

Regulation and Supervision of Partnership Relations in the Digital Era: A Responsive and Fair State Administrative Law Perspective

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Abstract. *The transformation of industrial relations in the digital era has encouraged the development of partnership patterns that offer flexibility, but simultaneously give rise to problems in the form of unequal bargaining positions, unclear legal status, and limited protection for parties who are in a factually weaker position. This study aims to analyze the government's responsibility in regulating, supervising, and providing protection for partnership relationships and formulating a responsive and equitable regulatory construction. The study uses a normative legal method with a statutory and conceptual approach. Primary legal materials consist of laws and regulations relating to employment, government administration, and partnership relations, while secondary legal materials consist of books, journal articles, and relevant research results. The results of the study indicate that partnership relations cannot be completely left to contractual freedom because legal equality does not necessarily reflect factual equality. The government has a responsibility to be present through its regulatory, supervisory, and legal protection functions. The construction of responsive and equitable partnership relationship regulations needs to be directed at clear classification of legal relations, the establishment of minimum standards of protection, transparency of rights and obligations, adaptive supervision, complaint mechanisms, and effective administrative law enforcement. The novelty of this research lies in its placement of partnership relationships as an object of administrative regulation, combining substantive classification, minimum standards of protection, adaptive oversight, and administrative enforcement. Such regulation is necessary to maintain a balance between digital economic flexibility and legal certainty and substantive justice for the parties.*

Keywords: *Administrative Partnership; Responsibility; Supervision.*

1. Introduction

The Industrial Revolution 4.0, marked by the development of information technology and digitalization, has brought significant changes to industrial relations patterns. These changes not only concern production processes and the use of technology, but also affect the relationship between workers and employers. Employment relationships, previously

largely based on conventional employment relationships, are evolving toward more flexible partnerships. These changes require legal adjustments to prevent industrial relations from creating uncertainty or inequality in practice (Satya, 2018). These developments also require the government to respond to changing societal needs and evolving industrial relations patterns through adaptive policies that provide legal certainty.

Partnership relationships are fundamentally built on the principles of equality, mutual need, mutual trust, mutual reinforcement, and mutual benefit. However, formal equality does not necessarily reflect actual equality, as in practice, unequal bargaining power can arise between the parties performing the work and the employer or company. Even in employment relationships, agreements can be drafted unilaterally, leaving the weaker party with the option of accepting the stipulated terms. This situation demonstrates that partnership issues cannot be viewed solely as a matter of private law or freedom of contract, but also involve the public interest. In such circumstances, the presence of the state through policies and regulations is necessary to neutralize the imbalance between the parties and provide legal protection.

From the perspective of State Administrative Law, the government not only plays a role as a regulator but also has regulatory, supervisory, and protective functions for the public. Therefore, the shift in industrial relations patterns toward partnerships raises questions about the extent to which the government is capable of formulating responsive policies while simultaneously overseeing the implementation of these relationships. The state needs to ensure that the use of partnership construction does not actually reduce protection for parties with weaker bargaining positions. Therefore, government intervention is crucial to create a balance between the freedom of the parties to establish partnerships and the state's obligation to safeguard the public interest, legal certainty, and justice in industrial relations.

The need for the state's role is in line with the concept of responsive law developed by Nonet and Selznick, who view law as part of social life and must be able to respond to changes and societal needs (Nonet & Selznick, 1978). Law is not enough to be placed only as a set of formal norms, but must be able to carry out social functions and provide responses to societal developments (Rahardjo, 2000). Therefore, this study does not view partnership agreements solely as private relationships, but rather focuses on the government's responsibility in regulating, supervising, and providing legal protection for the development of partnership relationships in order to create responsive and equitable industrial relations.

2. Research Methods

This study employs a normative legal research method, positioning law as the norm governing government authority and responsibility in partnership-based industrial relations. The approaches employed include a statutory approach and a conceptual approach. The statutory approach examines constitutional provisions, labor regulations, and other regulations related to government authority, partnership relations, supervision, and legal protection. Meanwhile, the conceptual approach analyzes the concepts of the rule of law, government authority, legal protection, and responsive law as a basis for assessing the government's ability to respond to developments in partnership relations within industrial relations (Marzuki, 2017).

The legal materials used consist of primary legal materials and secondary legal materials. Primary legal materials include laws and regulations related to employment, government administration, and partnership relations, while secondary legal materials include books, journal articles, research results, and scientific literature relevant to State Administrative Law and industrial relations. The collection of legal materials is carried out through library studies, then analyzed qualitatively and prescriptively by identifying, interpreting, and connecting legal norms with concepts and theories used to formulate a more responsive and equitable form of government regulation and supervision in partnership relations (Soekanto & Mamudji, 2015).

