

Working Behind the App: Legal Protection for Online Motorcycle Taxi Drivers in Bandung

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DOI: <https://doi.org/10.65815/7ker5a36>

Submitted: 02-02-2026

Revised: 21-04-2026, 11-06-2026

Accepted: 03-07-2026

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Abstract

The growth of the platform economy has transformed employment relations and created forms of work situated between conventional employment and contractual partnership arrangements. Online motorcycle taxi drivers face legal concerns involving employment status, income security, social protection, access to digital platforms, and bargaining power vis-a-vis platform companies. This study aims to examine the adequacy of legal protection for online motorcycle taxi drivers in Bandung and to analyze how the partnership model affects the fulfillment of their legal rights. The research adopts a socio-legal approach through regulatory analysis and interviews with drivers, platform companies, government officials, and driver organizations or communities. Particular attention is given to the gap between formal legal classifications and drivers' actual experiences of platform-based work. The study argues that the designation of drivers as partners does not automatically eliminate the need for legal protection where significant control, economic dependency, and digital work regulation exist. A more adequate protection framework requires greater clarity regarding legal status, accessible complaint mechanisms, transparency in incentive and suspension systems, and broader social-security coverage. The study positions platform-economy regulation as an important issue for developing responsive labor law capable of addressing changing forms of digital work.

[Pertumbuhan ekonomi platform telah mengubah hubungan kerja dan menciptakan bentuk pekerjaan yang berada di antara pekerjaan konvensional dan pengaturan kemitraan kontraktual. Pengemudi ojek online menghadapi masalah hukum yang melibatkan status pekerjaan, jaminan pendapatan, perlindungan sosial, akses ke platform digital, dan daya tawar terhadap perusahaan platform. Studi ini bertujuan untuk menguji kecukupan perlindungan hukum bagi pengemudi ojek online di Bandung dan menganalisis bagaimana model kemitraan memengaruhi pemenuhan hak-hak hukum mereka. Penelitian ini mengadopsi pendekatan sosio-hukum melalui analisis regulasi dan wawancara dengan pengemudi, perusahaan platform, pejabat pemerintah, dan organisasi atau komunitas pengemudi.]

Perhatian khusus diberikan pada kesenjangan antara klasifikasi hukum formal dan pengalaman aktual pengemudi dalam pekerjaan berbasis platform. Studi ini berpendapat bahwa penunjukan pengemudi sebagai mitra tidak secara otomatis menghilangkan kebutuhan akan perlindungan hukum di mana terdapat kontrol yang signifikan, ketergantungan ekonomi, dan regulasi kerja digital. Kerangka perlindungan yang lebih memadai membutuhkan kejelasan yang lebih besar mengenai status hukum, mekanisme pengaduan yang mudah diakses, transparansi dalam sistem insentif dan penangguhan, dan cakupan jaminan sosial yang lebih luas. Studi ini menempatkan regulasi ekonomi platform sebagai isu penting untuk mengembangkan hukum ketenagakerjaan yang responsif dan mampu mengatasi perubahan bentuk pekerjaan digital.]

Keywords: online motorcycle taxi drivers, platform economy, legal protection, partnership, labor law

Introduction

Digital platforms have fundamentally altered the organization of urban transportation and created new forms of work that differ from conventional employment relationships. Online motorcycle taxi services have become an important component of urban mobility in Indonesia, particularly in large cities where consumers increasingly depend on app-based transportation for commuting, delivery, and other everyday activities. At the same time, platform-mediated work has generated significant legal questions concerning the status and protection of drivers. International scholarship has shown that gig workers frequently occupy an ambiguous position between employees and independent contractors, allowing platforms to benefit from flexible labor arrangements while limiting traditional employment obligations (De Stefano 2016; Stewart and Stanford 2017). This ambiguity is particularly important in Indonesia because online motorcycle taxi drivers are generally characterized contractually as “partners,” even though the platform may exercise substantial influence over pricing, access to customers, performance evaluation, incentives, and continued access to the application. Recent Indonesian scholarship similarly identifies employment-status ambiguity as one of the central legal problems confronting online motorcycle taxi drivers (Muhyiddin et al. 2024).

