



## LEGAL REVIEW OF THE RIGHTS OF ONLINE MOTORCYCLE JEK DRIVERS TO HOLIDAY BONUSES IN EMPLOYMENT RELATIONS BASED ON CIRCULAR LETTER OF THE MINISTER OF MANPOWER NO. M/3//HK.04.III/2025

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### ABSTRACT

*The rapid expansion of application-based transportation has transformed employment relations in Indonesia, particularly in the digital partnership model between platform companies and online motorcycle taxi drivers. Unlike formal workers, online drivers are categorized as partners, thereby excluding them from structural entitlements such as religious holiday allowances (THR) under Minister of Manpower Regulation No. 6 of 2016. In 2025, the government issued Circular Letter of the Minister of Manpower No. M/3/HK.04.00/III/2025 encouraging platform companies to provide a religious holiday bonus equivalent to 20% of drivers' average annual net income. This study aims to analyze the juridical status of the holiday bonus within Indonesia's labor law framework and to examine its implementation and fairness in Medan City. Employing a normative-empirical method with a qualitative approach, this research integrates regulatory analysis, doctrinal legal review, and field interviews with online motorcycle taxi drivers. The findings indicate that the partnership status limits drivers' formal labor rights; however, the ministerial circular represents an initial state intervention toward enhancing protection for workers in the digital informal sector. Empirical data reveal inconsistencies in implementation, lack of transparency, and disparities in bonus distribution, leading to perceptions of distributive injustice. The study contributes to labor law discourse by highlighting the need for clearer regulatory frameworks governing digital platform workers and strengthening legal protection mechanisms in Indonesia's evolving gig economy.*

**Keywords:** Online Motorcycle Taxi, Religious Holiday Bonus, Digital Partnership, Labor Protection, Ministerial Circular 2025

## 1. INTRODUCTION

The development of the digital economy over the past decade has transformed the structure of employment relationships in various sectors, including app-based transportation. Platform-based work models have created new relationships between app

companies and workers that no longer fall entirely within the framework of conventional employment relationships as stipulated in Law Number 13 of 2003 concerning Manpower. In this context, online motorcycle taxi drivers are categorized as partners, not permanent employees, so the legal relationship formed is not a subordinate employment relationship, but rather a digital contract-based partnership (Wicaksono, 2020). This change has legal consequences for the protection of labor rights, including the right to Holiday Allowances (THR).

Normatively, THR is regulated by Minister of Manpower Regulation Number 6 of 2016, which mandates the provision of holiday allowances to workers or laborers who have a formal employment relationship with the company (Ministry of Manpower, 2016). However, this regulation does not explicitly cover workers in digital partnership schemes. As a result, online motorcycle taxi drivers are in a legally vulnerable position because they lack the structural guarantees of rights typically enjoyed by formal workers, including holiday bonuses (THR), minimum wage, and social security (Fathurrahman, 2021). This situation highlights the gap in legal protection in the ever-growing gig economy.

This transformation became even more complex when the government issued Circular Letter from the Minister of Manpower Number M/3/HK.04.00/III/2025 concerning the Provision of Religious Holiday Bonuses for Online Drivers and Couriers in 2025. The circular letter urged app companies to provide a holiday bonus of 20% of the average monthly net income of drivers who meet certain criteria (Raya, 2025). However, within the hierarchy of laws and regulations, the circular letter is not a directly binding regulation like a law or ministerial regulation. This raises questions about the legal validity, effectiveness of implementation, and the legal standing of holiday bonuses for online motorcycle taxi drivers.

Empirically, previous studies have addressed the welfare of online motorcycle taxi drivers from the perspective of employment protection and partnership relations. Salsabila and Hayati (2020) showed that partnership systems tend to place drivers in a weak position in the negotiation structure. Other research highlights income uncertainty and dependence on app algorithms as factors affecting driver-partners' economic stability (Ninvika et al., 2024). However, studies specifically analyzing the provision of holiday bonuses from a legal and distributive justice perspective within the context of the 2025 policy are still very limited. Thus, there is a research gap regarding normative analysis of the legal status of holiday bonuses and their implementation in practice at the regional level.

On the other hand, from the perspective of justice theory, law functions not only as an instrument of certainty but also as a means of distributing rights proportionally. Distributive justice theory emphasizes the importance of equitable distribution of economic benefits according to the contributions of each party (Zulham, 2022). In the context of online motorcycle taxi drivers, holiday bonuses can be understood as a form of additional compensation that reflects the principle of social justice, particularly during religious holidays when economic needs increase. Therefore, the issue of holiday bonuses is not merely an administrative issue, but also concerns the moral legitimacy and corporate social responsibility of digital platforms.

