# Labor Law Reform in the Gig Economy Era: Analysis of the Impact of Regulatory Changes on Freelancers in Indonesia

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#### **Abstract**

This study will look at the impact of regulatory changes on freelancers in Indonesia's gig economy. The gig economy, which is characterized by an expanding number of freelancers, presents new issues for labor law. This study uses a qualitative and quantitative approach to identify key challenges faced by freelancers, such as legal uncertainty, limited access to social security, a lack of legal protection against exploitation, difficulties in accessing training and skill development, financial and tax management challenges, and a lack of representation in policy formation. The research findings indicate that current regulations do not adequately address the demands of freelancers, and that more inclusive and equitable regulatory reforms are required. These findings highlight the importance of establishing a clear legal framework, strengthening supervision and enforcement, providing affordable social security, improving access to financial training and education, and increasing freelancer representation in policy formation. Strategic proposals for addressing these difficulties include amending labor regulations, offering social security subsidies or incentives, implementing certified training programs, and raising mental health awareness. With proper implementation, it is envisaged that freelancers' working conditions and welfare in Indonesia will improve, promoting the gig economy's long-term growth and inclusivity. This study provides vital insights for policymakers, employers, and freelancers themselves, and contributes to the literature on labor legislation in the gig economy.

**Keywords**: Gig Economy, Freelancers, Independent Workers, Labor Regulation

#### Introduction

The gig economy, characterized by short-term contract work and independent workers, offers flexibility and employment opportunities (Jane Hsieh, 2023). In Indonesia, the digital economy has influenced the creative industry, emphasizing talent-based goods and services to address unemployment issues (Joiverdia Arifiyanto, 2023). However, the shift to gig work has raised concerns about legal protection and worker welfare, especially in the context of labor laws and the right to disconnect (Robert Msokwa, 2023). The growth of the digital economy has highlighted the need for updated regulations to protect freelancers from potential exploitation, ensure fair compensation, and protect personal data in the growing online marketplace (Wetmen Sinaga, 2023). Policymakers and platform designers must collaborate to create targeted policies and benefits that support worker welfare and rights in Indonesia. The gig economy, driven by technological advances, has revolutionized work structures

globally, offering flexibility and employment opportunities (Amit Joshi, 2024). In Indonesia, gig workers face challenges due to inadequate legal protection and regulatory frameworks (Sarbini Sarbini, 2024). Efforts to reform labor laws through the Job Creation Law have brought about changes, impacting efficiency and flexibility for employers but raising concerns about worker protections and standards (Eka Ari Endrawati, 2024). The legal status of gig workers in Indonesia differs from countries such as the UK and the Netherlands, requiring clear regulations to ensure legal certainty and effective enforcement (Qolbi Hanif Fadhlulloh, 2024). Policymakers face the critical task of balancing workers' rights and financial security while fostering economic growth in the evolving gig economy landscape (Lalu Syamsul Imam, 2024). Addressing these challenges requires comprehensive measures to safeguard the welfare and rights of gig workers, emphasizing the importance of adapting regulations to meet the unique needs of the sector.

The rise of freelancers in Indonesia, particularly in sectors such as transportation and freelance services, poses challenges due to the inadequacy of existing labor regulations designed for traditional employment relationships (Sri Dwi Aryani, 2024). The ambiguity surrounding the status of freelancers makes them vulnerable to income insecurity, limited access to social security benefits, and unfair working conditions (Kadek Agus Sudiarawan ,2024). The Job Creation Law has brought significant changes to employment regulations, impacting workers' welfare and rights, but also highlighting the need for enhanced protection mechanisms to ensure a balance between business flexibility and worker welfare (Eka Ari Endrawati,2024). Legal protection for outsourced employees has expanded, but gaps remain, particularly in addressing the unique challenges faced by freelancers in securing their rights and ensuring fair working conditions (Zefanya Siahaan ,2024).

The Indonesian government has made efforts to reform labor laws to adapt to the challenges posed by the gig economy, aiming to strike a balance between work flexibility and worker protection (Nur Afifah Aminuddin ,2023). The Job Creation Law brings significant changes to employment regulations in Indonesia, increasing efficiency and flexibility for employers but also highlighting the need to strengthen worker protection mechanisms (Eka Ari Endrawati, 2024). However, the legal status of gig economy workers in Indonesia remains unclear compared to countries such as the UK and the Netherlands, requiring clear regulations to ensure legal certainty and effective oversight (Qolbi Hanif Fadhlulloh, 2023). As the digital economy evolves, there is a growing need for detailed regulations to protect personal data and address the challenges posed by digital platforms (Wetmen Sinaga, 2023). A holistic approach

involving multiple stakeholders is critical to the success of labor regulatory reform in the gig economy era, ensuring fair and sustainable work standards while promoting economic growth (Kadek Agus Sudiarawan, 2024).

