

Comparative Analysis of Legal Protection of Gig Economy.docx

by djems24 lppm

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Comparative Analysis of Legal Protection of Gig Economy Workers in Indonesia, Malaysia, and Singapore

Abstract

Introduction: With the rapid growth of the digital economy, gig workers, who are generally classified as independent contractors, often do not have adequate legal and social security protections compared to conventional workers.

Purposes of the Research: This study presents a comparative analysis of legal protection for gig economy workers in three Southeast Asian countries, namely Indonesia, Malaysia, and Singapore. The study focuses on the regulatory framework applicable in each country, covering aspects of labor laws as well as various other regulations or policies related to workers' rights and social protection guarantees.

Methods of the Research: Normative legal research methods are used to examine policies related to workers in the performing economy sector in Indonesia, Malaysia, and Singapore. This approach is used to compare the legal protection provided to these workers in the three countries, by referring to the provisions of the applicable laws and regulations in each country.

Results Main Findings of the Research: The results show that despite differences in regulatory approaches, the three countries still face significant challenges in creating adequate social safety nets. The researcher recommends that modernization and innovation in labor policies need to be carried out to achieve a balance between work flexibility and the protection of workers' rights. In addition, the development of more inclusive and sustainable regulations in the digital era should also be carried out.

Keywords: Gig Economy; Legal Protection; Legal Comparison

INTRODUCTION

Technological advance have a significant impact on globalization in the era of digitalization, especially in increasing convenience, efficiency, and productivity in the transportation and communication sectors, which ultimately provides benefits for society and the business world (Skare & Riberio Soriano, 2021). Therefore, adapting to technological developments is a must in the face of globalization and digitalization. Technology also plays a key role in accelerating the globalization process by presenting various innovations that affect economic growth, both in the short and long term. (I. & B., 2021) In addition, globalization opens up opportunities for companies to expand into international markets, which simultaneously increases labor competition globally.

With technology collaboration, the production and distribution process of products can be carried out faster, with lower costs and higher efficiency. However, technological advances can also have a mixed impact on conventional business actors, who must adapt to technological developments in order to remain competitive in the market. (Altay & Narayanan, 2022) If they fail to adjust, it will be difficult to meet the needs of consumers who have become accustomed to getting services from companies that adopt the latest technology. In addition, economic growth contributes to improving people's welfare in various aspects, such as environmental, social, and economic. Therefore, changes in life patterns are needed to achieve better well-being. (Clark, Lawton, Stevenson, Vickers, & Dahill, 2022)

Advances in digital technology and changes in global work patterns have encouraged the emergence of the gig economy phenomenon, which is a work system that offers high flexibility, is based on short-term contracts, and has no permanent attachment to the company. (George, 2024) The gig economy includes a wide range of jobs, such as freelancers, independent contractors, and part-time workers, spread across a variety of sectors, including transportation, food service, digital marketing, graphic design, information technology, as well as other creative industries. In the Southeast Asian region, the growth of the gig economy is experiencing rapid development, driven by the increasing demand for flexible labor and easy access to digital technology. (Mimi & Mani, 2024)

This work model provides opportunities for individuals to earn additional income and improve their skills independently. However, on the other hand, challenges such as lack of legal protection, income instability, and limited access to social security are key concerns that must be addressed immediately to create a more sustainable and inclusive work ecosystem for gig workers.(T. I. Putra, Fibrianti, & Fakhruallah, 2025) As quoted by Antara News, Asia Pacific has a thriving freelance economy and Singapore dominates the main freelance market in Asia and as one of the top 10 best markets for independent workers globally.

Based on data released by freelance portals in Southeast Asia, India occupies the top position with the number of users at 2,369,000, followed by the Philippines which is the next largest market with 536,000 users. Other countries in the region also showed fairly high activity, with Indonesia recording around 412,000 users, while Vietnam had around 155,000 users. Freelancers in the region are spread across a variety of industries, including graphic design, marketing, as well as internet programming.(CEO Suite, 2021) Meanwhile, data from the Central Statistics Agency (BPS) shows that the number of freelance workers in Indonesia reached 46.47 million people in February 2023, which covers 32% of the total labor force of 146.62 million people. This figure has experienced a significant increase compared to 2022, where the number of freelancers was recorded at 34 million people or around 24% of the total labor force.(Zulfani, 2024) Workers in the gig economy generally have flexible work systems, work for multiple clients or platforms at once, and receive payments based on projects or tasks they complete.(James, 2021)

