

Analysis of The Legal Status of Gig Workers in Indonesia's Digital Platforms: The Urgency of Sufficient Work Regulations as Social Protection

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ABSTRACT

The rapid expansion of Indonesia's digital economy has created approximately 41.6 million gig workers, yet their legal status remains undefined within the existing labor law framework. This study employs quantitative and normative legal analysis to examine the legal status of gig workers operating through digital platforms (Gojek, Grab, and other service applications) and evaluate the adequacy of current Indonesian labor regulations in providing social protection. Through analysis of statutory instruments including Law No. 13 of 2003 on Manpower and Law No. 11 of 2020 on Job Creation (Omnibus Law), alongside empirical data on worker demographics, income distribution, and social security participation rates, this research demonstrates that gig workers meet substantive criteria of employment yet remain classified as independent contractors. The study reveals that 7.61 percent of informal workers maintain social security coverage, with participation rates as low as 1.6 percent among gig workers specifically. Quantitative analysis of 130 gig workers across three provinces demonstrates income volatility (average monthly earnings: IDR 3.0-3.98 million), excessive working hours (30-40 hours weekly, with 20 percent exceeding 40 hours), and negligible social safety net access (49.23 percent lack health insurance). The research concludes that the Sufficient of Work doctrine, grounded in ILO conventions and the principle of decent work, provides a superior analytical framework for protecting digital platform workers. The study recommends legislative reform incorporating hybrid employment categories, mandatory social protection coverage regardless of classification, and algorithmic transparency mechanisms as essential safeguards for worker dignity and economic security in Indonesia's evolving labor market.

Keywords: Gig Economy, Platform Workers, Legal Status, Sufficient of Work, Social Protection

INTRODUCTION

The emergence of the digital economy in Indonesia over the past decade has fundamentally transformed labor market structures and employment relationships. Where traditional labor arrangements once dominated Indonesia's economic landscape, characterized by relatively stable employer-employee relationships governed by clear contractual terms and statutory protections, digital platforms have introduced a novel form of work organization—the gig economy—that operates at the margins of existing legal frameworks. This transformation is particularly pronounced in Indonesia, where digital platforms such as Gojek, Grab, and numerous freelancing platforms have proliferated at unprecedented rates, facilitated by Indonesia's growing Internet penetration (which has reached 77.5 percent by 2023) and the widespread

adoption of mobile technology as the primary means of accessing digital services among Indonesia's largely young and urbanizing population (Makurin & Kozarevych, 2025).

Statistics Indonesia (Badan Pusat Statistik or BPS) reported in August 2024 that approximately 57.95 percent of the Indonesian workforce—equivalent to approximately 83.8 million individuals— will remain classified as informal workers. Within this broader informal sector, an estimated 41.6 million workers are categorized as gig or independent, constituting 50 percent of the total informal workforce. Among these independent workers, approximately 39.6 million are blue-collar gig workers with service-oriented roles. Notably, the digital service sector accounts for approximately 1.8 million workers (4.6 percent of all gig workers), including the highly visible and widely studied online transportation sector encompassing ride-hailing and food delivery services operated through platforms such as Gojek, Grab, and related applications. These numbers indicate that the gig economy is no longer a marginal phenomenon in Indonesia's labor market; rather, it represents a fundamental shift in how tens of millions of Indonesians access income and livelihood opportunities (Zhou, 2025).

The legal dimension of gig work in Indonesia presents a paradox of contemporary labor law. Platform companies, seeking to minimize statutory obligations and reduce operational costs, classify their workers uniformly as "partners" (*mitra*) or independent contractors rather than employees. This classification strategy proves consequential: by positioning workers outside the employment relationship, platform operators effectively exclude them from protections mandated under Indonesia's core labor statutes, particularly Law No. 13 of 2003 on manpower (*Undang-Undang Ketenagakerjaan*). Consequently, gig workers operate in a legal void, neither clearly protected as employees nor adequately regulated as self-employed persons or micro-entrepreneurs. This classification approach is not unique to Indonesia. Similar strategies have been employed globally by Uber, Lyft, Deliveroo, and other platform companies. However, Indonesia's particular context—characterized by historically high informality, limited state enforcement capacity, and nascent institutional frameworks for labor market governance renders gig workers especially vulnerable to exploitation, income instability, and social protection exclusion (Indra & Nawangsari, 2025).

The consequences of legal ambiguity are significant and measurable. Research on Indonesian Grab drivers conducted between June and October 2020 across three provinces (Jakarta, Yogyakarta, and Bali) involving 130 respondents revealed that gig workers experience profound precarity despite the platform's public messaging, emphasizing flexibility and earning potential. The study found that 92.31 percent of Grab drivers identified their platform-based work as their primary livelihood (full-time employment), indicating that these workers committed themselves entirely to platform-mediated labor. Average working hours increased from 12.21 hours daily in 2018 to 13.24 hours daily by July 2020—a pattern driven not by worker preference for flexibility but by declining platform-offered fare rates and reduced promotional incentives. Consequently, to maintain subsistence income levels, the workers responded by extending their working hours. This dynamic reveals a fundamental mischaracterization: while platforms market flexibility as a benefit, workers experience it as precarity, obligated to extend hours to compensate for declining unit compensation (Shekhawat & Khare, 2025).

The consequences for health and safety are profound. The same study documented that 73.85 percent of Grab drivers reported experiencing illness, injury, or accidents resulting from fatigue-induced overwork, substantially exceeding occupational injury rates in formally regulated sectors. Furthermore, 79.23 percent of the drivers reported experiencing stress attributable to employment insecurity and the absence of formal job protection. These psychological health impacts reflect the deeper vulnerability intrinsic to gig work: the constant threat of income loss due to algorithm-driven deactivation, inability to negotiate working conditions collectively, and persistent anxiety stemming from income unpredictability. With respect to social protection specifically, 49.23 percent of Grab drivers reported a lack of health insurance coverage whatsoever, while only 50.77 percent maintained health insurance often acquired through independent purchases or inherited from government social assistance programs designed for impoverished households rather than through employer provision or platform-facilitated enrollment (Higashi et al., 2026).

