

Protecting Start-Up Workers: Social Security and Decent Employment in the Gig Economy Era


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Abstract

The growth of start-ups in Indonesia in the GIG economic era brings new challenges related to social security protection for workers. This study aims to examine the legal protection of start-up workers in obtaining social security and decent working conditions, especially in the context of the risk of losing their job. The main problem raised is the lack of optimal regulations that protect startup workers who are generally informal and do not have formal employment relationships. The research method used is a normative legal method with a statute and conceptual approach, using primary, secondary, and tertiary legal materials. The results show that startup workers face high vulnerability to termination of employment (PHK) without adequate social security protection. Although there is a unemployment benefits program through the Job Creation Law, its implementation is not inclusive of non-formal workers. This study



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concludes the need for regulatory changes to be more inclusive, as well as the need to recognize the status of startup workers in the social protection system. Collaborative efforts between governments, startups, and digital platforms are essential to expand social security coverage, to ensure decent working conditions for all workers in the digital age and GIG economy.

KEYWORDS *GIG Economy; Unemployment Benefits; Start-up Workers; Social Security Protection; Labor Law Reform*

I. Introduction

There are currently 2,346 startup companies in Indonesia. This number places Indonesia in 5th place as the country with the most startups in the world. Startup companies have the characteristics of being a new business entity/startup for no more than 3 (three) years, the number of employees is approximately 20 (twenty) people relatively not many, innovative and disruptive, and technology-based so that it gives birth to a form of remote work, work anywhere, or work from home.¹

Startup companies are part of the development of the GIG Economy, which is characterized by flexible and informal work arrangements, has grown significantly due to technological advances and the emergence of digital platforms. However, this growth has brought challenges in ensuring decent working conditions and social security for workers. Some start-up workers do not have to go to the office, because they can be *remote* with online platforms.

Employment problems will arise in this case, if the work is done not at work, what is the social security protection in the event of a work accident. It will even be a question related to the agreed wages whether the minimum wage is applied to the district/city where the company is

¹ Bona Patrick Leonard en Aryana Satrya, "The Performance of Technology Industry Startup Employees In The Digital Era In Indonesia", *Dinasti International Journal of Digital Business Management* 4, no 3 (2023): 437–47, <https://doi.org/10.31933/dijdbm.v4i3.1791>.

located, or in the area where the workers are located, what if it turns out that the difference in the amount of wages between the regions is very large? For example, companies in Jakarta while workers in Yogyakarta, there is dissatisfaction with workers because their wages are based on UMP or MSEs in the Yogyakarta area.

This article will focus on specific legal issues, namely about social security for startup workers whose workers tend to be considered informal workers, short-term contracts, freelancers, or daily work agreements, which are not always subject to formal labor regulations. As a result, these workers are not automatically registered in social security programs such as BPJS Kesehatan or BPJS Ketenagakerjaan. Even startup workers are treated as partners or semi-contractors (gig workers), which legally creates ambiguity about their rights to social security.

In terms of legal status, startup workers should be no different from workers in conventional companies that have been established for a long time. Where every employment relationship must begin with an employment agreement (according to Article 1 number 15 of Law Number 13 of 2003 concerning Labour Law), and a valid employment agreement, one of which is if there is an agreement (Article 52 paragraph (1) of the Indonesian Labour Law), in the end the rights and obligations of the parties will be determined in the clause of the signed agreement as a sign of the agreement.

With the character of startups that are still trying to build a business, plus a flexible and informal employment relationship system, there will be a sense of insecurity at work, unclear work status with a short period of time, remote work, causing challenges for many Indonesian workers², including workers in the *startup industry*.

² Trisna Widada, Agus Pramusinto, en Lutfan Lazuardi, "Peran Badan Penyelenggara Jaminan Sosial (Bpjs) Kesehatan Dan Implikasinya Terhadap Ketahanan Masyarakat (Studi Di Rsud Hasanuddin Damrah Manna Kabupaten Bengkulu Selatan, Provinsi Bengkulu)", *Jurnal Keragaman Nasional* 23, no 2 (23 Agustus 2017): 75, <https://doi.org/10.22146/JKN.26388>.

As is well known, job security is an important aspect of employment that ensures stability and peace of mind for workers. It refers to the level of confidence an employee has in maintaining his or her job and receiving a steady income for a certain period. In Indonesia, job security has become an important concern for employees and employers due to various factors such as economic fluctuations, globalization, and changes in labor market dynamics³.

According to Armstrong-Stassen, job security is measured based on two aspects, namely: 1) The threat of losing their job, individuals have concerns about losing their jobs. 2) Feeling powerless to eliminate or change the conditions that cause insecurity in themselves related to the continuity of their work in the organization.⁴ Meanwhile, in Tahira M's research, there are two aspects of work safety, namely: 1) Work sustainability, namely safety in future work by considering work continuity. 2) The stability of the content or job content about the content or job content is guaranteed in the future compared to the current situation.⁵

One of the main factors affecting job security in Indonesia is the prevalence of informal work. According to the International Labour Organization (ILO), most of Indonesia's workforce is engaged in informal work, which lacks legal protections and social security benefits. Informal workers often face precarious working conditions, low wages, and limited access to social protection programs. This lack of formal employment

³ Arip Suprianto en Dyah Mutiarin, "Evaluasi Pelaksanaan Jaminan Kesehatan Nasional", *Journal of Governance and Public Policy* 4, no 1 (15 Maart 2017): 71–107, <https://doi.org/10.18196/JGPP.V4I1.2642>.

⁴ Marjorie Armstrong-Stassen, "Coping with downsizing: A comparison of executive-level and middle managers", *International Journal of Stress Management* 12, no 2 (Mei 2005): 117–41, <https://doi.org/10.1037/1072-5245.12.2.117>.

⁵ Tahira M. Probst, "Development and validation of the job security index and the job security satisfaction scale: A classical test theory and IRT approach", *Journal of Occupational and Organizational Psychology* 76, no 4 (Desember 2003): 451–67, <https://doi.org/10.1348/096317903322591587>.

contracts and legal protections makes them more vulnerable to sudden job loss.⁶

Indeed, the Indonesian government has implemented labor laws and regulations to protect workers' rights, but many types of protection are only for formal workers, such as minimum wage provisions, severance pay, and social security, especially job loss guarantees. In fact, informal workers, especially those who work in start-ups, are very vulnerable to termination of employment.

One of the ways the Indonesian government regulates working conditions in the GIG economy is through laws and regulations. The Ministry of Manpower of the Republic of Indonesia is responsible for formulating and implementing policies related to employment, including those that apply to GIG workers. In 2017, the government issued Ministerial Regulation No. 35/2017 on the Implementation of Work through Electronic Systems, which specifically discusses working conditions in the GIG economy.⁷ These regulations require platform companies to provide certain benefits and protections to GIG workers, such as occupational safety and health insurance, social security coverage, and access to training programs.⁸ The implementation of this rule has not touched the needs of informal startup workers.

In addition, economic fluctuations and market uncertainty also have an impact on job security, especially for start-ups in Indonesia. A country's economy is vulnerable to external shocks such as changes in global commodity prices or financial crises. These fluctuations can lead to

⁶ Agnes Fitriyantica, "Harmonisasi Peraturan Perundang-Undangan Indonesia melalui Konsep Omnibus Law", *Gema Keadilan* 6, no 3 (14 Desember 2019): 300–316, <https://doi.org/10.14710/GK.2019.6751>.

