

Outsourcing in The Digital Sector and The Protection of Workers' Rights

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Article	Abstract
<p>Keywords: Digital Outsourcing; Worker Protection; Labour Law.</p> <p>Article History Received: 4 Sep, 2025; Reviewed: 2 Dec, 2025; Accepted: 17 Feb, 2026; Published: 17 Feb, 2026.</p>	<p><i>The advancement of digital technology has given rise to the gig economy, which is increasingly dominating the global labor market. A key aspect of this development is digital outsourcing, which offers inclusive opportunities for workers in developing countries, while simultaneously presenting significant challenges to the protection of workers' rights. This study seeks to examine the implications of digital outsourcing policies on worker protection within the context of labor law in Indonesia, highlighting both the positive and negative impacts, the increasing trends observed in Indonesia, and the associated regulatory challenges. The research employs a normative legal analysis, drawing on a statutory regulatory approach, complemented by a literature review of relevant prior studies. The findings reveal that digital outsourcing has positive effects, including expanded global job access, enhanced flexibility, and potential income growth. However, it also has negative consequences, such as legal status ambiguity, inadequate social protection, and excessive working hours. In Indonesia, outsourcing practices are grounded in Manpower Law and the Job Creation Law; however, regulations specifically addressing digital workers remain insufficiently comprehensive. Consequently, labor laws must be reinforced with targeted provisions responsive to digital work models, particularly with regard to the integration of personal data protection laws and cyber law. This research contributes to the ongoing discourse on the need to harmonize labor law with the evolving landscape of digitalization, ensuring equitable protection for workers engaged in digital outsourcing.</i></p>



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A. INTRODUCTION

The global community is currently confronted with the rapid development of digital technology over the past decade, which has significantly reshaped the labor market landscape. The gig economy phenomenon, encompassing platform-based work, digital outsourcing, crowd work, and virtual work, has emerged as a prominent trend within the global workforce (Anwar & Graham, 2021).

This work model is regarded as offering flexible working hours, access to international markets, and opportunities for workers in developing countries to compete on a global scale.

However, alongside its benefits, this model also presents a range of challenges, particularly concerning the protection of workers' rights.

From a global perspective, research conducted by Heeks in 2017 confirmed that the digital gig economy facilitates access to employment across countries and enhances labor market inclusivity (Richard Heeks, 2017). Conversely, a study by Joshi in 2024 highlighted that work flexibility is directly proportional to uncertainties in employment relationships, lack of social security, and insufficient legal protection (Joshi et al., 2024). In the Indonesian context, outsourcing practices are regulated under Law No. 13 of 2003 concerning Manpower, specifically in Articles 29, 64, 65, and 66, which were subject to review by the Constitutional Court in 2011. The Court's decision affirmed that outsourcing remains permissible under certain conditions designed to protect workers' rights (Hafizh et al., 2022).

The phenomenon of digital development, however, has given rise to new types of work arrangements that have not yet been fully addressed by national labor law. Digital outsourcing workers face not only traditional issues such as job insecurity, but also emerging challenges related to personal data protection and the risks associated with cybercrime (Nuriya, 2024). This situation underscores the urgent need for specific regulations that can effectively accommodate and safeguard workers' rights in the context of the digital economy. Accordingly, this study examines the implications of digital outsourcing policies on the protection of workers' rights from the perspective of Indonesian labor law, highlighting both the positive and negative impacts, the increasing trends in Indonesia, and the regulatory challenges in adapting to the current digital era.

B. METHOD

The research method employed in this article is normative legal research, also known as doctrinal legal research. This approach views law primarily as written norms (i.e., law in books), rather than as empirical practice. Its central focus is on examining legal principles, statutory regulations, and legal doctrine to address specific legal issues. Normative legal research is typically conducted using library materials or secondary data, as it analyzes law as a normative framework within society, rather than the behavior of society itself (Kristjánsson, 2021).