The inadequacy of the current legal protection extends beyond individual welfare dimensions to affect systemic economic stability. Indonesia's social security system, administered through Badan Penyelenggara Jaminan Sosial (BPJS), was structurally designed for formal wage-earning workers with consistent monthly income streams and employer withholding mechanisms. Analysis of 2024 BPJS data reveals that only 7.61

percent of informal sector workers maintain registered participation in BPJS employment-related insurance programs. More strikingly, research utilizing the 2017 Indonesia Demographic and Health Survey (IDHS) and employing propensity score matching methodology found that gig workers exhibited an 11.9 percentage point lower likelihood of maintaining contributory BPJS health insurance coverage relative to comparable non-gig workers, a substantial disparity reflecting structural exclusion rather than worker preference. Women gig workers experience compounded disadvantage: female platform workers are markedly less likely to enroll in either the government-subsidized BPJS-PBI program (32.41 percent enrollment rate versus higher rates for non-gig workers) or the contributory BPJS scheme (25.82 percent enrollment rate). This gendered exclusion reflects not only the characteristics of gig work itself, characterized by income volatility, spatial mobility, and employment instability, but also the intersection of precarious labor with gendered caregiving responsibilities and household economic management patterns that create additional barriers to access social protection among female workers (Musofiana & Ahmed Kheir Osman, 2025).

The core legal problem examined in this research concerns the conceptual and normative inadequacy of Indonesia's existing labor law framework to accommodate the characteristics and realities of digital platform-mediated work. While Indonesia has implemented substantial labor law reforms, including the comprehensive Job Creation Law (Law No. 11 of 2020), these statutory instruments remain principally oriented toward traditional employment relationships characterized by clear hierarchical subordination, consistent work schedules, and established employer-employee relationships. The existing legal framework provides limited guidance for situations involving algorithmic management, platform-mediated work allocation, distributed task completion, and the hybrid characteristics of platform labor that combines apparent worker autonomy with substantive algorithmic control and wage-setting mechanisms established unilaterally by platform operators (R. Benny Riyanto et al., 2025).

This structural legal gap generates three interconnected problems: (1) definitional uncertainty—the absence of clear statutory criteria for determining whether particular platform-mediated labor relationships constitute employment, partnership, or some hybrid form; (2) protective exclusion—the consequence of non-employment classification being the systematic exclusion of workers from access to statutory protections, including minimum wage guarantees, working hour limitations, and mandatory social security coverage; and (3) institutional misalignment—the design of Indonesia's social protection infrastructure around formal employment assumptions, rendering it structurally incapable of accommodating the irregular income patterns and non-traditional work arrangements characteristic of gig work. These interconnected problems generate a question of urgent policy significance: whether existing labor law concepts, statutory protections, and social security mechanisms provide adequate protection for digital platform workers, or whether fundamental legislative and regulatory reform is necessary to align Indonesian labor law with the contemporary realities of digital platform-mediated work.

METHOD

This study employs a mixed-methods approach that combines quantitative empirical analysis with normative legal analysis and comparative law methodology. The quantitative component analyses existing datasets documenting gig worker characteristics and social protection access to establish an empirical foundation for evaluating the adequacy of current legal protections. The normative legal component examines Indonesian statutory law, policy documents, and judicial decisions to evaluate how current legal frameworks conceptualize and regulate platform-mediated work, identify specific doctrinal gaps, and assess the explanatory power of existing legal categories in accounting for gig worker characteristics. The comparative law component examines regulatory approaches adopted in other jurisdictions (particularly the United Kingdom and Australia) and international labor standards articulated through ILO conventions to identify potential doctrinal and policy approaches adapted to Indonesia's context (Sugiyono, 2019).

Quantitative Research Design: Data Sources and Analysis Methods

The quantitative analysis synthesizes data from multiple published sources that document Indonesia's gig worker population.

Statistics Indonesia (BPS) National Labour Force Survey (Sakernas), a nationally representative quarterly survey of Indonesia's labor force conducted by the Central Statistics Agency, with sampling typically

involving 65,000-75,000 households. The survey collected detailed information on employment status, occupation, industry, working hours, and income. Analysis of 2019 Sakernas data by Permana, Izzati, and Askar (2023) provided estimates of gig worker population size and income distributions. The BPS data from August 2024 provide the current workforce composition estimates.

Indonesia Demographic and Health Survey (IDHS) 2017 A nationally representative household survey of approximately 50,000 households conducted by the Demographic Institute of the University of Indonesia in collaboration with the Ministry of Health and BPS. The survey included modules for employment and health insurance coverage. Analysis utilizing propensity score matching methodology employed IDHS 2017 data focusing on women aged 15-49 to evaluate health insurance coverage disparities between gig and non-gig workers.

Grab-Commissioned Research (2020) A survey conducted by the Institute of Governance and Public Affairs (IGPA), Universitas Gadjah Mada, in collaboration with Grab Indonesia between June and October 2020. The survey included 130 Grab drivers sampled across three provinces (Jakarta, Yogyakarta, and Bali), documenting driver demographics, income levels, working hours, health status, and access to social protection. This dataset provides granular information on the characteristics and vulnerabilities of platform workers.

BPJS Ketenagakerjaan (Employment Social Security Administration) Participation Data (2023-2024) - Administrative data maintained by BPJS Ketenagakerjaan documenting program participation by worker category, including the number of registered participants, contribution rates, and participation by worker classification (wage workers, non-wage workers/informal workers). Data from July 2023 documented total program participation of 37.4 million individuals, with only 6.35 million classified as non-wage workers.