⁷ Asian Development Bank Institute, Organisation for Economic Co-operation, en International Labour Organization, "Riders on the Storm: Workplace Solidarity among Gig Economy Couriers in Italy and the UK - Arianna Tassinari, Vincenzo Maccarrone, 2020" (China, 2017), <https://journals.sagepub.com/doi/abs/10.1177/0950017019862954>.

⁸ Arianna Tassinari en Vincenzo Maccarrone, "Riders on the Storm: Workplace Solidarity among Gig Economy Couriers in Italy and the UK", <https://doi.org/10.1177/0950017019862954> 34, no 1 (23 Januarie 2020): 35–54, <https://doi.org/10.1177/0950017019862954>.

business closures, layoffs, and a decline in hiring rates, further exacerbating job insecurity among workers.⁹

The Ministry of Manpower's policy expects that after undergoing an unemployment benefit program and receiving adequate upskilling and retraining training, unemployed workers can unconsciously maintain their standard of living and quickly find new jobs.¹⁰ They can also become entrepreneurs with competitive values. Social protection for workers of start-up companies can be through social dialogue between relevant stakeholders to gain a common understanding and jointly find effective solutions to face existing challenges and ensure access for all workers.¹¹

Some countries such as Japan, South Korea, and the United States have implemented greater protections for non-permanent or part-time workers, so that after quitting their jobs they are safe, in addition to the government providing a policy in the form of "unemployment benefits" for 3-6 months while waiting to get a new job.¹² Under such conditions, the status of Fixed-Time Worker and Non-Part-Time Worker is not a problem because the worker's benefits and social security are guaranteed.¹³

⁹ Vili Lehdonvirta et al., "The Global Platform Economy: A New Offshoring Institution Enabling Emerging-Economy Microproviders", *Journal of Management* 45, no 2 (01 Februarie 2019): 567–99, <https://doi.org/10.1177/0149206318786781>; "Networked but Commodified: The (Dis)Embeddedness of Digital Labour in the Gig Economy - Alex J Wood, Mark Graham, Vili Lehdonvirta, Isis Hjorth, 2019", toegang verkry 15 Desember 2024, <https://journals.sagepub.com/doi/full/10.1177/0038038519828906>; Otto Kassi en Vili Lehdonvirta, "Online labour index: Measuring the online gig economy for policy and research", *Technological Forecasting and Social Change* 137 (01 Desember 2018): 241–48, <https://doi.org/10.1016/J.TECHFORE.2018.07.056>.

¹⁰ Chris Manning en Kurnya Roesad, "The Manpower Law of 2003 and its implementing regulations: Genesis, key articles and potential impact", *Bulletin of Indonesian Economical Studies* 43, no 1 (April 2007): 59–86, <https://doi.org/10.1080/00074910701286396>.

¹¹ Nur Putri Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19", *Jurnal Cita Hukum* 10, no 1 (2022): 139–52, <https://doi.org/10.15408/jch.v10i1.24156>.

¹² Elisabeth Mueller en Maria Hennicke, "Unequal implies success? How initial ownership split impacts team entry and new venture performance", *European Management Journal* 42, no 3 (01 Junie 2024): 305–15, <https://doi.org/10.1016/j.emj.2022.12.012>.

¹³ Valentine Ngum Ndze, Anelisa Jaca, en Charles Shey Wiysonge, "Reporting quality of systematic reviews of interventions aimed at improving vaccination coverage: compliance with PRISMA guidelines", *Human Vaccines & Immunotherapeutics* 15, no 12 (02 Desember 2019): 2836, <https://doi.org/10.1080/21645515.2019.1623998>.

Social security in Indonesia refers to Law No. 40 of 2004 concerning the National Social Security System (NS3) which is still minimalist compared to the ILO standard which regulates 9 (nine) programs. The NS3 Law requires the Indonesian government to implement comprehensive social security and develop the implementation of social security for all its citizens.¹⁴ According to the law, the required social security programs include health insurance, work accident insurance, retirement insurance, and death insurance.¹⁵ The presence of the NS3 Law aims to show the role of the state in protecting its citizens and in developing the economy. However, social security coverage for informal workers who are termed as non-wage earners (self-employed) in Indonesia is still very low.¹⁶ Therefore, the government needs to make efforts to increase the participation of informal workers in social security programs, especially job loss insurance, so that it is not limited to termination of employment.¹⁷

Furthermore, the implementation of the NS3 Law has faced several challenges, such as legal problems in the management of the national social security system, including institutional structures, the Health and Social Security Agency (BPJS), as well as regulatory and legal culture.¹⁸ In addition, the NS3 Law is considered inconsistent with the 1945 Constitution, because certain provisions in the law are contrary to the

¹⁴ Daffa Adi Praditama, "The Dilemma of Fulfilling Informal Sector Workers' Rights in the Indonesian Welfare State Concept", *Law and Justice*, 2023, <https://doi.org/10.23917/laj.v8i2.2600>.

¹⁵ Iene Muliati, Utomo Sarjono Putro, en Yudo Anggoro, "Ensuring Social Security for All: Key Considerations for Policy Options in Indonesia", *Policy l& Governance Review*, 2021, <https://doi.org/10.30589/pgr.v5i3.456>.

¹⁶ Mohamad Rhesa Adisty, "Factors Influencing Informal Workers' Registration for Social Security: A Comparative Analysis Between Indonesia and Taiwan", *Jurnal Aplikasi Bisnis Dan Manajemen*, 2023, <https://doi.org/10.17358/jabm.9.2.523>.

¹⁷ Praditama, "The Dilemma of Fulfilling Informal Sector Workers' Rights in the Indonesian Welfare State Concept".

¹⁸ Suprianto en Mutiarin, "EVALUASI PELAKSANAAN JAMINAN KESEHATAN NASIONAL".

constitution, which weakens the practice of broader regional autonomy and lowers the quality of public services in health services¹⁹.

After the enactment of the Job Creation Law, social security programs in Indonesia have increased, including: health insurance, work accident insurance, death insurance, superannuation insurance, retirement insurance, and finally job loss insurance,²⁰ still a few compared to the ILO recommendations that stipulate social security coverage including health insurance/health care,²¹ sickness benefits/sickness benefits, unemployment benefits, old-age insurance, work accident benefits, family benefits, maternity benefits, disability benefits and survivor's benefits.²²

Another factor that contributes to job insecurity in Indonesia is the rapid advancement of technology and automation. As industries adopt new technologies to improve efficiency and productivity, certain jobs become obsolete or require different skill sets.²³ This can lead to layoffs or downsizing, leaving workers uncertain about their future job prospects. In addition, globalization has increased competition in the labor market, making it more challenging for individuals to get stable jobs.²⁴

Entrepreneurship including the establishment of many startup companies as a job option has given birth to problems in the

¹⁹ Sanusi Bintang, Mujibussalim Mujibussalim, en Fikri Fikri, "Decentralization of Indonesia Social Health Insurance", *International Journal of Law and Management*, 2019, <https://doi.org/10.1108/ijlma-07-2018-0143>.

²⁰ Alex J. Wood et al., "Networked but Commodified: The (Dis)Embeddedness of Digital Labour in the Gig Economy", <https://doi.org/10.1177/0038038519828906> 53, no 5 (28 Februarie 2019): 931–50, <https://doi.org/10.1177/0038038519828906>.

²¹ Rola Al-Massalkhi en Hakeem Adeniyi Ajonbadi, "Pushing Beyond Limit: Has Gig Work Exacerbated Precarious and Psychological Contracts in China?", *HRM, Artificial Intelligence and the Future of Work*, 2024, 61–80, https://doi.org/10.1007/978-3-031-62369-1_4.