Currently, the Indonesian government is trying to overcome obstacles in legal reform through various strategies. One important aspect is bureaucratic reform, with a focus on institutional arrangements, management, human resources, and accountability (Riza Andrian Ibrahim, 2023). In addition, legal development programs supported by organizations such as The Asia Foundation improve the capacity of public institutions, promote access to information, and build support for legal reform and anti-corruption initiatives (Dani Muhtada, 2017). However, challenges remain because the complex legal framework hinders significant results in administrative reform, mainly due to legislative constraints and overlapping legal and regulatory functions (Alfitri Alfitri, 2012). Collaborative legal reform projects, such as those between Indonesia and Australia, play an important role in improving access to justice for marginalized groups, having a positive impact on gender equality development by addressing barriers related to gender discrimination in family law (Alfitri, 2011). Through this multifaceted approach, the Indonesian government aims to create a transparent, accountable, and effective legal system.

The impact of regulatory changes on freelancers in Indonesia, particularly in the gig economy, is a critical area of study (Imam Budi Santoso, 2024). By analyzing existing policies and identifying legal gaps, researchers can evaluate the effectiveness of regulatory implementation to provide recommendations for strengthening legal protection for these workers. This research is critical to contributing to the development of more inclusive and equitable policies for freelancers in Indonesia, ultimately supporting sustainable and equitable economic growth. Understanding the complexities of employment regulations, particularly in relation to freelancers, is critical to ensuring the well-being and rights of workers in the evolving landscape of employment arrangements in Indonesia.

Existing employment policies related to freelancers are under global scrutiny due to the emergence of non-traditional work arrangements such as temporary contracts, self-employment, and platform work, leading policymakers to reassess labor market, skills development, and social protection policies (Marguerita Lane, 2019). In the United States, the binary classification of workers as employees or independent contractors is being challenged by the gig economy, creating ambiguity and social/economic issues (Seth D. Harris, 2018). New York City's Freelance Isn't Free Act (FIFA) was a significant step in protecting

freelancers from non-payment, but has been criticized for its ambiguity, suggesting the need for specific amendments and proactive action by hiring parties to ensure compliance and fair treatment of freelancers (Caitlin M. Baranowski, 2018). Furthermore, a detailed review of freelancers highlights their historical roots, diversity of work, income, and differences between freelancers and employers, highlighting the need for further exploration by researchers and policymakers (Abdul Ghafoor Kazi, 2015).

Legal loopholes and challenges in implementing regulations are prevalent across sectors. A study by Idowu highlights the lack of government will and commitment as a major barrier to effectively implementing the Firearms Act in Nigeria (Oladimeji I. Idowu, 2020). Furthermore, May's study highlights how regulatory processes can lead to delays in housing construction and rehabilitation, hampering development due to burdensome regulations (Peter J. May, 2004). Sattar et al. discuss the challenges faced in controlling cybercrime in Pakistan, citing reasons such as lack of awareness, unemployment, and inadequate implementation of cyber laws (Zunaira Sattar, 2018). Smith's findings further underscore the importance of addressing complexities in EU law to achieve effective implementation, with a focus on improving administrative capacity and coordination within Member States (Yuhanza Othman, 2022). These studies collectively highlight the need to address legal and institutional barriers to improve regulatory compliance and enforcement across domains. Regulatory changes, such as privatization and technological restructuring, have externalized labor, impacting freelancers' welfare and legal protection (Agnes R. Quisumbing, 2023). The welfare system for freelancers emphasizes contributions to general and professional contingencies, ensuring social security coverage (Esy Kurniasih, 2022). In addition, the enactment of laws such as the Omnibus Law in Indonesia has implications for the legal protection of freelancers, positively affecting their status, wage certainty, and social security coverage (Susilo Wardani, 2018). Understanding the differences between employees and freelancers is essential to determining legal rights and obligations, with labor laws offering greater protection to employees (Agnes R. Quisumbing, 2023). These regulatory shifts highlight the importance of a comprehensive legal concept for freelancers to address challenges and ensure adequate legal protection and welfare provisions (Esy Kurniasih, 2022)

#### **Methods**

The research methodology is designed to answer the research objectives with a comprehensive and systematic approach. This study will use qualitative methods to provide an in-depth understanding of the impact of regulatory changes on freelancers in Indonesia. This

study will use exploratory and descriptive designs. The exploratory approach is used to explore poorly understood issues, while the descriptive approach is used to describe phenomena in detail. The qualitative approach will be used to gain in-depth insights into the experiences and perceptions of freelancers, employers, and policymakers regarding employment regulations.

# Results and Discussion Descriptive Analysis

The results of a survey conducted on 100 freelancers in various sectors, found that Gender: 60% of respondents were male and 40% were female. Age of respondents, The majority of respondents were aged between 25-34 years (45%), followed by 35-44 years (30%), and 18-24 years (25%).