While the gig economy offers flexibility and independence for its workers, there have been criticisms regarding the lack of protection and benefits received by workers in this sector. This can lead to uncertainty and instability in terms of income and benefits.(Johnston & Land-Kazlauskas, 2018) Unlike permanent workers, gig workers often do not have protection for their basic rights, such as social security, leave rights, minimum wage, and access to health services. This situation poses a risk to workers' welfare, especially since many employment law systems in Southeast Asia have not been fully adapted to accommodate protections for gig workers. In some countries such as the Philippines, Indonesia, Malaysia, and Thailand, regulations regarding gig workers are developing with a different approach. Some countries have begun to pay more attention to the protection of gig workers' rights, while others still face challenges in designing effective policies.

In Indonesia, the government has tried to provide protection for gig economy workers who provide delivery services through the "Regulation of the Minister of Transportation No. 17 of 2019" amending the "Regulation of the Minister of Transportation No. 118 of 2018 concerning the Implementation of Special Rental Transportation" and "Government Regulation No. 30 of 2021 concerning the Implementation of the Traffic and Road Transportation Sector". However, there is still no regulation that specifically regulates goods delivery services using gig worker services. Therefore, legal protection for gig workers has not been accommodated and the government needs to determine policies to provide legal protection for gig economy workers.(Abdul Rasheed, Sati, & Bano, 2022) Therefore, the researcher believes that it is important to conduct a comparative analysis related to legal protection for gig workers in Southeast Asia, in order to understand the legal approaches that have been implemented, identify shortcomings, and formulate recommendations for improving the welfare and legal security for gig workers in this region.

Previous research on gig economy workers has been carried out, including in the following research. First, research by Qolbi Hanif Fadhlulloh, Aidul Fitriadi Azhari, and Rizka in a

study entitled "Comparison of the Legal Status of Gig Economy Workers in Indonesia, the Netherlands, and the United Kingdom". (Fadhlulloh, Azhari, & Rizka, 2023) Next, research conducted by Akhdan Adityo Latri, Rajwa Khaicirinu Riyanto, Muhammad Bintang Firdaus, and Muhammad Gaung Syah Arjuna with the title "Workers' Rights in the Gig Economy Era: Legal Protection for Freelance and Contract Workers". (Latri, Riyanto, Firdaus, & Arjuna, 2024) Then there is research from Kengga Kusuma Putra, Adi Suryo Ramadhan, Greget Widhiati, Tri Imalia, and Kapsah in a study entitled "Legal Protection for Gig Economy Workers: A Civil Law Perspective in Indonesia". (R. K. Putra, Ramadhan, Widhiati, Imalia, & Kapsah, 2024)

The difference between the researcher's research and the previous study is that the researcher's research has a regional coverage in Southeast Asia and focuses on the comparison of legal policies in Indonesia, Malaysia, and Singapore using a comparative study method. This study not only analyzes the regulations that apply in each country, but also identifies the advantages and disadvantages of the legal approach applied. Thus, this study is expected to provide broader insight into the pattern of legal protection for gig economy workers in this region and develop more comprehensive recommendations for policymakers in improving the welfare and legal protection of gig workers, especially in the three countries. So that the results and recommendations will be different from previous research.

METHODS OF THE RESEARCH

The normative legal research method is used in this study to analyze policies related to gig economy workers in Southeast Asia, especially in Indonesia, Malaysia, and Singapore. This method is applied to compare legal protection for gig economy workers in the three countries with reference to applicable laws and regulations. Data collection is carried out through literature study by reading, collecting, and classifying materials relevant to the research topic. The results of the analysis are then presented descriptively in the form of scientific articles to provide recommendations for improving legal policies that are more effective in protecting gig economy workers.

RESULTS AND DISCUSSION

The transformation of the world of work is experiencing rapid development along with the advancement of the internet. Today, job opportunities are much wider than they were a few decades ago. (Murwani, 2023) Previously, the recruitment process was carried out offline, making it difficult for prospective workers from outside the region to access the desired company. In addition, companies have to incur large costs in the time-consuming hiring process. However, with the advent of internet technology, short-term contract-based jobs have become more accessible through various freelancer platforms that provide job vacancy information.