The primary legal materials utilized in this study include laws and regulations governing employment, outsourcing, and personal data protection, along with Constitutional Court decisions. The secondary legal materials consist of prior research findings from various legal journal articles and international reports concerning the gig economy. The

researcher asserts that the normative legal method is suitable for this study, as it examines the protection of digital outsourcing workers' rights through legislative and conceptual lenses, aiming to identify inconsistencies, weaknesses, or gaps in the current legal framework.

C. RESULTS AND DISCUSSIONS

1. Positive and Negative Impacts of Digital Outsourcing Workers

One of the primary impacts of digital outsourcing is increased inclusivity and global access for workers previously excluded from the formal labor market. Digital outsourcing platforms such as Upwork, Fiverr, and Freelancer enable workers from developing countries to engage in the global economy without the need for physical relocation. Heeks refers to this phenomenon in his research as the "Digital Gig Economy," highlighting how the rapid advancement of digital technology has made the global labor market more open and inclusive, as technology facilitates connections between workers from various countries and international clients (Richard Heeks, 2017).

In terms of income enhancement, this phenomenon has yielded significant results, demonstrating that digital outsourcing workers in developing countries often earn incomes 10 to 20 times higher than the local minimum wage, despite these wages being lower in comparison to those in developed countries (Kuek, Siou Chew; Paradi-Guilford, Cecilia Maria; Fayomi, Toks; Imaizumi, Saori; Ipeirotis, 2015).

In the current context, digital platforms are not only viewed as mediums for information exchange but have also emerged as key drivers of the transformation of the global labor market structure (Kocher, 2021). This is evidenced by the presence of various online outsourcing platforms, such as Upwork, Fiverr, and Freelancer, which inclusively accommodate workers from both developed and developing countries (Tsapenko & Grishin, 2022). Further research indicates that digital platforms play a significant role in reducing barriers to workforce entry by distributing tasks more transparently and efficiently through the algorithmic mechanisms employed by these platforms. This enables work allocation based on client needs and worker competencies, thus expediting the matching process and reducing associated costs (Alauddin et al., 2025).

Another positive impact is the flexibility it affords, which has significant implications for contemporary work patterns. Workers are no longer bound by the traditional "9 to 5" work schedule; digital outsourcing allows them the autonomy to manage both their work and personal lives (Khalid & Rana, 2025). This flexibility not only enhances work-life balance

but also provides opportunities for those previously excluded from the formal job market, such as housewives, individuals with disabilities, and communities in regions with limited employment opportunities (Behrendt et al., 2019). As a result, digital outsourcing plays a critical role in expanding the democratization of job access while simultaneously strengthening the dynamics of the global digital economy (Novitz, 2020).

2. Legal Status of Online Workers/Outsourcing Workers

Digital transformation creates opportunities for change driven by advances in information technology, with significant implications for the evolution of work structures and relationships. This is particularly evident in the growing phenomenon of remote work. Remote work is not confined to the territory of the Republic of Indonesia but extends internationally. It offers an alternative for employees to work from locations other than their traditional offices (Tandberg, 2025). The remote working model has seen a notable increase since the onset of the COVID-19 pandemic, which significantly accelerated its growth (Prasetya, A. P., & Hanum, 2024).

The online worker model emerged as a response to large-scale layoffs in Indonesia, leading to a trend of individuals becoming Indonesian Migrant Workers (TKI) in various countries, affiliating with international platforms, or transitioning to freelance and remote work (Mugiono, 2025).

Online workers operating under remote work arrangements can provide economic benefits to companies through reduced operational costs associated with maintaining physical office space. However, this does not eliminate challenges related to coordination, communication, and performance management (Damayanti, N., Permatasari, R. I., & Sitio, 2024). According to research by Silvia Saputra and Cholichul Hadi, several advantages for companies are identified, including cost efficiency and access to global talent. However, companies also face disadvantages, such as ineffective communication and collaboration, as well as difficulties in performance management. For individuals, the online and remote work models offer benefits such as improved work-life balance and savings in both time and costs. However, there are also drawbacks, including social isolation and potential negative impacts on productivity (Saputra, Silvia; Hadi, 2024).

