

Analysis of Legal Protection for Digital Gig Economy Workers in Timor-Leste

Carolina da Cruz

Universidade Oriental Timor Lorosa'e, Timor-Leste

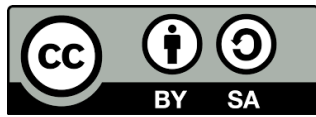
Email: linacruz4492@gmail.com

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Abstract

The development of the digital economy has given birth to a new form of employment relationship known as the gig economy, including in the Democratic Republic of Timor-Leste. Digital gig economy workers are important actors in supporting economic dynamics, but are often in vulnerable positions due to unclear legal status and limited labor protection. This study aims to analyze the applicable legal arrangements, legal status and employment status of digital gig economy workers, and formulate an ideal and equitable legal protection concept in Timor-Leste. The research method used is normative legal research with a legal and conceptual approach, through the study of the Constitution of the Democratic Republic of Timor-Leste, the Labor Law, and international labor doctrines and standards. The results of the study show that although constitutional norms and labor laws have provided a basis for worker protection, the existing legal framework has not optimally reached gig economy workers because it is still oriented towards conventional employment relationships. The legal status of gig economy workers is ambiguous due to their classification as independent partners, which has an impact on the limited protection of workers' basic rights. Therefore, a concept of legal protection that is oriented towards substantial protection, the application of social justice principles, and harmonization with international labor standards, especially the principle of decent work, is needed to ensure inclusive and fair legal protection for digital gig economy workers in Timor-Leste.



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INTRODUCTION

The development of digital technology has brought fundamental changes to the structure of employment relationships in various countries, including developing countries such as the Democratic Republic of Timor-Leste (Brincat & Barreto Soares, 2026; Gomes, 2025; Lopes, 2023; Pinto et al., 2026). The digitalization of the economy has encouraged the emergence of new forms of work that are no longer entirely dependent on conventional employment relationships between workers and employers. One prominent phenomenon is the emergence of the gig economy, an economic system characterized by digital platform-based work, flexible working arrangements, and employment relationships that are temporary, project-based, or demand-driven. In this context, digital gig economy workers—such as online transportation

drivers, digital couriers, freelancers, and application-based service providers—have become important actors in supporting the dynamics of the modern digital economy.

On the one hand, the gig economy provides opportunities for income generation, particularly for individuals who experience difficulties accessing formal employment (Behl et al., 2022; James, 2024; Joshi et al., 2024; Pathiranage, 2024; Sannon & Cosley, 2022; Wu & Huang, 2024). In Timor-Leste, which continues to face economic and workforce development challenges, online platforms may provide alternative income opportunities, particularly for young people and urban communities. The main advantages of the gig economy include flexible working arrangements and easier access to digital platforms (Behl et al., 2022; Dunn et al., 2023; James, 2024; Mehta, 2023; Shepherd, 2025; Shvetsova, 2022). However, this flexibility is often accompanied by unclear worker classification, limited access to social security, insufficient income protection, and the absence of effective dispute resolution mechanisms.

From a constitutional perspective, the state has an obligation to guarantee and protect citizens' fundamental rights, including the right to work and the right to a decent livelihood (Arliman et al., 2024; Khan & Rawoother, 2025; Nita, 2023; Singh et al., 2022; Tshoose, 2023; Weirich et al., 2026). The Constitution of the Democratic Republic of Timor-Leste (CRDTL) expressly recognizes the right to work in Article 50(1), which states that "Every citizen, regardless of gender, has the right and obligation to work and to choose his or her type of work freely." Furthermore, Article 50(2) of the CRDTL affirms that "Workers have the right to safety and cleanliness at work, the right to pay, the right to rest and the right to vacation." These constitutional provisions demonstrate that worker protection is not merely a policy objective but also represents a legal obligation of the state (Abdussamad et al., 2024; Andrias, 2023; Hanifah et al., 2026; Jaelani et al., 2023; Sihombing et al., 2024).

However, the reality experienced by digital gig economy workers demonstrates a gap between constitutional principles and employment practices. Gig economy workers are generally not recognized as workers within the traditional meaning of labor law but are classified as independent partners by digital platform companies. Consequently, these workers often do not receive protections equivalent to those available to formal employees, including minimum wage guarantees, social security coverage, occupational safety and health protection, and employment relationship security. This condition may raise concerns regarding the principle of worker protection guaranteed under Article 6 of the CRDTL, which establishes the principle of a democratic rule-of-law state (*Estado de Direito Democrático*), requiring the state to ensure justice and legal certainty for all citizens.