The legal classification of online motorcycle taxi drivers is not merely a technical question concerning terminology. Employment classification determines the range of legal protections available to workers, including minimum standards, social security, occupational safety, dispute resolution, and protection against arbitrary termination. In conventional employment law, the existence of subordination and employer control may provide the foundation for recognizing an employment relationship. Platform companies, however, often organize work through digital systems that can obscure or redistribute managerial control.

Algorithms may determine how tasks are allocated, how drivers are evaluated, how incentives are calculated, and how drivers gain or lose access to work (Kellogg, Valentine, and Christin 2020; Duggan et al. 2023). Consequently, the absence of a traditional supervisor does not necessarily mean that drivers operate autonomously. The application itself can become an instrument through which managerial authority is exercised, raising questions about whether traditional legal concepts of supervision and control remain adequate for platform-mediated work.

The Indonesian regulatory framework has not developed a comprehensive legal category specifically designed for platform workers. Online motorcycle taxi drivers have generally been positioned through partnership arrangements rather than conventional employment contracts. This legal construction distinguishes them from workers protected by the principal framework of Indonesian labor law. However, the partnership designation exists alongside regulatory interventions concerning safety, service standards, and transportation operations. Minister of Transportation Regulation Number 12 of 2019, for example, establishes provisions concerning the safety and protection of users of motorcycle transportation services based on applications. Such regulation demonstrates that the state recognizes the social and economic significance of platform transportation even though it does not fully resolve the employment-status question. Earlier Indonesian legal scholarship has therefore argued that online motorcycle taxi drivers require protection even when they are not formally classified as employees (Halilintarsyah 2021).

Bandung provides a particularly relevant setting for examining these questions. As a major metropolitan center with extensive digital transportation activity, the city provides an environment in which platform-based work intersects with urban mobility, labor markets, consumer demand, and technological governance. Drivers may appreciate platform work because it provides relatively flexible access to income, but flexibility can coexist with economic insecurity. Workers who depend heavily on platform income may be reluctant to reject unfavorable platform policies because refusal may reduce their access to orders or incentives. International research has similarly demonstrated that gig workers may value autonomy while simultaneously experiencing significant economic dependency and algorithmic control (Wood et al. 2019; Vallas and Schor 2020). This apparent contradiction makes platform work difficult to analyze using traditional categories that assume employment and self-employment to be clearly distinguishable.

The problem becomes more significant when platform companies possess unilateral authority over important aspects of the working relationship. Standard-form partnership agreements may provide drivers with limited opportunities to negotiate contractual terms. Changes in incentive structures, platform rules, account suspension, rating systems, and service requirements may occur without conventional collective bargaining. Wibowo and Saputra (2023) identify the standard-form nature of online motorcycle taxi partnership agreements as an important legal concern because drivers may have little practical capacity to

negotiate contractual conditions. Similar concerns have been identified internationally, where platform workers may be formally independent but remain subject to extensive digital monitoring and performance-management systems (Rosenblat and Stark 2016; Kellogg, Valentine, and Christin 2020).

This study therefore examines the legal protection available to online motorcycle taxi drivers in Bandung and evaluates whether the partnership model adequately reflects the substantive characteristics of platform work. The research addresses three questions. First, how should the legal relationship between online motorcycle taxi drivers and platform companies be understood within Indonesian law? Second, what forms of vulnerability arise from the partnership model in relation to income, social security, algorithmic management, and access to remedies? Third, what regulatory framework could provide more effective protection without eliminating the flexibility that attracts workers to platform employment? The central argument is that legal protection should not depend exclusively upon contractual labels. Where platform companies exercise significant economic and technological control, regulation should recognize the substantive vulnerabilities experienced by drivers and establish minimum protections appropriate to platform-based work.

Theoretical Framework

1. Platform Work and the Transformation of Employment

The platform economy challenges conventional distinctions between employees and independent contractors. Traditional employment relationships generally involve organizational hierarchy, identifiable employers, fixed workplaces, and relatively stable working arrangements. Platform work instead uses digital infrastructures to coordinate dispersed workers and customers. De Stefano (2016) describes this development as part of a broader transformation toward “on-demand” work in which employment is organized around individual tasks rather than stable employment relationships. The resulting flexibility may benefit workers by allowing them to determine when to work, but it can also transfer business risks from companies to individual workers.

