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www.mjsl.usim.edu.my DOI: <https://doi.org/10.33102/mjsl.v8i2> \_ THE LEGAL PROTECTION OF ATYPICAL WORKERS IN INDUSTRY 4.0 IN INDONESIA i\* I Wayan Gde Wiryawan, i Dewi Bunga i\* Faculty of Law, Mahasaraswati Denpasar University, Jl. Kamboja No.11 A Denpasar, Indonesia i Department of Law, Faculty of Dharma Duta, IHDN Denpasar, Jl. Ratna No 51 Denpasar, Indonesia \*(Corresponding author) email: [gdeiryawan1976@gmail.com](mailto:gdeiryawan1976@gmail.com) DOI : <https://doi.org/10.33102/mjsl.vol8no2.220>  
ABSTRACT The Industry 4.0 or the Fourth Industrial Revolution has provided a paradigm shift towards the way of work.

The emergence of millennial groups that avoid attachment, give birth to a new working relationship called atypical work. This type of employment relationship means that the employment relationship between the employer and the worker without the existence of a long-term work contract, the provision of additional facilities, salaries and pensions, or other benefits that are usually obtained by typical workers. The atypical worker relationship is outside the context of the employment relationship as referred to in Law No.13 of 2003 on Employment.

This study discussed about 1) What is the position of employers and workers in atypical work relations? 2) What is the legal protection for atypical workers in the Industry 4.0 in the future? This research is a normative legal research that examines the void of norms regarding legal protection of atypical workers. The legal material in this study consists of primary and secondary legal materials. The legal materials are collected through literature study. The problem analysis is done qualitatively. The position of employers and workers in atypical work relations is equivalent based on agreements made between the parties.

This condition requires a high literacy of rights and obligations in the employment field. The legal protection for atypical workers in the Industry 4.0 in the future is to provide economic, social and technical protection to the workforce. Keywords: Legal protection, atypical worker, Industry 4.0. Introduction **The Industry 4.0 or the Fourth Industrial Revolution** gave birth to a new paradigm in the lives of people in various parts of the world. Some people argue that the advancement of artificial intelligence technology in the industrial sector is a necessity that cannot be dammed and is a threat to human labor that will be replaced by robots or digitizing systems that are developing, because factories or companies almost do not need human labor, except for a little number of human labor in certain skill (Wijaya, **Mardani, Kurniawan Kurniawan, and Muhammad Sood, 2019**). Along with the Industry 4.0, technology-based jobs become the main choice.

Based on a study by the McKinsey Global Institute, 52.6 million jobs in Indonesia are threatened by automation. This institute even estimated that around 800 million workers worldwide will lose their jobs by 2030. Meanwhile, **the World Economic Forum** (WEF) last year released a report entitled Future of Jobs Report 2018, revealing that some areas of work will no longer be needed and will be replaced with a new profession in 2022. Meanwhile, the works include data entry which will be replaced by data analysts, accountants and payrolls which will be replaced by artificial intelligence, and machine learning specialists and assembly and factory workers who will be replaced by data analyst specialists.

Malaysian **Journal of Syariah and law** | ?????????? ?????????? ?????????? ????? | Vol 8, No.2, pp. 31-40 | December 2020 Clerical administration jobs will be lost during the Industry 4.0 era.

Conversely, jobs that are technology based, HR competency, and capital intensive will be relevant by the industry in moving forward (Yustinus Andri DP., 2019). The Ministry of Manpower of the Republic of Indonesia states that there will be jobs that are lost as the Industry 4.0 develops. The Director General of Development, Training and Productivity of the Ministry of Manpower of the Republic of Indonesia said that as much as 57 percent of the work currently available will be eroded by robots.

However, behind the loss of some jobs will also appear new jobs (Suryana Suryana, 2019). Emerging jobs give birth to freelancers. The trend of casual workers in Indonesia is inseparable from the digitalization and automation that occurred **in the Industry 4.0** era. Companies tend to do great efficiency, particularly millennial works that can be done anywhere and at any time. Some companies in the creative industries will be more efficient and effective by using casual workers.