From a normative perspective, worker protection is primarily regulated through the national labor law framework, particularly the Timor-Leste Labor Law (*Lei do Trabalho* No. 4/2012). This legislation regulates workers' rights and obligations, including provisions concerning employment relationships, employment contracts, wages, working hours, occupational safety and health, and social security. Several provisions of the Labor Law recognize workers' rights to fair treatment and adequate working conditions. However, these regulations are generally based on the assumption of a conventional employment relationship characterized by subordination between workers and employers.

In the context of the gig economy, employment relationships characterized by high flexibility, reliance on digital technology, and algorithmic control mechanisms operated by

platforms cannot be fully accommodated within the framework of traditional employment relationships regulated by labor law. In practice, gig economy workers are generally not bound by written employment contracts that provide sufficient legal certainty but instead operate under unilateral terms and conditions established by digital platforms. Furthermore, access to work may be terminated unilaterally through account deactivation without transparent procedures, opportunities for workers to present objections, or effective grievance and dispute resolution mechanisms as recommended by the International Labour Organization (ILO) labor standards. This situation creates normative challenges within Timor-Leste's labor law system, particularly regarding worker protection, procedural fairness, and legal certainty.

From a human rights perspective, the protection of digital gig economy workers is closely related to the principles of human dignity and social justice. Article 16 of the CRDTL states: "1. All citizens are equal before the law, have the same rights and are subject to the same obligations. 2. No one can be discriminated against on the basis of skin color, race, marital status, sex, ethnic origin, language, social or economic status, political or ideological beliefs, religion, education, physical or mental state." Furthermore, Article 56(1) of the CRDTL stipulates that "All citizens are entitled to social assistance and security in accordance with the law." However, in practice, access to social security remains limited for many digital platform workers involved in gig economy arrangements.

At the international level, worker protection forms an integral part of the global labor standards framework. The International Labour Organization (ILO) recognizes the concept of decent work as a normative foundation encompassing fundamental labor rights, social security protection, occupational safety and health safeguards, and mechanisms for social dialogue. These principles provide important benchmarks for evaluating the extent to which Timor-Leste's national labor law framework can effectively protect digital workers engaged in gig economy arrangements. As a member of the international community, Timor-Leste has a normative responsibility to align its labor policies and regulations with international labor standards developed by the ILO.

Based on this discussion, the development of the gig economy in Timor-Leste has generated complex legal challenges, particularly concerning the legal protection of digital workers. Platform-based work arrangements reveal potential gaps between constitutional principles, labor regulations, and the realities of employment relationships governed by digital platforms and algorithmic mechanisms. This condition indicates that existing legal arrangements may not yet adequately address the characteristics of emerging forms of work. Therefore, this study was conducted to provide a normative legal analysis of Timor-Leste's labor law framework, evaluate the adequacy and effectiveness of existing legal protections, and formulate a more adaptive, equitable, and internationally aligned legal protection framework for digital gig economy workers. To the best of the researcher's knowledge, this study represents one of the limited systematic examinations of the legal status and protection of gig economy workers in Timor-Leste, contributing theoretical and practical insights to the development of labor law studies in developing countries.

METHOD

This study employed a normative legal research method focusing on the analysis of legal norms governing the protection of digital gig economy workers in Timor-Leste. The research applied statutory and conceptual approaches by examining the Constitution of the Democratic Republic of Timor-Leste, the Labor Law, relevant legal doctrines, and scholarly literature.

The legal materials consisted of primary and secondary sources collected through a literature review. The collected materials were analyzed qualitatively using legal interpretation methods to evaluate the adequacy and clarity of existing legal norms in providing protection for digital gig economy workers.

RESULTS AND DISCUSSION

Legal Arrangements in Apply in Timor-Leste in Providing Legal Protection to Digital Gig Economy Workers

Legal arrangements related to worker protection in Timor-Leste are still based on the traditional labor law regime that was designed to accommodate formal employment relationships. To date, there is no legal instrument that specifically and explicitly regulates the status and protection of digital workers in gig economy schemes or employment relationships mediated by digital platforms. Thus, studies on legal protection for gig economy workers need to be conducted through the interpretation and assessment of constitutional norms, applicable labor laws and regulations, and relevant general legal principles.

