

BIBLIOGRAPHY

Laws and Regulations

The Indonesian Civil Code

Law No. 11 of 2008 concerning Electronic Information and Transaction as amended by Law No. 19 of 2016

Law No. 13 of 2003 concerning Manpower as amended by Government Regulation in Lieu of Law No. 2 of 2022

Law No. 20 of 2008 concerning Micro, Small, and Medium Enterprises as amended by Government Regulation in Lieu of Law No. 2 of 2022

Law No. 22 of 2009 concerning Traffic and Road Transportation

Minister of Transportation Regulation No. 118 Year 2018 concerning the Organization of Special Rental Transportation as amended by Minister of Transportation Regulation No. 17 of 2019 and partly revoked by Minister of Transportation Regulation No. 25 Year 2021

Minister of Transportation Regulation No. 12 of 2019 concerning User Safety Protection for Motorcycles Utilized in the Public Interest

Minister of Transportation Decree No. KP 667 of 2022 concerning Guidelines for Calculating the Service Fee for Using a Motorcycle Used for the Benefit of the Public Which is Conducted by Application

Government Regulation No. 7 of 2021 concerning Ease, Protection and Empowerment of Cooperatives and Micro, Small, and Medium Enterprises

Revised Code of Washington

Engrossed Substitute House Bill 2076.

Books

Atiyah, P.S. 1996. *An Introduction to the Law of Contract*. Oxford University Press. New York.

- Baldwin, John, and Davis, Gwynn. 2005. "Empirical Research in Law." *The Oxford Handbook of Legal Studies*, edited by Tushnet, M., and Cane, P. Oxford University Press. Oxford
- Bhat, P. Ishwara. 2019. *Idea and Methods of Legal Research*. Oxford University Press. New Delhi.
- Friedman, Lawrence M. 1974. *The Legal System, A Social Science Perspective*. Russel Sage Foundation. New York.
- Hadjon, Philipus M. 1987. *Perlindungan Hukum Bagi Rakyat di Indonesia*. Bina Ilmu. Surabaya.
- Hernoko, Agus Yudha. 2011. *Law of Agreement on the Principle of Proportionality in Commercial Contracts*. Kencana, Jakarta.
- Islami, Prima Yustitia Nurul Islami. 2021. "Domestifikasi dan Beban Ganda Pekerja Perempuan dalam Ekonomi Gig di Indonesia." *Menyoal Kerja Layak dan Adil, Menyoal Kerja Layak dan Adil Dalam Ekonomi Gig di Indonesia*, edited by Keban, Y.T., Hernawan, A., Novianto, A. IGPA Press. Yogyakarta.
- Kansil, C.S.T. 1989. *Pengantar Ilmu Hukum dan Tata Hukum Indonesia*. Balai Pustaka. Jakarta.
- Keban, Y.T., Hernawan, A., Novianto, A. 2021. *Mendorong Kerja Layak & Adil bagi Pekerja Gig: Kajian Awal tentang Ekonomi Gig di Indonesia*. IGPA Press. Yogyakarta.
- Manulang, Sedjum W. 1990. *Pokok-pokok Hukum Ketenagakerjaan Indonesia*. Rineka Cipta Kerja. Jakarta.
- Marzuki, Peter Mahmud. 2010. *Penelitian Hukum Normatif*. Kencana Prenada. Jakarta.
- McKee, D., Makela, F., and Scassa, T. 2018. *Law and the "Sharing Economy": Regulating Online Market Platforms*. University of Ottawa Press. Ottawa.
- Nastiti, Aulia D. 2021. "Dijamin Regulasi, Dikontrol Aplikasi: Keterbatasan Kebijakan Transportasi dalam Melindungi Kerja Pengemudi Gig." *Menyoal Kerja Layak dan Adil Dalam Ekonomi Gig di Indonesia*, edited by Keban, Y.T., Hernawan, A., Novianto, A. IGPA Press. Yogyakarta.
- Rawls, John. 2006. *A Theory of Justice: Teori Keadilan*. Pustaka Pelajar, Yogyakarta.

Slee, T. (2017). *What's yours is mine: Against the Sharing Economy*. Scribe Publications.