²² Austin Zwick, "Welcome to the Gig Economy: neoliberal industrial relations and the case of Uber", *GeoJournal* 83, no 4 (01 Augustus 2018): 679–91, <https://doi.org/10.1007/S10708-017-9793-8/METRICS>.

²³ Herlambang P. Wiratraman, "Law and Politics of Constitutional Courts, Indonesia and the Search for Judicial Heroes, by Stefanus Hendrianto", *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 176, no 2–3 (11 Junie 2020): 410–13, <https://doi.org/10.1163/22134379-17601011>.

²⁴ Stefanus. Hendrianto, "Law and politics of constitutional courts: Indonesia and the search for judicial heroes", 2018.

implementation of social security arrangements.²⁵ Today, there is a proliferation of start-ups in the GIG economy, but when it comes to welfare, most of them are currently underpaid, overworked, and lack social protection.²⁶

Workers and businesses face a variety of dangers and challenges today. On the one hand, the growth of the industrial and digital economies has the potential to destroy traditional jobs and increase labor productivity. On the other hand, the rapid development of digital technology creates many new, inventive, and creative career prospects in fields such as YouTubers, digital fin-techs, start-ups, and content creators or "celebrities"²⁷ therefore need to be regulated that informal workers (not wage earners/self-employed workers) and formal workers who emerge as startups grow are guaranteed their comprehensive social security protection. The possibility of losing a job due to external reasons can not only occur in formal workers, but also independent workers, for example the impact of technological changes, as well as macroeconomic changes and changes in government policies.

This study uses a normative legal research method with secondary data as the main data. The approaches used include a statute approach and a conceptual approach. The secondary data in this study is classified into three categories of legal materials, namely primary legal materials, secondary legal materials, and tertiary materials. The primary legal

²⁵ A. L. Cassano-Piche, K. J. Vicente, en G. A. Jamieson, "A test of rasmussen's risk management framework in the food safety domain: Bse in the uk", *Theoretical Issues in Ergonomics Science* 10, no 4 (2009): 283–304, <https://doi.org/10.1080/14639220802059232>.

²⁶ Anna Wijayanti, "Social Security Provision for International Migrant Workers: Comparing Indonesia and the Philippines", *Jamsostek*, 2023, <https://doi.org/10.61626/jamsostek.v1i2.66>; Arinto Nugroho, Emmilia Rusdiana, en Mustari, "Social Security for Domestic Workers in Indonesia", 2018, <https://doi.org/10.2991/icss-18.2018.18>; André van Stel et al., "Social security arrangements and early-stage entrepreneurial activity; an empirical analysis", *Scales Research Reports*, 26 Januarie 2006, <https://ideas.repec.org/p/eim/papers/n200518.html>.

²⁷ ILO, "Unemployment Protection in Indonesia – Quality Assistance for Workers Affected by Labour Adjustments (UNIQLO) | International Labour Organization", September 2022, <https://www.ilo.org/projects-and-partnerships/projects/unemployment-protection-indonesia-quality-assistance-workers-affected>.

material consists of various laws and regulations related to employment social security in Indonesia,²⁸ which are classified based on the hierarchy of laws and regulations. Secondary legal materials include research results, publication manuscripts, press releases, and policy documents from ministries or institutions obtained through online library research, which serves to comprehensively clarify the legal position of pioneer workers in the social security protection system in Indonesia. The tertiary materials consist of an online Indonesian dictionary and an online legal dictionary, which are used to provide precise definitions of terms. All of these legal materials are categorized based on the classification that has been determined and then analyzed and concluded using inductive methods, which are relevant in the framework of normative legal research.

II. Start-Up Company Workers Who Are Not Wage Earners Do Not Meet The Criteria As Workers (Formal)

'Start-ups' have been thriving since the dot com bubble phenomenon of 1998-2000, a phenomenon in which market value growth estimates are overly optimistic but in reality do not reach the targets they were meant to meet. This has been repeated and its growth has accelerated since the covid-19 pandemic. The prospect is²⁹ very good in implementing ideas that are felt to help the survival of the Indonesian people more prosperous, but it must be supported that this start-up has experienced quite

²⁸ Adriaan Bedner, "Indonesian Legal Scholarship and Jurisprudence as an Obstacle for Transplanting Legal Institutions", *Hague Journal on the Rule of Law* 5, no 2 (September 2013): 253–73, <https://doi.org/10.1017/s1876404512001145>.

²⁹ Alicia M. Robb en Robert W. Fairlie, "Determinants of business success: an examination of Asian-owned businesses in the USA", *Journal of Population Economics* 2008 22:4 22, no 4 (15 Mei 2008): 827–58, <https://doi.org/10.1007/S00148-008-0193-8>.

complicated problems in its development.³⁰ Some of the factors that cause these problems are lack of capital, the products produced need to be in accordance with market needs, and other things. It achieves the most complicated problem, which is termination.³¹

Law No. 3 of 1992 concerning Labor Social Security and Law No. 40 of 2004 concerning the National Social Security System (NS3) initially stipulated that the obligation to register as a participant was on the employer,³² but the provisions were later canceled and revised through the Constitutional Court Decision No. 70/PUU-IX/2011 and No. 82/PUU-X/2012 by stating that workers can register for the BPJS program if the employer does not register Workers.³³ The government then followed up on this change in norms through regulations in Government Regulation (PP) No. 44 of 2015 in Article 10 paragraph (1), Government Regulation No. 45 in Article 5 paragraph (1) and Government Regulation No. 46 of 2015 in Article 11 paragraph (1), as well as through Presidential Regulation No. 82 of 2018 in Article 13 paragraph (2).³⁴

Supposedly, if you read the definition of participants in Article 1 paragraph 13 of the Regulation of the Minister of Manpower No. 5 of 2021 concerning Procedures for the Implementation of the Work Accident Protection Program, National Health Insurance, Old Age Insurance, it states that the definition of participant is any person, including foreigners who have worked for at least 6 (six) months in

³⁰ Mark Granovetter, "The impact of social structure on economic outcomes", *Journal of Economic Perspectives* 19, no 1 (Desember 2005): 33–50, <https://doi.org/10.1257/0895330053147958>.

³¹ Simon Butt en Tim Lindsey, *Indonesia Law*, red Tim Lindsey en Simon Butt, *Indonesian Law* (Oxford University Press, 2018), <https://global.oup.com/academic/product/indonesian-law-9780199677740>.

³² Kenneth Clark en Stephen Drinkwater, "Ethnicity and self-employment in Britain", *Oxford Bull Econ Statistics* 60, no 3 (1998): 383–407, <https://doi.org/10.1111/1468-0084.00105>.

³³ Nurrochmah Ihayani I, "Indonesian National Social Security Management Law Problematics With the Enabling of Law Number 40 of 2004 Concerning a National Social Security System", *Indian Journal of Forensic Medicine & Toxicology*, 2021, <https://doi.org/10.37506/ijfint.v15i4.17064>.

³⁴ Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19".

