



## The Constitutional Rights of Labor Economy Workers in the Context of Digital Culture, State Responsibility, and Digital Sovereignty

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**Abstract:** While the labor economy in Indonesia has experienced fast growth on digital platforms, the legal status of labor workers remains unclear. They are referred to only as "partners," robbing them of protections given to formal employees. This phenomenon raises constitutional problems, as the 1945 Constitution provides strong guarantees of the right to work, treatment, and social security for every citizen. This study will examine the constitutionality of labor worker rights from state responsibility and digital sovereignty perspectives, and whether it is necessary to reform labor law in Indonesia. This research uses a normative juridical approach, with qualitative analysis of formal rules, including laws and default rules that apply to court decisions, as well as comparative best practices from other countries, particularly the European Union and the United Kingdom. Such a finding reveals a constitutional void that would produce an architectural mismatch between the proposed constitutional norms and protection for labor workers in Indonesia at one end, and on the other is a lack of state presence to regulate the monopolizing practice of digital platforms and the normalizing practices of the precarious nature of digital work culture. The comparative study with the EU and the UK shows that Indonesia is a laggard in ensuring legal certainty. This article develops a new paradigm for laborers' rights, called "digital constitutional protection," a novel term grounded in progressive legal theory. It makes an academic contribution by advancing a theory of constitutional law and a practical one through proposing adaptive, fair approaches to regulatory reform.

**Keywords:** constitutional rights; digital sovereignty; labor economy; progressive law; state responsibility

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### INTRODUCTION

Digital technology has facilitated global and Indonesian employment by enabling labor-intensive work. There is no universally agreed framework to simplify the labor economy, which in general refers to short-term, project-based tasks mediated through digital platforms, e.g., Gojek, Grab, ShopeeFood, and other freelance applications (Duggan, 2024; Permana et al., 2022; Putra et al., 2025). This device affords greater flexibility and new forms of economic capital, but it also creates structural vulnerabilities for workers due to their ambiguous legal status. Legally, labor workers are collectively referred to as "collaborators" rather than real employees, thereby denying them normative labor rights under Law No. 13 of 2003 on Manpower (Panjaitan & Ritonga, 2024; Rafianto & Sayudi, 2024). The rise of the labor economy also creates a new digital work culture through which algorithmic governance operates, where labor relations are individualized, and precarity is normalized in everyday working life. In contrast, every citizen's right to work and to decent living (Article 27 (2) of the Fourth Amendment), as well as their social security right (Article 28H (3)), are explicitly recognized in the 1945 Constitution of Indonesia (Irgiansyah et al., 2024; Saputra et al., 2022; Zainuddin, 2017).

That raises constitutional issues; the rights of labor workers represent another piece of citizens' constitutional rights. Constitutional rights are individual basic rights stemming from the 1945 Constitution, with an absolute obligation on the state to fulfill them, according to Asshiddiqie (2011). The status of laborers makes it incumbent upon the state to ensure their labor rights and social security. However, in practice, most labor workers are not part of Indonesia's BPJS Employment and BPJS Health system, thus creating a constitutional gap between the constitutional mandate and the implementation of positive law. Shyiffa and Hidayat (2025) support this viewpoint, noting a legal vacuum regarding freelance and labor workers in Indonesia, as labor regulations are directed toward formal employees. Albab et al. (2023) have also shown that a lack of specific regulation exposes labor workers to legal uncertainty and inequality in practice, and to a lack of advantages in employment relations. As empirically demonstrated in a recent study by Putri et al. (2023), labor workers in Indonesia are often underpaid, overworked, and lack social protection. As a consequence, the labor economy is no longer merely a matter of private law contractual relations but also concerns constitutional rights in the ambit of constitutional law (Albab et al., 2023; Asshiddiqie, 2011; Putri et al., 2023; Shyiffa & Hidayat, 2025).

Also, what is too often neglected in this debate concerning the labor issue cannot be separated from the welfare state practiced in Indonesia, where social and labor issues are problems for which the government must play a role through fair and inclusive policies. The welfare state should not leave social protection to

market forces, as inequality itself is always created by a market, according to [Titmuss](#) (2018). Research by [Bonoli et al.](#) (2025) on the 'welfare regime' and its impact on how regulation of platform work is constituted: states with inclusive systems of protection are more likely to be benevolent others, integrating labor workers within existing systems; those without these contexts often descend into litigation or ad hoc measures. Similar studies demonstrate an occupational welfare-induced dilemma in a non-standard, primarily contractual food delivery industry in Hong Kong, with the risk that such protections will be unevenly applied, as noted, and may clash with an existing but still relatively conservative social safety net (The labor economy; platform work and social policy & actor). Weak regulation and limited access to social protection for this vulnerable workforce reveal a gap: the state should take more visible action to secure citizens' rights ([Au-Yeung et al.](#), 2025; [Bonoli et al.](#), 2025; [Titmuss](#), 2018).