3. Results and Discussion

3.1. Transformation of Industrial Relations and Partnership Problems in the Digital Era

The development of digital technology has brought significant changes to the structure of the workplace and industrial relations patterns. The Industrial Revolution 4.0, characterized by the use of the internet, automation, artificial intelligence, and various digital-based technologies, has led to the emergence of increasingly flexible work patterns that do not always follow conventional forms of employment. While digitalization can increase production efficiency and open up new economic opportunities, it also brings about changes in the nature of work, reward mechanisms, and the relationship between those who provide and those who perform the work (Satya, 2018). The impact of the Industrial Revolution 4.0 on employment and industrial relations patterns shows that digital transformation has changed the structure and character of employment relationships. The development of digital platforms has even given rise to new forms of work that do not always conform to traditional concepts of employment relations (De Stefano et al., 2021).

In the Indonesian legal system, industrial relations essentially involve workers, employers, and the government as interrelated elements in creating harmonious, dynamic, and equitable industrial relations. However, the development of the digital economy has made the relationships between these actors more complex. Employment models are no longer based solely on fixed and hierarchical employment relationships, but have evolved into various forms of flexible employment, including work constructed as partnerships. These changes demonstrate that the transformation of industrial relations is not merely a technical change in the implementation of work but also has consequences for the legal status, rights, obligations, and forms of protection enjoyed by those performing the work.

A partnership is conceptually different from an employment relationship. Partnerships are built on the principles of mutual need, trust, mutual reinforcement, and mutual benefit, placing the parties on relatively equal footing. The nature of a partnership is not that of an employee and employer or a superior and subordinate, but rather a reciprocal relationship based on a proportional sharing of risks and benefits (Gofur, 2010). In the development of the digital economy, the partnership construct is widely used to regulate relationships between platform-based companies and those providing services through those platforms. Flexibility is one of its key characteristics, as individuals can obtain employment or income without being tied to conventional employment patterns.

However, the use of the partnership construct raises issues when legal equality is not accompanied by factual equality. In an ideal partnership, both parties should have relatively equal ability to determine the content, implementation, and sustainability of

the relationship. In platform economic practices, companies can have a more dominant position due to control over technology, access to consumers, determining service delivery mechanisms, assessment systems, and even mechanisms for granting or terminating access to work. Conversely, parties referred to as partners may have more limited latitude in determining the terms of the relationship. Therefore, calling a relationship a "partnership" does not in itself prove that it truly operates on the basis of balanced bargaining power.

This issue is increasingly important because the legal status of a relationship determines the form of protection an individual can obtain. Research on platform workers in Indonesia shows classification issues when digital workers are classified as partners or independent contractors, thus not automatically receiving the protections applicable to workers in conventional employment relationships. Oey points out that the construction of partnership agreements for app-based drivers can lead to misclassification issues when the actual nature of the relationship has certain elements that resemble an employment relationship (Oey, 2024). This situation demonstrates that the main issue is not simply the form of the contract used, but rather the compatibility between the formal legal status and the actual conditions of the relationship.

This problem is further reinforced by a study by Izzati and Kwang, which shows that the development of platform-based employment has exposed the limitations of Indonesia's regulatory framework. Conventional employment relationships cannot always encompass the nature of platform work, but at the same time, the concept of partnership, as recognized in regulations concerning micro, small, and medium enterprises, is also not fully compatible with platform relationships, which can lead to dependency and inequality between the parties (Izzati & Kwang, 2025). Other research even suggests that partnerships in the gig economy have the potential to be used in ways that deprive the parties performing the work of some of the protections commonly found in employment relationships, necessitating legal reforms that can accommodate the characteristics of modern partnership relationships (Wibowo, 2023).

These changes demonstrate that the transformation of industrial relations in the digital era brings two imperatives that must be reconciled. On the one hand, flexibility in partnership relationships must be maintained, as it can create new job opportunities and sources of income. On the other hand, flexibility should not be used to justify relationships that create unequal positions or reduce protection for the factually weaker party. Developments in international labor law are also moving in this direction. The ILO, through Convention No. 193 concerning Decent Work in the Platform Economy in 2026, emphasizes, among other things, the importance of classifying platform workers' status based on the actual performance of work, access to social protection, transparency of working conditions, and compliance and enforcement mechanisms (ILO, 2026).