Indonesia and have paid contributions,³⁵ Therefore, workers in start-ups, even if they are new companies with limited resources and limited income, must be registered as participants in work accident protection, death protection, and old age insurance. If they are enrolled in these three programs, they will automatically be protected in Unemployment Benefits.³⁶

Workers in start-ups are included in the definition of workers in the Indonesian Manpower Law and the Regulation of the Minister of Manpower of the Republic of Indonesia. Pay attention to the definition of workers in Article 1 number 3 of Law No. 13 of 2003 concerning Manpower and in Article 1 point 16 of the Regulation of the Minister of Manpower No. 5 of 2021:³⁷ "Workers/laborers are any person who works by receiving wages or compensation in other forms." Unfortunately, the Labor Law is aimed at formal workers only, namely those who have a work agreement both verbal and written, for start-up workers who are constructed as independent workers such as online drivers, delivery people, and others, of course do not have a work agreement, but a partnership agreement.³⁸ This is the phenomenon of the GIG Economy—a contingent work model—older and much broader than digital, online platform-based work.³⁹

³⁵ Widada, Pramusinto, en Lazuardi, "Peran Badan Penyelenggara Jaminan Sosial (Bpjs) Kesehatan Dan Implikasinya Terhadap Ketahanan Masyarakat (Studi Di Rsud Hasanuddin Damrah Manna Kabupaten Bengkulu Selatan, Provinsi Bengkulu)".

³⁶ Ricky Ignatius en Sadana Gultom, "Pengaruh Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja Terhadap Tenaga Kerja Di Indonesia", *Jurnal Cahaya Mandalika* ISSN 2721-4796 (online) 4, no 2 (2023): 697–704, <https://www.ojs.cahayamandalika.com/index.php/JCM/article/view/1581>; Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19"; Suprianto en Mutiarin, "Evaluasi Pelaksanaan Jaminan Kesehatan Nasional".

³⁷ Manning en Roesad, "The Manpower Law of 2003 and its implementing regulations: Genesis, key articles and potential impact".

³⁸ Robert W. Fairlie en Javier Miranda, "Taking the Leap: The Determinants of Entrepreneurs Hiring Their First Employee", *Journal of Economics & Management Strategy* 26, no 1 (01 Februarie 2017): 3–34, <https://doi.org/10.1111/JEMS.12176>.

³⁹ Ryan Decker et al., "The Role of Entrepreneurship in US Job Creation and Economic Dynamism", *Journal of Economic Perspectives* 28, no 3 (01 Junie 2014): 3–24, <https://doi.org/10.1257/JEP.28.3.3>.

In 2024, the number of informal workers will account for 59.17% of the total workers in Indonesia⁴⁰, this number is equivalent to 80.24 million people. Of these, only around 6.5 million informal workers are participants in BPJS Ketenagakerjaan, including contract workers, domestic workers, independent workers (agriculture, fisheries sectors), art workers, parking attendants, tour guides, education workers at Islamic boarding schools, street vendors, and partnership workers (online motorcycle taxis).

The Social Security Administration Agency (BPJS) calls this a group of start-up workers who are not wage earners (BPU) (Law No. 24 of 2011 concerning the Social Security Administration Agency). Several factors and problems make BPU not protected by BPJS Ketenagakerjaan. First, the informal sector has not all been officially recognized, regulated, and protected by government regulations. This informal sector often does not have a clear employment agreement, does not have a business license, and is not included in the tax system. As a result, they are not covered by the social protection programs provided by the state. Informal workers can move between jobs and work locations in a very short time. Second, some informal workers have low incomes, as a result, paying social security contributions is still not a priority. Third, there is a lack of awareness, considering that labor social security is only intended for formal workers.

III. Start-Up Company Workers Have Minimal Job Protection And Are More Vulnerable To Termination Of Employment (Phk)

Layoffs in startups are very likely to occur considering the character of startups that are not yet established both in terms of management,

⁴⁰ Directorate of Statistics and Population of the Central Statistics Agency, SAKERNAS Booklet Year 2024 Volume 7 No. 1 (2024)

business, and production. The term 'start-up' popularized by Silicon Valley,⁴¹ which is synonymous with the development of information and communication technology (ICT), explains that start-up means "The act or process of starting a process or machine; new business organization or venture" that can be interpreted word for word, these companies (start-ups) are mostly new companies that are in the development and research stages to find the right market.⁴²

Startups, especially those based on technology and services, often demand long and flexible work but many workers are not covered by work accident insurance or death insurance, because companies do not include them in BPJS Ketenagakerjaan. In the event of a work accident or sudden layoff, workers often lose their rights to compensation and social protection, because they are not recorded in the official employment guarantee system.

In fact, the wave of layoffs increased significantly after the Covid-19 pandemic, layoffs are usually caused by force majeure and efficiency. Due to the Covid-19 pandemic, in addition to layoffs, some workers stayed at home, terminated contracts before they expired, cut wages and applied the principle of "no work without pay".⁴³

Throughout 2024, the startup sector in Indonesia will experience a significant wave of layoffs, influenced by various factors such as business restructuring, operational efficiency, and global economic challenges. The following is data and information related to layoffs in the startup sector. Based on a report from the Ministry of Manpower (Kemnaker), as many as 32,064 workers were laid off in Indonesia during the period from

⁴¹ John Armour en Douglas Cumming, "The legislative road to Silicon Valley", *Oxford Economic Papers* 58, no 4 (Oktober 2006): 596–635, <https://doi.org/10.1093/OEP/GPL007>.

⁴² Filiz Garip en Michael W. Macy, "Machine Learning in Sociology: Current and Future Applications", *The Oxford Handbook of the Sociology of Machine Learning*, 20 November 2023, <https://doi.org/10.1093/OXFORDHB/9780197653609.013.11>.

⁴³ Kathleen M. Eisenhardt en Claudia Bird Schoonhoven, "Organizational Growth: Linking Founding Team, Strategy, Environment, and Growth Among U.S. Semiconductor Ventures, 1978-1988", *Administrative Science Quarterly* 35, no 3 (September 1990): 504, <https://doi.org/10.2307/2393315>.

January to June 2024. Of these, DKI Jakarta recorded the highest number with 7,469 cases, followed by Banten (6,359 cases), West Java (5,567 cases), and Central Java (13,722 cases). Some startups that are carrying out mass layoffs during 2024 include:

No	Company	Layoff Time	Reasons for layoffs
1	Tokopedia–TikTok Shop	Early 2024	Restructuring after the merger with TikTok Shop
2	Xendit	Early 2024	Balancing and maximizing the company's long-term resilience
3	Understand	June 2022	Adaptation to macroeconomic conditions
4	SiCepat Express Indonesia	Semester I 2024	Termination of employment of 676 employees

The layoffs by sicepat Ekspress Indonesia made it one of the startups with the highest number of layoffs in Jakarta.

Many factors affect layoffs, especially after the pandemic. The challenges faced in this way lead to failure due to various factors such as lack of capital, inability to achieve the desired product marketability, inability to achieve the expected level of market attractiveness or inappropriate timing, and others.⁴⁴ Moreover, the Covid-19 pandemic requires accelerating digitalization, especially in the fields of

⁴⁴ Alexandros Kailis, "Pursuing Environmentally Sustainable Public Policies and Economic Activities: The EU Taxonomy Regulation", *International Journal of Environmental Protection and Policy* 2021, Volume 9, Page 130 9, no 6 (23 November 2021): 130–39, <https://doi.org/10.11648/J.IJEPP.20210906.11>.

entrepreneurship, innovation, and digital transformation. Start-ups will inevitably face more difficult obstacles, such as:⁴⁵

- a. Run and manage start-ups virtually so that start-up managers must provide more room for development, increase influence and win the trust of partners.
- b. Due to digital changes, startups must adopt new technologies and flexible and creative working methods.
- c. Requirements for venture capitalists or corporate investors, which require startups to convince investors with the different types of goods and services offered.
- d. A value proposition that requires start-ups to know the added value of their products and the differentiating elements in the market, what they add (value), and solve problems for companies and people with a variety of different backgrounds.