Medan, as one of Indonesia's major cities with a significant number of online motorcycle taxi drivers, is a relevant area to study the implementation of this policy. Field

findings indicate a discrepancy between government-recommended standards and the actual bonus payments at the company level. Some drivers claim not to have received the recommended bonus percentage, while others face a lack of transparency in the calculation mechanism. This situation reinforces the urgency of research that integrates normative and empirical approaches to analyze the policy's effectiveness.

Based on this description, this study begins with two main questions: (1) What is the legal status of holiday bonuses for online motorcycle taxi drivers from the perspective of Indonesian labor law following the issuance of the 2025 Minister of Manpower Circular Letter? And (2) What is the implementation and level of fairness of holiday bonuses for online motorcycle taxi drivers in Medan? This study aims to analyze the legal status of holiday bonuses within the national legal system and evaluate their implementation from the perspective of legal protection and employment justice.

Theoretically, this research is expected to enrich the labor law discourse regarding the position of workers in the digital economy and contribute to the development of regulations protecting platform-based informal sector workers. Practically, the results are expected to provide input for the government and app companies in formulating fairer, more transparent, and sustainable policies for managing digital partnerships.

## 2. RESEARCH METHOD

This research uses an empirical normative method. The empirical-normative research method is a legal research that examines the factual implementation of positive legal provisions (legislation) and contracts in each specific legal event that occurs in society to achieve predetermined goals. Normative research discusses the doctrines or principles existing in legal science related to the formation of legislation that has broad benefits for society and openness to laws to be enacted by the government (Rizkia & Fardiansyah, 2023).

Using a qualitative approach, a field approach, and phenomenology. This approach was used to collect data directly through field studies, philosophical research, and legal awareness. It explores and describes various phenomena and conditions related to the research object. The research was conducted in the city of Medan, with online motorcycle taxi drivers as informants. Data collection techniques used were interviews, analysis of books, journal articles, legal doctrines, opinions of scholars, and sources from the Quran. Data analysis techniques used were data reduction, data presentation, and conclusion drawing.

## 3. RESULT AND ANALYSIS

### Legal Review of Holiday Bonuses for Online Motorcycle Taxi Drivers

The transformation of employment relationships in the app-based transportation sector has fundamentally changed the legal framework for labor protection in Indonesia. Normatively, employment relationships within the national employment system require the elements of work, wages, and orders, as stipulated in Law Number 13 of 2003 concerning Manpower. However, in practice, the relationship between app companies and online motorcycle taxi drivers is constructed as a partnership based on electronic contracts, thus obscuring the element of subordination that underlies formal employment

relationships (Wicaksono, 2020). Consequently, drivers do not automatically receive normative rights such as minimum wages, social security, or Holiday Allowances (THR).

In Indonesia's positive legal system, THR is expressly regulated through Minister of Manpower Regulation Number 6 of 2016, which requires employers to provide holiday allowances to workers or laborers in an employment relationship with the company (Ministry of Manpower, 2016). This regulation affirms that THR is a mandatory normative right of formal workers and must be paid no later than seven days before religious holidays. However, this provision excludes partner workers, placing online motorcycle taxi drivers outside the scope of the regulation's protection. This indicates a normative gap in the protection of digital platform-based workers.

This normative gap prompted the government to issue Circular Letter of the Minister of Manpower Number M/3/HK.04.00/III/2025 concerning the Provision of Religious Holiday Bonuses for Online Drivers and Couriers in 2025. This circular letter urges app companies to provide a holiday bonus of 20% of the average monthly net income over the past year for drivers who meet productivity criteria (Raya, 2025). However, in terms of the hierarchy of laws and regulations, the circular does not have the binding force of laws or government regulations. Thus, legally, the holiday bonus for online motorcycle taxi drivers cannot be classified as a normative right that can be claimed through litigation, but rather as a persuasive administrative policy.

From a legal theory perspective, this situation demonstrates a paradigm shift in labor protection in the gig economy. Fathurrahman (2021) emphasized that workers in the digital platform ecosystem are in an ambiguous position: economically dependent on app companies, yet legally categorized as independent workers. This ambiguity results in weak legal protection, including in the aspect of religious compensation. Therefore, the 2025 circular can be understood as a form of state intervention to expand the scope of social protection, although it has not yet reached the level of fully binding regulation.

In practice in Medan City, interviews revealed that some drivers receive holiday bonuses, but the amount does not always meet the government's recommended 20% standard. This situation indicates that policy implementation still relies on the internal policies of each app company. Differences in calculation mechanisms and a lack of transparency in determining productivity criteria give rise to perceptions of unfairness among drivers. This situation is in line with previous research findings which stated that algorithmic systems in digital platforms tend to strengthen the unequal bargaining position between companies and driver partners (Salsabila & Hayati, 2020).