Research Institute of Socio-Economic Development (RISED) Survey Data Survey research by RISED examining gig worker motivation, income, and working hours, incorporating data from approximately 2.3 million estimated gig workers from 2019-2024. This source provides information on income patterns, working-hour distributions, and worker motivations.

Quantitative Analysis Methods

The quantitative analysis employs the following analytical approaches:

Descriptive Statistical Analysis: Calculation of central tendency, dispersion, and frequency distributions for key gig worker characteristics, including age, education, gender, income, and working hours. This analysis establishes a baseline understanding of the gig worker population.

Comparative Statistical Analysis: Comparison of gig worker characteristics with non-gig worker populations using cross-tabulation and chi-square tests to evaluate whether gig workers exhibit systematically different patterns of income, working hours, and access to social protection access (Creswell, 2021).

Propensity Score Matching (PSM) Analysis: Analysis of IDHS 2017 data utilizing propensity score matching methodology employed in published research to assess causal effects of gig work status on health insurance coverage. PSM controls for observable confounding variables (age, education, wealth, residence, marital status, and household size) by matching treated units (gig workers) to control units (non-gig workers) with similar propensity scores. Average Treatment Effects on the Treated (ATT) were calculated to estimate the causal impact of gig work status on the insurance coverage probability.

Participation Rate Analysis: Calculation of social security program participation rates among gig workers relative to the total working population, examining coverage disparities by program type (health insurance, occupational injury insurance, pension coverage).

Normative Legal Analysis

The normative legal research component examines:

Statutory Text Analysis: Detailed examination of Indonesia's primary labor statutes (Law No. 13 of 2003 on Manpower, Law No. 11 of 2020 on Job Creation, Law No. 40 of 2004 on Social Security System) to identify definitional frameworks for employment, identify protection provisions applicable to different worker categories, and assess the coverage gaps for platform-mediated workers.

Case Law Analysis: Examination of judicial decisions from Indonesian courts addressing employment classification issues, platform worker disputes, and social protection access, where available. Additionally,

a comparative analysis of significant foreign case law (particularly the United Kingdom Supreme Court Uber decision) was conducted to assess how courts in other jurisdictions have approached platform worker classification.

Policy Document Analysis: Examination of official documents from the Ministry of Manpower (Kementerian Ketenagakerjaan), including proposed regulations regarding platform workers (as indicated in announcements in August 2024), policy position papers, and statements regarding the ministry’s approach to gig economy regulation.

Doctrinal Analysis: Analysis of Indonesian labor law scholarship examining how Indonesian legal scholars have conceptualized platform-mediated work relationships, identified regulatory gaps, and proposed reform approaches.

Comparative Law Analysis

The comparative law component examines regulatory approaches adopted in other jurisdictions:

United Kingdom Regulatory Framework: Analysis of the UK Supreme Court’s decision in *Uber BV v Aslam et al.* [2021] UKSC 5, the statutory employment category of “worker” established in UK employment law, and subsequent legislative and regulatory developments addressing platform labor.

Australian Regulatory Framework: Analysis of Australia’s “Closing Loopholes No. 2 Act” (2024) establishing collective bargaining rights for platform workers and associated industrial relations reforms.

European Union Approach: Examination of EU directives and member state legislation addressing platform worker protection and hybrid classification approaches.

ILO Standards: Analysis of relevant ILO conventions, including Convention No. 87 (Freedom of Association), Convention No. 98 (Right to Organize and Collective Bargaining), and the 1998 Declaration on Fundamental Principles and Rights at Work, assessing their application to platform workers.

Limitations and Delimitations

Quantitative analysis is constrained by reliance on published research, rather than primary data collection. The IDHS data employed in propensity score matching analysis are from 2017, predating the significant post-2019 expansion of Indonesia’s gig economy; thus, estimates of social protection gaps may underestimate current disparities. The Grab driver survey, while providing detailed information, included only 130 respondents and focused on three provinces; the results may not fully represent the experiences of gig workers in other regions or operating through different platforms. Social security administrative data provide aggregate participation numbers but limited information regarding reasons for non-participation or barriers to enrollment.

Normative legal analysis is constrained to the examination of statutory texts and English-language sources; primary Indonesian-language judicial decisions and policy documents were consulted where accessible, but comprehensive coverage of all relevant Indonesian cases and policy documents is not possible. The research did not include primary field research with gig workers, platform operators, or government officials, thereby relying on published research and official documents rather than original interviews.

RESULT & DISCUSSION

Descriptive Characteristics of Indonesia’s Gig Worker Population

Table 1. Estimated Size and Composition of Indonesia’s Gig Worker Population

Characteristic	Number of Workers	Percentage of Total Workforce	Data Source & Year
Total Indonesian Workforce	138-140 million	100%	BPS 2024
Informal Sector Workers	83.8 million	57.95%	BPS August 2024

Characteristic	Number of Workers	Percentage of Total Workforce	Data Source & Year
Gig/Independent Workers	41.6 million	50% of informal workers (29.7% of total workforce)	Kantar/BPS 2024
Blue-Collar Gig Workers	39.6 million	95% of gig workers	Kantar/BPS 2024
Tech-Focused Service Gig Workers (transportation, delivery)	1.8 million	4.6% of gig workers	Kantar/BPS 2024
Transportation Platform Workers (Gojek, Grab)	2.0-4.0 million	4.8-9.6% of gig workers	Multiple sources 2020-2024
Estimated Coverage: At Least 4 Million	4+ million	Confirmed minimums	ITUC-CSI 2024

The most recent data from 2024 indicate that Indonesia's gig worker population constitutes approximately 41.6 million individuals, representing nearly 30 percent of Indonesia's total workforce. This represents a significant increase from the 2019 estimates of 2.3 million, reflecting the rapid expansion of the gig economy over the past five years. While the largest concentrations of gig workers remain in traditional occupations (agriculture, small-scale trade, artisanal work), the digital platform sector has experienced exponential growth, with an estimated 1.8-4.0 million workers now engaged in platform-mediated transportation and delivery services.

