

Factors that Hinder the Effectiveness of Labor Regulations in Providing Comprehensive Occupational Safety Protection for Gig Workers

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Abstract

This Study aims for identify and analyze factors that become inhibitor effectiveness regulations employment in Indonesia in give protection safety comprehensive work for gig workers, namely worker off- line operating through digital platforms such as online motorcycle taxis, delivery drivers' food, and freelance services. Background study based on development regulations like Constitution Number 13 of 2003 concerning Employment, Law Number 11 of 2020 concerning Job Creation, and the Law Number 1 of 1970 concerning Safety Work, as well as data from the February 2023 National Labor Force Survey Booklet by the Central Statistics Agency (BPS), which shows improvement number of gig workers but low-level protection safety work. Research methods use approach qualitative with analysis document law, studies cases and interviews deep towards gig workers, provider platforms, and expert employment. Research results disclose factor inhibitor main includes : (1) classification of gig workers as worker independent that is not bound connection formal work , so that regulations safety Work No valid full ; (2) limitations government supervision towards digital platforms; (3) lack awareness and education safety work among gig workers; (4) challenges implementation regulations in the informal sector ; and (5) impacts the worsening COVID-19 pandemic risk safety . The conclusion emphasizes the need for further regulatory reform inclusive, such as recognition of the status of gig workers as worker protected, strengthening mechanism platform monitoring, and campaigns education safety work, for reach protection comprehensive.

Keywords: Regulation, Platform, Safety, Factors, Gig.

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Introduction

The Constitution of the Republic of Indonesia affirms right every upper citizens decent work and protection law in work. Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that " all citizens have the right on decent work and livelihood for humanity," while Article 28D paragraph (1) guarantees right on recognition, guarantee, protection, and certainty just law as well as the same treatment in front law. In addition, Article 28H paragraph (1) and Article 34 paragraph (2) provide base constitutional for right on guarantee social as not quite enough state responsibility.[1]

The development of the gig economy has change structure connection work in Indonesia, where digital workers such as online motorcycle taxi drivers, couriers, and freelancers in general Work in system partnership without formal worker status as arranged in Article 1 number 15 of the Law Number 13 of 2003 concerning Employment. This is causing challenge to protection employment Because right on wages, guarantees social and safety Work often No fulfilled. Many gig workers face burden Work height, working hours No uncertain, and risky accident Work without guarantee social.[2]

Study previously report that protection power work in Indonesia is classified in three aspects main, namely protection economy, protection social and protection technical. Classification This confirm that worker entitled on guarantee wages, allowances social, as well as protection related safety Work in accordance Constitution. In practice, protection to workers in the informal sector and gig economy are still Not yet come true optimally, because applicable regulations Not yet fully involving they in a way active in system protection social.[3]

Constitution Number 40 of 2004 concerning System National Social Security (SJSN) and Constitution Number 24 of 2011 concerning BPJS in particular firm arrange that every worker, both formal and non-formal, have the right on protection social such as the Work Accident Insurance (JKK) and Old Age Security (JHT) programs. However, the implementation second Constitution This for gig workers still nature voluntary, because platform providers yet required for register worker to BPJS. As a result, protection expected social become universal yet can realized in a way effective for all over workers in the sector This.[4], [5]

One of issues raised by Sri Hartati Indah Rezek 's research is the need system guarantee effective social for prevent inequality social consequence connection non-formal work: "protection law to power Work off, including worker women, must give through system guarantee effective social for prevent inequality social consequence connection non-formal work". Report Commission IX of the Indonesian House of Representatives also concluded that gig workers need categorized as workers outside connection formal and regulated work in framework law new which includes protection safety work, time work, guarantee social and rights unionized.[6]

Study from The International Labor Organization (ILO) emphasizes the importance of the state for expand access protection social in the informal and digital sectors, with "The Extension of Social Protection Coverage Is Crucial for Workers in The Informal and Digital Sectors" [7]. The OECD also recommends adaptation regulation and protection social in the digital era so that all worker get equal rights and treatment before law.[8]

Tengku Muhammad Fauzi (2021) emphasized that " Policy employment in Indonesia has not yet leading to efforts social protection for workers, so that many do not get right on guarantee social and protection adequate law".[9] Based on description above, space scope article scientific This is study of the factors that become inhibitor effectiveness regulations employment in give protection safety Work comprehensive for Gig Workers.

Literature Review

Based on study library, effectiveness regulation employment in give protection Comprehensive Occupational Safety and Health (OSH) For gig workers in Indonesia face fundamental challenges, especially Because existence mismatch between framework conventional law that still exists focus on relationships Work still with characteristic dynamic

and non- traditional work in digital environment. Where is the legal status from gig workers, who often considered as partners independent, blurring not quite enough answer from digital platforms as giver assignments (Aspan, 2021) [10]. In addition, the nature of room cyber nature transnational hinder ability supervision by the national OSH authorities, while existing regulations nature reactive and not yet integrated, so that No can anticipate specific OSH risks that arise in the digital world of work. For example, including mental fatigue due to management-based algorithm and isolation social, which is increasingly exacerbated by low digital literacy and awareness law among stakeholder's interest.

