

THE GIG ECONOMY AND THE SOCIAL CONTRACT: RETHINKING LABOR LAWS AND SOCIAL PROTECTION IN THE DIGITAL AGE

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Abstract

The rapid expansion of the gig economy has radically reshaped the actual nature of work, undermining the actual accepted concept of the employment as well as labor rights and social protection. The forms of labor code which the digital platforms propose are temp but more recently they are prone to face being outside the vires of labor issues traditional that exposes them to lack reliable income, yet it has its privileges and incompetence of law over the laborers. The country of India has a tremendous growth of gig economy, whereby millions of employees depend upon the applications that cover Uber, Swiggy, or Zomato to get their income. However, this type of workers is normally subjected to significant degrees of oppression like; the absence of being able to accrue socially, the employment system and minimum wages. The current paper is a critical discussion of the compatibility of the social contract with respect to the gig working, and the reminders in the policies on labour laws and social protections systems that should be sought to address the interests and well-being of the gig workers. The analysis relying on the comparative analysis of the global policy practice(s) under scrutiny, the paper will reveal the gap in the existing paradigms (particularly, in the context of India where in relation to the employment of digital gigs, the legislation on labour does not deliver any significant results regarding the specificities of the recently emerged sphere). In the article, the suggestion approaches permitting digital labour market with social security, minimum requirements and labour protection. In the analysis of the labor rights under digitalization era, the paper argues that the more stable and expansive social contract can be received to cash in on well-being, innovativeness, and make-ability of the personnel in the digitalized age, in the so-called emerging economies in the era of digitalization, and India is one of such countries.

Keywords: Gig economy; Labor rights; Social protection; Digital platforms; Employment law; India

I. Introduction

The gig economy refers to the process of growing trend of short-term, flexible, and also often precarious work which was facilitated by the digital platforms. Their most important source of income is being offered by the vast amounts of workers in India, as well as, the entire world, and the development of ride-sharing apps such as Uber or food delivery applications such as Zomato and Swiggy. This is however not as is the case with formal jobs where legal and social supports against gig work do not exist. The idea of development of the social contract which has been applied to give the employees their right to proper wages, insurance, workplace safety and social

security is slowly becoming incongruent with the truth of the gig employment.

Within the context of the given paper, that will be an endeavor to critically analyze the virtues of the gig economy within the existing communities and how it complies with the tenets of the social contract (Deffains et al., 2022). It attempts to respond to the query of whether the present labor laws are comprehensive enough to respond to the inquiries regarding the nature of addressing the issues regarding the gig employment issues more so in the instance of the rising economies (including India) and suggests the potential measures of expanding the range of labor rights and protections granted to the gig laborers.

The Gig Economy and Its Impact on Employment

The gig economy has mainly rapidly expanded, largely which is driven by the huge proliferation of the digital platforms. The gig economy turned out to be an essential element of working in India, and the network of Uber, Ola, Swiggy, and Zomato consists of millions of employees in the metropolis. These employees are typically accepted as independent contractors and thus are at liberty to work the hours they desire and can even make revenues depending on the demand.

However the primary negative effects of the type of flexibility are also important. The facilities available to the official workers i.e. paid holidays, a health cover and retirement benefits are not available to the gig workers(Jain et al., 2022). Besides, they are usually unpredictable and inconsistent in their income hence are unable to plan financially. It is the absence of an employer-employee that referred to the gig workers to exploitation; the gig worker has very little to do in case of a dispute or to pay in the event of injury that might happen throughout the working process.

Challenges of the Current Labor Laws

The various existing labor laws of India (and majority others) makes the traditional employment as their main point of focus. These legislations were pursuant to the implication that the whole terminat and ended employer worker relationship should exist. The gig economy, on the contrary, operates by another business suite, i.e., workers are not the employees, but independent employees(Van Doorn et al., 2022). This very change produces a gigafissure in work protection because the relevant legislation lacks the very characteristic of the problematic issues of gig employees.

This leaves Indian Gig Workers whose voluntary service falls under the limitations of the Industrial Disputes Act and the Payment of Wages Act unable to travel anywhere provided they offer the same consideration to the terms of the minimum wage, the security of the workplace as well as a social security. Secondly, there is also the dilemma of uncertainties in the employment relation that exposes the risk of employees demanding their rights since in most cases, they are not regarded to be employees but rather as independent contractors.

Global Approaches to Gig Economy Regulation

The gig economy has led to renewing the social protection regimes as well as labor legislation across the entire globe(Ness et al., 2022). The California state issued an assembly bill that bears the name of bill 5 (AB5) on the ground of which work of the gig worker will be re-shrunked to an employed worker as opposed to his or her work being that of an independent contractor. Even though receiving certain criticism among the persuaders of gig enterprises, such as Uber and Lyft, the bill brought a more significant debate on the importance of the issue of labor security when being a gig worker.