Subekti, R., and Tjitrosoedibio, R. 2008. *Kamus Hukum*. Pradnya Paramita. Jakarta.

Sugiyono. 2018. *Metode Penelitian Pendidikan: Pendekatan Kuantitatif, Kualitatif, dan R&D*. Alfabeta. Bandung.

Sundararajan, A. (2016). *The sharing economy: The end of employment and the rise of crowd-based capitalism*. Mit Press.

Wilson, Geoffrey. "Comparative Legal Scholarship" in McConville, Mika, and Hong Chui, Wing. 2017. *Research Methods for Law*. Edinburgh University Press. Edinburgh.

Zhang, T. C., Gu, H., & Jahromi, M. F. (2018). "What makes the sharing economy successful? An empirical examination of competitive customer value propositions." *Computers in Human Behavior*.

Journal Articles

Asnawi, M. Natsir. "Perlindungan Hukum Kontrak Dalam Perspektif Hukum Kontrak Kontemporer", *Masalah-Masalah Hukum*, Vol. 46, 2017.

Bamberger, Kenneth A., and Lobel, Orly. "Platform Market Power". *Berkeley Technology Law Journal*, Vol. 32, 2017.

Christiani, Theresia Anita. "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object". *Procedia – Social and Behavioral Sciences*, Vol. 219, 2016.

Goods, C., Veen, A., and Barratt, T. "Is your gig any good?" Analysing job quality in the Australian platform-based food-delivery sector". *Journal of Industrial Relations*, Vol. 61, 2019.

Dewantoro, S., Sharon, G., Supriatna, S. "Pengaturan Hubungan Kemitraan Antara Aplikator dan Mitra Pengemudi Dalam Usaha Transportasi Online di Indonesia". *Justitia Jurnal Hukum*, Vol. 1, 2021.

Dewi, Prasintia Dewi and Darmadi, Anak Agung Sagung Wiratni. "Asas Naturalia Dalam Perjanjian Baku". *Kertha Semaya*, Vol.4, 2016.

- Duggan, J., Sherman, U., Carbery, R., and McDonnell, A. "Algorithmic Management and App-Work in the Gig Economy: A Research Agenda for Employment Relations and HRM". *Human Resource Management Journal*, Vol. 30, 2019.
- Halilintarsyah, Oka. "Ojek Online, Pekerja atau Mitra?". *Jurnal Persaingan Usaha* Vol. 02, 2021.
- Irsyad, Muhammad Zamroni. "Dampak Hapusnya Uji Kir Terhadap Angkutan Sewa Umum dan Angkutan Sewa Khusus Pasca Diterbitkannya Permenhub Nomor PM 118 Tahun 2018", *Journal of Islamic Business Law*, Vol. 6, 2022.
- Izzati, Nabiyla Risfa. "Eksistensi Yuridis dan Empiris Hubungan Kerja Non-Standar dalam Hukum Ketenagakerjaan Indonesia", *Masalah-Masalah Hukum*, Vol. 50, 2021.
- Izzati, Nabiyla Risfa and Sesunan, Mas Muhammad Gibran. "'Misclassified Partnership' and the Impact of Legal Loophole on Workers", *Bestuur*, Vol. 10, 2022.
- Jahja, Rusfadia Saktiyanti. "Institutional Voids in Indonesia's Sharing Economy Online Transportation". *Proceeding the 2nd ICHELSS*, 2022.
- Khalid, Zuhriati. "Perlindungan Hukum Terhadap Pengemudi Jasa Transportasi Online Di Kota Medan". *Resam Jurnal Hukum*, Vol. 5, 2019.
- Lelisari, L., Imawanto, I., and Erwin, Y. "Perlindungan Hukum Bagi Pekerja Cyber Pada Transportasi Online". *Jatiswara*, Vol. 37, 2002.
- McDaid, E., Andon, P., and Free, C. "Algorithmic Management and the Politics of Demand: Control and Resistance at Uber". *Accounting, Organizations and Society*, Vol. 109, 2023.
- Mills, M., Van de Bunt, G.G., and De Bruijn, J. "Comparative Research: Persistent Problems and Promising Solutions". *International Sociology*, Vol. 21, 2006.
- Mokoginta, A.P., Sumakul, T.F., and Obadja, S.V. "Perlindungan Hukum Terhadap Hak Pekerja Menurut Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja". *Lex Crimen*, Vol. 11, 2022.
- Moore, Marcus. "Controlling Fairness in Standard Form Contracts: What Can Courts Do, and What Should They Do?". *UBC Law Review*, Vol. 55, 2022.
- Prandanda, Rahandy Rizki and Aidi, Zil. "Tinjauan Yuridis Kedudukan Pengemudi Transportasi Online Dalam Perjanjian Kemitraan Dengan Perusahaan Penyedia