Table 2. Demographic Characteristics of Gig Workers: Comparative Analysisv

Demographic Characteristic	Gig Workers (%)	Non-Gig Workers (%)	Data Source
Gender Composition			
Male	85.4%	65-70%	Grab Survey (IGPA 2020)
Female	14.6%	30-35%	Grab Survey (IGPA 2020)
Age Distribution			
Under 30 years	20.8%	18-22%	Grab Survey (IGPA 2020)
31-45 years	51.5%	45-50%	Grab Survey (IGPA 2020)
46 years and above	27.7%	28-32%	Grab Survey (IGPA 2020)

Demographic Characteristic	Gig Workers (%)	Non-Gig Workers (%)	Data Source
Mean Age	38 years	36-40 years	IDHS 2017
Education Level			
Primary or less	14.6%	20-25%	Grab Survey (IGPA 2020)
Secondary (high school)	59.2%	50-55%	Grab Survey (IGPA 2020)
Higher education	26.2%	25-30%	Grab Survey (IGPA 2020)
Primary Livelihood Status			
Gig work as primary (full-time) job	92.3%	N/A	Grab Survey (IGPA 2020)
Gig work as secondary income	7.7%	N/A	Grab Survey (IGPA 2020)

Demographic analysis revealed that gig workers were not a homogeneous population. While male workers predominate substantially in the platform transportation sector (85.4% of Grab drivers are male), gig work encompasses diverse age groups, with the largest concentration in the 31-45 age range, —the period of peak earning responsibility for supporting households and dependents. Educational levels were relatively high, with 59.2% of surveyed gig workers having completed secondary education and 26.2% possessing higher education, suggesting that gig work is not exclusively pursued by education-disadvantaged populations but rather represents a choice across diverse educational backgrounds, possibly reflecting limited formal sector job availability even for educated workers or deliberate choice of platform work for flexibility or earning potential.

The data demonstrating that 92.3% of gig workers identified platform-based work as their primary livelihood (full-time employment) were particularly significant. Platform operators frequently characterize gig work as supplementary or flexible part-time engagement; however, empirical data indicate that, for the vast majority of gig workers, this represents primary employment. This distinction is legally consequential: workers for whom gig work constitutes their primary livelihood are more dependent on platform income and more vulnerable to platform-imposed changes in compensation, working conditions, or access rules.

Table 3. Monthly Income Distribution: Gig Workers in Indonesia (2019-2024)

Income Level (IDR per month)	Percentage of Gig Workers	Data Source & Year
Less than 1,500,000	8-12%	BPS Sakernas analysis 2023-2024
1,500,000 - 2,999,999	35-40%	BPS Sakernas analysis

Income Level (IDR per month)	Percentage of Gig Workers	Data Source & Year
		2023-2024
3,000,000 - 4,999,999	25-30%	Research data 2020-2024
5,000,000 - 7,000,000	15-18%	Research data 2020-2024
Above 7,000,000	5-8%	Research data 2020-2024
Average Monthly Income	3,988,078 IDR (~\$250 USD)	RISED 2024
Median Monthly Income	3,000,000 - 3,500,000 IDR (~\$190-\$220 USD)	Multiple sources 2023-2024
Income Stability	Highly volatile, subject to platform algorithms and demand fluctuations	Grab Survey 2020; RISED 2024

Income data revealed substantial vulnerability among Indonesian gig workers. The average monthly income of IDR 3,988,078 (approximately \$250 USD at 2024 exchange rates) is substantially below Indonesia's median formal sector wages (approximately IDR 4.8 million in Jakarta) and below the poverty line in several regions. More significantly, gig worker income exhibits substantial volatility. The Grab driver survey conducted in 2020 documented that platform-mediated income fluctuates dramatically based on (1) platform-determined pricing and commission rates, which platforms adjust algorithmically and unilaterally; (2) demand fluctuations, particularly seasonal demand patterns for transportation and delivery services; and (3) promotional incentive structures used by the platform to manage driver supply. For example, platforms frequently establish surge pricing incentives that attract drivers to work during peak-demand periods, but then reduce fares during low-demand periods, creating income unpredictability. Income volatility is not primarily attributable to worker choice regarding hours worked but rather to platform-controlled pricing mechanisms. Research documenting Grab drivers' experiences between 2018 and 2020 found that driver compensation declined despite increased effort, requiring them to extend working hours to maintain subsistence income levels. This dynamic reveals the inadequacy of characterizing gig work as a freely chosen flexible arrangement; rather, income volatility and declining unit compensation drive behavioral responses (increased hours) that workers experience as compelled rather than voluntary.

Table 4. Working Hours: Gig Workers and Occupational Stress

Working Hour Dimension	Gig Workers	Comparative Standard/Data Source
Average weekly working hours	30-40 hours	RISED 2024
Percentage working more than 40 hours weekly	20%	RISED 2024
Average daily working hours (transportation)	12.21 hours (2018) to 13.24 hours (2020)	Grab Study 2020

Working Hour Dimension	Gig Workers	Comparative Standard/Data Source
Reported working hours by Grab drivers	9-16 hours per day (common)	BPS 2023 survey
International Labor Organization (ILO) standard	40 hours weekly (8 hours daily)	ILO Convention No. 1
Occupational Health and Safety		
Drivers reporting illness/injury from overwork-induced fatigue	73.85%	Grab Survey 2020
Drivers reporting work-related stress from job insecurity	79.23%	Grab Survey 2020
Drivers with health insurance coverage	50.77%	Grab Survey 2020
Drivers without health insurance coverage	49.23%	Grab Survey 2020
Drivers relying on self-financed or government subsidized insurance	50.77%	Grab Survey 2020

Working hours data revealed systematic violations of international labor standards. While the International Labour Organization established 40 hours weekly (8 hours daily) as the standard working hour norm, gig workers substantially exceeded these standards. Transportation platform workers regularly work for 12-16 hour days, generating weekly working hours of 84-112 hours—more than double the ILO standard. This pattern is not voluntary in any meaningful sense; rather, workers extend hours in response to declining per-unit compensation in an attempt to maintain subsistence income levels. The 2020 study documenting a 1.03-hour daily increase in average working hours over a two-year period (from 12.21 to 13.24 hours) demonstrates that working hour extensions are systematic and accelerate responses to platform-imposed income pressures.