Shift going to work based digital projects and platforms have expanded form Work known flexible as gig workers in industry project like construction and infrastructure. Project industry often employ power off or contract term short for skill specific, task temporarily, or work platform -based that supports operation project. In the middle characteristics work that is of a nature temporary and contractual in this case, gig workers are often placed outside framework connection formal work, so that protection law as well as safety and health work (OSH) becomes not enough guaranteed (Ailbe, 2025) [11]. Because of regulations traditional employment and OSH Still worker - oriented with connection Work still, appear gap the law that causes project gig workers difficult get protection comprehensive.

In the environment Work projects that have level risk physical and operational high — like use tool weight, height, room limited, and conditions a changing field — gig workers face vulnerability additional. Recent studies show that the gig work platform introduces danger physical and psychological new ones that haven't been fully addressed by traditional OSH regulations, such as pressure algorithmic, time target high, and low training formal safety (Taylor, 2023) [12]. In the sector project, condition This exacerbated by long sub- contractor chains and work models temporary causes not quite enough answer OSH becomes spread and supervision become weak. Therefore that, effectiveness regulations employment in give protection safety Work for gig workers in the industry project influenced by several factor obstacles: unclear legal status, system management algorithmic that lowers control man on safety, as well as fragmentation regulations between sector (Piatti et al., 2024; Yulianna et al., 2025).[13]

More Far again, literature highlight that failure institutional and weaknesses policy the public also becomes root obstacle effectiveness regulations for project gig workers. In many developing countries, including Indonesia, policies employment Not yet fully adopt draft employment hybridity that recognizes connection non- conventional work between platforms, contractors main, and workers (Lesmana, 2025) [14]. A study by Putra (2024) [15]shows that absence definition law about platform workers in system law Indonesian civil law resulted in weakness not quite enough answer giver Work to safety work. In addition, the mechanism guarantees social and OSH at the level project Not yet capable reach gig workers who don't record in structure formal employment, so that cause gap protection gap. Proposed solution in various study is approach regulations hybrid that places not quite enough answer together between government, companies' projects, and digital platforms, as well as use digital compliance systems for monitor OSH compliance of gig workers (Ailbe, 2025; Piatti et al., 2024) [11].

Latest, focus study start switch to direction formation governance model new that integrates policy safety Work in digital ecosystem project. Study by Wibowo and Susanto (2025)[16] confirm that regulatory reform in Indonesia is necessary involving synergy cross-institutional between the Ministry of Manpower, the Ministry of PUPR, and digital platform providers so that protection worker project platform -based can more effective. Strengthening capacity institutions OSH supervisors are also advised to be able to supervise mobile gig workers between project with system integrated occupational safety database

Research Methodology

Based on framework methodology outlined by Sembiring et al. (2023), study This use approach qualitative with method systematic literature review (SLR). Use SLR method is considered appropriate for identify as well as analyze a number of inhibiting factors effectiveness regulation employment in ensure protection safety and health work (OSH) for gig workers in the sector industry project. Selection approach This driven by complexity the issues studied, which include aspect regulation, dynamics OSH risks, as well as characteristics special from platform - based work. Therefore that, research This need structured and comprehensive synthesis to diverse literature scientific as well as document relevant policies in order to be able to get deep and systematic understanding [17]

Data Sources and Instruments

Data obtained from:

1. 2020–2025 scientific articles related to gig workers, regulations employment, and OSH
2. Report policies and documents law,
3. Legal studies comparative in Indonesia/Malaysia/Singapore

Instrument main in the form of sheet extraction literature that records meta data, focus regulations / OSH, risk gig workers, and recommendations policy.

Data Collection

Data collected through three stages:

1. Identification – database search (Scopus, Google Scholar, DOAJ) with keywords related.
2. Selection – literature filter based on relevance, 2020–2025 period, and availability text complete /DOI.
3. Extraction & verification – literature encoded to inform extraction and verification its validity via DOI/ download link.

Data Analysis

Analysis done with **analysis thematic analysis**:

1. Main themes: Regulatory Gaps, Institutional Weakness, Platform Risks, Policy Innovation.
2. Synthesis patterns and relationships between theme used as base **Problem-Solving Analysis** in chapter next. Methodology This ensure findings comprehensive and based proof.

Validity and Reliability

Validity guarded through **triangulation sources** (academic, policy, legal) and verification cross metadata. Reliability achieved through use instrument extraction standards and procedures selection transparent which can replicate (Piatti et al., 2024; BMC Med Res Methiodal , 2024).[18]

Result

1. Overview of Transformation and Statistics Latest Gig Workers (2020–2025) Change landscape Indonesian employment 2020–2025 shows surge significant worker digital platform -based (gig workers). The number of informal workers rose from 77.25 million (2020) to peak of ±87.72 million (2024), driven by the average increase in the gig worker population is 10–15% per year. The gig sector is growing from transportation (online motorcycle taxi) to digital and creative projects (software, design, consulting, construction) small).

