

PERLINDUNGAN HUKUM TERHADAP PEKERJA LEPAS MELALUI PENYEDIA LAYANAN JASA PEKERJA LEPAS SECARA DARING DI INDONESIA

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ABSTRAK

Penelitian ini membahas perlindungan hukum terhadap pekerja lepas daring melalui penyedia layanan jasa pekerja lepas secara daring di Indonesia. Rumusan masalah penelitian mencakup: (1) Mengkaji Bagaimana pengaturan hubungan hukum antara pekerja lepas daring dengan penyedia layanan jasa pekerja lepas secara daring di Indonesia dan (2) Mengkaji perlindungan hukum terhadap pekerja lepas daring melalui penyedia layanan jasa pekerja lepas secara daring di Indonesia. Penelitian dilakukan dengan metode yuridis normatif, menggunakan pendekatan peraturan perundang-undangan dan konseptual terhadap bahan hukum primer, sekunder, dan tersier. Hasil analisis menunjukkan bahwa hubungan antara pekerja lepas dan platform penyedia tidak memenuhi salah satu unsur dalam hubungan kerja, yakni unsur perintah. Dengan demikian, hubungan tersebut dikualifikasikan sebagai hubungan perdata, bukan hubungan kerja formal, sehingga pekerja lepas daring tidak mendapatkan perlindungan ketenagakerjaan seperti jaminan sosial, upah minimum, cuti, dan penyelesaian sengketa di pengadilan hubungan industrial. Meskipun kontrak digital diakui sah berdasarkan UU ITE, namun tidak serta-merta menciptakan hubungan kerja yang dilindungi hukum ketenagakerjaan. Kondisi ini menciptakan kekosongan hukum. Kesimpulannya, kerangka hukum ketenagakerjaan Indonesia belum adaptif terhadap realitas ekonomi digital. Diperlukan revisi regulasi, seperti UU Ketenagakerjaan dan UU Cipta Kerja, untuk mengakomodasi pekerja non-standar dan memberikan perlindungan dasar yang adil dan inklusif.

Katakunci: perlindungan hukum, pekerja lepas daring, platform penyedia jasa, hubungan kerja, ketenagakerjaan

**LEGAL PROTECTION FOR FREELANCERS THROUGH ONLINE
FREELANCE SERVICE PROVIDERS IN INDONESIA**

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ABSTRACT

This study discusses legal protection for online freelance workers through online freelance service providers in Indonesia. The research questions include: (1) How are the legal relationships between online freelance workers and online freelance service providers regulated in Indonesia? and (2) What legal protection is available for online freelance workers through online freelance service providers in Indonesia? The research was conducted using a normative legal method, employing a regulatory and conceptual approach to primary, secondary, and tertiary legal materials. The analysis shows that the relationship between freelance workers and provider platforms does not fulfill one of the elements of an employment relationship, namely the element of command. Thus, the relationship is classified as a civil relationship, not a formal employment relationship, so that online freelance workers do not receive employment protection such as social security, minimum wages, leave, and dispute resolution in industrial relations courts. Although digital contracts are recognized as valid under the ITE Law, they do not necessarily create an employment relationship that is protected by labor law. This condition creates a legal vacuum. In conclusion, Indonesia's labor law framework is not yet adaptive to the realities of the digital economy. Regulatory revisions, such as the Labor Law and the Job Creation Law, are needed to accommodate non-standard workers and provide fair and inclusive basic protections.

Keywords: *legal protection, online freelancers, service provider platforms, employment relationships, labor*