In addition to work contracts that are not bound or related, the company will also be able to get the desired professional workers as needed at the time (Murti Ali Lingga, 2019). This type of worker is termed an atypical worker. Atypical workers are workers **who have unconventional employment relationships with their employers. The word non-conventional here refers to the** absence of a long-term work contract, the provision of additional facilities, periodic leave, and other benefits that are usually obtained by typical workers.

Changes **in the form of relationships in the context of atypical workers are caused by the needs of new industries that are different from other conventional industries. For example, the rise of the creative industry in the past decade has led to the emergence of thousands of freelance designers in Indonesia. This freelance designer is the atypical workers. The existence of atypical workers is also marked by the number of workers who change their jobs from workers in the office with the working hours into online drivers.**

Various **theories suggest the existence of a negative relationship between the use of atypical employment contracts and productivity growth, arguing that firms' utilization of atypical contracts may reduce the incentive to innovate and internal training, inducing firms to follow a 'low-road' to competitiveness, based upon cost-cutting strategies (Bardazzi, Rossella, and Silvia Duranti, 2016). The new forms of atypical contracts increasingly diffused beside standard permanent full-time employment has been argued being detrimental for workers' mental health (Elena Pirani 2017).**

As a consequence persons in atypical work forms are pushed out of social insurance schemes, even though they may accumulate over time a multitude of fixed/part-time work assignments, each of these assignments too little to be taken into account for social insurance purposes (Paul Schoukens & Alberto Barrio, 2017). The employment relationship between the employer and the atypical worker is outside the context of the employment relationship referred to in the The Act of Republic of Indonesia No. 13 of 2003 concerning Employment (hereinafter referred to as the Employment Act). Atypical workers even work without a clear employment contract. This condition is a challenge in the labor sector in Indonesia in dealing with Industry 4.0

in which there are no regulations protecting labor rights and regulating social partnerships in technology-based businesses. Research on the existence of atypical workers in the fourth industrial revolution was written by Anggalih Bayu Muh. Kamim, M. Rusmul Khandiq, 2019, namely "Gojek and Digital Work: Vulnerability and Illusion of Welfare Experienced by Driver Partners in Digital Platform Based Work." Gojek is one type of atypical work. The results of the study illustrate that digital work driven through applications shows that there is a gamification process that positions the driver's partner in vulnerable conditions.

The practice of gamification causes the driver partners to become dependent on ratings and complaints given through the application. Assessment through the application causes the driver partners are forced to have to follow the instructions of the application. Secondly, the welfare promised by the Gojek business system in fact caused the driver partners to be trapped in unnatural working hours, lack of social security, and gaps in information acquisition. The illusion of well-being arises because the partners to the drivers do not have access to the same information as the application company, so they are forced to follow directions from the platform (Anggalih Bayu Muh Kamim, & M. Rusmul Khandiq, 2019).

## THE LEGAL PROTECTION OF ATYPICAL WORKERS IN INDUSTRY 4.0 IN INDONESIA

Hanifah Amalia Diamantina and Sartika Putri wrote a study entitled "Legal Protection for the Safety and Security of Online Ojek Drivers for the Interest of the Community." This research shows that in the protection of online ojek, there are no laws or regulations that specifically address the issue of online ojek drivers. The purpose of this study is to determine the legal protection of online motorcycle riders. The government issued a new policy through Minister of Transportation Regulation No. 12 of 2019 concerning Protection of Safety of Motorcycle Users which is used for the benefit of the public (Hanifah Sartika Putri & Amalia Diamantina, 2019).

The research "The Legal Protection of Atypical Workers in Industry 4.0" aims to examine and find the position of employers and workers in atypical work relations and the legal protection for atypical workers in the Industry 4.0 in the future. Methodology This research is a normative juridical study in which there is a legal vacuum regarding the existence of work relationship arrangements and legal protection of atypical workers. The legal material used is primary legal material, namely the laws and regulations related to this problem and secondary material in the form of journals and books. The legal materials are collected through literature study.