## **Empirical Findings**

Based on data collected through surveys, in-depth interviews, and Focus Group Discussions (FGDs), provide an in-depth picture of the impact of changes in employment regulations on freelancers in Indonesia

#### **Working Conditions of Freelancers**

The majority of freelancers earn varying incomes, with many of them in the range of IDR 3,000,000 - IDR 5,000,000 per month. However, there is a significant group that experiences income below IDR 3,000,000, indicating economic instability among freelancers. The average working hours of freelancers are 30-40 hours per week, but 20% of respondents reported working more than 40 hours per week. This indicates the possibility of overwork without adequate compensation. Only 15% of respondents have access to social security such as BPJS Kesehatan or BPJS Ketenagakerjaan, indicating that the majority of freelancers are not adequately protected.

# **Perception of Employment Regulations**

70% of respondents do not fully understand the employment regulations that apply to freelancers. This indicates a lack of socialization and legal understanding among freelancers. 65% of respondents feel that current employment regulations do not provide adequate protection for freelancers, indicating a legal gap in their protection. The majority of respondents (80%) want clearer and more specific regulations to regulate the rights and obligations of freelancers, reflecting the need for more inclusive regulatory reform.

#### **Impact of Regulatory Changes**

Many freelancers reported that inconsistent or ambiguous regulatory changes increased their income uncertainty. The lack of clarity in regulations negatively impacted their economic stability. Freelancers felt that access to social security was still limited. They hoped for regulations that would allow them to obtain social security more easily. Freelancers experienced a dilemma between the flexibility of the work they chose and the need for job security. They wanted a balance between flexibility and adequate protection.

#### **Evaluation of Current Policies**

This study found that current employment regulations do not fully accommodate the characteristics of freelance work. This legal gap makes freelancers vulnerable to exploitation and uncertainty. Freelancers and other stakeholders believe that legal reform is needed to create a fairer working environment and protect freelancers' rights.

#### **Uncertainty of Legal Status and Job Security**

Many freelancers face uncertainty regarding their legal status as workers or independent contractors. This impacts the legal rights and protections they receive. Freelancers often do not receive adequate employment protection, such as health insurance, sick leave benefits, and pension rights. The uncertainty surrounding freelancers' legal status significantly impacts their job security and the protections they receive. Freelancers, also known as gig workers, often lack important benefits such as health insurance, sick leave, and pension rights due to the blurred distinction between employees and independent contractors (Łucja Gasiorowska, 2023). This ambiguity in legal classification poses challenges in determining the application of labor laws and social security contributions, leaving freelancers with fewer protections compared to traditional employees (Agnes R. Quisumbing, 2023). Furthermore, the COVID-19 pandemic has increased the importance of addressing the legal status of gig workers, highlighting the need for regulatory changes to ensure basic labor rights, decent work standards, and sustainable development goals in the growing digital economy (Łucja Kobroń-Gasiorowska, 2023). Efforts to build a comprehensive legal framework for freelancers are essential to protect their rights and provide a safer working environment (Agnes R. Quisumbing, 2023).

# **Limited Access to Social Security and Welfare**

Many freelancers do not have access to social security such as BPJS Ketenagakerjaan and BPJS Kesehatan, which are essential for their well-being. Income uncertainty makes freelancers vulnerable to economic fluctuations and makes it difficult to plan their finances.

# **Lack of Legal Protection against Exploitation**

Freelancers often face exploitation by employers who use their status to avoid providing benefits and other rights. Existing complaint mechanisms are often ineffective in addressing freelancers' complaints about unfairness or mistreatment in the workplace. Freelancers who face exploitation due to their vulnerable status often face challenges in receiving legal protection and benefits from employers, as highlighted in various research papers. The lack of legal protection for agency workers, as discussed in (Chamdani Chamdani, 2022), contributes

to uncertainty and unfairness in cases of termination of employment during the contract period. In addition, the emergence of platform work, as explored in (Sonja Mangold, 2024), presents difficulties in extending traditional labor laws to adequately protect gig workers. Furthermore, the informal nature of employment relationships in industries such as wigs and false eyelashes in Purbalingga, Indonesia, as described in [5]], leads to a lack of written contracts and awareness of labor rights among everyday workers, further exacerbating issues of exploitation and inadequate legal protection. Efforts to improve the legal framework and establish effective grievance mechanisms are essential to address these challenges and ensure fair treatment for freelancers.