From a constitutional perspective, the Constitution of the Democratic Republic of Timor-Leste (CRDTL) lays a solid foundation for the protection of workers' rights. The provisions of Article 50 of the CRDTL affirm the right of every citizen to work as well as the responsibility of the state in ensuring and improving decent working conditions, including aspects of safety, health, and social security. These provisions are of a basic nature and apply universally to all forms of employment, without distinction based on patterns or models of employment relations. Therefore, normatively, digital workers in gig economy schemes can be seen as legal subjects entitled to constitutional protection, even if the employment relationships they have in place do not fully follow the construction of conventional employment relationships.

In addition, the principle of the state of law as affirmed in Article 6 of the CRDTL places an obligation on the state to ensure legal certainty and justice in all dimensions of social life, including in the realm of employment. This principle means that the state cannot allow the existence of regulatory vacancies or uncertainty of legal norms that have the potential to cause injustice for certain groups. In this context, gig economy workers, who structurally have a weaker bargaining position than digital platform companies, are subjects who should receive adequate attention and legal protection from the state.

At the legislative level, the protection of workers in Timor-Leste is regulated through the Labor Law (*Lei do Trabalho*), which contains regulations on various key elements of employment relations, including employment agreements, rights and obligations of the parties, wages, working hours, occupational safety and health, and social security. However, the construction of the regulations in the law still relies on the subordinate paradigm of labor relations, namely the relationship between orders and supervision from employers and the economic dependence of workers on employers.

In the context of digital workers in the gig economy scheme, the pattern of employment relations that are formed often does not expressly meet the elements of employment relations as formulated in the Labor Law. Digital platform companies generally position themselves as technology service providers or intermediaries, while workers are positioned as independent business partners. The implication of this classification is that there is no comprehensive implementation of labor law protection provisions, including regulations on minimum wages, social security obligations, and legal protection in the event of termination of employment.

However, when analyzed substantively, work practices in the gig economy ecosystem show a significant level of control by digital platforms, including through algorithm-based arrangements, service tariff determination, performance evaluation systems, and the application of sanctions in the form of account restrictions or deactivations. These elements can be normatively understood as a form of contemporary subordination, although they are not expressed through direct orders as is common in conventional employment relationships. Thus, there is room for legal interpretation to qualify gig economy workers as subjects who should be placed in the labor law protection regime.

In addition to the Employment Law, worker protection is also related to regulations regarding social security and occupational safety. Article 56 of the CRDTL guarantees the right to social security as part of protection against social and economic risks. However, in the practice of the gig economy, workers are often not integrated into the national social security system due to their unclear legal status. This shows a gap between the legal norms that guarantee social security rights and their implementation for digital workers.

From the perspective of human rights law, the principle of equality before the law and the prohibition of discrimination as stipulated in Article 16 of the CRDTL affirms that "All citizens are equal before the law, have the same rights and are subject to the same obligations". The distinction in treatment between formal workers and gig economy workers that results in the loss of basic protection can be seen as a form of normative injustice, especially if the distinction is not based on objective and proportionate reasons.

The absence of special regulations regarding gig economy workers also raises problems in terms of law enforcement and dispute resolution mechanisms. The current labor dispute resolution scheme is generally designed for formal employment relationships, so in practice it is less responsive and difficult for workers to reach in platform-based work schemes. As a result, digital workers often do not have access to effective legal means to prosecute and protect their rights when there is a conflict with digital platform companies.

Therefore, it can be concluded that the legal framework in force in Timor-Leste has normatively provided a foundation for protection for workers through constitutional arrangements and labor laws. However, the foundation has not been able to effectively reach digital workers in the gig economy scheme, given that the concept and scope of regulation still rely on the conventional labor relations paradigm. This situation confirms the urgency of developing a more progressive legal interpretation as well as regulatory reforms, so that the employment law protection system in Timor-Leste can be more inclusive, adaptive, and in line with the evolving dynamics of the digital economy.

Legal Position and Employment Status of Digital Gig Economy Workers in the Perspective of Timor-Leste Employment Law

The legal position and employment status of digital workers in the gig economy scheme is a key issue in the study of labor law protection in Timor-Leste. In classical labor law doctrine, the position of workers is determined by the existence of a subordinate employment relationship between the worker and the employer. This relationship is usually characterized by the existence of employment agreements, remuneration in the form of wages, the authority of employers to give orders or supervise, and the economic dependence of workers. This conceptual framework has traditionally been used as the basis for the implementation of legal protection norms in the field of employment.