The approach is carried out through the statutory and the legal concept approach. The analysis is carried out qualitatively. Results The position of employers and workers in atypical work relations Industry 4.0 is an industry that combines automation technology with cyber technology. This is a trend of automation and data exchange in manufacturing technology which includes cyber-physical systems, the Internet of Things (IoT), cloud computing and cognitive computing. In the history of the industrial revolution, industrialization began in the late 18th century with the advent of steam power, radically changing how goods were produced. A century later, electricity and assembly lines allow mass production.

In the 1970s the third industrial revolution began when advances in computer-powered automation enabled us to program machines and networks. Then the fourth industrial revolution has changed the economy, jobs, and even society itself. Many physical and digital technologies are combined through analytics, artificial intelligence, cognitive technology, and the Internet of Things (IoT) to create interrelated digital companies that are able to produce more informed decisions. This revolution infuses smart and connected technology with companies and everyday life (VY Sri Sudarwinarti, 2019).

The Fourth Industrial Revolution shows the perspective of industrial relations which is centered on the context of labor market flexibility in its relations externally and internally as part of the flexibility of the employer strategy. Externally, the strategy used

by workers to change the number and type of employee relations with the company as a flexibility of response to changing market conditions. Whereas internally, the same strategy leads to changes in workers' duties in meeting market demand (Ahmad Rizki Sridadi, 2016). The Industry 4.0

provides several benefits for society; provides various opportunities for companies and research institutions to actively build the future. The economic impact of this industrial revolution should be enormous, because Industry 4.0 promises to substantially increase operational effectiveness and the development of new business models, services and new products that are very new (not yet available) (Rio Aurachman, 2019). Along with the development of lifestyles and the acceleration of information technology, work relationships are no longer conventional. Millennials do not prefer work-bound lifestyle; rather, they work to follow their passion.

Working is flexible in terms of space and it does not have to be in the office. These conditions give birth to a new working relationship called atypical work. Atypical work refers to employment relationships that do not conform to the standard or 'typical' model of full-time, regular, open-ended employment with a single employer over a long time span. The latter, in turn, is defined as a socially secure, full-time job of unlimited duration, with standard working hours guaranteeing a regular income and, via social security systems geared towards wage earners, securing

Malaysian **Journal of Syariah and law** | ?????????? ?????????? ?????????? ???? | Vol 8, No.2, pp. 31-40 | December 2020 pension payments and protection against ill-health and unemployment.

Atypical work includes part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers. Although **the number of workers in** non-standard employment has grown significantly over the past two decades, these workers continue to be regarded as being in 'atypical' employment (Eurofound, 2019). The 'atypical workers' category includes: 'limb (b) workers' with limited statutory rights (to minimum holidays and pay, for example), and who are often employed on a temporary and flexible basis (for example, on a zero-hours contract) **Workers who do not have** a contract of indefinite duration but are employed for a fixed term some atypical workers who are self-employed, working for several organisations, or for a single organisation for a limited period those who are 'agency' workers, assigned to an employer on a temporary basis by an employment agency, but not employed by that employer people on zero, or variable, hours contracts who are employees with full statutory protections, but don't have minimum, guaranteed or regular hours (CIPD 2019).

The Director General of Training and Productivity Development of the Ministry of Manpower of the Republic of Indonesia said, the impact of **the fourth industrial revolution** could shift 50% of the current number of jobs. For example, **the transformation of the** oil-fueled automotive industry into electric vehicles. Data from the Ministry of Manpower of the Republic of Indonesia shows that out of 128 million workforce, there are 7.04 million open unemployed people. Meanwhile, in the labor market, the number of part-time workers is 51 million people. Of the total workforce available, as many as 60% have junior high school education and below, 27% have a high school education equivalent, and 12% have college graduates.

Of this composition, the national workforce is 88% dominated by operators and only 12% have the ability to engineer (Kontan, 2019). Deni Kusuma Fajri compiled a profile of millennial **workers in the Industry 4.0** era in which millennial workers choose jobs with clear career paths rather than risky jobs without any clear career path even though they like the work, secondly the comfort of the work environment especially the non-physical work environment, is more preferred to jobs with high salaries but the working environment is not comfortable, millennial workers prefer freer jobs without strict rules (flexible) and less pressure, the criteria for work favored by millennial workers are jobs that are their hobbies and that can make money and be useful for others, the last is millennial workers prefer to work with people who are of a relatively similar age to them (Deni Kusuma Fajri, 2019).