Stewart and Stanford (2017) argue that existing employment classifications were developed for labor markets in which work relationships were more clearly structured. Platform work exposes the limitations of those classifications because workers may possess formal independence while experiencing substantial practical dependency. This problem is particularly important when the platform controls customer access, pricing, performance standards, and worker visibility. The legal analysis should therefore consider the actual organization of work rather than relying exclusively on contractual terminology. This substantive approach provides a useful basis for examining online motorcycle taxi drivers in Indonesia.

2. Algorithmic Management and Digital Control

Algorithmic management refers to the use of computational systems to perform functions traditionally associated with managerial authority. These functions may include allocating tasks, monitoring performance, ranking workers, determining incentives, and imposing sanctions. Kellogg, Valentine, and Christin (2020) identify algorithmic control as a distinctive form of organizational power because workers may be managed through automated systems rather than direct human supervision. Duggan et al. (2023) similarly demonstrate that app-based gig workers experience algorithmic human-resource management through task allocation, performance monitoring, and reward systems.

The significance of algorithmic management for labor law lies in the fact that digital control may remain invisible to workers. Drivers may see only the outcomes of platform decisions, such as receiving fewer orders, losing incentives, or having their accounts restricted, without knowing the criteria that produced those outcomes. Rosenblat and Stark (2016) show that information asymmetries between platforms and drivers can significantly affect workers' ability to make informed decisions. Consequently, effective legal protection requires not only rules concerning contractual status but also transparency, explanation, procedural fairness, and access to remedies when automated systems affect workers' livelihoods.

3. Indonesian Legal Framework

Indonesian labor law traditionally distinguishes employment relationships from other contractual relationships by reference to elements such as work, wages, and orders. Law Number 13 of 2003 concerning Manpower, as subsequently amended, establishes extensive protections for workers within recognized employment relationships. These include provisions relating to wages, working conditions, occupational safety, termination, and social protection. However, online motorcycle taxi drivers generally enter contractual relationships characterized as partnerships rather than employment. This distinction creates a regulatory gap because the existence of a partnership agreement may exclude drivers from several statutory protections designed for employees.

The partnership framework itself is rooted in Indonesian civil-law principles. Article 1618 of the Indonesian Civil Code defines partnership as an agreement through which two or more persons bind themselves to contribute something to a common undertaking with the intention of sharing its benefits. Conceptually, partnership assumes a degree of equality and cooperation between parties. The platform-driver relationship, however, may not always reflect this assumption. Where one party controls the digital infrastructure, customer access, pricing architecture, service standards, and account status, the relationship may demonstrate a significant structural imbalance. This discrepancy raises questions about whether the partnership label accurately captures the substantive relationship.

Minister of Transportation Regulation Number 12 of 2019 represents an important regulatory intervention concerning safety and protection in motorcycle transportation services based on applications. Nevertheless, the regulation does not establish a comprehensive labor-protection regime for drivers. It focuses primarily on transportation-service governance rather than employment classification, collective bargaining, income security, or algorithmic management. The result is a fragmented regulatory structure in which different aspects of platform work are governed by different branches of law. Such fragmentation can leave drivers uncertain about which institution should address particular disputes.

Methods

This research employs a socio-legal methodology combining normative legal analysis and qualitative empirical inquiry. The normative component examines Indonesian legislation and regulatory instruments governing employment, partnership agreements, transportation services, social security, electronic transactions, and consumer-related platform activities. Particular attention is given to the 1945 Constitution, Law Number 13 of 2003 concerning Manpower as amended by subsequent legislation, Law Number 24 of 2011 concerning the Social Security Administering Agency, Law Number 40 of 2004 concerning the National Social Security System, relevant provisions of the Indonesian Civil Code, and Minister of Transportation Regulation Number 12 of 2019. The empirical component is designed to examine how these legal arrangements operate in practice among online motorcycle taxi drivers in Bandung. Interviews should involve drivers, representatives of driver communities, relevant government officials, platform representatives where access is available, and other actors with direct knowledge of platform-based transportation.