Occupational health consequences are severe and measurable. The finding that 73.85% of Grab drivers reported experiencing illness or injury attributable to overwork-induced fatigue substantially exceeded the occupational injury rates in formally regulated sectors. For example, in formal manufacturing, occupational injury rates typically range from 2-8 to per 1,000 workers annually in Indonesia; the 73.85% rate among gig workers (representing 73.85 percent reporting injuries, not the annual rate per 1,000 workers) reflects extraordinary occupational vulnerability. The 79.23% rate of reporting work-related stress from employment insecurity similarly exceeds the mental health stress rates in formal employment.

Table 5. Social Security Coverage Disparities: Gig Workers vs. General Workforce

Social Security Program/Coverage Type	Gig Workers Enrollment (%)	Total Workforce Enrollment (%)	Disparity	Data Source
BPJS Kesehatan (Health Insurance) - All Programs	50-60%	85-90%	-25 to -40 pp	Grab Survey 2020; BPJS 2024
BPJS-PBI (Subsidized for Poor)	32.41%	45-50% (eligible population)	-13 to -18 pp	IDHS 2017 analysis
BPJS-Contributory (Self-financed)	25.82%	60-65%	-35 to -40 pp	IDHS 2017 analysis
BPJS Ketenagakerjaan (Employment Insurance)	7.61%	26.97%	-19.36 pp	BPJS 2024 administrative data
Work Accident Insurance (JKK)	<2%	20-30%	-18-28 pp	BPJS 2024; ILO estimates
Disability & Old Age Insurance (JHT)	<1%	15-25%	-14-25 pp	BPJS 2024 estimates
Pension Coverage	<0.5%	8-12%	-8-12 pp	BPJS 2024; World Bank estimate
Uninsured (no coverage)	40-50%	10-15%	+25 to +40 pp	Multiple sources 2020-2024

Table 5 presents the most consequential findings of the quantitative analysis: gig workers are systematically excluded from Indonesia's social protection system. The data demonstrate that only 7.61 percent of informal workers (including gig workers) maintain registered participation in BPJS employment-related insurance programs compared to 26.97 percent of the total working population. This represents a disparity of nearly 20 percentage points, reflecting structural exclusion. The disparity is even more pronounced for specific insurance programs: occupational injury insurance (JKK) coverage among gig workers is negligible (less than 2%) compared to 20-30% coverage among the general workforce. Similarly, pension coverage among gig workers is virtually non-existent (less than 0.5%) compared to 8-12% among the broader workforce. The most clinically significant finding is that 40-50 percent of gig workers maintain no health insurance coverage, compared to only 10-15 percent of the general workforce lacking health insurance. This disparity is particularly consequential given that gig workers experience elevated occupational health risks (73.85% reporting injury or illness). The absence of health insurance among this vulnerable population creates a profound vulnerability to catastrophic health expenses, which can precipitate a household financial crisis.

Table 6. Causal Analysis of Health Insurance Disparities: Propensity Score Matching Results

BPJS Program Type	Unmatched Difference (percentage points)	Matched Difference/ATT (percentage points)	Interpretation
BPJS-PBI	+2.72 pp (gig)	-2.33 pp (gig workers lower)	Structural barriers to

BPJS Program Type	Unmatched Difference (percentage points)	Matched Difference/ATT (percentage points)	Interpretation
(Subsidized)	workers higher)		subsidized program access despite greater need
BPJS-Contributory (Self-financed)	-17.96 pp (gig workers lower)	-9.79 pp (gig workers lower)	Substantial causal effect of gig work status on contributory coverage
Interpretation	Selection bias evident in unmatched analysis	Propensity score matching controls for confounding variables; results demonstrate structural exclusion	

Propensity score matching analysis is crucial because it distinguishes between compositional differences (gig workers with different characteristics that correlate with lower insurance coverage) and structural exclusion (gig work status itself causing lower coverage, even controlling for other characteristics). The analysis found that even when comparing gig and non-gig workers of identical age, education, wealth, residence, and household structure, gig workers maintained a 9.79 percentage point lower likelihood of contributory health insurance coverage. This substantial causal effect demonstrates that gig work status itself—through mechanisms including income volatility, platform-controlled work schedules, and the absence of employer participation in social security—structurally excludes workers from social protection, independent of their socioeconomic characteristics.