With new developments every day, the law is running far ahead of what our systems can keep up with, and in this digital age, a new strain has begun to take shape: that of digital sovereignty. Digital sovereignty is determined by a state's ability to control the data, algorithms, and digital infrastructure that its citizens use ([Pohle et al.](#), 2024; [Zinovieva](#), 2024). Platform companies' private regulators' algorithms: In the labor economy, these algorithms regulate work allocation while simultaneously eroding the meaning of income and workers' employment status. This raises an important question of who can lay claim to sovereignty over social relations within this digitally constructed panopticon: the state, under public law, or platform corporatism through transnational algorithms? Without the minimum effective regulation of labor by the state, algorithmic governance goes even farther — and in many instances already has gone far enough — that local work culture and social norms not only are like the set-life measures unable to defend labor from injury but also are actively eliminated: socially embedded values (social protection, solidarity, responsibility etc.) become mere impediments to net utility; what is needed for a decent union becomes obscured by cost measurement questions posed by contemporary political technologies. This puts national legal sovereignty at the mercy of transnational platform power ([Collier et al.](#), 2017; [Jędrzejowska-Schiffauer & Szoszkiewicz](#), 2023), with many possible consequences ([Souza](#), 2023).

Progressive law places a huge priority on protecting labor workers — and right now it is not doing much to protect them. Law must not be understood in the context of just written or normative text; law must rather be regarded as social tools that are lived and designed to protect people, [Rahardjo](#) (2010). Accordingly, such a progressive legal approach refuses to subscribe to rigid legal-formal logic when positivism cannot deliver substantive justice. In the labor force, the term "partners" is meaningless, since there is a major asymmetry: many of these people work full-time and are 100 percent dependent on the platforms to make a living. In terms of jobs and protection under the law, this almost echoes what [Stefano](#) (2015) argued, namely that most people are caught in fragmented labor in the digital age. Echoing studies that call for a redefinition of the employment relationship to reflect platform-based labor better ([Prassl](#), 2018), our work offers insights into the dynamics of such forms. So, progressive law has demanded regulatory reform to recognize workers as human beings rather than merely a party to a private contract ([Prassl](#), 2018; [Rahardjo](#), 2010; [Stefano](#) 2015).

In the underlying theoretical formulation, labor workers are to be treated in a systemic sense as opposed to mere subjects of constitutional rights ([Asshiddiqie](#), 2011), but in relation to the social welfare state ([Titmuss](#), 2018) and digital sovereignty, where protection is received akin to other citizens ([Pohle et al.](#), 2024; [Zinovieva](#), 2024). These dimensions also create a digital work culture, an intervening one over relations about (or to) the work, social protection, and statal interventions in the digital domain, as much as doing how (or can) change your position on labor laws. In sum, all of this demands strong state intervention to ensure that a digital transformation does not occur at the expense of social justice. In this process, what a legally oriented progressive view furnishes is an essential perspective on how a new regulation should not only orient itself to market interests but also heed the imperative of protecting constitutional rights and the socio-cultural foundation of labor relations. Theoretically, the study of the constitutional rights of labor economy workers is not only an academic exercise but also a necessity in the practice of national law development.

The legal issues raised by the labor economy in this jurisdiction have been covered to some extent in academia, but they seem to be segregated between labor matters on one end and a civil law dimension and business/commercial concerns on the other. As also mentioned by [Panjaitan and Ritonga](#) (2024), the terminology "partners" that was used in a very wide range to call labor workers creates a legal uncertainty between two parties in this case, which is the employer and employee, while [Irgiansyah et al.](#) (2024) and [Saputra et al.](#) Social security schemes ([Krueger & Mueller](#), 2022). Labor workers do not enjoy broad coverage. However, works that confidently position labor workers as objects of constitutional rights in the eyes of constitutional law are scarce. This gap points to the lack of literature that understands labor workers from state responsibility and digital sovereignty perspectives. This study fills that gap, but from a broader, constitutionalist perspective.