This is due to the fact that it would be a big problem if a newly established business did not receive financial assistance to address the lack of capital from new investors or could not manage their cash flow effectively.⁴⁶ For example, one of the start-ups that introduced the main ride-hailing service laid off 430 employees, or 9 percent of the total workforce. Services that receive layoffs are mainly in food delivery services and home service providers.⁴⁷

Workers in Start-Up Companies have distinctive characteristics in the GIG Economy that distinguish them from traditional workers. They often adopt an innovative, flexible, and independent approach to their

⁴⁵ Francesca Lotti en Enrico Santarelli, "Industry Dynamics and the Distribution of Firm Sizes: A Nonparametric Approach", *Southern Economic Journal* 70, no 3 (Januarie 2004): 443, <https://doi.org/10.2307/4135325>.

⁴⁶ Edward P. Lazear, "Balanced skills and entrepreneurship", *American Economic Review* 94, no 2 (Mei 2004): 208–11, <https://doi.org/10.1257/0002828041301425>.

⁴⁷ Graeme H. Smith, "On Metallicity Distributions of Globular Cluster Systems", *Research Notes of the AAS* 2, no 3 (12 September 2018): 166, <https://doi.org/10.3847/2515-5172/AADFD4>.

work. These characteristics reflect the dynamism and uniqueness of the work in GIG Economics.⁴⁸

First of all, the workers of start-up companies tend to have highly specialized and diverse skills. They often have expertise in technology, digital marketing, design, or other creative skills related to the start-up industry. They act as experts in their domain and are able to flexibly apply their skills to meet the demands of different jobs.⁴⁹

In addition, start-up company workers also stand out for their entrepreneurial spirit and independence. They tend to have a vision and passion to create something new, change the way business is done, or develop innovative products or services. They see themselves not only as workers, but also as entrepreneurs who create value and opportunity.⁵⁰

Lobel identifies the GIG economy as a new phenomenon that is changing the employment landscape and creating new challenges in employment law.⁵¹ The GIG economy is a work system in which individuals work as freelancers or contractors, often through online platforms, to offer their services or products to clients or consumers. It confirms that the traditional model of employment relations based on employment contracts and employment law protections is not entirely relevant or sufficient to protect workers in the GIG economy.⁵² He provided recommendations that included new arrangements that

⁴⁸ Steven Vallas en Juliet B. Schor, "What Do Platforms Do? Understanding the Gig Economy", *Annual Review of Sociology* 46 (01 Julie 2020): 273–94, <https://doi.org/10.1146/ANNUREV-SOC-121919-054857>.

⁴⁹ Tassinari en Maccarrone, "Riders on the Storm: Workplace Solidarity among Gig Economy Couriers in Italy and the UK".

⁵⁰ Fairlie en Miranda, "Taking the Leap: The Determinants of Entrepreneurs Hiring Their First Employee".

⁵¹ Teresa Shuk Ching Poon, "Independent Workers: Growth Trends, Categories, and Employee Relations Implications in the Emerging Gig Economy", *Employee Responsibilities and Rights Journal* 31, no 1 (15 Maart 2019): 63–69, <https://doi.org/10.1007/S10672-018-9318-8/FIGURES/1>.

⁵² Debra Howcroft en Birgitta Bergvall-Kåreborn, "A Typology of Crowdtwork Platforms", *Work, Employment and Society* 33, no 1 (01 Februarie 2019): 21–38, <https://doi.org/10.1177/0950017018760136>.

recognize GIG worker status, applicable minimum wage, and social protections such as access to health insurance and job loss insurance.⁵³

Lee identified the legal problems faced by workers in the GIG economy, namely that the work structure in the GIG economy often creates uncertainty in terms of worker status, employer responsibilities, and protection of workers' rights.⁵⁴ These challenges include uncertainty over the status of workers, difficulties in securing basic employment rights such as fair wages and welfare benefits, and difficulties in organizing collectively to fight for common interests. However, Lee also found opportunities in improving legal protections for GIG workers. Lee proposed several policy approaches that can be taken to address these challenges.⁵⁵ Some of these approaches include developing a clearer definition of GIG worker status, setting minimum wages and social security applicable to GIG workers, and strengthening collective rights for GIG workers.⁵⁶ Lee also highlighted the importance of cooperation between governments, employers, unions, and platforms in developing effective legal solutions.⁵⁷ He noted that with good collaboration, there is an opportunity to create a more inclusive and equitable legal framework for GIG workers.⁵⁸

Flexibility is another important characteristic for start-up company workers, workers in start-up companies often work in a flexible work model, where they can set their own time and workplace. They are not

⁵³ Orly Lobel, "The Gig Economy & The Future of Employment and Labor Law", 2016, <https://papers.ssrn.com/abstract=2848456>.

⁵⁴ Kassi en Lehdonvirta, "Online labour index: Measuring the online gig economy for policy and research".

⁵⁵ Zwick, "Welcome to the Gig Economy: neoliberal industrial relations and the case of Uber".

⁵⁶ Joshua Healy, Daniel Nicholson, en Andreas Pekarek, "Should we take the gig economy seriously?", *Labour & Industry* 27, no 3 (2017): 232–48, <https://doi.org/10.1080/10301763.2017.1377048>.

⁵⁷ zainal arifin mochtar, "Antinomi dalam Peraturan Perundang-undangan di Indonesia", *Hasanuddin Law Review*, 01 Januarie 2015, https://www.academia.edu/66887126/Antinomi_dalam_Peraturan_Perundang_undangan_di_Indonesia.

⁵⁸ James A. Banks, "Chapter 1: Multicultural Education: Historical Development, Dimensions, and Practice", *Review of Research in Education* 19, no 1 (01 Januarie 1993): 3–49, https://doi.org/10.3102/0091732X019001003/ASSET/0091732X019001003.FP.PNG_V03.

tied to rigid work hours or a fixed physical workplace. This gives them the freedom to tailor their work to their lifestyle, organize their most productive work hours, and take advantage of opportunities as they arise.⁵⁹

In addition, start-up company workers also often interact with digital platforms or applications that unite them with potential customers or clients. They use technology as a tool to do work, communicate with customers, and facilitate transactions. This allows them to reach a wider market and access greater job opportunities.⁶⁰

However, these characteristics also bring some challenges and risks to the workers of start-up companies. High flexibility in the GIG economy often means low income uncertainty and job security. Workers of start-up companies have to deal with volatile income fluctuations and a lack of long-term job security. Additionally, independence and full responsibility for their work can result in heavy workloads and a lack of traditional social and social support and security.⁶¹

In the face of these characteristics, it is important to develop the right social security approach for the workers of start-up companies in the GIG Economy. Efforts should be made to understand their specific needs, provide relevant social protections, and build cooperation between governments, start-ups, and digital platforms. Taking into account the characteristics of the workers of start-up companies, solutions can be

⁵⁹ Fairlie en Miranda, "Taking the Leap: The Determinants of Entrepreneurs Hiring Their First Employee"; Paul Nightringale en Alex Coad, "Muppets and gazelles: political and methodological biases in entrepreneurship research", *Industrial and Corporate Change* 23, no 1 (01 Februarie 2014): 113–43, <https://doi.org/10.1093/ICC/DTT057>; Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19".

⁶⁰ Massimo G. Colombo en Luca Grilli, "Founders' human capital and the growth of new technology-based firms: A competence-based view", *Research Policy* 34, no 6 (01 Augustus 2005): 795–816, <https://doi.org/10.1016/J.RESPOL.2005.03.010>.