Thus, the transformation of industrial relations toward partnerships in the digital era cannot be analyzed solely through the perspective of freedom of contract. These changes have given rise to issues related to the unclear legal status of relationships, unequal bargaining power, limited protection, and the ability of regulations to adapt to new work patterns. This imbalance between the parties is a condition that requires the presence of the state through regulation. This issue further places partnerships within the dimension of State Administrative Law, because the state is not sufficient to simply recognize the relationships formed by the parties but must also determine how the regulatory, supervisory, and protective functions are implemented to ensure that the development of partnerships remains in line with legal certainty and justice.

3.2. Government Responsibilities in Regulating, Supervising, and Protecting Partnership Relationships

The development of partnerships in the digital era has consequences for the government's role in organizing industrial relations. While partnerships are essentially born from mutual agreement, this private nature does not mean the state can completely hand over these relationships to contractual mechanisms. Within the concept of a welfare state, the government serves not only to maintain order but also has an obligation to actively create social and economic conditions that enable the community to obtain protection and prosperity. This development of government functions has led to State Administrative Law not merely regulating the limitations of government power but also becoming an instrument for the government to meet the needs of the community through regulatory, service, oversight, and protection functions (Ridwan HR, 2020). In the context of partnerships, these functions become crucial when there are differences in economic capacity and bargaining power between the company and the party performing the work as a partner.

The presence of the state becomes necessary when the agreement is factually determined more by the employer and the working party is in a position to accept the provisions that have been formulated. In such circumstances, the state is needed to neutralize the imbalance by establishing regulations, restrictions, and imposing consequences for violations. This idea is relevant from the perspective of State Administrative Law because government intervention is not intended to eliminate the parties' freedom, but rather to ensure that such freedom does not result in injustice. Legal protection is essentially related to efforts to guarantee the rights of the community while preventing the use of power, both public power and factual domination, which could harm other parties (Hadjon, 1987).

The government's primary responsibility is realized through its regulatory function. The government needs to establish a legal framework that clearly distinguishes between employment and partnership relationships and defines the minimum standards that must be met in implementing partnership relationships. Regulation is necessary because designating a relationship as a partnership does not always reflect a true balance. In certain circumstances, parties formally designated as partners may be economically dependent on the company and have limited ability to determine the content of the legal relationship. Therefore, regulations must be able to anticipate the use of partnership constructions that are formally legitimate but substantively create imbalances. From a government administration perspective, all government policies and actions must be based on legitimate authority and implemented in accordance with laws and regulations and the General Principles of Good Governance (Ridwan HR, 2020). This principle aligns with Law Number 30 of 2014 concerning Government Administration, which places authority and the AUPB as the basis for governance to achieve justice and legal certainty.

The government's presence through regulations is already evident in the implementation of Indonesian employment. Law No. 13 of 2003 concerning Manpower and its amendments not only regulates employment relationships but also encompasses guidance, supervision, protection, investigations, and administrative sanctions. In certain sectors, government intervention is also evident in the regulation of app-based transportation. Article 15 of Minister of Transportation Regulation No. 12 of 2019 expressly states that the relationship between app companies and drivers is a partnership, yet the same regulation still provides provisions regarding protection for drivers and the public. This situation demonstrates that recognizing a partnership

relationship does not automatically eliminate the scope for government intervention. Instead, the government can still set certain standards as necessary to protect public interests.

In addition to its regulatory function, government responsibility is also realized through its supervisory function. Supervision is necessary to ensure that established norms do not stop at the formal level, but are actually implemented by business actors. Administrative supervision is essentially an instrument for measuring compliance with legal provisions and also serves as a means of preventing violations. In government administration, supervision has a preventive function because it enables the government to detect deviations before they cause greater consequences, and can also serve as a basis for corrective action if violations are discovered (Hadjon et al., 2015). In partnership relationships, supervision is especially important regarding aspects of agreement transparency, unilateral changes to partnership provisions, reward mechanisms, termination of access to employment, and other forms of company policies that directly affect the position of partners.

The strengthening of the supervisory function is evident in Minister of Manpower Regulation Number 11 of 2026 concerning Procedures for Labor Supervision. This regulation governs supervision through coaching, inspections, testing, investigations, monitoring systems, reporting, and determining a company's compliance status. However, the development of partnership relationships has given rise to a new issue: the extent to which labor supervision instruments can extend to relationships formally categorized as partnerships and not employment relationships. This issue is crucial because if supervisory authority is only effective for conventional employment relationships, then parties qualified as partners may find themselves in a different sphere of protection despite their actual dependence on the company. Therefore, the transformation of industrial relations patterns requires the government to evaluate not only the substance of regulations but also the scope of its authority and supervisory instruments.