Moreover, global developments highlight how labor worker problems are now at the cutting edge of labor law. Such is already the case for example with their legal provisions under Directive (EU) 2024/2831 on Improving Working Conditions in Platform Work which protect labor workers 'as employees' and provide social

security coverage, just remuneration and algorithmic transparency (Directive (EU) 2024/2831 of the European Parliament and of the Council of 23 October 2024 on Improving Working Conditions in Platform Work, [2024]). Muting this will only be an initial step: In the United Kingdom, for instance, a Supreme Court ruling in [Uber v. Aslam](#) (2021) found that Uber drivers are "workers" who have fundamental labor rights, not independent Partners. These trends signal that even developed jurisdictions are becoming sophisticated enough to address the vulnerabilities of labor workers properly. This has significant implications for Indonesia's disparity rules when viewed through a more constitutional lens ([EU, 2024](#); [Uber BV and others against Aslam and others, 2021](#)).

In terms of horizontal constitutional law, what one learns from international experience is that workers cannot rely on the belief that their rights will be realized solely through private contractual arrangements. The state must step in to ensure the fulfillment of its citizens' constitutional rights, but also to exercise digital sovereignty, so that algorithmic regulation does not trump public law. Should the state fail to uphold and defend its own norms, it would call into question the *Rechtsstaat* (rule of law) principle and risk eroding citizens' trust in the Constitution. This explains why the urgency of the current study is not only aesthetic but also pragmatic, so that, through the law, an institutional mechanism is built to ensure that labor workers in Indonesia can digitally access constitutional protection ([Rahman et al., 2024](#); [Ramos & Bucci, 2024](#)).

This research is based on the background, theoretical framework, and how international regulations can impact constitutional rights in Indonesia, particularly for labor economy workers. This research comprises two main components: one is imposing an obligation on the state to provide constitutional protection for workers on digital platforms, and the other is implementing the principle of digital sovereignty so that those guarantees in algorithm-mediated labor relations remain within the realm of state control. To this end, the current paper endeavors to outline and contextualize, in broad terms, the relations among the Constitution, digital technology, and worker protection at the national legal system level. By seeking to connect theoretical literature on constitutional law with the practical operation of the labor economy, which has been studied almost exclusively through a civil or labor lens until now, this study contributes to the field. This paper proposes a new analytical structure to reconcile constitutional rights, the welfare state, digital sovereignty, and progressive law as two of the normative cornerstones, yielding fairer, more integrated regulations for this new reality, where technology is outpacing regulation. Through this interdisciplinary method of study, it is hoped that inter-academic conversations on legal developments in the digital age will be promoted, and that general constitutional law, as an original basis for citizens' protection in the digital world, will be discussed further on a scholarly level.

The novelty of our research lies in bringing a constitutional perspective to the discourse on labor workers' protection, as no explicit and direct examination has ever been conducted in Indonesian legal scholarship. While the overwhelming majority of studies examining labor work are anchored in normative lenses, which is appropriate where employment relationships or any legal status for labor workers is deemed necessary, this paper stretched all our thinking beyond the typical bounds by framing any discussion of the labor economy within a constitutional understanding of state responsibility and toward an appreciation for strengthening digital sovereignty. This kind of methodology will not only enrich the legal literature but also provide practical insights for a regulatory design that is flexible, pro-people, and in accordance with the social justice principle under the 1945 Constitution. Consequently, such research is strategically important both academically and from a public policy standpoint.

## METHODS

This study uses normative legal research, drawing on constitutional and comparative approaches. The approach used in this research is normative, as the matters discussed are closely related to legislation, constitutional values, and legal doctrines that construct the framework for labor protection in Indonesia ([Marzuki, 2017](#); [Soekanto, 2006](#)). This is the study of law in books, particularly legal literature, and how well the 1945 constitution protects people's rights, and how well it is put into practice in a national labor regulation. To put the matter in a broader context, it examines changes in labor legislation in the European Union and important court decisions worldwide, such as [Uber v. Aslam](#) (2021) in the UK. The legal sources, such as the National Legal Documentation and Information Network (JDIHN) for Indonesian rulesets, EUR-Lex for EU law, and BAILII for UK court opinions, are often accessible via established platforms. This comparison analysis will reveal that this research is not confined just to a national viewpoint but also encompasses relevant worldwide best practices. Biometric data is personally identifiable information (PII). Depending on the context, it may signify very different things and be used in very different ways as evidence.

There are three categories of legal materials: primary, secondary, and tertiary sources. Core legal sources include the 1945 Constitution of the Republic of Indonesia, Law Number 13 of 2003 Concerning Manpower, the Job Creation Law No. 11/2020, and pertinent national and international court rulings, such as Constitutional Court Decision No. 91/PUU-XVIII/2020 and [Uber v. Aslam](#) (2021). The secondary sources consist of scientific literature such as books, journals indexed by Scopus and Sinta, and previous research related to the labor economy, constitutional rights of workers, and digital sovereignty ([Albab et al., 2023](#); [Bonoli et al., 2025](#); [Prassl, 2018](#)). Tertiary sources include legal dictionaries, legal encyclopedias, and other secondary sources

that help interpret terms and concepts. Legal materials are selected based on relevance, the authority's trustworthiness, and the topicality of the data, with the research period covering developments in regulations and decisions from 2000 to 2025. By employing legal materials at multiple levels, the study transcends a merely formal-normative entanglement of texts to relate legal interpretation to academic theory and pertinent global practices, generating more robust lines of inquiry and far-reaching deductive conclusions.