The indicators of atypical work show a different understanding of work relations as stipulated in the Employment Act. Article 1 number 15 of the Employment Act states "Employment relations are relations between employers and workers / laborers based on work agreements, which have elements of work, wages, and orders." Article 1 number 15 Employment Act which regulates the definition of employment relations which is defined as the relationship between employers and workers based on agreements that have elements of work, wages and orders.

In reality, the emergence of a work relationship based on the existence of the agreement is not a stand-alone problem because it is influenced and influences economic, social, political, cultural and other issues. The philosophical conception of employment relations is directed at the existence of an assessment of labor that should be valued by providing decent wages from decent work as well because wages are the amount needed by workers to obtain the means of existence required in accordance with living standards. This is what is called a living wage. This decent wage must be balanced with decent work too, i.e.

the length of the workday and the intensity of the actual work that a full day's labor is devoted to without having to violate his ability for the same amount of work for the following day and so on. This is what is referred to as a feasible relationship between workers and employers which requires a degree of equality between workers and employers.



THE LEGAL PROTECTION OF ATYPICAL WORKERS IN INDUSTRY 4.0 IN INDONESIA The formulation of the work agreement as the basis of the employment relationship has been carried out by Imam Soepomo who formulated a work agreement that is a relationship between the worker and the employer, occurring after an agreement was made by the worker with the employer, where the worker stated his ability to work for the employer by receiving wages and the employer stated his ability to employ laborers by paying wages (Imam Soepomo, 1970).

The formulation of work relations by Imam Soepomo is basically the same as the formulation of the understanding of employment relations in the Employment Act. The concept of atypical work basically does not show an equal position between employers and workers. Employment relationships that are carried out via an application are built from a system that has been prepared by the employer. The pattern of legal relations between employers and workers is not called an employment relationship, but is called a partnership pattern. This causes weak protection for workers.

The employer only pays according to the duration and type of work performed by the worker. In accordance with the partnership pattern, the employer has no obligation to provide retirees, holiday benefits, social security, working hours arrangements and workers' rights as usual. The absence of formal contracts in atypical work relationships results in the workers are trapped in very long working hours to get bonuses.

Factually, an employer who readily has capital could cope and live on his capital, but his worker would not have such abilities. For workers, there is only wages to live, and therefore they must accept to work at anytime, anywhere, and with whatever conditions set by the employer. Herein lies the degree of inequality where workers are always in a position of compulsion because of the demands of their needs.

An objective view of the wages of workers as their own work, that is, the value of the work products is in fact different in the capitalistic economic system, the result of work always goes to the employer and the worker will get no more than his basic needs. The need for regulation of atypical worker relations in the Employment Act is a necessity in labor reform. Reforms in the field of manpower are still experiencing a huge imbalance between the laws and regulations (das sollen) and the implementation of policies in practice (das sein).

These conditions indicate that labor regulations are still not optimal, because in many cases, the existing legislation continues the tradition of giving workers and state the freedom to act arbitrarily. The legal protection for atypical workers in the Industry 4.0 in the future The deterioration of workers' conditions in Indonesia is caused by an

imbalance between supply and demand. Conditions in the Indonesian economic community which have the nature of excess labor, resulting in the level of wages of workers tend to be depressed downward and without any other payment.

This condition will affect the socio-economic conditions of the nation which will ultimately affect the level of social welfare, so that the role of the state is to be involved in the organization of public welfare in accordance with the understanding of the welfare state. The concept of the welfare state which has been formulated constitutionally in the provisions of the 1945 Constitution, especially in article 28 H concerning the right to a prosperous life which is fully regulated that: Every person has the right to live in prosperity physically and mentally, to live, and to have a good and healthy living environment and the right to obtain health services.

Every person has the right to get special facilities and treatment to obtain equal opportunities and benefits in order to achieve equality and justice. Every person has the right to social security that enables his or her full development as a dignified human being. Every person has the right to own personal property rights and such property rights may not be taken arbitrarily by anyone. The law welfare state is a country that places the law as the basis for carrying out the powers that is responsible for the welfare of the people through policies made by the government with the aim of creating social welfare and justice.