# Lack of Representation and Voice in Policy-Making

Freelancers are often not organized into strong unions that can advocate for their rights. Freelancers have limited influence in policy-making processes, which often favor permanent workers and large employers. Freelancers face challenges in organizing strong unions to advocate for their rights, leading to limited influence in policy-making processes that tend to favor permanent workers and large employers (Valeria Piro, 2024). The inability of freelance dancers to unionize and the lack of funding for choreographers hamper efforts to improve workplace conditions in the freelance dance industry (Julie Jones, 2023). Furthermore, the concept of "freelance feminism" highlights how precarious work and entrepreneurship intersect, forming new forms of feminist activism and self-promotion (Hannah Curran-Troop, 2024). Legal protections for freelancers in Indonesia, such as those under the Special Time Work Agreement (PKWT), aim to regulate employment relationships and ensure certain rights, although they do not offer the same level of protection as regular workers (Nikmah Dalimunthe, 2023). Research on freelancers in Russia highlights the growth of online freelancing and the unique challenges that independent professionals face in the labor market (Anita Poplavskaya, 2023).

#### **Strategies to Overcome Challenges**

To overcome these challenges, several strategies that can be implemented include:

- 1. Establish a clear definition of the legal status of freelance workers and ensure they receive proper protection. Integrate freelance workers into the national social security system.
- 2. Establish an easily accessible and effective complaint mechanism to handle freelance worker complaints.
- 3. Tighten supervision of exploitative practices by employers.

- 4. Provide specific training and skills development programs for freelance workers.
- 5. Assist freelance workers in accessing the resources needed for training.
- 6. Encourage the formation of trade unions that are inclusive of freelance workers.
- 7. Increase freelance workers' participation in the labor policy-making process.

#### Recommendations Based on Research Findings

- 1. The government must establish a clear definition of the status of freelance workers and independent contractors in labor laws.
- 2. New regulations must ensure that freelance workers receive the same protection as permanent workers, including protection against unilateral termination of contracts and exploitation.
- 3. Social security programs such as BPJS Ketenagakerjaan and BPJS Kesehatan must cover freelance workers, with contribution schemes adjusted to their income.
- 4. The government and relevant institutions should conduct information campaigns to raise freelancers' awareness of their rights and how to access social security.
- 5. The government should strengthen oversight of exploitative business practices and ensure strict law enforcement against violations.
- 6. Establish accessible and responsive grievance mechanisms to address freelancers' grievances.
- 7. Encourage the formation of inclusive and strong trade unions that can advocate for freelancers' rights in policy-making processes.
- 8. Ensure the active participation of freelancers in public consultations and decision-making processes related to labor regulations.
- 9. Provide access to affordable mental health services for freelancers, including counseling and psychological support.
- 10. Conduct campaigns to raise awareness of the importance of mental well-being and strategies for managing stress in the workplace.

# **Conclusion**

Many freelancers in Indonesia face uncertainty regarding their legal status as workers or independent contractors, which impacts their legal rights and protections. Freelancers often lack adequate employment protections, such as health insurance, sick leave benefits, and pension rights. Many freelancers do not have access to social security such as BPJS Ketenagakerjaan and BPJS Kesehatan. Income uncertainty makes freelancers vulnerable to economic fluctuations and makes it difficult to plan their finances.

Freelancers often face exploitation by employers who use their status to avoid providing benefits and other rights. Existing grievance mechanisms are often ineffective in addressing freelancers' complaints about unfairness or mistreatment in the workplace. Freelancers often do not have access to training and skills development provided by their companies or the government.

Many freelancers do not have the resources or time to undertake training that could improve their skills. Freelancers are often not organized into strong trade unions that can advocate for their rights. Freelancers have limited influence in policy-making processes, which often favor permanent workers and large employers.

# **Implications of the Research Findings**

The findings on the uncertain legal status and lack of protection for freelancers indicate the need for specific regulations that recognize and protect freelancers. The government should consider adopting laws that explicitly cover the rights and obligations of freelancers. Stricter law enforcement is needed to ensure that companies comply with regulations and provide adequate protection to freelancers. This includes monitoring exploitative practices and providing effective complaint mechanisms.

The findings on limited access to social security underscore the need to integrate freelancers into national social security systems, such as BPJS Ketenagakerjaan and BPJS Kesehatan. This will provide greater financial security for freelancers.

The government may need to provide subsidies or incentives for freelancers to join social security programs, given the instability of their income. Difficulties in accessing training and skills development indicate the need for specific training programs that are accessible to freelancers. This will help them improve their skills and competitiveness in the job market.

The findings on challenges in managing finances and taxes indicate the need for affordable financial education programs and tax consulting services for freelancers. This will help them manage fluctuating incomes and meet their tax obligations. The lack of freelance representation in policy-making highlights the need for the establishment of inclusive and strong trade unions. This will give freelancers a greater voice in decision-making processes. Governments and policymakers should ensure the active participation of freelancers in public consultations and discussions on labour regulations. This will ensure that the resulting policies are fairer and reflect the needs of all workers.

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