Data were analyzed using the qualitative descriptive method, with a systematic, comparative, and conceptual interpretation known as legal material analysis. This method involves a systematic understanding of how the constitutional provisions in the 1945 Constitution are linked to one another and to labor laws (Asshiddiqie, 2011). Using a comparative interpretation, the paper highlights an alternative to regulation by comparing Indonesia's legal regime with both EU regimes and the UK Supreme Court Judgment (*Uber v. Aslam*) in order to analyze how many reform measures are required from Indonesia.

Such a conceptual analysis provides an overarching and heuristic framework for understanding theories of constitutional rights, the theory of the welfare state, the theory of digital sovereignty, and other aspects of progressive law (Miles et al., 2020). All legal texts undergo qualitative analysis to reach holistic solutions, including: 1) successive identification of substantive and procedural legal issues; 2) classification of sources from the point of view of authority; 3) comparison between norms in form and content; 4) perceiving law holders' intentions through interpretation at textual, situative and teleological levels; and finally, 5) synthesis of findings. This study aims not only to provide an academic answer but also to offer food for thought and to advance constitutional law in order to achieve the ideals of a just labor law. This is achieved by obtaining this data through such analysis, which leads to normative arguments.

## RESULT AND DISCUSSION

Early analysis suggests that in Indonesia, labor economy workers are under a substantial gap between the constitutional rights mandated by the 1945 Constitution and those effectively enjoyed. Article 27(2) of the 1945 Constitution confirms each citizen's right to work and proper living, while Article 28H(3) guarantees the right to social protection (Irgiansyah et al., 2024; Saputra et al., 2022; Zainuddin, 2017). However, they have often been regarded as "partners" by digital platforms, meaning that these normative rights do not necessarily apply. This results in a legislative void, meaning that some basic rights are not reflected in the laws of these states. According to Asshiddiqie (2011), constitutional rights are self-executing, meaning that the state must fulfill them unconditionally. These findings strengthen this argument, as a large number of labor workers are not enrolled in any BPJS Employment or Health insurance scheme. This leaves them in a situation of legal uncertainty, socio-economic risk, and exclusion from fundamental rights of citizenship. As a result, labor workers remain vulnerable despite their significant contribution to the digital economy. Such an analysis underscores the urgency of concrete state intervention — grounded in social justice principles — to ensure digital workers' constitutional rights. Beyond filling this normative constitutional gap, results also suggest the rise of a peculiar digital work culture in which legal uncertainty becomes normalized as a feature of work. It is not only deflating the value of formal, legal protection from work-related harm when labor workers are labeled as "partners" instead of employees; it also includes a gradual re-coding (over time) process regarding worker thinking around employment, social security, and the state's duty — in essence normalizing acceptance of individualized risk and precarity. Therefore, a barren area of security and a vacuum of lawful assurance not only cause contract weakness but also create a setting for commonality of work instability that contributes to society in the modern economy.

The constitutional question on the line here is the uncertain legal standing of laborers. a. Both laws operate in Indonesia at the same time on two fronts, which means it is not clear what these different forms of work mean for someone who works through a platform and sees themselves as labor workers → Due to this ambiguity, labor workers take up an unregulated grey space: they are half permanent employees with rights but also not fully independent contractors. This means that they lose all social security and minimum wage protections, as well as their right to organize their workplaces collectively. This obviously aligns with the research conducted by Albab et al. (2023) and Shyiffa and Hidayat (2025), both of which examine labor workers and demonstrate what happens to freelance workers stuck in legal black holes, deprived of both legal certainty and social protection. The research also proves that the formal "partner" term disguises a relationship in which these workers are entirely dependent on the platforms for their livelihoods. Furthermore, that uncertainty is not only individual — it has society-wide costs: economic inequity and the threat of future litigation. Constitutional protections for labor workers. In combating the systematic exploitation faced by many who choose to labor within the labor economy, we could make a tangible and imperative step forward in requiring that our legal paradigm mirror their lived experience.