Online workers represent a form of non-standard employment, distinguishing them from conventional employment relationships (standard employment), which are characterized by full-time, permanent positions tied to a single employer (Aloisi, 2019). These workers exemplify the flexibility inherent in the modern labor market, particularly

within the digital and gig economies. The flexibility of online workers extends beyond time to include both location and distance. Online work can be performed by workers in Indonesia for companies located outside the country.

The online worker model faces several challenges, particularly in terms of legal protection and social security. Key issues identified by online workers include (Najwa, 2025):

- a. Unclear Legal Status: The work agreements between workers and employers are often vague, leading to ambiguity regarding the legal status of online workers.
- b. Lack of Awareness of Rights and Obligations: A limited understanding of the rights and obligations associated with remote work can result in various problems, including instability and insufficient protection for workers.
- c. Lack of Social Protection: Freelancers face limited access to benefits such as severance pay, health insurance, and pensions, leaving them vulnerable in emergencies, such as illness, accidents, or retirement.
- d. Technology Gap: Not all workers have equal access to the technology and infrastructure required to perform their work effectively.

Online workers, whether engaged in remote work or other forms, are typically distributed across various regions of the world (Johnston, 2020). This model does not require workers to be physically present in an office or designated workplace, offering greater flexibility. In practice, online work can be performed across borders, with companies located abroad and employees based in Indonesia, or vice versa. A report from SEEK indicates that the trend of remote (online) work, particularly in Southeast Asia, has reached 71%, surpassing the global average of 66%. This represents an increase from approximately 62% in 2020. In Indonesia, 71% of workers prefer remote work over working abroad (ICT, 2024).

The status of online workers, whether remote or otherwise, varies and includes permanent employees, contract workers, and freelancers. Online workers employed by overseas companies are not automatically classified as outsourced employees (Inversi et al., 2022). However, many online workers employed by foreign companies are, in fact, considered outsourced workers. The legal status of the employment relationship is determined by the terms outlined in the employment agreement.

Outsourced workers are contract workers provided by companies that offer outsourcing services. Outsourcing, also referred to as subcontracting, can be defined as the delegation of certain company activities to another party. According to Asep Zulkifli

Achmad, outsourcing is the practice of transferring responsibility for both the workforce and the execution of tasks within a work or business process—previously handled directly by the company—to a third-party service provider. The service provider then assumes responsibility for the administration and management of the work, in accordance with definitions and criteria mutually agreed upon by the contracting company and the service provider (Zulkifli Achmad, 2024).

Online work, primarily encompassing remote work, can be categorized into three types. First, online freelancers, also known as independent contractors, work independently. Freelancers have the autonomy to select projects or types of work, set their own rates, and determine their work schedules. However, a notable drawback is the absence of social security benefits or paid leave (Mugiono, 2025). Second, remote workers, who are permanent employees of a company, perform their duties outside the office, typically from home. Third, workers are engaged through outsourcing, where companies meet their workforce needs by hiring external workers (Syafira Parinduri, 2019).

The above description confirms that in practice, online work can generally be done independently or by freelancers, using remote working, or through outsourcing mechanisms. Several companies in Indonesia provide outsourcing for overseas workforce needs, including 1) Heroleads Indonesia, an outsourcing company that provides data-driven methodologies and performance-based digital marketing services. 2) Virtary is a company that provides support for startups, SMEs, and entrepreneurs worldwide to meet their business needs. The agency's service lines include sales, customer support, administration, communications, and research. 3) Transcosmos Indonesia, whose services include call centers, back-office functions, customer service, and sales expansion services. 4) PT Cekindo offers a variety of services to clients, including business mergers, legal consulting, and other outsourcing functions. The company supports international clients planning to expand their businesses in Indonesia and other Southeast Asian countries. 5) Asia Outsourcing Service (AOS) is an outsourcing service provider that provides integrated solutions and HR outsourcing services. AOS serves companies across industries, including banking & finance, insurance, and telecommunications (Enggar, 2023).