The next responsibility is to provide legal protection. According to Hadjon, legal protection for the community can be divided into preventive and repressive protection. Preventive protection is aimed at preventing actions that could harm the community, while repressive protection is provided after a dispute or violation has occurred (Hadjon, 1987). In the context of a partnership, preventive protection can be realized through obligations for transparency in agreements, establishing minimum standards for rights and obligations, prohibiting highly unbalanced clauses, and requiring notification before policy changes that affect partners occur. Meanwhile, repressive protection can take the form of complaint mechanisms, inspections by authorized authorities, dispute resolution, and the imposition of administrative actions or sanctions if violations of established provisions are found.

Providing such protection does not mean that the government must transform all partnerships into employment relationships. Flexibility remains an important characteristic of partnerships and can provide economic benefits to all parties. However, this flexibility must be placed within a protective framework that ensures that one party does not use its economic position to unilaterally establish terms and conditions that disadvantage the other party. Therefore, the state must proactively participate in regulating partnership-based industrial relations patterns to create fair and equal relationships. Therefore, government intervention should be directed at creating a

balance between partnership freedom and protecting the public interest, not eliminating the parties' autonomy.

From a responsive legal perspective, these regulatory, supervisory, and protective functions demonstrate that the government cannot remain passive when social developments give rise to new forms of legal relations that have not yet been fully accommodated within the legal system. Nonet and Selznick emphasize that responsive law must be able to adapt legal institutions and policies to social needs and the substantive goals to be achieved (Nonet & Selznick, 1978). Within this framework, law is viewed as part of the social environment and therefore must be able to respond to changes and societal needs. Therefore, the government's responsibility in partnership relations cannot be realized simply through the creation of regulations, but must be built within a unity of clear regulations, effective supervision, and legal protection accessible to the injured party. These three functions form the basis for creating partnership governance that remains flexible but does not neglect legal certainty, balance of positions, and justice.

3.3. Construction of Responsive and Equitable Partnership Relationship Arrangements

The development of partnerships in the digital era requires the construction of regulations that not only provide certainty regarding the legal relationship between the parties but also are able to respond to changes in the nature of work and prevent the emergence of inequality in its implementation. The regulation of partnership relations cannot rely solely on the freedom of the parties to determine the content of the agreement because formal freedom does not necessarily indicate a factual balance. In conditions where one party has significantly greater economic capacity, technological mastery, market access, and the power to determine the terms of the partnership, the state needs to establish a regulatory framework that maintains a balance between the flexibility of the partnership relationship and protection for the party with a weaker bargaining position. Thus, the construction of regulations for partnership relations must be placed as part of the government's responsibility to create legal certainty, balance of interests, and justice in industrial relations.

This construction aligns with the responsive legal thinking developed by Nonet and Selznick. Responsive law positions law not as a system closed to societal developments, but rather as an institution that must be able to adapt to social change and societal needs (Nonet & Selznick, 1978). This concept emphasizes that responsive law must be open to social change and oriented toward fulfilling the social needs it seeks to serve. Therefore, responding to the development of partnerships cannot simply be done by maintaining existing legal categories, but requires the government's ability to evaluate whether these regulatory instruments are still capable of providing effective protection. Responsive law, therefore, is not only oriented toward formal legality but also considers the social consequences arising from the implementation of a form of legal relationship (Rahardjo, 2000).

The first step in establishing responsive arrangements is to provide clarity regarding the nature and boundaries of partnership relationships. The use of the term partnership should not be determined solely by the nomenclature contained in the agreement. The government needs to establish substantive measures to distinguish partnerships that are truly based on equality from those that actually demonstrate dependency and subordination. Elements such as freedom to determine work methods, the ability to determine the time and amount of work, freedom to collaborate with other parties,

mechanisms for determining rewards, risk sharing, and the level of company control can serve as indicators for assessing the true nature of the relationship. Such an approach is necessary to prevent the agreement from being used to evade legal protections that should be afforded to parties who are in a weaker position.