Empirical data are analyzed thematically through categories developed from the theoretical and legal framework. The principal categories consist of employment status, economic dependency, contractual bargaining power, algorithmic control, income and incentive systems, social-security access, account suspension, and complaint mechanisms. Data from interviews are triangulated with regulatory documents and existing scholarly research to identify gaps between formal legal classifications and actual working conditions. The research does not assume that all online motorcycle taxi drivers experience platform work identically; differences may arise according to working hours, economic dependence, platform affiliation, age, experience, and participation in driver communities. Ethical research procedures should include informed consent, confidentiality, and anonymization of sensitive information. Because the original research outline does not provide verified participant numbers or interview dates, these empirical details should be inserted from the author's actual field records before journal submission.

Results and Discussion

1. Partnership Status and the Reality of Economic Dependency

The first major issue concerns the tension between the contractual designation of drivers as partners and their actual economic position. A partnership model theoretically implies relatively equal parties cooperating toward a shared economic objective. In platform transportation, however, drivers generally do not control the application, customer database, pricing architecture, branding, or algorithmic allocation system. Their access to customers is therefore dependent upon infrastructure controlled by the platform. This creates a form of economic dependency even when drivers are formally free to determine when they activate the application. Research on gig work shows that flexibility should not automatically be interpreted as genuine autonomy because workers may depend upon platform-mediated income and therefore adapt their behavior to platform incentives (Wood et al. 2019; Vallas and Schor 2020). Indonesian research likewise identifies ambiguity in the employment relationship of online motorcycle taxi drivers and emphasizes the vulnerability created by their classification as partners (Muhyiddin et al. 2024). The findings indicate that contractual terminology alone is insufficient for determining the appropriate level of legal protection.

Economic dependency becomes particularly significant when platform income represents an important source of household livelihood. A formally independent driver may decide when to log in, but economic necessity can encourage long working hours, strategic acceptance of orders, and continuous monitoring of incentives. This illustrates why legal autonomy should be evaluated substantively rather than simply through the absence of fixed working hours. Adams et al. (2018) note that algorithmically mediated work can transfer risks and responsibilities from firms to workers while preserving substantial organizational control. Similarly, Wood et al. (2019) demonstrate that gig workers experience both autonomy and algorithmic control simultaneously. For Bandung drivers, this means that the partnership model may create an appearance of independence while leaving drivers vulnerable to fluctuations in demand, incentive structures, platform policies, and customer ratings. Legal protection should therefore recognize economic dependency as a relevant indicator when evaluating whether existing regulatory arrangements are adequate.

2. Algorithmic Management, Incentives, and Account Suspension

The second major issue concerns the role of algorithmic management in regulating drivers' everyday work. Platform applications do more than connect customers with drivers. They can allocate orders, calculate fares and incentives, record performance, generate ratings, monitor routes, and determine access to platform services. These functions resemble traditional managerial activities even though they are performed through software. Duggan et al. (2023) describe this phenomenon as algorithmic human-resource control, while Kellogg, Valentine, and Christin (2020) emphasize that algorithms can constitute powerful mechanisms of

organizational control. In this context, drivers may experience management without a conventional supervisor. The absence of direct human supervision therefore should not be interpreted as an absence of managerial authority. For legal purposes, the critical issue is whether the platform possesses the practical capacity to influence how work is performed and whether drivers have meaningful opportunities to challenge decisions generated by the digital system.

Incentive systems and account suspension illustrate the legal significance of algorithmic control. Incentives can encourage drivers to remain online during particular periods, accept particular categories of orders, or reach specified performance targets. At the same time, suspension or deactivation can threaten a driver's immediate ability to earn income. These mechanisms may operate without the procedural safeguards normally associated with employment discipline. Rosenblat and Stark (2016) demonstrate that information asymmetry can limit drivers' understanding of how platform decisions are made, while Kellogg, Valentine, and Christin (2020) show that algorithmic systems may create new forms of control through ranking, restriction, and automated evaluation. A protective framework should consequently establish minimum requirements for notice, explanation, review, and appeal when platform decisions materially affect a driver's access to work. Such requirements would not necessarily undermine platform flexibility but would introduce basic procedural fairness.

