

# Kebijakan Perlindungan Kerja Pekerja Platform Transportasi = Protection Policy For Transportation Platform Workers

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## Abstrak

Bisnis platform diakui berkontribusi besar dalam memberikan akses pekerjaan yang mudah kepada jutaan pekerja, tetapi akibat keunikan proses bisnisnya, regulasi ketenagakerjaan yang tersedia tidak bisa digunakan untuk melindungi hak dasar pekerja. Kebijakan pemerintah membuat sistem kemitraan menjembatani relasi antara platform dan mitra kerjanya, ternyata memperburuk perlindungan kerja platform, karena menyebabkan pekerja tidak mendapat perlindungan upah minimum, tidak ada batasan jam kerja, jaminan sosial memburuk dan fungsi serikat pekerja untuk mengadvokasi dan merundingkan hak pekerja tidak bisa dijalankan. Pekerja mengalami diskriminasi perlindungan kerja dibanding lainnya. Disertasi ini akan memberikan analisis kritis terhadap ketimpangan perlindungan kerja yang dialami pekerja transportasi platform. Untuk menganalisis fenomena baru ini, peneliti menggunakan metode kualitatif dengan bentuk studi kasus, terhadap dua pemain utama platform transportasi di Jakarta, yaitu; perusahaan Gojek dan Grab. Pengumpulan data dilakukan melalui; observasi, diskusi kelompok terfokus (FGD), wawancara mendalam (terstruktur dan semi-terstruktur), kepada 21 orang informan kunci, mewakili; pengemudi platform, perusahaan platform, pemerintah, wadah atau serikat pekerja. Peneliti menemukan sistem perlindungan kerja di perusahaan konvensional jauh lebih baik dari sistem platform dan regulasi sistem kemitraan menciptakan ketidakadilan kepada pekerja. Peneliti menawarkan lima opsi kebijakan perlindungan kerja untuk Indonesia, yang didasarkan pada pengalaman internasional untuk mengganti sistem kemitraan saat ini, melalui kebijakan berikut: Memperluas definisi undang-undang tentang “pekerja” dan “pemberi kerja”; mengkategorikan pekerja platform sebagai “pekerja bebas”; menambah kategori baru untuk pekerja platform dengan hak kerja khusus; menjadikan pekerja platform sebagai pekerja kontrak alih daya (out sourcing); dan melindungi pekerja platform melalui serikat pekerja untuk bernegosiasi dengan pemilik platform (hubungan bipartit). Kelima pilihan ini diharapkan bisa menutup ketimpangan perlindungan kerja kepada pekerja platform sebagai perwujudan keadilan sosial bagi seluruh pekerja.

.....Platform businesses are recognised as contributing greatly to providing easy access to work for millions of workers, but due to the uniqueness of their business processes, existing labour regulations cannot be used to protect workers' basic rights. The government's policy to create a partnership system to bridge the relationship between platforms and their partners has actually worsened the protection of platform work, because it causes workers to not receive minimum wage protection, there are no restrictions on working hours, social security has deteriorated and the function of trade unions to advocate and negotiate for workers' rights cannot be carried out. Workers experience employment protection discrimination compared to others. This dissertation will provide a critical analysis of the inequality of employment protection experienced by platform transport workers. To analyse this new phenomenon, the researcher uses a qualitative method in the form of a case study, on the two main players of the transportation platform in Jakarta, namely; Gojek and Grab companies. Data was collected through observation, focus group discussions (FGDs), in-depth interviews (structured and semi-structured) with 21 key informants,

representing platform drivers, platform companies, government, labour unions. Researchers found that the employment protection system in conventional companies is much better than the platform system and the regulation of the partnership system creates injustice to the workers. Researchers found that the employment protection system in conventional companies is much better than the platform system and the regulation of the partnership system creates injustice to workers. Researchers offer five labour protection policy options for Indonesia, based on international experience to replace the current partnership system, through the following policies: Expanding the legal definition of "worker" and "employer"; categorising platform workers as "free workers"; adding a new category for platform workers with special employment rights; making platform workers out sourced; and protecting platform workers through trade unions to negotiate with platform owners (bipartite relations). These five options are expected to close the gap in employment protection for platform workers as a manifestation of social justice for all workers.