Conceptually, the provision of holiday bonuses can be analyzed through a distributive justice approach. This theory emphasizes that the distribution of economic benefits must proportionally consider the contributions and needs of all parties (Zulham, 2022). In the context of online motorcycle taxi drivers, their contribution to the sustainability of digital services is significant, especially around the holidays when demand for services increases sharply. Therefore, holiday bonuses are not merely an additional policy, but can be viewed as a form of social justice that reflects the principle of appreciation for work and economic contribution.

Furthermore, from an Islamic legal perspective, compensation for work is a right inherent in the contribution of labor. This principle is reflected in Surah Al-Kahfi, verse 77, which affirms the legitimacy of rewards for work, and Surah Al-Qasas, verse 26, which

emphasizes the importance of rewarding strong and trustworthy workers (Ministry of Religious Affairs of the Republic of Indonesia, 2025). Thus, both normatively and ethically, the provision of holiday bonuses has strong moral legitimacy, although it has not yet been fully codified in legally binding regulations.

Overall, a legal review of holiday bonuses for online motorcycle taxi drivers indicates that the 2025 policy represents an initial step towards strengthening protection for platform-based informal sector workers. However, the lack of an imperative legal basis has resulted in variable implementation and a lack of optimal legal certainty. Therefore, a reformulation of labor regulations is needed that explicitly accommodates digital platform workers so that compensation rights, including holiday bonuses, have a stronger, more transparent, and more sustainable legal basis within the national legal system.

### **Protection and Justice for Online Motorcycle Taxi Drivers in the Implementation of Eid Bonuses**

Legal protection for online motorcycle taxi drivers in the implementation of Eid bonuses must be understood within the framework of informal sector labor protection in the digital economy era. Conceptually, labor protection aims to guarantee certainty of rights, job security, and worker welfare as part of the state's responsibility to realize social justice (Harahap, 2022). However, in the context of app-based partnerships, this protection has not been fully accommodated in the national labor law system. The partnership status prevents app companies from being directly bound by normative obligations such as the payment of holiday allowances (THR), as stipulated in Ministerial Regulation Number 6 of 2016 (Ministry of Manpower, 2016).

The issuance of the Minister of Manpower Circular Letter Number M/3/HK.04.00/III/2025 is a policy response aimed at expanding the scope of social protection for online drivers and couriers. Although not legally binding, the circular reflects the state's recognition of platform workers' significant contribution to the digital economy (Raya, 2025). This policy indicates that the state is beginning to adopt a protective approach towards informal workers, who have previously existed in a regulatory gray area.

However, field research in Medan City indicates that the implementation of holiday bonuses still does not fully reflect the principles of effective legal protection. Some drivers reported that the bonus amount they received did not meet the government's recommended 20% standard, while others received no bonus at all. This discrepancy demonstrates weak oversight mechanisms and the absence of sanctions for companies that fail to comply with policy recommendations. This situation reinforces previous findings that partnerships in the gig economy tend to place drivers in a lower bargaining position than app companies (Fathurrahman, 2021).

The fairness aspect of holiday bonus implementation is also closely related to information transparency and the certainty of the calculation mechanism. Many drivers stated that productivity criteria and bonus calculation formulas were not communicated openly. This lack of clarity gives rise to perceptions of distributive injustice, especially when there are significant differences between drivers with relatively similar activity levels. Salsabila and Hayati (2020) emphasized that algorithm-based work systems have the potential to create information asymmetry, weakening driver-partners' understanding of their rights and obligations.

From the perspective of distributive justice theory, the distribution of holiday bonuses should be based on the principle of proportionality between work contributions and compensation received (Zulham, 2022). Online motorcycle taxi drivers play a direct role in service operations and are at the forefront of interactions with consumers. Therefore, rewards in the form of holiday bonuses have normative legitimacy as a form of recognition for their economic contributions. When distribution is carried out unequally or without transparency, the principle of substantive justice is undermined.

In addition to economic justice, the implementation of holiday bonuses also has psychological and social dimensions. Drivers who received bonuses as expected reported increased work motivation, a sense of appreciation, and loyalty to the platform. Conversely, drivers who did not receive bonuses experienced decreased job satisfaction and increased economic stress leading up to the holidays. This finding aligns with research by Aleyda (2024), which found that financial compensation significantly impacts the psychological well-being and work performance of online transportation drivers.

From an Islamic legal perspective, the principle of justice in employment relations is emphasized through the obligation to provide fair and timely rewards. Surah Al-Kahfi, verse 77, affirms the legitimacy of rewards for work, while Surah Al-Qasas, verse 26, emphasizes the importance of respecting strong and trustworthy workers (Ministry of Religious Affairs of the Republic of Indonesia, 2025). This principle demonstrates that justice in employment relationships is not only legal but also ethical and moral. Therefore, the provision of holiday bonuses can be understood as an implementation of the value of justice that aligns with national legal norms and Islamic values.