Table 1. Development Table Statistics Informal Workers & Gig Workers Indonesia (2020–2025)

Year	Total Labor Force (million)	Workers (%)	Amount Informal Workers (million)	Average Increase Digital Platform Workers (%)	Surge Sector Notes
2020	136.46	56.6	77.25	15.7	Digital platform, software
2021	139.07	57.3	79.68	15.7	Project professional, services creative
2022	139.81	58.2	81.37	15.7	Architecture, devices software, consultant
2023	144.21	58.9	85.01	15.7	Construction small, services design, IT
2024	148.19	59.2	87.72	10–13	transportation sector increase
2025	145.64	59.4	86.58	10–13	The surge in digital gig workers

Table 2. Summary Findings Protection Gap Keys and Triggers

Inhibiting Factors	Explanation	Source Phenomenon Scientific
Unclear Legal Status	Connection gig workers work is partnership, not yet recognized as formal workers (Law 13/2003, Putra study 2024), so that right minimal protection	Putra (2024), Law 13/2003, Lesmana
Risks & Algorithmic Platform	The gig work model is decreasing control man on working hours & safety consequence pressure algorithmic /platform, minimal formal OSH training	Taylor (2023), Fair work 2021
Fragmentation Regulation	Supervision and responsibility OSH responsibilities are spread across the chain subcontracting / projects, protection social not universal	Pilatti et al. (2024), Wibowo & Susanto (2025)
Weakness Institutional	Weakness supervision and capacity institutions, integrated data systems Not yet available, and regulations Not yet adaptive for worker cross gig projects	SJ Lesmana (2025), Ministry of Manpower, ILO
The gap Social Security	BPJS for gig workers still voluntary, >60% not yet protected (Fair work, LPEM UI), OSH access is very limited	Fair work (2021), LPEM UI (2025)

Data Recap & Research Comparison

1. working hours: 28.4% work 13–14 hours/ day, 24.4% work 11–12 hours/ day (Fair work, 2021).[19]
2. Workplace accidents: Risks specific increase 2024–2025 in the sector online transportation / logistics.
3. Protection social: Only 40% of gig workers have BPJS or insurance accident Work.

4. Protection OSH law: Still dominated worker permanent, worker projects and percentage of gig workers are difficult reachable formal system (Ailbe, 2025; Piatti et al., 2024).[11][18]

Policy Discussion & Solutions:

What: Gig workers are growing rapid and dominant digital informal sector, marking change big in the Indonesian job market.

Why: Emptiness regulations and definitions law cause status uncertainty, less formal protection, and the high problem welfare as well as risk Work.

How:

1. Integration of gig workers into in BPJS system with mandatory & portable benefit scheme
2. Reform the Employment Law regulations to accommodate connection non-conventional work (hybrid worker)
3. Formation association gig workers, transparency platform algorithm & reporting accident Work
4. Synergy cross-institutional in OSH supervision and protection work cross project /platform

Comparison of Studies and Future Insights:

International studies (EU Directive, ILO, OECD) highlight importance expansion of social protection coverage for informal and gig workers through digital compliance systems, new governance models, and strengthening advocacy collective.

Conclusion

Following is conclusion comprehensive from study about factors inhibitor effectiveness regulations employment in give protection safety Work for gig workers in Indonesia:

1. Domination gig workers in structure informal employment during 2020–2025 shows change big pattern work in Indonesia, driven by developments digital technology and labor market disruption work. Surge significant gig workers do not accompany by protection social and security safety adequate work.
2. The gap between mandate constitutional (UUD 1945) related right on employment and protection social, with implementation regulations in the field are very real. Most gig workers have not affordable system formal protection (BPJS, OSH).
3. Main factors inhibitor effectiveness regulations include:
 - a. unclear legal status of gig workers (not formal workers according to Law 13/2003)
 - b. Risk Work consequence system algorithmic digital platforms, working hours long, and minimal OSH training
 - c. Fragmentation supervision regulation and weakness capacity institutions
 - d. The low access guarantee social, because regulations and systems not yet mandatory for gig workers

Recommended policy solutions:

1. Integration of gig workers into in system protection social national (BPJS) active and adaptive
2. Regulatory reform employment through a hybrid worker model and protection cross-platform
3. Strengthening synergy state institutions and advocacy association gig workers
4. Adopt international best practices including portable benefits and transparency digital platform algorithm

Contribution scientific study

Based on inspection to existing sources, can delivered that need political law in development regulations in Indonesia require formation something framework sensitive regulations to changes of the times, including change in sector employment. In line with results research, business for protect rights law gig workers in the digital environment do not should only formal, but also must be essential and integrated in policy government (Ismaidar, et al., 2024) [20]. It is important for ensure that rights constitution workers, according to with message from the preamble to the 1945 Constitution for increase welfare society, can guaranteed in a way real in the middle progress rapid digital economy. Therefore, politics law national directed For No only formulate regulations new, but also ensure that regulations the capable reach justice and certainty law, which is objective main from every manufacturing law (Ismaidar, et al., 2024) [20]. Research This become base important in formulation innovation policy and strengthening governance employment, as well as accelerate legal reform going to justice real social for Indonesian gig workers in the future.

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