Many companies that provide services or labor through outsourcing mechanisms do not guarantee protection against legal issues, welfare concerns, violations of workers' rights, or the absence of social security. As Zaimah Husin explains in his research, the outsourcing system has a detrimental impact on contract workers, leading to human rights violations such

as discrimination or differential treatment between permanent and contract workers, particularly in terms of income, allowances, severance pay, and leave, with contract workers being excluded from these benefits. Furthermore, outsourcing workers often face restrictions that prevent them from joining trade union organizations (Husin, 2021). This situation also affects online workers who are engaged through outsourcing mechanisms.

The emergence of online workers has raised significant legal issues, particularly within the context of the Indonesian labor law system. Law Number 13 of 2003 concerning Manpower, which was later amended by the Job Creation Law, does not comprehensively address remote work models (online workers) or employment relationships based on digital platforms, including online work under outsourcing schemes. In practice, provisions related to employment relationships are still grounded in three core elements: work, wages, and orders. However, online workers typically do not meet all three elements simultaneously, resulting in ambiguity regarding the legal status of their employment relationships.

Upon examining the legal status of online workers within the Indonesian labor law system, it becomes evident that no specific regulations exist. However, as long as online workers meet the criteria defined by the law—namely, an employment agreement, work, wages, and orders—they are subject to the Employment Law or the Job Creation Law, along with their respective derivative regulations. Consequently, workers' rights, such as the right to a minimum wage, regulated working hours and rest periods, and social security, remain applicable. Nevertheless, regulations concerning supervision, occupational safety, and personal data protection remain insufficient (Mugiono, 2025).

The Indonesian Constitution includes provisions for the protection of citizens' right to work, as outlined in Article 28D, paragraph (2) of the 1945 Constitution, which states: "Everyone has the right to work and to receive fair and proper compensation and treatment in employment relations." Based on this constitutional foundation, workers, including online workers, are entitled to legal protection and welfare in both their personal and professional lives.

Worker protection regulations are generally established in several laws and regulations, including the Employment Law and the Job Creation Law, along with their derivative provisions. While online workers can be categorized as workers under these laws, they continue to encounter legal challenges. For instance, long-distance work agreements are often established solely by the company, and may not necessarily adhere to the laws and regulations in force in Indonesia. In this context, Article 54, paragraph (2) of Law Number

13 of 2003 concerning Employment stipulates that the clauses in the agreement must not conflict with company regulations, cooperation agreements, or applicable laws and regulations (Mugiono, 2025).

In addition to the issue of employment agreements, another significant concern is the protection of workers' rights, which can be difficult to access. Article 86, paragraph (1) of the Manpower Law stipulates that "every worker/laborer has the right to receive protection regarding: a. work safety; b. morals and ethics; and c. treatment that is in accordance with human dignity and religious values." Based on these provisions, the protection of workers' rights must, of course, be prioritized by companies. However, in the context of online workers engaged through outsourcing systems, challenges arise regarding supervision and access to issues related to violations of workers' rights. These challenges may be attributed to the decentralized nature of the online worker system, which operates across various locations.

3. Normative of Digital Outsourcing Workers

The work system, which is not bound by time or location, necessitates special considerations for online workers concerning their rights. One potential measure is for companies to prioritize worker health by providing health insurance, social security, and occupational health and safety (K3) benefits. Many companies are currently collaborating with BPJS Ketenagakerjaan to address these concerns. If such initiatives are not feasible, companies may explore alternative measures, such as offering other health insurance options or providing additional incentives to support worker welfare.

Another issue that has arisen pertains to the work rights of online workers. According to Article 77, paragraph (2) of the Job Creation Law, working hours are defined as 7 hours per day for 6 workdays in one week, or 8 hours per day for 5 workdays in one week. Therefore, online workers, including those engaged in outsourcing arrangements, should adhere to these working hour regulations. However, it must be acknowledged that the work system for online workers typically tends to offer flexible working hours, which can lead companies to exploit this flexibility, potentially disregarding the established working hour norms. A work system that fails to recognize the time and working hours as stipulated in Article 77, paragraph (2) of the Job Creation Law can ultimately affect the overtime pay mechanism.