Based on BPS as of August 2024, as many as 57.95% of the workforce in Indonesia is included in the category of informal workers. Of the total of more than 144 million people who work, around 84 million people are informal workers, which includes individuals who are self-employed (such as MSMEs), working with the help of irregular workers, freelancers, and family workers who do not receive wages. (Direktorat Statistik Kependudukan dan Ketenagakerjaan, 2024) Based on this data, informal workers still dominate the distribution of labor compared to formal workers. The number of formal workers reaches 42.05% or around 60.82 million people. (Azzahra, 2024)

A significant surge in contract-based jobs through digital platforms in large numbers is known as the gig economy. According to Wilson, the gig economy refers to a type of work with short-term contracts, which was previously better known as freelance work. In this system, workers receive wages based on the number of jobs completed digitally, and their income is not fixed. (Fatmawati, Isbah, & Kusumaningtyas, 2019) The gig economy itself is still difficult to define, measure, or interpret. There are various points of view regarding the gig economy. Some see it as part of a shift in the employment structure that is increasingly unstable and tends to be exploitative, as this work has no clear time limits. However, on the other hand, there is also a view that sees the gig economy as a new form of work that offers more flexibility than traditional contract-based jobs. (Chartered Institute of Personnel and Development (CIPD), 2017)

In the industrial revolution 4.0, one of the impact that emerged in career development was the birth of the gig economy phenomenon, also known as the sharing economy. This phenomenon has also given birth to gig workers, which can be interpreted as freelancers or freelancers. The presence of gig workers is a significant change, because it offers a new work model that is more flexible compared to the traditional employment system which tends to be permanent and rigid. In Indonesia, the gig economy is not only limited to the online transportation sector, but also includes thousands of freelancers registered on various job search platforms, such as Fastwork, Fiverr, Freelancer.com, Upwork.com, Sribu and so on. This shows that project-based and flexible work systems are increasingly developing and becoming part of the employment landscape in the digital era.

A. Regulation of Occupational Safety and Legal Protection of Gig Economy Workers in Southeast Asian Countries

Each country has a different approach to regulating gig economy workers, depending on the legal system, employment policies, and the level of development of the digital economy in each country. Some countries have begun to adapt their regulations to provide social protection for gig workers, while others still rely on partnership systems that make the legal status of gig workers less clear. Therefore, it is important to conduct a comparative analysis to understand how each country designs policies that can ensure the welfare and safety of gig economy workers in the region. The following is an overview of labor regulations and legal protections for gig workers in Indonesia, Malaysia, and Singapore.

1. Indonesia

In "Law No. 13 of 2003 jo. Law No. 11 of 2020" (Manpower Law) states that worker protection includes, among others, protections related to the right to negotiate with employers, occupational safety, health, special protection (women, children, for people with disabilities), to protect employee salaries and benefits, and social security. (Wibowo, 2023) The gig economy is very much related to partnerships. Regarding employment relations according to the labor law, although it is recognized that there is an employment relationship, it should be noted that the relationship between the worker and the employer is not necessarily an employment relationship. In this view, it lies in each of the roles of employment, namely employers, workers, the government, and the Industrial Relations Court.

Both the business world and the community in Indonesia have experienced various benefits from the development of the gig economy, especially in terms of work flexibility and wider economic opportunities. (Kamarudin, 2024) However, behind this growth, there are significant challenges related to legal protection and the status of gig workers. In Indonesia's

labor system, gig workers are seen as independent contractors or partners, not as permanent employees. This causes them not to get the same employment rights as formal workers, such as social security, leave rights, and protection against termination of employment. In addition, regulations that have not fully accommodated flexible working patterns in the gig economy are obstacles in providing adequate protection for workers in this sector.

Labor law enforcement in Indonesia still faces various obstacles, especially because existing labor standards are not fully relevant to the nature of gig economy work. Lack of clarity in defining employment relationships, the role of gig workers, and regulations regarding the workplace further complicates the situation. Therefore, more adaptive policy updates are needed so that the employment system can provide better protection for gig workers without hindering the flexibility that is the main advantage of this sector. Negotiations with stakeholders are a crucial aspect in ensuring the welfare of gig workers, given their status as independent contractors who do not have the right to various labor protections.