The role of the state in realizing people's welfare is a constitutional

Malaysian **Journal of Syariah and law** | ?????????? ?????????? ?????????? ?????? | Vol 8, No.2, pp. 31-40 | December 2020 mandate that must be carried out by the government to ensure that the constitutional rights of its citizens are fulfilled, especially in fulfilling and protecting the rights of citizens' employment opportunities during the fourth industrial revolution era (Wijaya, Mardani, Kurniawan Kurniawan, and Muhammad Sood, 2019).

The constitutional basis for the administration of welfare by the state is one of the grounds for the emergence of thoughts on the need for the state to intervene in the field of employment which is actually a form of state intervention in work relations made under the agreement of the two parties, namely workers and employers. The existence of government interference in labor policies is one form of social protection for workers as part of citizens. Explicitly, article 34 paragraph (2) of the 1945 Constitution emphasizes that the state develops a social security system for all people and empowers weak and incapable people in accordance with human dignity.

The state is expected to be a party that can see comprehensively the interests of employers and workers. There is a birth of a more just and non-discriminatory policy in treating workers whose position is weak. Workers' concerns that the state is the guardian of capital and industrial survival alone without the control of conflicting actions from employers are not expected to become a reality with the state's authority to regulate it. In the context of labor policies, participation and a democratic atmosphere are the main requirements for the formation of power for workers to act as partners, namely the right to organize and be independent, and the right to negotiate freely from pressure.

Without guarantees of this, the relations between workers and employers are unbalanced exploitation and alienation. In this case, the state must play its position to protect the interests of both parties in a relationship that puts forward the principle of symbiotic mutualism and mutual need. Through laws and regulations, the government plays its role in two conflicting interests, and maintaining demands is not an easy matter.

The very complex labor problems faced by the government require a systematic solution so that a wise, balanced decision is needed in the context of improving the national economy (Nurman Yasin, 2010). Labor protection is the protection of human rights. In Indonesia, the concept of human rights has been expressly and clearly recognized in the 1945 Constitution and implemented by the state in society. Workers' rights, namely the right to obtain decent work for humanity, whose existence has been recognized in the 1945 Constitution, shows that the workers' rights are constitutional rights.

That means that the state is not allowed to issue policies either **in the form of** laws (legislative policy) or **in the form of** implementing regulations (bureaucracy policy) intended to reduce the substance of constitutional rights. Even in the modern legal state (welfare state) the state is obliged to guarantee the implementation of that constitutional right. Article 27 paragraph (2) of the 1945 Constitution constitutes a paper constitution or a semantic constitution. By recognizing the rights of its citizens to get jobs, in fact Indonesia has determined and decided to eliminate unemployment by requiring the government to eradicate unemployment and must work so that every citizen can get a job with a decent living to live (Agusmidah, 2011).

The existence of the obligation of the state in exercising constitutional rights, the state is demanded to provide the best and broadest possible services to the community and eventually two symptoms will arise, namely first, government interference with aspects of people's lives is very broad; secondly, in the implementation of government functions, the discretion principle is often used because in reality in Indonesia, the issue of wages in industrial relations cannot be reduced to a production relationship between the working class and the employer class. However, it must be seen in relation to the relationship between the state and civil society (civil society) which is more complex.

This is due to the fact that there are so many problems regarding wages that occur, such as payment of wages that is not on time, very low wages, postponement of wage payments, wage cuts that have a very broad social impact that urges the state to get involved in it. The impact can be seen from the emergence of reactions from workers such as demonstrations, strikes and even work termination that will affect the economy of Indonesia. Indonesia is committed in building a manufacturing industry that is globally competitive through accelerating **the implementation of Industry** 4.0. This is marked by the launch of Making Indonesia 4.0

as a roadmap and Indonesia's strategy to enter the digital era that is currently underway. The Ministry of Industry designed Making Indonesia 4.0 **as an integrated roadmap to implement a number of strategies to enter the** Industrial 4.0 era. **Implementation of Industry 4.0 aims to** create more sustainable

THE LEGAL PROTECTION OF ATYPICAL WORKERS IN INDUSTRY 4.0 IN INDONESIA economic growth. In the roadmap, there are five industries that are the focus of implementation, namely: food and beverage, textiles, automotive, electronics, and chemistry.