The welfare state is therefore founded not simply on the argument that government should defend citizens against 'market failings' but also has a positive responsibility to build systems that give people work autonomy, which extends the workforce beyond formal and virtual (Titmuss, 2018). The analysis of the BPJS program policy outcome shows that, unlike previous studies, it finds that labor workers have access to BPJS

Employment or receive government facilitation to help obtain BPJS Health. However, as it remains voluntary, unmandated, and unstructured, social protection is limited. [Bonoli et al. \(2025\)](#) highlight the role of welfare regime effectiveness as a meaningful deterrent to regulatory responses to platform work, since inclusion enables better labor accommodation, while a frail system offers only limited protection. The implication of this research's results is that Indonesian digital workers lack social protections and are susceptible to being a shadow workforce amid heterogeneous risks after the circular platform emerges, such as insecure income conditions and bucketing of non-working hours. Moreover, those uncertainties stemming from that social exclusion and economic insecurity are matters for which a state ought to play some significant role in being proactive. These perspectives and social implications can result in significant consequences for the constitutionality of legislation that will develop the labor economy framework. Through this analysis, we have demonstrated that the inclusion of labor workers in the social protection system is not simply an administrative act but is directly related to constitutional functions and duties, such as providing legal certainty and protecting fundamental rights.

In addition to the constitutional and welfare implications in this analysis, regulatory imperatives regarding labor economy workers are exacerbated by questions of digital sovereignty. Digital platforms' algorithms determine who gets what job and who earns what income, even after a contract is terminated — and thus they are private regulators. This then poses important questions about sovereign authority—who exercises sovereignty over people's lives in the context of digital labor relations; state or platform corporates? [Collier et al. \(2017\)](#). As [Jędrzejowska-Schiffauer & Szoszkiewicz \(2023\)](#) and [Souza \(2023\)](#) note, when states gradually lose control over algorithms, this predicament could eventually transfer national legal sovereignty to transnational companies. This close dependence and the platform's tapping into algorithmic instruments engineered by the platform enable laborers to bypass formal legal protections under certain forms of labor. Consequently, digital sovereignty must be taken independently by regulating platforms at the state level to avoid the kinds of potentially oligopolistic algorithms that are sure to infringe workers' basic rights or cause systemic injustices in a dog-eat-dog market economy driven by data.

In addition to its regulatory aspects, digital sovereignty influences the work culture that labor-economy workers encounter in their daily work. Platform-based labor is regulated through algorithmic management systems that interface with processes of working-time organization, performance rating assessment, income allocation, and future work access. It normalizes insecurity without flexibility, demands uninterrupted availability, and transfers the risks of all employment directly onto lone workers themselves. Concentrated over longer periods, these conditions promote a digital work culture in which precarity, self-management, and competition become everyday features of employment rather than by-products of a lack of regulation.

In Indonesia, this novel digital work culture marks a drastic shift from traditional state-bound labor relations, in which social protection and collective responsibility have preceded individual responsibility. Platform-mediated work erodes locally established labor norms that prioritize job security, solidarity, and the protective role of the state, replacing these expectations with market-oriented values ingrained in algorithmic systems. Correspondingly, workers' claims to rights to employment, social security, and citizenship become ever more atomized as acceptance of legal uncertainty is further embedded, while responsibility for the governance of work wanes. This erosion of digital sovereignty thus has implications beyond the realm of legal jurisdiction, to questions of cultural authority over labor relations. Algorithms that run amok at scale, with little to no real public scrutiny, reconfigure the norms and values of work outside the constitutional frame at a platform-wide scale. Such provisioning will enable transnational platforms to reconstitute, in subtle ways, the culture of localized work, which may be *mala fide*, in accordance with the social justice and welfare provisions enshrined in constitutional orders. So, in order to see that regulatory space now opened up again with a new kind of digital sovereignty, but recognizing that it is about far more than just curbing market power, we absolutely need to bring the new forms of digital work within constitutional boundaries of dignity, protection, and social responsibility.

From a progressive law perspective, [Rahardjo \(2010\)](#) explains that law is a lived social tool, essentially a protector of humans; normative texts are not limited to the science of texts. The formal classification of laborers as "partners" disguises the fact that most work full-time and rely on the platforms for a livelihood. This is consistent with the ontology of information labor as outlined by [Strategic acas \(2017\)](#) and [Ferrer & Rojas \(2023\)](#), who contend that, despite digital workers enjoying a much better mediated employment protection regime than other forms of employment, they are nevertheless subject to precarious working conditions. This study's findings reinforce the need for gradual legal change so that workers are regarded as rights-bearing subjects of the law, rather than just violated objects of private arrangements. The intelligent law would enable the state to intervene in the ecosystem of digital platforms, ensuring that workers' constitutional rights are guaranteed and that accessibility includes social security, employment status recognition, and the prohibition of discriminatory practices in the advancement economy.