3. Social Security, Occupational Risk, and Income Protection

The third issue concerns social protection. Online motorcycle taxi driving involves significant occupational risks because drivers spend substantial time on public roads and are exposed to traffic accidents, weather conditions, physical fatigue, and other hazards. Yet the partnership classification can create uncertainty regarding responsibility for social-security contributions and occupational protection. International research has repeatedly identified social protection as one of the major weaknesses of gig work. De Stefano (2016) argues that workers performing on-demand labor can fall outside conventional employment protections, while Cherry (2016) emphasizes that independent-contractor classification can leave workers exposed to economic insecurity. Goods et al. (2019) similarly demonstrate that the promise of flexibility may coexist with low levels of security. These observations are relevant to Indonesia because online motorcycle taxi drivers occupy a legally ambiguous position while performing work involving substantial physical and economic risk.

Indonesia possesses institutional mechanisms for social security through the national social-security framework, including programs administered by BPJS Ketenagakerjaan. Nevertheless, the existence of a general social-security system does not automatically guarantee effective coverage for platform drivers. Coverage depends on registration, contribution mechanisms, awareness, affordability, and the allocation of responsibility between drivers and platform companies. A system relying heavily on voluntary participation may be inadequate where drivers have

irregular or relatively low incomes. From a socio-legal perspective, therefore, the question is not simply whether social-security programs formally exist but whether drivers can realistically access them. A more responsive model could require platforms to facilitate registration, provide transparent information concerning occupational-risk protection, and contribute proportionately where their business model substantially depends on the labor of platform drivers.

Income security represents a related concern. Platform workers typically bear fluctuations in demand and may absorb operational costs such as fuel, vehicle maintenance, mobile-data expenses, and insurance. Stewart and Stanford (2017) argue that conventional employment law often fails to address these forms of transferred risk. The driver may therefore receive a nominal payment per completed order while bearing significant costs required to perform the work. This distinction is important when assessing whether platform income provides meaningful economic protection. Regulatory policy should encourage transparency concerning fare calculation, deductions, incentives, and other factors affecting take-home income. Drivers should also have access to understandable information concerning changes to remuneration structures. Such transparency would reduce information asymmetry and allow drivers to make better economic decisions. It would also provide a stronger basis for determining whether platform practices produce unfair or excessively burdensome conditions.

4. Access to Remedies and a Responsive Regulatory Model

The fourth issue concerns access to remedies. Legal rights have limited practical value if workers cannot easily challenge decisions affecting their livelihoods. In platform work, disputes may concern account suspension, incentive reductions, customer ratings, payment discrepancies, accident claims, or contractual changes. Conventional labor-dispute institutions may not always be appropriate because drivers are formally categorized as partners. At the same time, ordinary civil litigation may be too expensive, time-consuming, or technically complex for individual drivers. This creates a remedial gap in which drivers may possess legitimate grievances but lack accessible institutional mechanisms for resolving them. International literature on platform work repeatedly emphasizes the importance of collective representation, procedural transparency, and accessible dispute-resolution systems (Prassl 2018; Vallas and Schor 2020).

A responsive regulatory model should therefore establish a differentiated framework for platform workers rather than relying exclusively on the binary distinction between employee and independent contractor. One possibility is a *sui generis* platform-worker category containing minimum protections applicable regardless of formal employment classification. These protections could include occupational safety, social-security facilitation, transparent remuneration, protection against arbitrary deactivation, data and algorithmic transparency, and accessible complaint mechanisms. Such an approach would preserve legitimate contractual flexibility while recognizing the structural dependence created by

platform architecture. It would also respond to the concern that rigidly treating all drivers as employees may fail to reflect the diversity of platform work. The objective should instead be to establish a baseline of rights proportionate to the actual degree of control, dependency, and risk present in the relationship.

Collective representation could further strengthen this regulatory model. Individual drivers generally possess limited bargaining power against large platform companies, particularly when contractual terms are standardized and platform access is individually determined. Collective organizations can help drivers share information, communicate grievances, and negotiate with platforms or public authorities. The International Labour Organization has emphasized the importance of ensuring decent work in the platform economy, including through social dialogue and adequate worker protection (International Labour Organization 2021). Indonesian driver communities already demonstrate the potential for collective organization, but legal recognition and institutional support could improve their capacity to participate in policymaking. A meaningful regulatory framework should therefore recognize driver associations as legitimate stakeholders in the development of platform-transportation policies.