These five industries are the backbone of the economy which are expected to be able to provide a large leverage effect, increase competitiveness, and make a real contribution to the Indonesian economy. In addition, Making Indonesia 4.0 includes 10 national initiatives that are cross-sectoral to accelerate the development of the manufacturing industry (Venti Eka Satya, 2018). The influence of the Industry 4.0 on the legal order in Indonesia must be examined critically, carefully and carefully.

First, the positive impact of the growth of digitalization on economic and social development must be addressed in efforts to utilize digitalisation technology and the internet for the progress of the State. Legal regulations that already exist and will be made and provide positive benefits and are in harmony with existing technology. Innovations and interventions and new discoveries through technology are not hampered and have legal strengthening, so that the creation of legal relevance based on digital human and digital soft skills that support the growth of quality human resources and essential justice.

Second, the negative impact of people's behavior due to the growth and development of digitalization, which results in unfair competition, the growth of various crimes using technology must be anticipated as early as possible by the State by implementing various regulations (Ujang Suratno, 2018). The Employment Act has provided opportunities for new employment relationships in the Industry 4.0 era. These provisions can be seen in Chapter VII of the Employment Act regarding "Expansion of Employment Opportunities." Article 39 of the Employment Act states as follows: The government is responsible for seeking to expand employment opportunities both inside and outside the employment relationship.

The Government and the community jointly seek to expand employment opportunities both inside and outside the employment relationship. All government policies, both central and regional, in each sector are directed to realize the expansion of employment opportunities both inside and outside the employment relationship. Financial institutions, both banking and non-banking, and the business world need to assist and provide facilities for every community activity that can create or develop employment opportunities.

Provisions in Article 39 of the Employment Act provide space for companies to open

employment relationships with atypical workers. Nevertheless, the Employment Act has not yet reached the context of work relations in atypical workers. In connection with the concept of the Pancasila **rule of law, the** legal relationship that must be built is a work relationship that is based on the values of the Pancasila. Suherman Toha, referring to Pancasila as a philosophical foundation, the Industrial Relations of Pancasila must grow and develop by implementing the main ideas of Pancasila values which are: Pancasila Industrial relations are based on the whole precepts of Pancasila as a whole and round that cannot be separated from each other; Pancasila industrial relations believe that work is not just looking for a living, but working as human service to God Almighty; **In the Pancasila Industrial Relations, workers are not only regarded as mere factors of production, but as personal persons in accordance with their dignity and nature;** In Pancasila Industrial Relations, employers / employers and workers / laborers are not differentiated because of class, creed, politics, understanding, flow, religion, ethnicity or gender.

Because Pancasila Industrial Relations seeks to develop an orientation towards national interests; **In accordance with the** principles of deliberation and consensus, **the Pancasila Industrial Relations** eliminate differences and develop similarities in order to create harmony between

Malaysian **Journal of Syariah and law** | ????????? ????????? ????????? ???? | Vol 8, No.2, pp. 31-40 | December 2020 workers and employers. Industrial Relations of Pancasila believe that any differences of opinion and disputes that arise must be resolved by consensus and not resolved by coercion by one party to another party; In Pancasila Industrial Relations, it is encouraged to create social justice for all Indonesian people, and for that the entire results of the company's efforts must be shared by **employers and workers in a** harmonious, balanced and equitable way.

Harmonious and balanced in the sense that each party gets an adequate portion **in accordance with their** functions and achievements. It is evenly distributed in the sense that every decision by company can be enjoyed by all members of the company (Suherman Toha, 2010). The importance of protection for workers is usually in the face of the interests of employers to survive in running their businesses, so that workers who have a weak bargaining position face directly with strong employers (Eggy Sudjana, 2005).

