

ABSTRACT

The gig economy phenomenon presents a flexible work model based on digital platforms, but it raises labor law issues. In Indonesia, gig workers such as online motorcycle taxi drivers are still categorized as partners, so they are not included in the employment relationship as stipulated in Law Number 13 of 2003 concerning Manpower, which causes them to not obtain normative rights such as minimum wage, social security, and protection from layoffs. In contrast, Spain through *the Riders Law (Real Decreto-ley 9/2021)* recognizes platform workers as formal employees with full employment rights, including access to state social security, minimum wage, paid leave, protection from layoffs, as well as the transparency of the algorithms used by the platform. This study uses a normative juridical method with a legislative approach and comparative law to analyze the differences in regulation as well as the constraints and efforts of the Indonesian government. The results of the study show that Indonesia needs special regulations to ensure fair and equal legal protection for gig workers. Although the government has shown an initial response through the drafting of general regulations and the facilitation of independent social security, these efforts have not been fully maximized. This study is expected to be a reference in formulating employment policies that are adaptive to the development of digital work.

Keywords: *Gig Economy, Legal Protection, Employment Law*

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The gig economy phenomenon offers a flexible work model based on digital platforms, but raises employment law issues. In Indonesia, gig workers, such as online motorcycle taxi drivers, are still categorized as partners, thus excluding them from employment relationships as stipulated in Law Number 13 of 2003 concerning Manpower. This prevents them from obtaining normative rights such as a minimum wage, social security, and protection from layoffs. In contrast, Spain, through its Riders Law (Real Decreto-ley 9/2021), recognizes platform workers as formal employees with full employment rights, including access to state social security, a minimum wage, paid leave, protection from layoffs, and transparency of the platform's algorithms. This study uses a normative juridical method with a statutory and comparative legal approach to analyze the differences in regulations, as well as the obstacles and efforts of the Indonesian government. The results indicate that Indonesia requires specific regulations to guarantee fair and equal legal protection for gig workers. Although the government has demonstrated an initial response through the development of general regulations and the facilitation of independent social security, these efforts remain insufficient. This study is expected to be a reference in formulating employment policies that are adaptive to the development of digital work.

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