

ABSTRAK

Pertumbuhan pesat *gig economy* di Indonesia melatarbelakangi penelitian ini untuk menelaah kerentanan perlindungan hukum bagi para pekerjanya. Status sebagai mitra independen dalam platform digital sering menghilangkan hak dasar pekerja sehingga memicu eksploitasi jam kerja yang membahayakan keselamatan. Penelitian ini secara umum bertujuan untuk memberikan pemahaman komprehensif mengenai arah perlindungan hak *gig worker* pasca hadirnya Putusan Mahkamah Konstitusi Nomor 168/PUU-XXI/2023, serta secara khusus bertujuan untuk mengkaji dan menganalisis secara mendalam pengaturan mengenai perlindungan *gig worker* dibentuk, diterapkan, dan berpotensi berubah setelah hadirnya Putusan MK Nomor 168/PUU-XXI/2023, dan untuk mengidentifikasi dan merumuskan bentuk perlindungan yang ideal terkait jumlah jam kerja bagi *gig worker*.

Penelitian ini menggunakan pendekatan kualitatif dengan metode *yuridis normatif*. Teknik pengumpulan data melalui studi kepustakaan yang mencakup analisis terhadap bahan hukum primer seperti Undang-Undang Ketenagakerjaan, Undang-Undang Cipta Kerja, serta dokumen perjanjian kemitraan. Analisis data secara *deskriptif analitis* dilakukan dengan membandingkan regulasi domestik dan praktik progresif di negara lain dalam mengakomodasi hubungan kerja non-standar.

Hasil penelitian ini menunjukkan Putusan MK Nomor 168/PUU-XXI/2023 belum melindungi *gig worker* secara eksplisit karena masih terpaku pada paradigma kerja formal. Kondisi *overworked* terbukti menjadi konsekuensi struktural dari desain sistem platform yang menggunakan skema insentif serta penalti dalam mengendalikan beban kerja. Simpulan ini merumuskan pengaturan perlindungan *gig worker* pasca Putusan Mahkamah Konstitusi Nomor 168/PUU-XXI/2023 telah menunjukkan arah pembentukan pengakuan dalam sistem hukum ketenagakerjaan. Namun demikian, perlindungan jam kerja bagi *gig worker* belum dapat diterapkan melalui pembatasan jam kerja seperti pada hubungan kerja berbasis satuan waktu karena praktik kerja pada layanan berbasis aplikasi menggunakan sistem upah satuan hasil yang tidak menjadikan durasi kerja sebagai dasar pemberian penghasilan.

Kata Kunci: Perlindungan, Hak *Gig Worker*, Kelebihan Jam Kerja, *Overworked*, Sistem Hukum Ketenagakerjaan.

ABSTRACT

The rapid growth of Indonesia's gig economy drives this research to examine the lack of legal protection for its workers. Independent contractor status often strips workers of basic rights, leading to dangerous overwork and safety risks. This research generally aims to provide a comprehensive understanding of the direction of labor rights protection for gig workers following the Constitutional Court Decision Number 168/PUU-XXI/2023. Specifically, it seeks to examine and analyze in depth how the regulations concerning gig worker protection are formulated, implemented, and potentially transformed in the wake of this ruling. Furthermore, the study aims to identify and formulate an ideal framework of protection regarding the working hours of gig workers.

A qualitative approach with a normative juridical method is employed throughout the research. Data collection techniques involve a literature study encompassing primary legal materials such as the Labor Law, the Job Creation Law, and partnership agreement documents. Data analysis is conducted analytical descriptive by comparing domestic regulations and progressive practices in other countries regarding the accommodation of non-standard employment relationships.

The results indicate that Constitutional Court Decision Number 168/PUU-XXI/2023 does not yet explicitly protect gig workers as it remains tethered to a formal employment paradigm. Overwork is proven to be a structural consequence of platform system designs that utilize incentive schemes and penalties to control workloads. This conclusion finds that the regulation of gig worker protection following the Constitutional Court Decision Number 168/PUU-XXI/2023 has shown a direction toward recognizing gig workers within the Indonesian labor law system. However, working time protection for gig workers cannot yet be implemented through working-hour limitations as applied in time-based employment relationships, since work practices on app-based platforms generally operate under a result-based payment system that does not use working duration as the primary basis for income.

Keywords: Protection, Gig Worker Rights, Excessive Working Hours, Overworked, Labor Law System.