Policy Implications

The findings suggest that Indonesian platform-work regulation should move beyond a purely contractual approach. The partnership agreement should not be treated as conclusive evidence that no employment-like dependency exists. Instead, regulators should assess the actual structure of platform work, including the extent to which companies control customer access, remuneration, performance evaluation, sanctions, and continued access to the application. A functional assessment would allow regulators to identify circumstances in which stronger protection is justified without automatically imposing every element of conventional employment law. This approach is consistent with comparative scholarship emphasizing the need to examine actual economic and organizational dependency rather than relying exclusively on contractual labels (Prassl 2018; Stewart and Stanford 2017). It would also provide greater legal certainty because drivers and companies would have clearer criteria for determining applicable rights and responsibilities.

Platform companies should also be required to establish transparent procedures for suspension, deactivation, incentive changes, and dispute resolution. Drivers should receive accessible explanations when decisions significantly affect their ability to earn income and should have opportunities for meaningful review. Algorithmic transparency does not necessarily require disclosure of commercially sensitive source code. Rather, it should include understandable information concerning the principal factors used to allocate work, evaluate performance, determine incentives, and impose restrictions. Such transparency would address information asymmetry while protecting legitimate commercial interests. International scholarship on algorithmic management supports the importance of

transparency and procedural safeguards because digital systems can reproduce powerful forms of managerial control while making those forms of control difficult for workers to understand (Aloisi and Potocka-Sionek 2022; Duggan et al. 2023).

Limitations

This study has several limitations. First, the socio-legal approach is primarily qualitative and therefore seeks to explain legal and institutional processes rather than statistically represent all online motorcycle taxi drivers in Bandung. Platform work is heterogeneous, and drivers may differ according to platform affiliation, working hours, income dependence, age, experience, and occupational circumstances. Second, platform policies and digital technologies can change rapidly, meaning that findings concerning particular incentive systems or account-management practices may require periodic reassessment. Third, access to platform companies may be more difficult than access to drivers, potentially producing an empirical perspective weighted toward workers' experiences. Future studies should therefore include comparative research involving multiple cities, platforms, and categories of platform workers. Quantitative research concerning income volatility, working hours, accident exposure, social-security participation, and account suspension would also strengthen the evidence base for regulatory reform.

Conclusion

The legal position of online motorcycle taxi drivers in Bandung demonstrates a significant tension between formal contractual classification and substantive working conditions. Although drivers are commonly described as partners, their economic dependence upon platform infrastructure and their exposure to digital forms of managerial control complicate the assumption that they operate as fully autonomous business actors. Platform applications can influence access to customers, remuneration, performance evaluation, incentives, and continued access to work, creating forms of control that are functionally significant even without conventional workplace supervision. Consequently, the partnership model does not by itself resolve questions concerning legal protection. The principal regulatory challenge is to identify minimum protections appropriate to workers who occupy an intermediate position between conventional employees and independent entrepreneurs. Such protections should address occupational safety, social security, income transparency, algorithmic decision-making, account suspension, and access to effective remedies.

A more responsive framework should therefore move beyond the binary choice between employee and partner and consider a differentiated model of platform-worker protection. Indonesian law can preserve the flexibility of platform work while establishing non-waivable minimum standards proportionate to economic dependency, technological control, and occupational risk. Platform companies should provide transparent contractual terms, fair suspension procedures, accessible complaint mechanisms, and meaningful information

concerning algorithmic management and remuneration. Government institutions should strengthen social-security coverage and provide appropriate mechanisms for collective representation and dispute resolution. Ultimately, effective platform-work regulation should recognize that technological innovation does not eliminate traditional questions of power, dependency, and justice; it merely changes the way those relationships are organized. Protecting online motorcycle taxi drivers therefore requires labor law capable of responding to the realities of digital work rather than relying exclusively on contractual labels inherited from a different economic era.

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Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

The authors state that there is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.

Generative AI Statement

N/A