections, such as guaranteed minimum wages, occupational safety standards, and comprehensive social security benefits, leaving them vulnerable to economic instability and unilateral platform decisions. Modern work dynamics require a shift from an analysis of physical subordination to an understanding of digital control to clarify the legal standing of platform workers. Evaluating the adequacy of existing regulations is crucial to ensuring social justice and providing a legal basis for potential regulatory reforms that balance technological innovation with the fulfillment of fundamental workers' rights.

Through a juridical-normative approach and a thorough examination of laws and legal

doctrine, the normative boundaries between "partnership" and "employment" can be examined to identify inconsistencies in current practice. This perspective is vital in addressing the urgent need to provide specific legal protections for digital platform workers in Indonesia, ensuring that the law remains a robust instrument of protection in the face of technological disruption.

II. RESEARCH METHODS

This research employs a juridical-normative method with a statutory and conceptual approach. The primary focus of this study is to analyze the synchronization between national labor regulations, specifically Law No. 13 of 2003 and the Job Creation Law, and the reality of partnership relationships on digital platforms. The research phase begins with identifying legal conflicts regarding worker status, followed by the collection of primary and secondary legal materials through literature review. The collected data is analyzed descriptively and qualitatively by examining the elements of employment relationships, namely work, wages, and orders within an algorithmic management system. This study does not use a statistical population sample, but rather documents in the form of standard agreement clauses. The research flow systematically moves from an inventory of norms to the formulation of legal recommendations to strengthen the legal protection of platform workers in Indonesian jurisdiction.

III. RESULTS AND DISCUSSION

A. Research result

The research revealed that the platform-worker relationship fulfills the requirements of an employment relationship (work, wages, and orders) as stipulated in Article 1, number 15 of Law No. 13/2003. Despite being labeled a "partnership," the platform's absolute control through algorithmic management in determining rates and suspension sanctions demonstrates digital subordination. This status creates a

disguised employment relationship that results in workers losing their rights to minimum wages and social security, as business risks are entirely transferred to the individual.

B. Discussion

Ambiguity of Legal Relationships: Partnership or Employment Relationship? From the perspective of Indonesian labor law, an employment relationship is characterized by three main elements: wages, orders, and work (Article 1 number 15 of Law No. 13/2003). On digital platforms, companies often use the label "partnership" to avoid normative obligations. However, legally, there are strong indications of a "hidden employment relationship" (Pradana, 2022a). Platform workers do not have full freedom in setting prices or choosing work methods due to the control of the company's instructive and subordinate algorithms (Kurniawan & Saputra, 2025). Protection of Normative Rights in the Job Creation Law After the implementation of Law No. 6 of 2023 (Job Creation Law), labor market flexibility has increased, but protection for gig economy workers remains in a gray area. The absence of "labor" status causes platform workers to lose access to basic rights such as the Minimum Wage, work hour restrictions, and severance pay upon termination of the partnership. Current legal protection is limited to voluntary social security, which legally does not reflect the principle of justice for workers who have high work risks in the field (Utama, 2021).

The Urgency of Regulatory Reconstruction This legal vacuum demands laws capable of accommodating the intermediary category of workers (Agustina, 2024). A legal framework is needed that recognizes the procedural rights of platform workers, particularly within algorithmic systems and the right to organize, to balance the unequal bargaining position between platform providers and partners (Zulkarnaen, 2022).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the analysis and discussion, it can be concluded that the legal relationship between digital platform workers and application providers in Indonesia currently experiences legal ambiguity. Although formally classified as a partnership based on the principle of freedom of contract, substantively, this relationship contains elements of a conventional employment relationship, namely work, wages, and orders manifested through the company's algorithmic control (digital subordination) (Sari & Widodo, 2024).

The implementation of Law No. 6 of 2023 (the Job Creation Law) has so far failed to address the legal vacuum surrounding the status of platform workers. This has resulted in the loss of workers' normative rights, such as minimum wage certainty, limits on working hours, and protection from unilateral termination. Therefore, regulatory reconstruction is needed through the creation of special (*sui generis*) rules that accommodate the independent and dependent worker category to provide legal certainty, human rights protection, and a balanced bargaining position for workers in Indonesia's gig economy ecosystem.

A. Suggestion

Based on the analysis, the researchers recommend two main points. First, the government needs to immediately issue specific regulations governing the legal status of digital platform workers to address the legal gap, ensuring they receive social security rights and decent wages. Second, the Ministry of Manpower must tighten oversight of partnership contracts to prevent exploitative practices and ensure occupational safety and security for workers in the digital economy ecosystem (Santoso, 2023).

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