⁶¹ Alex Coad et al., "Business experience and start-up size: Buying more lottery tickets next time around?", *Small Business Economics* 43, no 3 (06 Maart 2014): 529–47, <https://doi.org/10.1007/S11187-014-9568-2/TABLES/8>.

designed that can reduce their risks and improve their well-being in the ever-evolving GIG Economy.⁶²

Unemployment benefits are a mechanism to maintain the level of consumption of workers when they are not working with the aim of maintaining a standard of living so as to create macroeconomic stability. The ideal concept of unemployment benefits basically consists of:⁶³ (1) unemployment insurance when workers are laid off (termination of employment); (2) vocational programs for unemployed workers to obtain skills education when unemployed (due to layoffs or looking for a job) so that they can immediately get a job; and (3) work services to achieve a match between the needs of the company (market) and the expertise possessed by prospective workers. The implementation of Unemployment Allowance in Indonesia, which is manifested in the Unemployment Benefits program (based on the Job Creation Law), must focus on the adequacy of benefits and affordability.⁶⁴

IV. Regulatory Constraints Start-Up Workers Get Unemployment Allowance

Unemployment benefits are a program that emerged through the Job Creation Law 6 of 2023 which amends Law No. 40 of 2014 concerning Employment. Definition of Unemployment Benefit is social security

⁶² J. David Brown en John S. Earle, "Finance and Growth at the Firm Level: Evidence from SBA Loans", *The Journal of Finance* 72, no 3 (01 Junie 2017): 1039–80, <https://doi.org/10.1111/JOFI.12492>; Narine Lalafaryan, "Private credit: a renaissance in corporate finance", *Journal of Corporate Law Studies*, 2024, <https://doi.org/10.1080/14735970.2024.2351230>; Steven M. Fazzari et al., "Financing Constraints and Corporate Investment", *Brookings Papers on Economic Activity* 1988, no 1 (1988): 141, <https://doi.org/10.2307/2534426>.

⁶³ Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19".

⁶⁴ Kemal Juniardi, Komariah Komariah, en Dwi Ratna Indri Hapsari, "Penerapan Asas Kebebasan Berkontrak dan Proporsionalitas dalam Perjanjian Kerja antara Pengusaha dan Pekerja di Banjarmasin", *Indonesia Law Reform Journal* 1, no 2 (28 Julie 2021): 257–72, <https://doi.org/10.22219/ILREJ.V1I2.17208>.

provided to workers who experience termination of employment in the form of cash benefits, access to labor market information, and job training⁶⁵. The implementation of this provision is that the government issued Government Regulation No. 37 of 2021 concerning Unemployment Allowance as a program that is still very new; Of course, many people don't understand it.⁶⁶ Participation in this Unemployment Benefit Program will be automatic if the worker has been included in the National Health Insurance, Work Injury Insurance, Old Age Insurance, Pension Insurance, and Death Insurance for large and medium-sized businesses. Micro and small businesses have at least participated in National Health Insurance, Work Injury, Old Age Insurance, and Death Insurance (Article 4 paragraph (3) of Government Regulation No. 37 of 2021).⁶⁷

The concern that arises here is the provision in Article 4 paragraph (2) of Government Regulation No. 37 of 2021 which states that the requirements to participate in the Unemployment Benefit Program are Indonesian citizens, do not reach the age of 54 at the time of registration, and have an employment relationship with an employer.⁶⁸ This last requirement is often an obstacle in startups, where one is considered not an employment relationship, but a partnership relationship, just like an online driver in the ride-hailing business.⁶⁹

⁶⁵ Ignatius en Gultom, "Pengaruh Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja Terhadap Tenaga Kerja Di Indonesia".

⁶⁶ Himawan Estu Bagijo, "Kewenangan Gubernur Menetapkan Upah Pasca Pemberlakuan Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja", *Sosio Yustisia: Jurnal Hukum dan Perubahan Sosial* 1, no 1 (05 April 2021): 1–20, <https://doi.org/10.15642/SOSYUS.V1I1.63>.

⁶⁷ Afriani Sihombing, "Asas Proporsionalitas Perjanjian Kerja Borongan bagi Pekerja Harian Lepas Menurut Hukum di Indonesia pada Proyek Peningkatan Rel Kereta Api Serang-Merak Lintas Rangkasbitung-Merak", 09 Februarie 2023; Juniardi, Komariah, en Hapsari, "Penerapan Asas Kebebasan Berkontrak dan Proporsionalitas dalam Perjanjian Kerja antara Pengusaha dan Pekerja di Banjarmasin"; PL Tobing, "Asas Keseimbangan Dalam Hukum Perjanjian Kerja", *HERMENEUTIKA: Jurnal Ilmu Hukum* 6, no 1 (2022), <https://doi.org/10.33603/hermeneutika.v6i1.6773>.

⁶⁸ Adri Amar, "Tinjauan Yuridis Penetapan Upah Minimum Provinsi atau Kabupaten/Kota Tahun 2022 Pasca Putusan Mahkamah Konstitusi Nomor 91/PUU-XVIII/2020", 24 Junie 2022.

⁶⁹ Hidayah et al., "Legal Protection of Indonesian Migrant Workers Affected by Covid-19"; Eva Micheler, "Separate legal personality—an explanation and a defence", *Journal of Corporate Law Studies*, 2024, <https://doi.org/10.1080/14735970.2024.2365170>.

Many think that work only happens in large companies with complete company management. Start-up companies can operate to run their business; Of course, it must meet several requirements as a business entity, such as a Trade Business License (SIUP), Operational License, Industrial Business License (IUI), and other business licenses by certain business sectors, for example for fintech types must meet the requirements set by the Financial Services Authority (OJK).

The legality of the start-up company's business is also required by making and registering a Deed of Establishment containing the name of the business entity, capital, type of business field, domicile, management structure, rights, and obligations of each party in the business entity. Also pay attention to the definition of a company in the Employment Law, namely:

The company is:⁷⁰

- a. any form of business whether or not established by an individual, owned by a partnership, or owned by a legal entity, whether private or state-owned, that employs workers/laborers by paying wages or other forms of compensation;
- b. social enterprises and other enterprises that have managers and employ others by paying wages or other forms of compensation ⁷¹.

With this provision, it is clear that the category of companies is not only large and established corporations but also start-ups, so using resources as workers and partners who will develop businesses must certainly get economic rights, including social security. ⁷²

⁷⁰ Tarek Miloud, Arild Aspelund, en Mathieu Cabrol, "Startup valuation by venture capitalists: an empirical study", *Venture Capital* 14, no 2-3 (April 2012): 151-74, <https://doi.org/10.1080/13691066.2012.667907>.

⁷¹ Ailan Yuan en Anchalee Chayanuvat, "Analysis of Organizational learning Obstacles and How to Make Organizations Learn", *International Journal of Arts and Social Science* 4, no 4 (2021): 147-51.

⁷² Thomas Power et al., "The Decline of Indonesian Democracy", 2020.

The Job Creation Law as the latest law in helping to regulate the decent guarantees that workers should receive, issued a sub-regulation that is quite interesting to look at further, namely "Unemployment Benefits".⁷³ This section was created with the aim of protecting workers affected by termination of employment, so that they remain empowered and protected for 6 months after the "Termination of Employment" decision that has been agreed upon by both parties.⁷⁴

The unfortunate thing about this new regulation is that Unemployment Benefits is only exclusive to formal workers, while informal workers are not included in the Unemployment Benefits protection scheme.⁷⁵ Many of these informal employees are dominated by start-up companies. The higher number of informal employees (day freelancers and interns) than formal workers is one of the biggest reasons for the lack of social security and protection (job loss insurance). In reality, informal workers make up the majority of Indonesia's workforce demographics.⁷⁶

The growth of start-ups poses its own challenges, especially from a legal perspective. There is no legal protection that can accommodate problems that occur such as employment relations, status, form and position of the company, company naming, intellectual property, and the absence of employment contracts, which occur in start-ups⁷⁷. The start-

⁷³ Ignatius en Gultom, "Pengaruh Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja Terhadap Tenaga Kerja Di Indonesia".