Overall, the protection and justice in the implementation of holiday bonuses for online motorcycle taxi drivers in Medan City still face structural challenges. Although government policies have provided normative direction, the lack of an imperative legal basis and weak oversight mechanisms have led to suboptimal implementation. Therefore, stronger regulations, increased transparency among app companies, and accountable oversight mechanisms are needed to ensure consistent and sustainable protection and justice for digital platform drivers within the Indonesian legal system.

### **The Impact of Eid al-Fitr Bonuses for Online Motorcycle Taxi Drivers in Medan**

Research findings indicate that holiday bonuses have a positive impact on online motorcycle taxi drivers in Medan, both economically and psychologically, as well as on their partnership with the app company. Most drivers reported that holiday bonuses contribute to increased motivation and work enthusiasm, primarily because they feel the company is appreciating their contributions throughout the year.

These bonuses also help drivers meet additional needs ahead of Eid al-Fitr, such as household expenses, travel expenses, and holiday celebrations. This demonstrates that holiday bonuses not only have economic value but also impact the emotional bond between drivers and their company. For some drivers, the bonuses serve as a form of company concern in alleviating family needs, fostering a sense of closeness and loyalty to the app platform (Aleyda, 2024).

Conversely, interviews revealed dissatisfaction among drivers who did not receive holiday bonuses or received smaller bonuses. Several drivers reported that the unclear bonus determination mechanism and the lack of uniformity among app companies left

them feeling at a disadvantage. This situation gives rise to perceptions of unfairness, particularly when bonuses are tied to specific order targets without adequate transparency. Furthermore, some drivers stated that the lack of holiday bonuses exacerbates economic pressures leading up to Eid al-Fitr, given the significant increase in household consumption. Therefore, for drivers who do not receive bonuses, partnerships with their companies become less harmonious, and job satisfaction tends to decline.

These results reinforce the conclusion that the implementation of holiday bonuses is not only related to the individual well-being of drivers but also impacts social stability and the quality of partnerships within the digital transportation ecosystem. Holiday bonuses serve as an indicator of fairness directly felt by drivers, even though they are not legally mandatory. This suggests that app companies need to implement a more transparent, proportional, and consistent bonus distribution system to prevent social inequality among drivers.

The implementation of adequate holiday bonuses also has the potential to improve the continuity of digital transportation services, maintain driver-partner loyalty, and create a fairer and more sustainable work climate. Therefore, although holiday bonuses are not expressly regulated by labor law, their implementation remains strategic in achieving balanced and humane industrial relations for online motorcycle taxi drivers in Medan.

#### 4. CONCLUSION

Based on the research results, it can be concluded that the Eid al-Fitr bonus for online motorcycle taxi drivers in Medan City is a form of additional compensation not mandatorily regulated in formal employment regulations. The partnership status between drivers and app companies prevents the Eid al-Fitr allowance from being included in the structural rights applicable to formal workers under the provisions of Minister of Manpower Regulation No. 6 of 2016. However, through Minister of Manpower Circular Letter No. M/3/HK.04.00/III/2025, the government has begun to emphasize the importance of providing bonuses for online motorcycle taxi drivers as a form of support for the welfare of partners in the informal digital sector. This position demonstrates a shift in policy direction that is more responsive to the dynamics of the digital economy and the social needs of drivers.

The research findings also indicate that the implementation of the Eid al-Fitr bonus in Medan City is not yet fully equitable and consistent with the provisions of the circular. The bonus amount received by some drivers is still below the 20% standard, and some even receive no bonus at all. This discrepancy indicates a gap between policy direction and practice, resulting in suboptimal implementation of the expected protection. From a fairness and job protection perspective, the provision of holiday bonuses is not only related to financial aspects, but also impacts work motivation, company loyalty, and the stability of partnership relationships. Therefore, transparency, accountability, and policy communication are crucial factors in ensuring that holiday bonuses are received fairly and proportionally.

Furthermore, research confirms that holiday bonuses play a role in maintaining the social and psychological balance of online motorcycle taxi drivers. Drivers who receive bonuses feel more appreciated and financially supported in the lead-up to Eid al-Fitr, while drivers who do not receive bonuses experience economic stress and decreased job

satisfaction. Therefore, holiday bonuses have strategic significance in improving partner welfare, strengthening digital partnerships, and maintaining the sustainability of app-based transportation services in Medan. Going forward, strengthened government oversight, improvements to app companies' internal policies, and increased transparency are needed to ensure that holiday bonuses are implemented consistently, fairly, and sustainably.

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