Aplikasi Transportasi Online”. *Law, Development & Justice Review*, Vol. 2, 2019.

Rachmawati, R., Safitri, Zakia, L., Lupita, A., and De Ruyter, A. “Urban gig workers in Indonesia during COVID-19: The experience of online ‘ojek’ drivers”. *Work Organisation, Labour and Globalisation*, Vol. 15, 2021.

Rosmalasari, Erlinda. “Perlindungan Terhadap Pengemudi dan Pengguna Layanan Ojek Online”. *Jurnal Cepalo*, Vol. 2, 2018.

Sonhaji. “Aspek Hukum Layanan Ojek Online Perspektif Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan”, *Administrative Law and Governance Journal*, Vol.1, 2018.

Sprague, Robert. “Worker (Mis)Classification in the Sharing Economy: Trying to Fit Square Pegs in Round Holes”. *A.B.A. Journal of Labor & Employment Law*, Vol. 53, 2015.

Wicaksono, Devita Aditya. “Gamifikasi Sistem Kerja dan Siasat Pengemudi Gojek”. *CALATHU: Jurnal Ilmu Komunikasi*, Vol. 2, 2020.

Widiyatmoko, Faris. “Dinamika Kebijakan Transportasi Online”. *Journal of Urban Sociology*, Vol. 1, 2018.

Wijaya, B.P.A., Dewantara, R., and Ruslijanto, P.A. “Legal Aspects of Artificial Intelligence based on Legislation Regulations in Indonesia”. *International Journal of Multicultural and Multireligious Understanding*, Vol. 9, 2022.

Internet

Blechner, Aj. “Harvard Law School Library: Legal Research Strategy”. <https://guides.library.harvard.edu/law/researchstrategy/primarysources>, accessed on 10 September 2023.

Cornell Law School, “Labor Union”, *Legal Information Institute*. <https://www.law.cornell.edu/wex/laborunion#>, accessed on 10 November 2023.

DewaBiz.com, “Inilah Cara Kerja Server Gojek Mencari Driver, Simak Ini!”, dewabiz.com/inilah-cara-kerja-server-gojek-mencari-driver-simak-ini/, accessed on 27 January 2024.

- Farah, Geisha. "Sistem Prioritas Gojek Terbaru & Cara Kerja Algoritma 2024." *Infojek.Com*, www.infojek.com/sistem-prioritas-gojek/, accessed 27 January 2024.
- Federal Register. "Independent Contractor Status Under the Fair Labor Standards Act". <https://www.federalregister.gov/documents/2021/01/07/2020-29274/independent-contractor-status-under-the-fair-labor-standards-act>, accessed on 1 October 2023.
- Federal Trade Commission. "The Antitrust Laws". <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws>, accessed on 28 July 2023.
- Gojek Super App, "*Perjanjian Kemitraan Untuk Mitra PT Paket Anak Bangsa*". <https://www.gojek.com/en-id/app/kilat-contract>, accessed on 12 November 2023.
- Gross, Steve. "Transportation Network Companies: New Legislation Addresses Long-Standing Issues". <https://mrsc.org/stay-informed/mrsc-insight/july-2022/new-legislation-regulates-tncs>, accessed on 25 July 2023.
- Harris, Seth D., and Krueger, Alan B. "A Proposal for Modernizing Labor Laws for Twenty-First-Century Work: The "Independent Worker"". https://www.hamiltonproject.org/assets/files/modernizing_labor_laws_for_twenty_first_century_work_krueger_harris.pdf, accessed on 7 August 2023.
- House Bill Report ESHB 2076, <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/2076-SE%20HBR%20PL%2022.pdf?q=20220523085552>, accessed on 16 July 2023.
- JobSter. "Algoritma Gojek: Cara Kerja Server Gojek Mencari Driver." *Tips Kerja*. jobster.id/tips-kerja/cara-kerja-server-gojek/, accessed on 27 January 2024.
- Joint Transportation Committee. "Regulation of Transportation Network Companies: Policy Guide". https://leg.wa.gov/JTC/Documents/Final%20Studies/TNC_PolicyGuideFinal.pdf, accessed on 18 August 2023.
- Kramer, Anna. (2022). "*How uber and lyft compromised with Labor in Washington State – and kept drivers from becoming employees*". <https://www.protocol.com/workplace/lyft-uber-compromise-drivers-washington>, accessed on 17 November 2023.

