A COMPARATIVE STUDY ON THE PROTECTION OF DEPENDENT SELF-EMPLOYED WORKERS BETWEEN INDONESIA AND EUROPE COUNTRIES
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A Comparative Study On the Protection of Dependent Self Employed Workers Between Indonesia and Europe Countries

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ABSTRACT

This research aimed to understand the development of dependent self-employment and its implications that might arise in the worker's rights or worker's protection in the recent gig economy era, specifically in Europe and Indonesia. In addition, this research comparatively analyzed in a systematic and holistic way about how Europe and Indonesia conceptualized worker's protection for dependent self-employment in the recent gig economy era.

The type of research used in the present research is doctrinal-comparative legal research. Therefore, this research elaborated and analysed deeply the basic concepts of dependent self-employment and compared the continent or countries that already have sustain the legal policy, regulation, and institutions that govern dependent self-employment, namely: Europe and Indonesia. This research used qualitative method of data analysis. The secondary data that has been obtained from the collection of legal materials is analysed qualitatively to obtain results in accordance with the objectives of the study.

This research found that the development dependent self-employed as the new type of NSE workers is closely related to the 'gig' economy. However, dependent self-employed is being falsely classified because of its unclear position, especially in European countries and Indonesia. The misclassification made dependent self-employed possess a lack of social and health protection and suffer from various forms of uncertain work conditions compared with other dependent employment. Therefore, giving sufficient protection to dependent self-employed is important, beside focus on how to reclassify dependent self-employed.

Keywords: Dependent Self-employed, Worker's Protection, Gig Economy.

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Studi Komparatif tentang Perlindungan *Dependent Self-Employed* antara Indonesia dan Negara-negara Eropa

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INTISARI

Penelitian ini bertujuan untuk memahami perkembangan *dependent self-employment* dan implikasinya yang mungkin muncul dalam hak pekerja atau perlindungan pekerja di era *gig economi*, khususnya di Eropa dan Indonesia. Selain itu, penelitian ini secara komparatif dianalisis secara sistematis dan holistik tentang bagaimana Eropa dan Indonesia mengkonseptualisasikan perlindungan pekerja untuk *dependent self-employed* pada era *gig economy*.

Jenis penelitian yang digunakan dalam penelitian ini adalah penelitian hukum doktrinal-komparatif. Oleh karena itu, penelitian ini menguraikan dan menganalisis secara mendalam tentang konsep-konsep dasar *dependent self-employed* dan membandingkan benua atau negara-negara yang telah memiliki kebijakan, peraturan, dan institusi hukum yang mengatur *dependent self-employed*, yaitu: Eropa dan Indonesia. Penelitian ini menggunakan metode analisis data kualitatif. Data sekunder yang telah diperoleh dari pengumpulan bahan hukum dianalisis secara kualitatif untuk mendapatkan hasil yang sesuai dengan tujuan penelitian.

Penelitian ini menemukan bahwa perkembangan *dependent self-employed* sebagai tipe baru pekerja NSE terkait erat dengan *gig economy*. Namun, *dependent self-employed* diklasifikasikan secara keliru karena posisinya yang tidak jelas, terutama di negara-negara Eropa dan Indonesia. Kesalahan klasifikasi membuat *dependent self-employed* memiliki minim perlindungan social, kesehatan dan menderita karena kondisi kerja yang tidak pasti dibandingkan dengan pekerja mandiri lain. Oleh karena itu, memberikan perlindungan yang memadai untuk *dependent self-employed* adalah penting, selain fokus pada bagaimana melakukan reklasifikasi terhadap *dependent self-employed*.

Kata Kunci: *Dependent Self-employed*, Perlindungan Pekerja, *Gig Economy*.

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