In the context of Timor-Leste's national law, the Employment Law (*Lei do Trabalho*) has not yet contained a regulation that explicitly classifies digital workers or platform-based workers. Consequently, the determination of the legal status of workers in gig economy schemes still relies on the interpretation of existing employment relations concepts. In practice, digital platform companies tend to position workers as independent contractors, rather than as workers or laborers in the sense of labor law. The construction of this classification has an impact on the marginalization of gig economy workers from the scope of formal labor law protection.

Normatively, the placement of gig economy workers as independent partners carries significant legal implications. This status causes the non-recognition of the employment relationship between workers and platform companies, so that workers do not obtain employment protection rights, such as guaranteed minimum wages, mandatory social security participation, protection of occupational safety and health, and legal guarantees in the event of termination of employment. From an employment law perspective, this situation creates an imbalance in the legal position between workers and digital platform companies that structurally have advantages in economic aspects and technological mastery.

However, when examined substantially, work practices in the gig economy ecosystem show characteristics of employment relationships that are close to a subordination pattern. Digital platform companies exercise a considerable level of control, including through the determination of service rates, the regulation of access to employment opportunities, the use of algorithmic systems in order distribution, and the application of evaluation and sanction mechanisms against workers. This pattern of control, although not carried out directly, can be interpreted as a form of functional subordination that is relevant within the framework of contemporary labor law interpretation.

From a legal point of view, an approach that only focuses on the formal form of employment relations risks overriding the economic and social conditions that are actually experienced by gig economy workers. Therefore, the development of contemporary labor law doctrine prioritizes a substantive approach (substance over form), which is to assess the existence of employment relationships based on empirical facts and actual practices, rather than solely on naming or contractual construction. This approach has strong relevance to be applied in the context of Timor-Leste in order to assess and establish the legal position of gig economy workers in a more proportionate and fair manner.

From a constitutional perspective, Article 50 of the Constitution of the Democratic Republic of Timor-Leste (CRDTL) affirms the right to employment and guarantees of decent

working conditions for all citizens. The guarantee is of a general nature and applies without distinction based on the type or form of employment relationship. In addition, the principle of equality before the law as stipulated in Article 16 of the CRDTL affirms that every worker has the right to equal legal protection. Therefore, the exclusion of gig economy workers from the scope of labor law protection has the potential to cause incompatibility with these constitutional principles.

The absence of clear legal recognition of the status of gig economy workers also affects their ability to access protection and dispute resolution mechanisms. In general, workers in gig economy schemes cannot take advantage of industrial relations dispute resolution channels because their status is not recognized as formal workers. This weakens the legal position of workers and increases the risk of rights violations without effective legal means to enforce them.

Thus, from the perspective of employment law in Timor-Leste, the legal status of digital workers in the gig economy ecosystem is in an ambiguous and vulnerable position. Normatively, gig economy workers have not been fully recognized as subjects of employment law that receive comprehensive protection. This situation emphasizes the need to reinterpret the concept of employment relations and reform of labor regulations, so that legal arrangements can adapt to the characteristics of digital platform-based work and ensure fair legal protection for gig economy workers.

The Concept of Ideal and Fair Legal Protection for Digital Gig Economy Workers in Timor-Leste Based on Labor Law Principles and International Standards

The concept of fair and effective legal protection for digital workers in the gig economy ecosystem in Timor-Leste needs to be designed based on recognition of the transformation of the character of employment relations in the digital economy era. Legal protection can no longer refer only to traditional labor relations paradigms, but must emphasize substantial protection for workers, who are economically and structurally weaker. Within this framework, the principles of national labor law and international labor standards are important normative references for formulating a responsive, adaptive, and inclusive legal protection model for gig economy workers.

In principle, the main purpose of labor law is to protect workers from power imbalances in employment relationships while ensuring the fulfillment of their basic rights. The principles of protection, social justice, and the balance of interests between workers and employers are fundamental principles that are relevant to be applied in the context of the gig economy. Thus, the ideal concept of legal protection requires that digital workers in the gig economy scheme be recognized as legal subjects entitled to minimum labor protection, regardless of the formal form of employment relationship undertaken.