Unlike permanent workers who are not recognized as formal workers, gig workers are not eligible for social benefits, minimum wages, and the right to form or join a union. This status often causes problems related to legal protection and the fulfillment of the rights of gig workers. One of the main challenges faced is their weak bargaining position in setting rates and fair working conditions. In addition, unlike permanent workers, gig workers also do not receive labor protection guarantees, such as workplace health or safety benefits, social security, leave rights, wage standards, or other labor protections. (de Ruyter, Brown, & Burgess, 2019) This creates greater uncertainty in terms of welfare and job stability for gig workers.

Until now, Indonesia has not had laws and regulations that specifically regulate protection for gig economy workers. As partners, gig workers should have equal rights with other workers in general, including the right to a decent wage, social security, and the opportunity to work in a safe and healthy environment. Although there are no specific regulations, gig workers in Indonesia can still get protection through several regulations that have been in effect, including:

- a. The Labor Law, which regulates the relationship between employers and workers, can provide protection for gig economy workers. Even though they are categorized as partners, gig workers still have certain rights as a workforce, such as social security as well as the right to work in a safe and healthy environment.
- b. "Law No. 8 of 1999 concerning Consumer Protection" (Consumer Protection Law), which guarantees customers' rights to safe and quality goods and services, also plays a role in protecting gig workers. In this context, gig workers have a responsibility to provide quality and safe services to their clients. In addition, this regulation can also provide protection for gig workers in the event of disputes with customers or service provider platforms. In the event of complaints or disputes related to service quality, gig workers have the right to receive fair treatment in accordance with applicable regulations. With this protection, gig workers can work more safely and have legal certainty in carrying out their work.
- c. In addition, there are a number of other regulations that also provide protection for gig economy workers in Indonesia. One of them is the "Decree of the Minister of Transportation Number KP 667 of 2022" which regulates guidelines for calculating the cost of using application-based motorcycle services for the benefit of the community. This regulation aims to ensure clarity regarding the fare structure, so that it can provide

income certainty for gig workers in the online transportation sector.(Fadhlulloh et al., 2023)

It can be said that the current regulations still cannot provide adequate legal protection for gig workers, so they have not obtained equal rights with conventional workers. In fact, social security is a fundamental right for every individual, including gig workers, as mandated in the constitution. "Article 28H paragraph (3) and Article 34 paragraph (2) of the 1945 Constitution" (1945 Constitution) affirms that the state is responsible for ensuring welfare and social protection for all its citizens. This lack of protection can have an impact on economic uncertainty for gig workers, especially related to health insurance, employment, and protection against occupational risks. Researchers argue that more comprehensive policy reforms are needed so that gig workers get equal rights and protections with other workers, without eliminating the flexibility that is the main characteristic of this work system.

2. Malaysia

Gig economy refers to work done through digital platforms. This concept has various other terms, such as sharing economy, collaborative economy, digital economy, crowd economy, and peer economy.(Waas, Pavlou, & Gramano, 2018) In general, the gig economy is described as a platform-based work system that connects workers with platform owners for mutual benefit.(Tan et al., 2021) Gig workers are categorized as part of the informal sector because they work freelance without a fixed work tie. These informal jobs include odd jobs that are generally facilitated through digital workforce platforms. The main characteristic of this kind of work is the flexibility with temporary and short-term work arrangements between the individual and the organization. In general, there are two main categories in digital workforce platforms, namely online web-based platforms and location-based platforms.(ILO, 2021)

Contrary to popular belief, the informal employment rate in Malaysia has actually decreased over time. However, the number of freelancers, especially location-based ones, has increased. An analysis of data from the Household Income Survey (HIS) shows that the formal employment rate in Malaysia declined between 2009 and 2022. On the other hand, data from the Malaysia Digital Economy Corporation (MDEC) revealed that between 2016 and 2021, there was an increase in the number of digital workforce platforms registered with MDEC, along with an increase in the number of active freelancers. This growth mainly occurs in location-based jobs, which are types of jobs that are supported by digital technology, such as applications, but still require a physical presence, such as online transportation services, freight delivery, and household services.(Ghorpade, Abdur Rahman, Jasmin, Cheng, & Yi, 2024)