In the context of atypical work, employers and workers may **never meet, legal relationships are only established via applications or in cyberspace only.** As a result, **when problems occur, workers have little** opportunity to file complaints with employers. Even the employers can sever partnership relations unilaterally with workers without providing opportunities for the workers to provide clarification. The employer can add or reduce workers flexibly without a long mechanism to minimize losses. The situation is inseparable from the existence of labor law that at the beginning of its development is an ordinary civil law, which is based **on the existence of** an agreement between the parties who have a job (employer / entrepreneur) but cannot do their own work, so requires other workers to do the jobs. The agreement is based on the principle of freedom of contract, which results in each party is free to determine the contents of the agreement **in accordance with their** free will.

The fact that one of the **parties, namely workers who do not have free will in entering into an agreement because factually that workers are highly dependent on the work is not a consideration, so that work relationships** based on agreements that are not based on the free will of the workers are still considered valid. Related to labor protection, Imam Soepomo states that the **protection of workers are divided into 3 (three) types, i.e. Economic protection, which is a type** of protection associated with efforts to provide workers an income that is sufficient to meet their daily needs for themselves and their families, including in the case that the worker is unable to work because of something against his will. **This protection is called** social security.

Social **protection, which is a** protection relating to social enterprises whose purpose is to

enable the worker to enjoy and develop his life as a human being in general and as members of the community and family members or commonly referred to as occupational health. Technical protection, which is a type of protection relating to efforts to protect workers from the danger of accidents that can be caused by equipments or by materials that are processed or worked by the company. This protection is called work safety (Zaenal Asikin et.al., 2010). In the era of the Industry 4.0, relations between workers and employers are no longer in the form of employment relations but partnerships.

According to Harijanto, the pattern of work relations that developed in the era of the fourth industrial revolution is partnership. Changes in employment have an impact on wages. According to him, stakeholders have anticipated that and there has been a growing discourse regarding wage payments which are calculated hourly, day, weekly and monthly. Regarding partnerships, Agusmidah emphasizes that the basis must be the balance of the parties. For example, a work agreement must be based on the principle of mutual agreement.

But in fact, the work agreement is made unilaterally by the employer so that workers are forced to sign it. "That is the function of the state to neutralize the imbalance by making regulations. The regulation contains restrictions and sanctions for violating parties (T. Taryono, Arie Purnomosidi, and Ratna Riyanti, 2019). Associated with economic and social protection, through a partnership pattern, employers can get away from their obligations to provide various other benefits to workers such as social security, holiday benefits, overtime pay, family benefits, and pensions.

This condition is certainly very beneficial for



THE LEGAL PROTECTION OF ATYPICAL WORKERS IN INDUSTRY 4.0 IN INDONESIA  
employers in which they do not need to spend additional expenses other than wages for work performed by workers. Even with the application system that is owned and controlled by the employer, the employer can automatically cut income, or change the income scheme of the workers unilaterally. The employer also has no obligation to provide technical protection and health insurance to the worker, even if the worker experiences illness or injury during working hours.

Conclusion The Employment Act has not yet regulated legal relations and labor protection in the context of atypical work. Work relations in the concept of atypical work are not based on formal employment contracts. The pattern of legal relations established is a partnership pattern that causes employers have a gap not to provide workers' rights as stipulated in the law. The employer could even break the partnership relationship without providing space for workers to give clarifications. In future labor law reforms, the state needs to take a role by making regulations concerning work protection for atypical workers.

The government through the regulator should amend the manpower law which formulates the form of work, namely atypical workers. This form of work must be stated in the employment contract, even though the work contract is an electronic contract. Regulators must regulate economic protection, health protection, and technical protection for atypical workers. REFERENCES: Agusmidah. 2011. Dilematika Hukum Ketenagakerjaan; Tinjauan Politik Hukum, Cet. I. Jakarta: Sofmedia. Asikin, Zainal. et.al. 2010. Dasar-Dasar Hukum Perburuhan. Jakarta: Rajawali Pers. Aurachman, Rio. 2019. "Model Matematika Dampak Industri 4.0 terhadap Ketenagakerjaan Menggunakan Pendekatan Sistem. " Jurnal Optimasi Sistem Industri, 18(1), 14-24. Bardazzi, Rossella, and Silvia Duranti.

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