From Timor-Leste's constitutional perspective, Article 50 of the CRDTL guaranteeing the right to decent work and working conditions and Article 16 of the CRDTL on equality before the law provide a strong normative basis for the protection of gig economy workers. Equitable legal protection should ensure that digital workers are not excluded from basic rights solely because of contractual classifications unilaterally established by platform companies. Thus, the rights-based approach is an important element in the concept of ideal legal protection.

In addition, international labor standards formulated by the International Labour Organization (ILO) emphasize the importance of the principle of decent work. This principle consists of four main pillars, namely job creation, social protection guarantees, respect for workers' rights, and strengthening social dialogue mechanisms. In the context of the gig economy, the implementation of the principle of decent work requires basic social protection for workers, the provision of fair working conditions, and the availability of participation and negotiation mechanisms that allow digital platform workers to play an active role in decision-making that affects their work.

The concept of ideal legal protection must also recognize the existence of new forms of subordination that emerge in digital platform-based work. The controls exercised through algorithms, performance evaluation systems, and unilateral policies of platform companies reflect the existence of dependencies that substantially resemble traditional employment relationships. Therefore, employment law in Timor-Leste needs to apply a substantive approach to determining the status of employment relationships, emphasizing actual facts and practices of work and the degree of control applied, rather than solely on the basis of contractual naming or labeling.

In addition to the recognition of legal status, fair protection for digital workers in the gig economy must include the fulfillment of minimum rights, such as protection against unilateral termination of employment, transparency in work mechanisms and performance evaluation, access to social security and protection from the risk of work accidents, and the right to fair wages or compensation. These guarantees are a concrete form of legal protection oriented towards social justice and respect for the dignity of workers.

The law enforcement aspect is also a crucial component in the concept of ideal legal protection. Without effective supervision and dispute resolution mechanisms, legal protection norms are at risk of not being able to function in real terms. Therefore, the state has an obligation to ensure that gig economy workers can access fair and easily accessible dispute resolution mechanisms, both through employment channels and judicial institutions. Strengthening the state's role as a regulator and supervisor is an important prerequisite for legal protection to run effectively and have a real impact on workers.

Thus, the concept of fair and effective legal protection for digital workers in the gig economy ecosystem in Timor-Leste requires a combination of reinterpretation of labor law principles, harmonization with international standards, and regulatory updates that are adaptive to the dynamics of the digital economy. This concept affirms the status of workers as legal subjects entitled to the protection of their rights and dignity, while ensuring a balance of interests between workers, platform companies, and the state within the framework of the rule of law and the principles of social justice.

CONCLUSION

The legal position of workers and the concept of ideal legal protection for digital gig economy workers in Timor-Leste can be summarized through several key conclusions. First, the existing legal framework provides a foundation for worker protection through the Constitution of the Democratic Republic of Timor-Leste and the Labor Law. The Constitution guarantees the right to work, decent working conditions, equality before the law, and access to social security. However, existing labor regulations remain primarily based on conventional

employment paradigms and have not explicitly accommodated the characteristics of digital platform-based work relationships. Consequently, legal protection for digital gig economy workers has not been fully realized, resulting in regulatory gaps and uncertainties that require further attention.

From an employment law perspective, the legal and employment status of digital workers within the gig economy ecosystem in Timor-Leste remains ambiguous and vulnerable. In practice, gig economy workers are often classified by digital platform companies as independent partners rather than employees under labor law frameworks. This classification limits their access to essential legal protections, including wage guarantees, social security coverage, and protection against unjust termination of work arrangements. However, the substantive nature of gig work often demonstrates elements of platform control and economic dependence that reflect characteristics of functional subordination. Therefore, from a normative perspective, gig economy workers may warrant recognition as subjects entitled to certain forms of labor law protection.

The concept of fair and effective legal protection for digital gig economy workers in Timor-Leste should emphasize the substantive protection of fundamental worker rights rather than relying solely on formal classifications of employment relationships. This approach should recognize the realities of digital platform-based work, apply principles of worker protection and social justice within labor law, and promote harmonization with international standards, particularly the principle of decent work established by the International Labour Organization (ILO). An ideal legal protection framework should ensure minimum labor rights, strengthen the state's role in supervision and enforcement, and establish a balanced relationship among workers, digital platform companies, and the state within the framework of the rule of law and social justice.

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