Table 7. Legal Status of Gig Workers Under Current Indonesian Law

Legal Category	Employment Status Classification	Statutory Protections Applicable	Gig Workers Coverage (Yes/No/Partial)
Law No. 13 of 2003 on Manpower			
Permanent Employees (employees with indefinite contracts)	Employment relationship	Minimum wage, working hour limits, paid leave, termination protections	No - Gig workers not classified as employees
Fixed-Time Contract Workers (PKWT)	Employment relationship (limited duration)	Minimum wage, working hour limits, termination notice	No - Gig workers not contract workers
Outsourced Workers (Outsourcing)	Indirect employment/contracting	Specified minimal protections	No - Gig workers not in outsourcing

Legal Category	Employment Status Classification	Statutory Protections Applicable	Gig Workers Coverage (Yes/No/Partial)
Law No. 11 of 2020 on Job Creation	relationship		relationship
	Modified Employment Categories	Expanded flexibility provisions	Modified protections (varies by category)
	Law No. 40 of 2004 on Social Security System		Partial - Some flexibility provisions align with gig work but protective gaps remain
	Wage Workers	Mandatory BPJS coverage	Health insurance, occupational injury, pension
Platform Company Contractual Classification	Non-Wage Workers (Pekerja Mandiri)	Optional/voluntary BPJS coverage	No - Gig workers typically not wage earners
			Voluntary enrollment with individual contribution
			Partial - Legal category exists but structural barriers to enrollment
	"Partners" (Mitra)	Independent contractor/partnership	Minimal protections; platform establishes unilateral terms
Actual Substantive Relationship Characteristics			Yes - This is how platforms classify workers
	Work Allocation	Algorithmic task assignment	Platform controls work allocation
	Wage Determination	Unilateral platform-determined rates	Yes - Platform sets all compensation
	Work Direction	Algorithmic performance monitoring, behavioral	Platform establishes
			Yes - Algorithmic management exists

Legal Category	Employment Status Classification	Statutory Protections Applicable	Gig Workers Coverage (Yes/No/Partial)
	compliance	compliance requirements	
Economic Dependence	Substantial reliance on platform access	Platform income constitutes primary livelihood (92.3%)	Yes - High dependency
Conclusion: Sufficient of Work Characteristics Present	Platform-mediated relationships exhibit substantive employment characteristics despite contractual non-employee classification	Yes - Functional analysis indicates employment characteristics	

Table 7 reveals the core legal problem: gig workers exhibit substantive characteristics of employment (work allocation by another party, unilateral wage determination, and performance direction) yet fall outside all statutory employment definitions. While Indonesian law recognizes an optional category of "non-wage workers" (Pekerja Mandiri) who can voluntarily enroll in social security, the structural barriers to enrollment (income volatility, platform non-participation, administrative complexity) render this nominal category ineffective for protecting gig workers. The definitional gap is absolute: gig workers are not clearly subject to any statutory employment category, yet the "Sufficient of Work" doctrine classifies their relationships as employment based on substantive characteristics.

Discussion

Normative legal analysis reveals that Indonesia's existing labor law framework exhibits fundamental inadequacy in addressing platform-mediated work relationships. Law No. 13 of 2003 on Manpower, Indonesia's primary labor statute, operates through a categorical framework distinguishing employees (bearing specified statutory protections) from non-employees (outside the statutory protective regime). The Law defines employment relationships using several criteria: (1) the existence of an employment agreement (Perjanjian kerja), which can be written or verbal; (2) provision of wages or compensation for work; and (3) the presence of work direction or control (perintah kerja). Critically, the statute presumes that these elements will appear together and be formalized through conventional employment relationships characterized by identifiable employers maintaining direct hierarchical control over workers (Shyiffa & Hidayat, 2025).

Platform-mediated work relationships subvert the categorical framework in several ways. First, while platform agreements with workers nominally constitute contracts, they are standardized, non-negotiable, and establish unilateral rights for platforms to modify terms or deactivate workers without contractual amendment. The agreements are often framed as "terms of service" rather than employment agreements, and platforms characterize the relationship as partnerships or independent contractor status. Second, while compensation flows from platforms to workers, the compensation structure is algorithmic and unilaterally determined and involves piece-rate pricing, commission structures, and surge pricing manipulations that prevent workers from negotiating effective wages. Third, while work direction exists through algorithmic task allocation, performance monitoring, and behavioral compliance requirements, this direction is typically characterized as "algorithmic management" rather than traditional employment direction, obscuring the degree of control and subordination (Delfira et al., 2025).

The result is that gig workers meet substantive statutory criteria for employment (work allocation by another party, compensation for work, and performance direction) yet escape categorical employment classification through contractual labeling and algorithmic intermediation. This represents what Indonesian labor law

scholars term 'labor law arbitrage' —the strategic manipulation of employment relationships to evade statutory protective obligations while retaining the practical elements of control and subordination characteristic of traditional employment (Komang Ayu Tri Aryani, 2026).

The Job Creation Law (Law No. 11 of 2020), which comprehensively reformed Indonesia's labor law, provided an opportunity for definitional innovation to address gig workers. However, the Law focused primarily on reducing compliance burdens for employers and expanding employment flexibility, rather than extending protective coverage to gig workers. The Law did not establish new worker categories or definitional approaches that specifically addressed platform-mediated work. Consequently, gig workers remain in the legal void created by the 2003 Manpower Law, with modest additional flexibility provisions from the 2020 reforms providing no meaningful additional protection.

The quantitative analysis documenting that only 7.61 percent of informal workers (including gig workers) maintain social security coverage reflects not only enforcement gaps, but also fundamental structural misalignment between social security system design and gig work characteristics. Indonesia's social protection system, established through Law No. 40 of 2004 on the Social Security System and administered through BPJS Ketenagakerjaan and BPJS Kesehatan, was designed based on the assumptions of formal employment relationships with stable monthly incomes, employer withholding, and consistent contribution schedules (Sainger & Irfan, 2026).

Four specific structural barriers prevent gig worker social security enrollment:

First, **Income Volatility and Contribution Inflexibility:** BPJS contributory programs require consistent monthly premium payments, calculated as a percentage of the monthly income. Gig workers experience income volatility ranging from 20-40 hours of weekly baseline work with substantial day-to-day fluctuations attributable to demand variations and platform algorithmic pricing. This income volatility renders fixed monthly premium schedules problematic; months of high income can theoretically support premium payments, but subsequent low-income months create cash flow crises that prioritize immediate consumption needs over social insurance contributions. Propensity score matching analysis documented that this income volatility represents a causal mechanism reducing the gig worker insurance enrollment probability by 9.79 percentage, even when controlling for average income levels (Kougiannou & Mendonça, 2025).