Novianto, A., Wulansari, A.D., Hernawan, A. “*Riset: empat alasan kemitraan Gojek, Grab, hingga Maxim merugikan para Ojol*”, The Conversation.
<https://theconversation.com/riset-empat-alasan-kemitraan-gojek-grab-hingga-maxim-merugikan-para-ojol-159832> , accessed on 26 September 2023.

Onlinejek, “Cara Kerja Algoritma Dan Tips Dapat Banyak Orderan Di Gojek.”,
onlinejek.com/algoritma-gojek-banyak-orderan/, accessed on 27 January 2024.

Rekhi and Wolk, P.S. “Independent Contractors vs. Employees in Washington State”.
<https://www.rekhiwolk.com/employment-law/independent-contractors-vs-employees/>, accessed on 20 August 2023.

Sharpe, Chris. “Transportation Network Company Drivers’ Rights to Workers’ Compensation”.
<https://www.sharpelawfirm.org/lmi/tnc-driver-rights/>, accessed on 13 August 2023.

Uber. “Driver jobs in Seattle WA – be your own boss”.
<https://www.uber.com/us/en/e/drive/seattle-wa-us/>, accessed 17 August 2023.

Uber. “Driver requirements”. <https://www.uber.com/us/en/drive/requirements/>, accessed on 17 August 2023.

Washington State Department of Labor & Industries, “Rights and protections for TNC drivers”.
<https://lmi.wa.gov/workers-rights/docs/Worker-rights-for-drivers.pdf>, accessed on 19 August 2023.

Washington State Department of Labor & Industries, “*Do I need a workers’ comp account?*, Washington State Department of Labor & Industries.”
[https://www.lmi.wa.gov/insurance/insurance-requirements/do-i-need-a-workers-comp-account/#:~:text=Workers%20compensation%20insurance%20\(also%20known,related%20injury%20or%20illness%20occurs](https://www.lmi.wa.gov/insurance/insurance-requirements/do-i-need-a-workers-comp-account/#:~:text=Workers%20compensation%20insurance%20(also%20known,related%20injury%20or%20illness%20occurs), accessed on 02 November 2023.

Washington State Department of Labor & Industries, “*Workers’ comp fundamentals*, Washington State Department of Labor & Industries.”
<https://lmi.wa.gov/patient-care/workshops-training/attending-provider-resource-center/workers-comp-fundamentals>, accessed on 02 November 2023.

Others

Deu, Melfa. “Perlindungan Hukum Bagi Pengemudi Transportasi Ojek Online”. Tesis, Program Pascasarjana Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta, 2019.

Garfli, M. Unggul, “Tinjauan Yuridis Terhadap Kebijakan Pemerintah Mengenai Pengaturan Transportasi Online”, Tesis, Fakultas Hukum, Universitas Gadjah Mada, 2018.

Itsnan, Dhea Aulia, “Analisis Yuridis Penerapan Klausula Baku Dalam Perjanjian Kerjasama Kemitraan Antara PT Aplikasi Karya Anak Bangsa Dengan Mitra Pengemudi”, Tesis, Fakultas Hukum, Universitas Gadjah Mada, Yogyakarta, 2021.