Labor workers experience acute structural vulnerabilities, but the report also found there are several layers to those vulnerabilities. Neither protected as permanent employees nor fully autonomous as entrepreneurs, they risk social and legal exclusion. More recent researchers ([Albab et al., 2023](#)) assert that labor

workers will likely continue to be disadvantaged in this virtual labor regime on three fronts—legal, fairness, and usability—and believe these disadvantages are sustainable due to a lack of regulatory frameworks tailored to them. [Shyiffa and Hidayat \(2025\)](#) also note that because labor regulations still apply to formal workers, freelance workers are in a regulatory void. "It also shows that the uncertainty of labor workers' status is not simply an administrative question but a constitutional one, which touches on citizens' basic rights." The study also finds that labor workers earn fairly volatile incomes, have no access to national health insurance (BPJS), and lack certainty about social protection. The frictions are evidence that the state needs to get into wide-based action across constitutional law, social welfare, and digital sovereignty so that workers do not end up marooned in systemic injustice. The study finds that BPJS (the national social security program) for labor workers remains voluntary, leaving labor workers to go it alone in facing both social and economic risks. According to [Titmuss \(2018\)](#), a welfare state cannot depend on the market to provide social protection, as markets inherently produce inequality. [Bonoli et al. \(2025\)](#) also argue that the "strength of welfare regimes determines a state's capacity to encompass labor workers within the broader social system." These results are in accordance with the findings of [Putri et al. \(2023\)](#), illustrating how they are often paid a pittance, overworked, and poorly covered by social protections — labor workers. The fracture illustrates the extreme vulnerability faced by digital workers without sufficient state deployment. The research suggests the need for legal reforms and structural welfare policies rather than short- or medium-term measures to mitigate social inequality and ensure workers' constitutional rights.

**Table 1.** Comparison of Constitutional Norms and the Reality of Labor Workers in Indonesia

| Aspect            | Constitutional Norm<br>(1945 Constitution) | Reality of Labor Workers                                                        | Implications                                    |
|-------------------|--------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------|
| Right to work     | Article 27 (2)                             | Labor workers are classified as "partners," not recognized as formal employees. | Constitutional rights are not fully guaranteed. |
| Social security   | Article 28H (3)                            | No automatic access to BPJS; participation is optional                          | Economically and medically vulnerable           |
| Labor protection  | Article 28D (2)                            | No protection regarding minimum wage, working hours, or dismissal               | Discrimination against labor workers            |
| Role of the state | Article 34                                 | The state has yet to regulate labor worker protection comprehensively           | Constitutional obligations remain suboptimal    |

Based on the research in Table 1, one of the findings was that the internalization of constitutional rights for labor workers in Indonesia remains significantly low (left), and there is a tangible expression of commitment assured by the normative principles included in the 1945 Constitution. Article 27(2) and Article 28H(3) say that all males should be rewarded and that people should have a good living ([Irgiansyah et al., 2024](#); [Saputra et al., 2022](#); [Zainuddin, 2017](#)). However, labor workers are sometimes called "partners" of digital platforms; they do not always fit within this rights framework. There are no rules in place to protect labor workers from being taken advantage of, becoming sick, or not being able to get legal help. Moreover, all of this makes a huge hole in the Constitution. Because algorithms are better at organizing work than ever, these findings emphasize that the state has failed to maintain social welfare and the rule of law security for digital workers. In other words, and as we discuss further in this article, the principle of the welfare state, whereby some (relatively) active role for the state would seem to be better called for ([Titmuss, 2018](#); [Bonoli et al., 2025](#)), has not been optimally translated into policy. Hence, some progressive legal integration should be an answer to this legal vacuum, as purely formalistic legislation is against workers when operating in a de facto illegal environment. Indeed, it is time to urgently merge welfare state principles with digital sovereignty and progressive law so that the transformation of the economy in the digital age is not mismatched with social justice or undermines workers' constitutional rights ([Rahardjo, 2010](#); [Pohle et al., 2024](#); [Zinovieva 2024](#)).

While also domestic constitutional, this study provides for comparative reference as well into international practices. Directive (EU) 2024/2831 recognizes labor workers as employees entitled to social protection, fair pay, and transparency of the algorithms used on platforms. A United Kingdom Supreme Court decision, [Uber v. Aslam \(2021\)](#), in which it ruled that Uber drivers were "workers" with minimum employment rights and not simply independent contractors with no such protections, foreshadows this change. The comparisons suggest that Indonesia does not do enough to protect digital workers in its Constitution. Read more on the findings of the study that highlights "political action being taken by the state to press ahead with more protective regulations that will uphold constitutional rights and prevent digital sovereignty falling into their hands so platform algorithms do not dictate." Dynamic state intervention can also help bridge the gap between national regulation and international practice, whilst continuing to strengthen constitutional law as a protector of citizens' rights.