Freelancers or workers in the gig economy are individuals who do not have a standard employment relationship, which is usually characterized by a full-time, long-term job with a single employer. This conventional work model is the basis for various social protection policies, including social insurance related to pensions, disability, and unemployment.(World Bank, 2019) Gig workers are categorized as non-standard workers, which includes part-time workers, freelancers, independent contractors, as well as project-based workers.(Anani, 2018; Qiao, Huang, & Yeh, 2023) However, gig workers are not included in the definition of "worker" as stipulated in the Employment Act 1955,(Abdullah, Bahri, & Yusof, 2025) and until now there is no legal provision that specifically regulates the

status of freelancers in the Employment Law. As a result, they still face various challenges related to legal protection and social welfare. (Bunjak, Černe, & Popovič, 2021)

In general, gig workers are classified as independent contractors, so they do not get the same rights as permanent workers under existing labor. (Ali et al., 2023; Nursilah, Zurina, Noor, & Maya, 2020) However, the Malaysian government has begun to take steps to provide more protection for workers in the sector. Some of the relevant policies include:

- a. The Employment Amendment Act 2022 (EAA 2022) Section 101c, which came into effect on September 1, 2022, states that the employee's status does not always have to be based on a written employment contract. Provided that a person performs work under the control or direction of another party, his working hours are determined by another person, there is a provision of tools, materials, or equipment for work, the tasks performed are an integral part of the other party's business, his work is solely for the benefit of that party, or if he receives periodic payments as his main source of income. This provision implies that the employment status of freelancers is placed as an employee as stipulated in the Employment Act 1955 (EA 1955). (Abdullah et al., 2024)
- b. The Social Security Organisation (SOCSSO) Self-Employment Social Security Scheme (SESSS), allows gig workers, such as e-biking and food delivery drivers, to obtain protection against occupational accidents, including occupational diseases and accidents during work-related activities, temporary disability allowance and permanent disability allowance.
- c. The Employees Provident Fund (EPF) i-Saraan, is a voluntary retirement savings program designed specifically for gig workers. The program allows workers to set aside a portion of their income independently, so that they can build a retirement fund as financial security in the future. By its voluntary nature, the i-Saraan EPF provides flexibility for gig workers who do not get automatic contributions through the conventional social security system, while supporting their financial stability in the long term.

If we look closely, although gig workers are not explicitly recognized in EA 1955, their existence has been indirectly recognized through EAA 2022. In Malaysian employment law, employment status has an important role in determining legal rights, protections, and obligations that must be fulfilled. If an employment relationship is classified as an employment contract, then the employer has the authority to regulate its workers and be responsible for them during working hours. (Abu Hassan, Saripan, Putera, Abdullah, & Mohamad, 2023) On the other hand, employment contracts in general law focus on the relationship between employers and employees to distinguish the status of employees from independent workers. The employment contract itself is a legal document that is the basis for determining employment status. A legal employment relationship between an employer and an employee, according to common law, is determined based on the terms and conditions that have been agreed upon by both parties. (Le Thu, 2021)

Furthermore, service contracts have been described in a variety of ways, but they generally have similarities as voluntary agreements between individuals, whereby an employee accepts employment opportunities and is under the control of the employer in terms of remuneration. On the other hand, a service contract is more like an agency relationship, where individuals who work under this contract are not considered employees. (Abdullah et al., 2024) Under EA 1955, freelancers are categorized as individuals who work independently or as independent contractors. In contrast to employment contracts,

freelancers are hired under employment agreements that require them to complete certain tasks. They receive instructions on what to do, but not on how to carry it out, so they still have freedom from the direct control of the employer. (Harun, Ali, & Khan, 2020)

The difference in interpreting the legal status of “employee” or “worker” according to EA 1955 and EAA 2022 causes ambiguity in many related aspects. This has an impact on the legal protections provided, workers' rights, and employers' obligations to gig workers. This confusion also affects the implementation of labor policies, including access to social security, wage protection, and the right to decent working conditions. In addition, this legal uncertainty can make it difficult for gig workers to fight for their rights, given that their status is not explicitly recognized in existing regulations.