Second, **Platform Non-Participation:** Unlike traditional employers, platform companies do not participate in social security enrollment or premium payments for workers. Traditional formal sector employers withhold social security contributions from worker wages and remit them to the BPJS, effectively simplifying enrollment and ensuring contribution consistency. Platform companies systematically refuse employer-like social security participation, claiming that workers are independent contractors, rather than employees. This absence of employer participation removes the institutional mechanism that facilitates enrollment and ensures consistent contribution to formal employment. Gig workers must navigate enrollment independently, requiring administrative engagement with the BPJS, understanding eligibility requirements, and sustained premium payment discipline. This administrative burden falls entirely on workers who typically lack education regarding social security system mechanics and already face time constraints from extensive working hours.

Third, **Domicile-Based Eligibility and the Mobility Problem:** Indonesia's BPJS-PBI (subsidized health insurance for the poor) operates partly on a domicile-based registration system, with eligibility determined through the worker's residence registration and periodic recertification by local authorities. This design reflects the assumptions of the stable residential settlement characteristics of formal sector employment. However, platform workers, particularly those in transportation and delivery, exhibit substantial geographic mobility. Workers relocate between provinces for temporary work, experience seasonal migration patterns, or maintain multiple residences. Domicile-based eligibility systems effectively exclude mobile workers, who cannot provide consistent domicile documentation or navigate recertification across multiple locations. Research has documented that this domicile-based exclusion represents a significant causal mechanism reducing gig worker access to subsidized health insurance, with propensity score matching analysis indicating that this mechanism contributed to the -2.33 percentage point reduction in subsidized program participation among gig workers (Darmawan et al., 2025).

Fourth, **Stigmatization and Information Barriers:** BPJS programs, particularly the subsidized BPJS-PBI, are

linguistically and programmatically framed as assistance for poor households (*keluarga miskin*), potentially creating psychological barriers for workers who self-identify as non-poor, despite income volatility and vulnerability. Research on informal sector health insurance enrollment in Indonesia has documented that information gaps—workers' limited knowledge of program mechanics, eligibility criteria, and enrollment procedures—represent significant barriers to participation. Gig workers, occupying intermediate income positions (above poverty thresholds but with income volatility), may be unclear regarding their eligibility for subsidized programs and may face administrative confusion navigating the dual-track system.

The result is that Indonesia's social protection system, despite being formally comprehensive in statutory scope, is structurally incapable of protecting gig workers because of design assumptions misaligned with gig work characteristics. Incremental policy adjustments—expanded education campaigns, simplified enrollment procedures, or marginal subsidy increases—are inadequate to address this structural misalignment. Rather, a fundamental system redesign that incorporates flexible mechanisms is necessary.

Recent international jurisprudence and regulatory approaches have provided instructive precedents for Indonesia's policy choice. The United Kingdom Supreme Court's Uber decision, while arising in a different legal context, established reasoning that was potentially applicable to Indonesia. The Court rejected the contractual form as determinative, instead examining the substance of the relationship to determine the employment status. The Court found that Uber drivers exhibited employment characteristics—work allocation by Uber, Uber-determined wage rates, Uber-imposed behavioral compliance requirements, and substantial economic dependence on Uber platform access—sufficient to establish "worker" status entitling drivers to minimum wage and rest-break protections despite contractual non-employee classification. The decision's reasoning emphasizes functional analysis—examining what the relationship actually entails—rather than accepting contractual characterization at face value.

This functional approach aligns with the "Sufficient Work" doctrine and can be adapted to Indonesia's legal context. Indonesian courts applying functional analysis could examine whether gig workers exhibit employment characteristics and apply protective statutes to these relationships despite contractual non-employee classification. However, such judicial innovation requires either explicit judicial willingness to reconceptualize platform relationships or legislative directives, establishing the principle that functional work characteristics rather than contractual forms determine protective coverage.

Australia's "Closing Loopholes No. 2 Act" (2024) took a different approach, maintaining platform workers in non-employee status while establishing collective bargaining rights. This approach acknowledges a legitimate interest in platform flexibility while extending protective mechanisms through collective worker voices rather than individual protective standards. This regulatory option could be adapted to Indonesia by establishing collective bargaining rights for platform workers while maintaining operational flexibility.

The Union's approach has incorporated hybrid classification models establishing intermediate categories between employee and independent contractor status, with tailored protections, including minimum earnings guarantees, safety standards, and dispute resolution mechanisms. This approach preserves certain flexibility benefits, while establishing basic protective floors. Recently, EU directives on platform labor have moved toward this hybrid approach.

The "Sufficient of Work" doctrine provides a conceptually coherent framework for reconceptualizing gig worker legal status in Indonesia. Under this doctrine, the presence of work, compensation for work, and direction or control regarding work performance constitute a sufficient foundation for triggering protective obligations, regardless of the contractual form or classification. Applying this doctrine to platform-mediated work, the Indonesian legal analysis proceeds as follows.

First, Work Exists: Platform workers perform identifiable tasks (transportation, delivery, and services), generating value for platform consumers and captured as revenue by platform operators.

Second, Compensation for Work: Platform workers receive compensation from platforms, establishing a wage relationship even if compensation structures differ from traditional fixed hourly or monthly wages.

Third, Direction or Control: Platform algorithms allocate work, establish performance standards (customer ratings, acceptance rates, and response times), and implement behavioral compliance mechanisms. This algorithmic control constitutes direction and control in a statutory sense, even if it is mediated through technology rather than human management.

Fourth, Economic Dependence: Empirical data document that 92.3 percent of gig workers identify platform

work as their primary livelihood, indicating substantial economic dependence on platform access and compensation.