**Table 2.** Comparative Regulations on Labor Worker Protection: Indonesia vs. International

| Aspect                  | Indonesia                                  | European Union                                          | United Kingdom                                             |
|-------------------------|--------------------------------------------|---------------------------------------------------------|------------------------------------------------------------|
| Legal status            | Unclear, categorized as "partners."        | Presumption of employment                               | Worker status with minimum wage and social security rights |
| Basic rights protection | No minimum wage, optional social security  | Minimum wage, working hours, leave, and social security | Minimum wage, paid leave, basic protections                |
| Role of the state       | Minimal intervention                       | Proactive regulation (EU Directive 2024)                | Judicial intervention (Uber v. Aslam)                      |
| Digital sovereignty     | Platform dominance, unregulated algorithms | State asserts control                                   | Courts affirm the supremacy of national law                |

Even so, Indonesia still lags behind other countries in protecting laborers, as shown in Table 2. The European Union advances the labor market economy, establishing rights to adequate wages, social security, and algorithmic transparency for workers through Directive (EU) 2024/2831. On the other hand, in the United Kingdom, it was recently decided in [Uber v. Aslam](#) (2021) that individuals would be granted minimum employment rights rather than treated as independent contractors. Labor workers in Indonesia are also still regarded by platforms as partners rather than employees, and so do not automatically qualify for social protection or minimum wages, while other regulations around platform algorithms remain essentially non-existent. The state of affairs creates a discrepancy between constitutional norms, guaranteed by the 1945 Constitution, and their practical application in society, which poses significant economic and social risks for laborers. The core of this outcome is the importance of active state presence in establishing comprehensive, integrated regulations that uphold constitutional rights and ensure platform algorithms comply with national legal concepts ([Irgiansyah et al., 2024](#); [Saputra et al., 2022](#); [Zainuddin, 2017](#)). Such an approach would also grant legal certainty and social protection to the digital workers who have long been deprived of these rights. Not only does it need to be normative text that ultimately leads to substantive justice for laborers, but there also needs to be legal reform. The failure of the state to act and restore social inequities further departs from the welfare state ethos, given its primary transformative principles, which were intended to benefit all citizens ([Titmuss, 2018](#); [Bonoli et al., 2025](#)). Thus, reinforcing regulations, defining constitutional rights, and restoring control over platform algorithms are strategic moves to address legal shortfalls in a brave new world in the global context of the digital economy, while ensuring digital sovereignty and social justice.

However, there is a much deeper contrast with the digital work culture regulation of the EU and the UK. In these jurisdictions, the combination of government intervention and court oversight not only tells companies what is legally permitted but also structures a work culture that socializes workers' expectations of protection, fairness, and accountability. Without such (eco-)system to share experiences and forge collective power, platform logics reign in Indonesia's semi-regulated labor market, shaping norms that position insecurity as a natural feature of work and individualized risk as an inescapable consequence of inclusion in the digital economy. This condition shows that the differential between Indonesian and international practices is not limited to norms or truth. However, it is also a matter of culture, where norms are contextually applied at the individual level (together with socio-economic status); hence, to be addressed properly requires much more than touching on substance issues in the regulatory reform process, because fundamentally it is about orienting towards an agenda of constitutional values that should inform progress in labor relations digitally.

The platform's algorithmic dependencies on labor workers create volatile income and severe social risks. Ride-hailing drivers, couriers, and platform freelancers — digital workers — risk accidents or illness, or sudden withdrawal by a client without adequate social protection. The legal state in this line of thinking is progressive, taking steps to protect workers from social risks they shoulder alone and from prospective profits captured by the platforms ([Rahardjo, 2010](#)). [Putri et al. \(2023\)](#) demonstrate that labor workers in Indonesia are consistently underpaid, overworked, and unprotected by the social security system. The results of this study support [Titmuss \(2018\)](#) and [Bonoli et al. \(2025\)](#), who argue that interventions to guarantee workers' welfare and protection are crucial to prevent social inequality and to ensure that constitutional rights are not mere rhetoric.