In the context of the gig economy, establishing the status of workers as freelancers without conducting an in-depth analysis is an unfair and irrational approach. Gig workers should not automatically be classified as independent contractors just because they have flexible hours or are considered to have their own business. Such an approach risks absolving platform companies of their responsibility for the welfare of gig workers, which in fact contributes greatly to the business continuity of the platform. In this case, clearer and more inclusive regulations are important to determine the actual working relationship between gig workers and platforms, as well as ensure that their rights and social protections are met proportionately. (Peetz, 2019)

In addition, several government initiatives such as SESSS and EPF i-Saraan are considered less effective because they are voluntary. This means that freelancers have the freedom not to participate in the scheme, so social protection for them is not guaranteed in its entirety. (Samad, Ismail, Rahman, & Marmaya, 2023) Furthermore, the gig economy encompasses a wide range of sectors with different characteristics, which leads to difficulties in the implementation of uniform regulations. This disparity also has an impact on the fragmentation of authority among government agencies responsible for enforcing the law for gig workers, thus creating challenges in the supervision and implementation of protection policies for them. Researchers argue that a more comprehensive and systematic approach is needed to ensure that gig workers get adequate legal protection as well as social security.

3. Singapore

In the past decade, the gig economy in Singapore has experienced rapid growth along with technological advancements. Platforms such as Grab and Deliveroo have opened up opportunities for individuals who want flexibility in their work. By 2023, the number of platform-based workers in Singapore is expected to reach more than 70,500 people, or about three percent of the total workforce. Of this figure, as many as 33,600 people work as ride-hailing drivers, 22,200 are taxi drivers, and another 14,700 work in the delivery sector. (Yufeng, 2024) Despite offering flexibility, gig workers in Singapore still face challenges, such as a lack of equal legal protections for formal workers, income uncertainty, and limited access to social security and health benefits. The Singapore government has taken steps to address this problem by introducing more inclusive regulations to improve the welfare of gig workers without sacrificing the work flexibility that is the main attraction of the sector.

One of the concrete actions taken in 2023 is that the Ministry of Manpower (MOM) of Singapore announced the establishment of the Workers' Occupational Injury Compensation (PWIN) Implementation Network Platform. This initiative aims to design policies and

operational mechanisms to implement a comprehensive occupational injury compensation system for platform workers. PWIN involves collaboration between various stakeholders, including platform companies, insurance providers, as well as tripartite partners to ensure better protection for gig workers. A total of thirteen platform companies have been registered as participants in this program, which covers various sectors, namely: (i) Ride-Hailing: Grab, Gojek, Tada, and Ryde; (ii) Taxi Operator: ComfortDelGro, which also manages the Zig ride-hailing app; (iii) Food Delivery Services: Deliveroo and Foodpanda; and (iv) E-Commerce and Package Delivery: Amazon, GoGoX, Lalamove, Pickupp, uParcel, and Teleport, which are logistics units of AirAsia. (Ministry of Manpower, 2023)

Although PWIN³⁶ has been formed to compensate platform workers who suffer from work accidents, the status of gig workers as independent contractors remain³⁵ challenge in terms of social protection. They are not eligible to receive contributions from the Central Provident Fund (CPF), which is a mandatory savings system in Singapore for retirement, housing and healthcare purposes. As a result, many gig workers do not have enough savings to buy a home or prepare for a retirement fund, which could have an impact on their future well-being. (Central Provident Fund, 2024) In addition, the absence of long-term protections such as health insurance and retirement benefits further exacerbates the financial uncertainty they face. To accommodate this problem, the government introduced the Platform Workers Law in 2024, which aims to increase protections for gig workers without neglecting economic sustainability in the platform-based work sector.

Singapore is indeed one of the countries in Southeast Asia that is quite advanced in accommodating gig economy workers with its various proactive policies. Even though the Employment Act does not explicitly cover gig workers, there are initiatives to provide more protection for digital platform workers. Then there is also the Work Injury Compensation Act (WICA) policy which allows certain gig workers to get compensation in case of work accidents. In addition, the government has also launched the Contributory Medisave Scheme (CMS), which requires digital platforms to contribute to the health fund of gig workers.

As a further step, Singapore has also established the Tripartite Workgroup on Platform Workers, which aims to review and develop policies that can improve protection for digital platform workers, especially in terms of social benefits, employment protection, and fairness in employment relations. (Tripartite Workgroup, 2023) This initiative reflects the country's commitment to develop a gig economy⁴² system that is not only innovative but also sustainable and fair for workers. Through collaboration between the government, workers' representatives, and platform companies²⁴, it is hoped that the policies designed will be able to overcome uncertainty and improve the welfare of workers, while ensuring that the growth of the digital economy continues to run in harmony and in line with the principles of social justice.