⁷⁴ Butt en Lindsey, *Indonesia Law*.

⁷⁵ Tom Barnes, "Teri L Caraway and Michele Ford, Labor and Politics in Indonesia", <https://doi.org/10.1177/00221856211000859> 63, no 3 (04 April 2021): 455–57, <https://doi.org/10.1177/00221856211000859>.

⁷⁶ Jacqueline Vel, Yando Zakaria, en Adriaan Bedner, "Law-Making as a Strategy for Change: Indonesia's New Village Law", *Asian Journal of Law and Society* 4, no 2 (01 November 2017): 447–71, <https://doi.org/10.1017/ALS.2017.21>.

⁷⁷ Robert W. Fairlie en Alicia M. Robb, "Why are black-owned businesses less successful than white-owned businesses: the role of families, inheritances, and business human capital", *J Labor Econ* 25, no 2 (2007): 289–323, <https://doi.org/10.1086/510763>.

up industry is also seen as a contributing factor for the non-implementation of the guarantees regulated in the Labor Law.⁷⁸

One of the aspects that needs to be studied further is why the protection of post-employment rights in startups is very far from the legal umbrella protection of the Labor Law, because startups that strongly uphold the process of digitalization and automation, this supports the case of startups whose employees can be spread in various parts of the world. The owners of startups are not located in Indonesia, as they can conduct business across borders with the help of information technology. This makes it difficult for owners to hold them accountable for their occupational health and safety.⁷⁹

Start-up companies, whose employment status is mostly informal, are a major problem in the non-implementation of post-employment rights. Employment relations are gray in color, whereas in practice, there is a clear relationship between employer and employee⁸⁰. An ambiguous rule that makes pioneer workers less economically protected in terms of termination of employment is the definition in Article 1 point 6 of Government Regulation No. 37 of 2021 which states that participants in the Unemployment Benefit Program are workers/laborers who have an employment relationship with their employer and have been registered and paid contributions. The word having an employment relationship is the root of the problem for workers outside of the employment relationship.⁸¹

⁷⁸ Simon Butt, "Judicial Reasoning and Review in the Indonesian Supreme Court", *Asian Journal of Law and Society* 6, no 1 (01 Mei 2019): 67-97, <https://doi.org/10.1017/ALS.2018.26>.

⁷⁹ Manning en Roesad, "The Manpower Law of 2003 and its implementing regulations: Genesis, key articles and potential impact".

⁸⁰ Sander Hoogendoorn, Hessel Onsterbeek, en Mirjam van Praag, "The Impact of Gender Diversity on the Performance of Business Teams: Evidence from a Field Experiment", *SSRN Electronic Journal*, 05 Januarie 2012, <https://doi.org/10.2139/SSRN.1826024>.

⁸¹ Ndze, Jaca, en Wiysonge, "Reporting quality of systematic reviews of interventions aimed at improving vaccination coverage: compliance with PRISMA guidelines".

V. Unemployment Benefit Program To Achieve Decent Work For Start-Up Company Workers

Indonesia's Unemployment Benefit Program is similar to the employment benefit program, employment services, and vocational training with a benefit duration of 6 (six) months implemented by Malaysia.⁸² This program has been implemented since 2018, called the SOCSO Employment Guarantee System (EIS): The SOCSO Employment Guarantee System (EIS) is a protection program for workers who have lost their jobs or been unfairly dismissed. Benefits include unemployment benefits, job search assistance, job training, and incentives for entrepreneurship.⁸³

In GIG Economics, job risk is an important factor for start-up company workers. One of the main risks faced by workers in GIG Economics is income uncertainty.⁸⁴ Start-up company workers often experience volatile earnings because their work is not tied to traditional employment contracts. In GIG's economic business model, workers are often paid based on the projects or tasks they complete, which can result in sharp changes in their monthly income. This can lead to financial uncertainty and difficulties in planning personal finances.⁸⁵

⁸² B. (Bambang) Purwoko, "Sistem Jaminan Sosial Di Malaysia: Suatu Tatakelola Penyelenggaraan Per Program Yang Berbasis Pada Pelembagaan Yang Terpisah", *E-Journal Widya Ekonomika* 1, no 1 (2015): 36786, <https://www.neliti.com/id/publications/36786/>.

⁸³ Purwoko.

⁸⁴ Andrew Stewart en Jim Stanford, "Regulating work in the gig economy: What are the options?", *The Economic and Labour Relations Review* 28, no 3 (01 September 2017): 420–37, <https://doi.org/10.1177/1035304617722461>.

⁸⁵ Arif Novianto, "Menyoal Kerja Layak dan Adil dalam Ekonomi Gig di Indonesia", *IGPA Press*, 01 Januari 2021, https://www.academia.edu/63879378/Menyoal_Kerja_Layak_dan_Adil_dalam_Ekonomi_Gig_di_Indonesia.

In addition, job insecurity is also a serious problem in the GIG economy. Start-up company workers do not have long-term job security certainty. They may face situations where the available tasks or projects become reduced or even disappear altogether. This kind of uncertainty can lead to stress and anxiety, as workers cannot rely on a fixed, stable income to make ends meet. Additionally, without long-term job security, start-up company workers may have difficulty planning for their future, including retirement preparation and long-term financial protection⁸⁶.

Limited social benefits are also a significant occupational risk in the GIG economy. Workers of start-up companies are often ineligible for traditional social benefits offered in conventional jobs, such as health insurance and pensions. They often work as freelancers or contract workers, which means they are not covered by the social security program offered by the employer. This leads to uncertainty in access to health services and financial protection which is essential in addressing health risks and other urgent needs.⁸⁷

In the face of these employment risks, it is important to consider the need for the right solutions for start-up company workers in the GIG economy. Efforts to strengthen social security, reduce income insecurity, and provide adequate health and financial protection are essential. In the context of the GIG economy, there needs to be cooperation between governments, startups, and digital platforms to build an inclusive and relevant social security system for startups. Thus, the risk of work in the GIG economy can be reduced and the welfare of workers can be improved.

The need for Social Security for start-up workers is very important in dealing with work risks in the GIG Economy era. In an ever-changing and dynamic context, where jobs are often not tied to traditional contracts,

⁸⁶ Novianto.

⁸⁷ Ali Murtoja Shaikh, Bibhuti Bhusan Mandal, en S. Mangani Mangalavalli, "Causative and risk factors of musculoskeletal disorders among mine workers: A systematic review and meta-analysis", *Safety Science* 155 (01 November 2022): 105868, <https://doi.org/10.1016/j.SSCI.2022.105868>.

social security can provide the necessary protections and benefits for workers of start-up companies.⁸⁸

First of all, social security is necessary to protect the welfare of workers. Workers of start-up companies often face income uncertainty and unstable job risks.⁸⁹ Unexpected fluctuations in income can lead to difficulties in meeting basic needs, such as food, housing, and healthcare. In this situation, social security that includes health insurance, unemployment insurance, and other social protections can provide a safety net to protect workers from uncertainty and financial crisis.⁹⁰

In addition, social security for start-up workers is also important in promoting social justice. The GIG economy often creates gaps in access to social benefits. Workers of start-up companies are often ineligible for traditional social benefits offered in conventional jobs, such as health insurance and pensions. This can lead to social inequality that further widens the wealth and wealth gap.⁹¹ By implementing inclusive social security for start-up workers, we can create a fairer system that provides equal opportunities for all workers, regardless of the type of work they do.⁹²

In dealing with the need for social security for start-up company workers, the right approach needs to be applied. First, relevant policy adjustments need to be made. The government and relevant agencies should update social security policies to cover the workers of start-up

⁸⁸ Eugene A. Rosa, "Metatheoretical foundations for post-normal risk", *Journal of Risk Research* 1, no 1 (1998): 15–44, <https://doi.org/10.1080/136698798377303>.