On the same note, the European Union via the European Commission has been negotiating on the supply of social protection to the platform workers. It has also been proposed to develop a proposal that can establish a European pillar of platform employees to guarantee the social security, working terms, and work-related rights to gig staff. By doing so, it implies that the applicability of such changes in the work place is increasing as a result of labor legislation transformation that is more inclined to react to the fluctuating nature of the working environment.

The Indian Scenario: Gaps and Opportunities

A common challenge also plaguing India is a deficiency of elaborate labor legislations defining gig employees (Kocher et al., 2022). Amid the increased proportion of the gig work within the urban areas, there is no unified system of law enforcement that would accommodate the demand of this type of workers. Indian government Whitening has entailed provisions of protection to gig workers within the draft Code on Social Security which has been established in the year 2020. This implementation of the said such provisions is however yet to be borne out.

One of the India conundrums has been whether it is a way of space-sharing the gig-work and the necessity to provide the protection of workers. In some cases, gig workers will also have freedom and flexibility provided by the platform, and, simultaneously, they also can be easily misused owing to the deficit of the legal protection. The old system is characterised by the absence of reality of the propriety of the rights of the workers and the ability to pay them good salaries depending on the amount of effort they devoted to the work.

Reforming the Social Contract: Proposals for Change

To cover the currently not covered areas by the labor legislations, the paper suggests certain modifications to the existing ones and devises more desirable social contract between the parties that are engaged in the gig:

Gig Workers Recognition: With the Gig Workers being Employees, an initial step toward the change in the labor regulation would classify the Gig Workers as such since the new status of Gig Worker was to be an Employee not an independent contractor (Beckmann et al., 2022). This would bring them under labor protective benefits such as minimum wages, medical cover among others.

Social Security Framework: The gig workers should have a strong social security framework. This has to embrace the applications of health insurance, the retirement benefits and unemployment benefits. With the help of the government, the private sector should be involved into agreeing on a structure that will not subject the gig workers to life outside the social safety net.

Minimum Wage law: The minimum wages to workers should be established so that these individuals are not exploited by their employers. It will be anticipated to be an amount that is pegged by the cost of living in the areas where it will be operating in and of course that it is to be changed as well.

Platform responsibility: Gig platform providers will also ensure fairness to the workers will be sufficiently fulfilled by the concerned companies. This involves making sure the employees are provided a system of redress of grievances and compensated in addition, money as a consequence of a job-related accident or even a conflict.

Liquidity of Labor Standards: On one hand, there must be the safeguards and on the other hand, there must be the freedom that is much needed on the gig working (Doellgast et al., 2022). Labor

act must also be modified to offer the flexibility and security that will make sure that the employees will be able to pass on to the merits of autonomous working without facing exploitation.