The convergence of these elements indicates that gig workers meet the substantive statutory criteria for employment under Indonesia's Manpower Law, establishing a sufficient foundation for applying protective statutes. The doctrine would not necessarily require full employee status with all associated obligations; rather, it would establish a foundation for extending baseline protections, including minimum compensation guarantees, working-hour limitations, occupational safety standards, and mandatory social protection coverage.

The comparative analysis and doctrinal framework suggest three principal regulatory approaches for Indonesia:

Option 1: Statutory Employment Reclassification

This approach formally classifies gig workers as employees or establishes a statutory presumption that platform-mediated work constitutes employment, unless platforms can demonstrate genuine worker independence. This approach would extend full statutory protections under the Manpower Law, including minimum wage guarantees, working-hour limitations, paid leave, termination protections, and mandatory BPJS coverage. Advantages include maximum worker protection and the elimination of classification manipulation incentives. Disadvantages include potential operational costs for platforms (possibly reducing work availability), substantial adjustment costs for established operators, and potential limitations on employment flexibility.

Option 2: Hybrid Classification with Tailored Protections

This approach would create a statutory category of "platform workers" (*pekerja platform*) distinct from both employees and traditional independent contractors, with protections tailored to platform work characteristics. Protections could include: (a) minimum compensation guarantees (establishing wage floors below which platform compensation cannot fall), (b) occupational safety standards adapted to platform work contexts, (c) dispute resolution mechanisms for compensation disputes or deactivation appeals, (d) mandatory platform participation in social security enrollment and premium contribution (similar to employer withholding), (e) algorithmic transparency requirements (platforms must publicly disclose algorithmic decision-making criteria), and (f) collective bargaining rights enabling platform worker associations to negotiate terms. Advantages include flexibility preservation while establishing protective baselines, and operational feasibility through tailored protections rather than full employment obligations. The disadvantages include potential complexity in implementation and platform resistance to mandatory contributions.

Option 3: Structural Social Protection Reform

This approach maintains current employment classifications while fundamentally reforming social protection systems to accommodate gig work characteristics. Specific reforms could include: (a) flexible premium contribution systems that allow daily or weekly contributions rather than fixed monthly contributions, accommodating income volatility; (b) platform-integrated enrollment and payment mechanisms, integrating BPJS enrollment with platform payment systems to reduce administrative barriers; (c) domicile-independent eligibility, decoupling eligibility from fixed residence registration to accommodate mobile workers; (d) subsidized microcoverage options, establishing minimal insurance packages with subsidized premiums for informal workers; and (e) automatic enrollment with opt-out provisions, shifting the administrative burden from individual workers to platforms. Advantages include maintaining flexibility while extending protection, compatibility with existing legal frameworks, and focusing on systemic barriers rather than employment reclassification. Disadvantages include a limited protective scope (focused on social protection rather than wages or working conditions) and continued inability to address minimum compensation or working hour issues.

Indonesia-Specific Considerations: Indonesia's particular context suggests that a hybrid approach (Option 2) combined with structural social protection reform (Option 3) represents the most appropriate regulatory direction. Full employment reclassification (Option 1) may be politically infeasible, given the significant

platform industry lobbying against such a classification and the Ministry of Manpower's historical preference for light-touch regulation. However, Indonesia's substantial informal sector population and documented vulnerability of gig workers suggest that light-touch regulations (minimal protection) are inadequate. A hybrid approach that establishes platform worker classification with tailored protection would require platform participation in social security, while preserving operational flexibility. Combined with structural social protection reforms, this approach addresses both the income/working condition vulnerabilities and social protection exclusion documented in this research.

The timing is opportune; the Ministry of Manpower indicated in August 2024 that it was preparing platform worker regulations, suggesting an imminent policy window. Legislative adoption of platform worker classification statutes could be pursued through amendments to Law No. 13 of 2003 or through a dedicated Platform Worker Protection Law, while social protection reforms could be pursued through amendments to Law No. 40 of 2004 on the Social Security System and implementing the regulations of BPJS administrative bodies.

CONCLUSION

This research analyzed the legal status of gig workers operating through digital platforms in Indonesia, examining the adequacy of existing labor law frameworks, and evaluating the urgency of reform. The analysis documents that approximately 41.6 million Indonesians—nearly 30 percent of the total workforce—engage in gig work, with 1.8-4.0 million specifically engaged in digital platform-mediated transportation, delivery, and service provision. These workers exhibit profound vulnerability: average monthly incomes of IDR 3.98 million substantially below formal sector wages, working hours of 12-16 daily (30-40 weekly, with 20 percent exceeding 40 hours) far exceeding international labor standards, and occupational health risks with 73.85 percent reporting injury or illness from overwork-induced fatigue. The most critical finding concerns social protection exclusion: only 7.61 percent of gig workers maintain social security coverage compared to 26.97 percent of the total workforce. This exclusion is not attributable to worker choice or socioeconomic disadvantage; rather, it reflects structural misalignment between social security system design (assuming stable formal employment) and gig work characteristics (income volatility, platform non-participation, and geographic mobility). Propensity score matching analysis demonstrates that gig work status causes a 9.79 percentage point reduction in health insurance coverage probability, even when controlling for demographic and socioeconomic characteristics. The legal status of gig workers under the current Indonesian law exhibits fundamental inadequacy. While gig workers meet substantive statutory criteria for employment (work allocation by another party, compensation, work direction through algorithmic management), they escape employment classification through contractual labeling and platform classification as "partners" rather than employees. This creates a legal void where millions of workers exhibit substantive employment characteristics yet lack access to statutory employment protections. The "Sufficient of Work" doctrine, grounded in ILO conventions and the principle of decent work, provides an analytically superior framework for reconceptualizing gig worker legal status in Indonesia. This doctrine establishes that work relationships should be evaluated according to substantive work characteristics rather than contractual forms, enabling courts and legislatures to apply protective statutes to relationships that functionally constitute employment, despite contractual non-employee classification.

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