According to Article 78 of the Job Creation Law, companies that require workers to work beyond the stipulated working hours are obligated to pay overtime wages for hours

worked beyond 4 hours per day or 18 hours per week. However, a challenge arises from the assumption that online workers enjoy flexible working hours, which may lead to the exploitation of working hours, with overtime often going unpaid. Additionally, online workers face risks such as not being recognized as permanent employees, as well as inadequate guidance and training from companies, which can have negative implications for their skills development and overall welfare (Novela, 2024).

4. Legal Challenges in the Digital Age

Indonesia's labor law system does not yet fully address the protection of online workers, particularly in relation to cybercrime. Given that online workers' workspaces are connected to the internet, they are highly vulnerable to internet-based crimes. To date, protection efforts have primarily focused on safeguarding personal data, as outlined in Law Number 27 of 2022 concerning Personal Data Protection (PDP Law). This regulation emphasizes the protection of individuals, including online workers (Nuriya, 2024). While it may be considered relevant to use the PDP Law as a legal framework for protecting online workers, it does not yield significant legal consequences, particularly for companies that employ online workers.

5. Recommendations for Regulatory Improvements

Based on several studies from the literature presented above, the researcher argues for the need for concrete regulatory measures to protect the rights of digital outsourcing workers. Current regulations in the Manpower Law and the Job Creation Law are primarily focused on conventional employment relationships and lack specific provisions addressing digital platform-based work patterns. Therefore, to keep pace with technological advancements, derivative rules or specific regulations are necessary to govern platform-based workers, including digital outsourcing workers explicitly. Such regulations are deemed essential to prevent a legal vacuum, which could leave workers in a vulnerable position, lacking clarity regarding their status and normative rights.

On the other hand, the legal alignment between regulations in the fields of employment, personal data protection, and cyber law is considered crucial and requires further attention. This is particularly relevant given the current phenomenon of outsourced digital workers operating in a virtual space that relies heavily on information technology. Various risks, such as exploitation of working hours, personal data breaches, and potential cybercrime, present real threats to these workers. If regulations are fragmented and not integrated, worker protection will remain partial and ineffective. Proper alignment of these

regulations can ensure that workers' rights are comprehensively protected across various domains, including employment relationships, data security, and digital security.

The roles of the government, companies, and labor unions are critical in implementing these protections. The government holds the authority to establish regulations that are responsive to digital developments and to ensure effective oversight. Companies, as recipients of labor, must uphold legal compliance by providing workers with their normative rights and maintaining transparency in employment contracts. Collaboration between the government, companies, and workers' unions or similar institutions can facilitate the creation of fair regulations regarding the implementation of rights and obligations, while also ensuring an equitable dispute resolution mechanism in the future.

D. CONCLUSION

This research examines the implications of digital outsourcing policies on worker protection under Indonesian labor law, focusing on three key objectives: identifying the positive and negative impacts, examining the increasing trends in Indonesia, and analyzing regulatory challenges. The study finds that while digital outsourcing enhances global job access, provides flexibility, and increases workers' income, it also generates legal status uncertainty, inadequate social protection, exploitation of working hours, and cybersecurity risks. In Indonesia, although outsourcing is regulated under Law No. 13 of 2003 and the Job Creation Law, these frameworks are primarily centered on conventional employment and fail to fully address digital platform-based work, resulting in significant legal gaps. The research underscores that effective worker protection requires specific regulatory instruments for digital employment, harmonization of employment law with personal data protection and cybersecurity regulations, and collaborative governance among the government, companies, and worker organizations. Legislative action is urgently needed to establish a comprehensive legal framework that recognizes digital outsourcing as a distinct employment model, ensuring that technological advancements in labor markets do not undermine worker rights, dignity, and security.

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