

CHAPTER IV

CLOSING

4.1. Conclusion

1. The assessment of the legal relationship between Shopee Express couriers, labor service provider companies, and Shopee Express must be based on whether the elements of work, wages, and command under labor law are fulfilled. The existing condition shows a layered legal relationship within the outsourcing mechanism, so the use of the term partnership does not automatically eliminate the possibility of the emergence of an employment relationship if the elements of an employment relationship have been substantively fulfilled.
2. The legal position of Shopee Express couriers is more appropriately understood as workers within an app-based digital economy ecosystem who work through an outsourcing system, particularly when the performance of their work depends on the company's system, regulations, and commands, and is not carried out independently as business actors. The existence of dedicated couriers who receive a basic salary, incentives, religious holiday allowance, BPJS, fuel money, and a structured work pattern further confirms that the main issue lies in the certainty of legal status and the basis of protection attached to such employment relationship. Labor service provider companies are responsible for ensuring clarity of employment relationships, written agreements, fulfillment of normative rights, social security, and occupational safety, while Shopee Express as the work-giving company

remains obliged to ensure that all such obligations are fulfilled in accordance with the provisions of statutory regulations. Therefore, legal protection for couriers must be understood as a responsibility attached to both parties according to their respective positions and roles.

4.2. Recommendations

1. Labor service provider companies need to provide clarity regarding the legal status of couriers from the beginning of the employment relationship through a written agreement held by the parties. Such agreement needs to contain the status of the legal relationship, the rights and obligations of the parties, the payment system, social security, protection against work risks, and the rights of couriers when the employment relationship ends.
2. Shopee Express as an application company and work-giving company needs to ensure that labor service provider companies fulfill the protection of couriers' rights in accordance with the provisions of statutory regulations. The government, through the Ministry of Manpower and labor inspectors, also needs to strengthen the regulation and supervision of outsourcing in the app-based digital economy sector so that partner status is not used to obscure employment relationships and reduce legal protection for workers.