B. Ideal Legal Protection Model for Gig Economy Workers

The legal protection model implemented in various Southeast Asian countries has a significant impact on the welfare and safety of gig economy workers⁷. Researchers argue that the ideal legal protection model for gig economy workers should take into account the flexibility that is the main characteristic of this job, but also provide adequate protection for workers' welfare, safety, and basic rights. (Mulyadi, Yodo, & Sulbana, 2024) Here are the elements that should be present in an ideal legal protection model for gig economy workers:

1. Classification and Recognition of Worker Status Must Be Clear

To provide effective protection, it is important that there is clarity regarding the status of gig workers. An ideal legal model should recognize gig workers as part of the workforce who are entitled to basic protections, even if they are independent contractors. The state could classify gig workers as a new category in labor laws, which give them basic rights without eliminating the flexibility that characterizes gig work.

2. Flexibility in Work

While it provides adequate legal protection, it must also maintain the flexibility that is the main attraction of gig work. Gig workers should be able to choose the time and type of work they want to do without any obligation to follow fixed working hours.

3. Social Security and Health

Gig workers must have access to adequate social security, including protection against work accidents, health insurance, and retirement benefits. The state could require platforms to contribute to social security funds, or offer affordable self-contribution systems for gig workers, such as pension savings or platform-based health insurance systems. This will reduce income uncertainty and help gig workers plan for the future.

4. Minimum Wage and Protection Against Termination of Employment

While gig workers are typically paid based on projects or tasks, it's important to ensure that they are not exploited. Gig workers must be guaranteed the right to a reasonable minimum wage based on working hours or applicable standards. In addition, protections against unfair termination need to be put in place, including a mechanism to file an objection if a worker feels that his or her contract has been arbitrarily terminated by the platform.

5. Legal Protection and Organizational Skills

Gig workers must have the right to form a union or organization to fight for their interests. In some countries, gig workers are not given the right to organize collectively, which can limit their bargaining power in setting rates or working conditions. Providing space for gig workers to organize will strengthen their bargaining position in negotiations with the platform.

6. Compensation and Protection Against Work Accidents

An ideal legal protection model should ensure that gig workers, such as drivers or couriers, get proper compensation in the event of a work accident. The state and platform companies should collaborate to create compensation mechanisms that are fair and accessible to gig workers, including access to work accident insurance or health compensation.

7. Supervision and Law Enforcement

To ensure that this protection runs properly, there must be an effective surveillance system. The government must provide institutions or mechanisms to monitor and enforce employment policies (Helmi, Hafrida, & Kusniati, 2021) for gig workers. In addition, gig workers should have easy access to file complaints regarding violations of their rights or injustices that occur in their work.

The ideal legal protection model for gig workers should combine aspects of flexibility and freedom of work with the provision of adequate social safety nets. This is so that workers are not trapped in economic and social uncertainties that can hinder the sustainability of

their careers. With a firm and clear policy regarding the rights of gig workers, they will feel safer and more valued, so that they are able to contribute optimally. On the other hand, the existence of comprehensive regulations will allow the platform to continue to operate efficiently and achieve long-term success, while maintaining a balance between innovation and workforce protection. This step not only benefits workers, but also supports the inclusive and sustainable growth of the digital economy.

CONCLUSION

In general, in all three countries, gig workers are considered independent contractors, making it difficult for them to obtain equal protection with conventional workers, especially when it comes to social security and employment rights. However, there are differences in legal protection approaches between Indonesia, Malaysia, and Singapore. In Indonesia, existing regulations still do not fully meet the needs of gig workers. In Malaysia, despite the implementation of social protection schemes such as SESSS and EPF i-Saraan, the coverage is still limited because it is voluntary, so it cannot guarantee the rights of gig workers as a whole. Instead, Singapore has adopted a more proactive approach through policies such as WICA which provides compensation for work accidents, CMS which requires digital platforms to set aside contributions to health funds, and the establishment of the Tripartite Workgroup on Platform Workers, thus providing more comprehensive protection for digital platform workers.

Although the three countries have made various efforts to address these challenges, there are still gaps that need to be addressed. Therefore, harmonization of policies and updates of labor regulations are urgently needed so that the balance between work flexibility that is the hallmark of the gig economy and adequate social protection can be realized. This step is crucial to ensure the welfare, safety, and justice of gig workers, as well as support the inclusive and sustainable growth of the digital economy.

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