The progressive legal approach is the primary strategy for addressing this gap. [Rahardjo \(2010\)](#) argues that the law should substantively side with humans rather than merely be subordinate to rigid normative texts. The fact that labor workers consider themselves "partners" in name only does not account for the reality that they work full-time and rely on platforms for their livelihoods. According to [Stefano \(2015\)](#), workers in the digital economy are trapped in precarious conditions with little legal protection. [Prassl \(2018\)](#) argues that the paradigm of employment relationships must be reshaped to address the growing prevalence of algorithm-based work. This study's findings confirm that unless we see progressive legal reform centered on human rights, labor workers will continue to experience systemic discrimination and significant injustice in the digital realm.

This paper introduces the notion of "digital constitutional protection" as an intersection between constitutionally guaranteed rights, the welfare state, digital sovereignty, and progressive law. PNM—labor

economy as a core reciprocal logic. Ignore one for another, and what becomes clear is that labor workers no longer need to be treated as dubious partners in dubious status; they are now rights-bearing subjects demanding protection from harm, in the physical and digital spheres alike. It is, therefore, for the state to ensure that platform algorithms are compatible with constitutional principles so that digital transformation does not occur at the cost of social justice. This embodies welfare state principles that require state intervention (Titmuss, 2018), in addition to a progressive legal perspective that emphasizes human beings as legal subjects (Rahardjo, 2010). This same idea lies at the heart of adaptive regulation as a strategy to address the problems faced by platform workers in our digital economy. We hope this exploration of the intersections between these two terminologies can aid any further advancements in the academic literature on constitutional law, labor economy, and digital sovereignty. Existing Indonesian legal studies have only focused on private contracts or civil law 150, neglecting the constitutional rights of digital workers. The findings of this study show that the constitutional rights of labor economy workers serve as a normative basis for labor policy and the regulation of digital technology (Asshiddiqie, 2011; Pohle et al., 2024). While doing so, this study not only fills existing literature gaps but also offers new perspectives on constitutional law, suggesting that constitutional law, the welfare state, digital sovereignty, and progressive law are tools to protect Indonesian digital workers' rights.

In practice, the results capture policymakers' attention, helping them better incentivize adaptable, inclusive policies that respond to the rapidly changing dynamics of the labor economy. The state must exist not only in the spaces where we meet physically but also in physical spaces — algorithms and platforms obey public law, while workers retain their rights to a just wage, holidays, social security, and equality. This is in accordance with the mandate of the 1945 Constitution of Indonesia that guarantees the right to work, a decent life, and social protection (Irgiansyah et al., 2024; Saputra et al., 2022; Zainuddin, 2017). Adopting the new idea of digital constitutional protection will ensure that, in its own development, digital transformation aligns with principles of social justice, strengthens constitutional law as a means to protect citizens' rights, and reduces the gap between normative rights and the realities faced by workers nationwide. Thus, this research is a valuable both academic and public policy-relevant contribution.

## CONCLUSION

This study concludes that labor workers in Indonesia are still in a legal grey area, resulting in their constitutional welfare rights, as mentioned in the 1945 Constitution, not being adequately fulfilled. Not only has the elastic legal status of labor workers as "partners" to platform companies contributed to legal forms of social exclusion, but it has also transformed precarious working conditions into acceptable norms in an incipient digital work culture. This state reflects a constitutional void between normative constitutional guarantees and positive legal tools, which, in turn, renders the uncertain nature of legal relations in the digital economy normal. From a welfare-state perspective, therefore, the state has a constitutional mandate to rescue laborers as an emerging minority within the ecosystem of the digital economy. The absence of specific, binding regulations led to structural vulnerabilities that eventually impeded the state's ability to ensure social protection. This hollowing out of jurisdiction also threatens national digital sovereignty, with algorithmic systems and foreign platforms increasingly resembling private-sector actors, as their relevance to labor relations and work culture operates in enclaves outside the effective long arm of domestic public law. The idea of an employment presumption allowing for wider social security, along with an equitable discretionary structure, is also a potential basis of protection (similar to countries such as Europe and the UK) for strong Labor workers, which requires state action, regulation of digital platforms and workspaces, to incentivize working cultures that are constitutional. Therefore, this study's main contribution is to describe the potential evolution towards digital constitutional protection, a new paradigm in positive law that brings together constitutional rights, the welfare state, progressive principles of digital sovereignty, and socio-cultural segments of the labor framework. From an academic perspective, this study enriches the canon of constitutional law by addressing relevant discussions on both the labor economy and the digital work culture, which have yet to be articulated in Indonesian scholarship on constitutional law. At a more concrete level, it is helping inform government policy on how the state should construct adaptive, responsive, and equitable regulation of digitalization processes, in order to achieve real transformation that aligns with what social justice, constitutionalism, and respect for workers' dignity require from these changes as they unfold.

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