⁸⁹ Nicole Tichenor Blackstone et al., "Risk of forced labour embedded in the US fruit and vegetable supply", *Nature Food* 2021 2:9 2, no 9 (23 Augustus 2021): 692–99, <https://doi.org/10.1038/s43016-021-00339-0>.

⁹⁰ Marie Nilsen, Trond Kongsvik, en Petter Grytten Almklov, "Splintered structures and workers without a workplace: How should safety science address the fragmentation of organizations?", *Safety Science* 148 (01 April 2022): 105644, <https://doi.org/10.1016/J.SSCI.2021.105644>.

⁹¹ Alex J. Wood et al., "Good Gig, Bad Gig: Autonomy and Algorithmic Control in the Global Gig Economy", *Work, Employment and Society* 33, no 1 (01 Februarie 2019): 56–75, https://doi.org/10.1177/0950017018785616/ASSET/IMAGES/LARGE/10.1177_0950017018785616-FIG1.JPEG.

⁹² Poon, "Independent Workers: Growth Trends, Categories, and Employee Relations Implications in the Emerging Gig Economy".

companies. This includes identifying the specific needs of start-up companies' workers, developing appropriate programs and benefits, and ensuring the accessibility and feasibility of these programs.⁹³

In addition, collaboration between the public and private sectors is also important in approaching social security for start-up company workers. Cooperation between governments, startups, and digital platforms can increase startups' access to social benefits. Initiatives such as collective health insurance schemes or pension programs provided by startups or digital platforms can provide better protection and benefits for workers.⁹⁴

The implementation of social security for start-up workers will also face certain challenges and implications. One of the main challenges is related to costs and finances.⁹⁵ Governments and companies need to consider the long-term financial implications of these social security programs and find sustainable solutions.⁹⁶

In addition, awareness and participation are also important in implementing social security for start-up workers. Efforts are needed to increase workers' awareness of their rights, the benefits available, and how to access them. On the other hand, the active participation of startups and digital platforms in providing social security is also important to ensure the sustainability and effectiveness of such programs.⁹⁷ To build an inclusive and sustainable ecosystem for start-up workers, it is important to

⁹³ J. David Brown et al., "Start-ups, job creation, and founder characteristics", *Industrial and Corporate Change* 28, no 6 (01 Desember 2019): 1637–72, <https://doi.org/10.1093/ICC/DTZ030>; Colombo en Grilli, "Founders' human capital and the growth of new technology-based firms: A competence-based view".

⁹⁴ Nightingale en Coad, "Muppets and gazelles: political and methodological biases in entrepreneurship research".

⁹⁵ Decker et al., "The Role of Entrepreneurship in US Job Creation and Economic Dynamism".

⁹⁶ K J Bishop en Kimberly M Carlson, "The Role of Third-Party Audits in Ensuring Producer Compliance With the Roundtable on Sustainable Palm Oil (RSPO) Certification System", *Environmental Research Letters*, 2022, <https://doi.org/10.1088/1748-9326/ac8b96>.

⁹⁷ Lars Norqvist en Helene Årlestig, "Systems thinking in school organizations – perspectives from various leadership levels", *Journal of Educational Administration* 59, no 1 (04 Februarie 2021): 77–93, <https://doi.org/10.1108/JEA-02-2020-0031/FULL/PDF>.

continue to explore and develop the right social security approach.⁹⁸ By addressing the needs and risks of the work faced by the workers of start-up companies, it can create a fairer work environment and provide them with the protection they deserve.

The government needs to reorganize this regulation to clarify rights and obligations, so that the implementation of this Unemployment Benefits regulation is not ambiguous. In addition, the government needs to review the definition of informal employment relations in the Indonesian Manpower Law, because neither the Manpower Law No. 13 of 2003 nor the Job Creation Law provide clarity.⁹⁹

There are 3 elements of labor relations, namely work, wages, and orders, which are often violated in the elements of labor relations discussed in the Indonesian Manpower Regulation (Kepmenakertrans Number Kep.100/Men/VI/2004) which is "Working a maximum of 21 (twenty-one) days in 1 (one) month and not more than 3 (three) months, due to an uncertain industry with several factors that have been explained in the previous section. This results in the elements of work not being fulfilled.¹⁰⁰

Freelancers, especially in startups, fulfill the three elements of the employment relationship as mentioned, since freelancers also receive contracts that contain what a job is and how the work mechanism works, as well as an explanation of the wages received.¹⁰¹ This shows that they are involved in the employment agreement as well as the workers.¹⁰²

⁹⁸ Sven Olov Daunfeldt, Dan Johansson, en Daniel Halvarsson, "Using the eurostat-OECD definition of high-growth firms: a cautionary note", *Journal of Entrepreneurship and Public Policy* 4, no 1 (13 April 2015): 50–56, <https://doi.org/10.1108/JEPP-05-2013-0020/FULL/PDF>.

⁹⁹ Ni Putu Riyani Kartika Sari, "Urgensi Asas Itikad Baik dalam Penyelesaian Perkara Hak Cipta melalui Prosedur Penyelesaian Sengketa Di Luar Pengadilan", *Jurnal Yustitia* 13, no 2 (2019): 79–89, <https://doi.org/10.62279/YUSTITIA.V13I2.402>.

¹⁰⁰ Tobing, "Asas Keseimbangan Dalam Hukum Perjanjian Kerja".

¹⁰¹ Hielke. Buddelmeyer et al., "Training and Its Impact on the Casual Employment Experience. Research Report.", *National Centre for Vocational Education Research (NCVER)*, 2013, 51.

¹⁰² Fairlie en Miranda, "Taking the Leap: The Determinants of Entrepreneurs Hiring Their First Employee".

VI. Conclusion

The Labor Law is not strong enough to regulate protection for start-up workers, because some of the workers in this company do not have the status of workers in employment relationships. Therefore, as long as pioneer workers who are categorized as non-wage earners as part of the job loss guarantee program, it is difficult to achieve decent work for all.

The government has regulated opportunities for non-wage earners such as independent workers to become participants independently, but they cannot achieve the job loss guarantee program because the conditions for participating in this program are preceded by termination from the company, while layoffs only occur in an employment relationship, which is difficult to prove by technology-based workers who are categorized as independent workers.

Changing the provisions of the Unemployment Benefit to be more inclusive is one way to protect workers regardless of their employment status, including non-wage earners (BPUs). Then, special regulations are needed that are able to formulate the responsibility of supervising the start-up industry, because the start-up industry has many differences from conventional industries (which are quite mature in terms of organizational structure, as well as career growth, security, and other aspects). The existence of regulations that can specifically regulate startups is expected to increase the resilience of startups so that they can compete in the industry, and is also expected to adopt requirements that must be met in the implementation of the regulations of the Labor Law.

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The authors state that there are no conflicts of interest related to the publication of this study. This research was conducted independently, and there were no financial or personal relationships that influenced the process or the results of the research. All funding sources and affiliations have been disclosed, and the authors confirm that the findings and conclusions of this study are solely based on data collected and analyzed, without external influences.

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