Second, partnerships need to be equipped with minimum standards of protection without eliminating the flexibility of the partnership itself. These standards should at least include transparency of the parties' rights and obligations, a mechanism for establishing and amending partnership terms, clarity regarding rewards and risk sharing, protection against unilateral actions, procedures for terminating the partnership, and a mechanism for objections or complaints. This construction is not intended to make all partnerships into employment relationships, but rather to ensure that freedom of contract does not develop into the freedom of the stronger party to unilaterally determine the entire relationship. From a legal protection perspective, such arrangements constitute a form of preventative protection because they attempt to prevent losses and disputes before they occur (Hadjon, 1987).

Third, the construction of responsive partnership relationships needs to be supported by an adaptive government oversight system. Supervision cannot be solely directed at conventional employment relationships; it must also adapt to changing forms of industrial relations. Ministerial Regulation No. 11 of 2026 has updated labor inspection procedures through guidance, inspections, testing, investigations, monitoring systems, reporting, and determining company compliance status. However, the development of partnership relationships raises issues regarding the limits of oversight if the parties performing the work are not formally qualified as workers. Therefore, future regulations need to provide clarity regarding the government's authority to conduct inspections of partnership practices when there are indications of abuse of legal relationship status or inequality that is detrimental to certain parties.

Fourth, regulations must provide effective repressive protection mechanisms and administrative law enforcement. When supervision identifies violations of established partnership standards, the government needs to have proportionate corrective instruments. These instruments can take the form of administrative warnings, remedial orders, obligations to restore the rights of the aggrieved party, certain restrictions on business activities, or other forms of administrative sanctions within the authority granted by laws and regulations. From a State Administrative Law perspective, administrative sanctions are not merely intended as punishment, but rather as an instrument to restore compliance with norms and ensure the effectiveness of government policies (Ridwan HR, 2020). At the same time, complaint mechanisms must be easily accessible so that aggrieved parties have the means to request investigations and protection.

This construction must also be based on the General Principles of Good Governance (AUPB). Policy formulation, supervision, and administrative actions in partnership relationships must be carried out based on legal certainty, accuracy, impartiality, openness, the public interest, and good service, as are the principles of government administration. With this foundation, the government is not merely present as a regulator that limits the freedom of business actors, but as a public institution that ensures that the process of organizing economic relations does not give rise to injustice. Government authority must therefore be used proportionally: strong enough to provide protection, but not excessive to the point of eliminating the flexibility and innovation that characterize the digital economy (Ridwan HR, 2020).

The aspect of justice is also a crucial element in this construction. Rawls views justice not only as relating to equal freedom, but also to how social and economic inequalities are regulated so that they provide fair benefits and do not deny opportunities to others (Rawls, 2006). The principle of freedom and the regulation of socio-economic inequalities can be used to analyze industrial relations, while maintaining the freedom to enter into agreements as a right of the parties. However, this freedom is not absolute. When there are imbalances in economic power and bargaining power, the government can intervene proportionately to ensure that these inequalities do not develop into practices that disadvantage the weaker party.

Thus, a responsive and equitable partnership relationship arrangement must be constructed through clear legal relationship classifications, minimum standards of protection, transparency of rights and obligations, adaptive government oversight, complaint mechanisms, and effective administrative law enforcement. This arrangement is not aimed at eliminating partnership relationships or standardizing them into conventional employment relationships, but rather at creating a balance between economic flexibility and legal protection. This emphasizes the importance of the state proactively regulating partnership-based industrial relations patterns to create justice. From the perspective of State Administrative Law, administrative regulation, supervision, protection, and enforcement must be placed as a unified government policy. With this arrangement, the law can truly function responsively to developments in industrial relations while maintaining legal certainty and substantive justice for the parties.

4. Conclusion

The transformation of industrial relations in the digital era has encouraged the development of partnership patterns that offer flexibility, but at the same time raises issues regarding unequal bargaining positions, unclear legal status, and limited protection for parties in a factually weaker position. Therefore, partnerships cannot be positioned solely as private relationships that are entirely left to the freedom of contract. From the perspective of State Administrative Law, the government has a responsibility to be present through regulatory, supervisory, and legal protection functions to ensure that partnerships continue to operate within the corridors of legal certainty, balance, and justice. The construction of responsive and equitable partnership relationship regulations needs to be built through clear classification of legal relationships, the establishment of minimum standards of protection, transparency of rights and obligations, adaptive government oversight, complaint mechanisms, and effective administrative law enforcement. These regulations are not intended to eliminate the flexibility of partnership relationships, but rather to prevent misuse of partnership forms that could harm certain parties. Thus, the government must position partnership relationships as part of the public interest that requires an active policy response, so that the development of the digital economy can continue without neglecting legal protection and substantive justice for the parties.

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