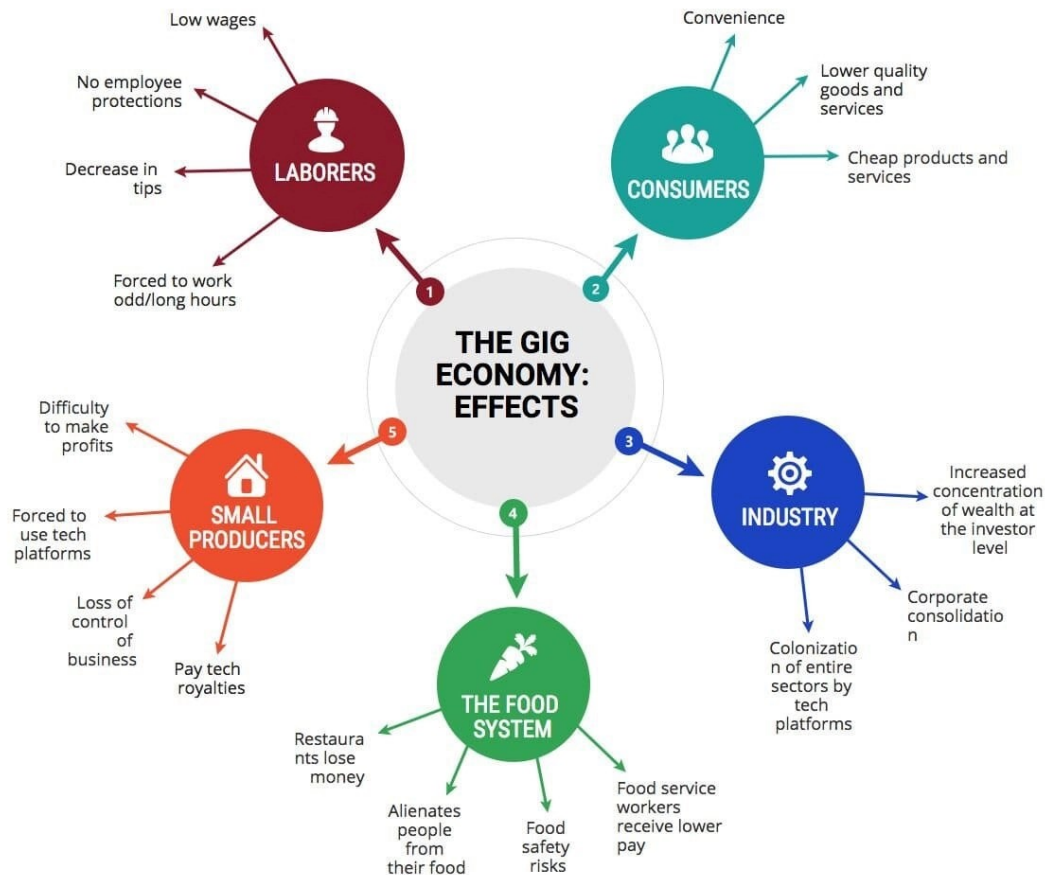


Figure: Gig economy effects

Literature Review

As the study by S. Kring and V. Leung (2021) examines, the reason is the developed character of the job at the time of the digital age and the need of the governments reviewing and revising the existing labor legislation. The authors also point to the fact that the emergence of the mobile based platform and the gig economy has revealed abhorrent gaps in the traditional models of the social contract. In investigating the same, Kring and Leung assess how the unregulated platforms contribute to the new form of job organization of clothing that entrapped workers at the lowest division that propels this to an uncertain state and leaves the workers in a state of lack of assurance instead of joblessness, medical care and insurance coverage(Kring et al., 2022). They also propose e-formalization of labor in the landscape of the new environment, and consider implementation of digital based platform as a subsystem of the system of labor protective in the countries to administer equity in work treatment and protection of the workers which happen to be workers in the system of the gig-economy.

As the author states (N. Van Doorn, 2022), he refers to the notion of platform capitalism and its popularity with the social contract. The paper talks about the uses of unrecognized groups in the gig

economy including migrants due to the exclusion of welfare schemes, which is practiced in some countries. Van Doorn does not subscribe to the existing socially contract and indicates the impossibility to define anything as a social contract and utilize sufficient protection of gig workers, particularly with the outsiders of the mainstream welfare policy. Considering the systematic inequality of the platform economy, the paper has alluded to place the social welfare systems on a revision so as to appreciate the advocate of the gig workers as part of the greater social contract. The work is dedicated to two issues related to the promotion of the notion of innovation and protecting the rights of the employees in a sphere of the gig economy, as it has been mentioned in one of the articles by A. Jain (2024). As Jain states, this would require presence of unobtrusive policy framework that would not overshadow the issue of innovation, in order to keep the gig workers safe. The reality that the gig economy is linked to novel conceptions and future flexible remedies is evident in that it compromises unquestionably, and at the cost of an underlying level of employee security, majority of them, which are beholden to random offers which uphold exploitation. Jain suggests a wider and more regulated way of doing this, which will take into account the mentioned issues and that control will not depend on the price that workers welfare will cost. The study mentioned that there is the necessity to consider the social protection practices, according to which they should have been capable of making sure that the advantages related to the digital economy are distributed in a manner that did not infringe on the safety and the rights of the gig workers.

To sum up, gig economy is faced by a number of opportunities and issues, especially the issue of labor rights and social protection. All this suggests that the gig economy is ushering in on the one hand a flexible and innovative world, and on the other much blank space leave in the social safety net, employee's privacy, and welfare sector. They were forced to push out the social contract reformation that will deal with the excessive issues, and this would reach to gig workers. The governments can make the gig economy a more accepting endeavor by modifying the labor standards and broadening the functions of social protection of the marketplace to introduce the equilibrium between the perks of the sector and the rights and well-being of the workers offered in the industry.

Methodology: Understanding the Gig Economy and Social Contract Reforms

The qualitative research methodology followed in this project is the integration of comparative policy analysis and applying case study and review of the legal framework in India in terms of how the gig economy changes or transforms the social protection and labor laws in India. The research is focused on the assessment of the existing state of law as well as locating existing gaps in the protection of labor that are already present regarding gig workers and the opportunity to suggest a set of architectures that could be introduced on the new economies (Christiaens et al., 2022). The research methodology will give an absolute scoop check of the problems of gig workers and generate all-inclusive comparisons with the practices of the world in such a way that the deployment of such methodology will not leave the exclusion of any solutions within the global scheme established in the Indian reality.

Research Design

The proposed research will be carried out to the form of a comparative case-study that will provide a closer approach in terms of which the effects of the gig economy on the model of labor legislation and social protection systems of various jurisdictions will be considered. The approach will

facilitate the insight into the differences and these similarities may emerge in the context of the gig economy and in other nations including the United States and the European Union members who have already developed the propensity to put attention to the legal and social cushioning requirements of the laborers working in the gig pool.

The comparative arguments of this paper allow seeing more of the global in terms of potential trend in the policy and its possible adaptability and transfer to the Indian context (Tomasello et al., 2022). The examples are provided of such countries as the United States, the European Union and even some countries in Asia just to have the clear picture of how the issue of gig economy is approached by other governments.

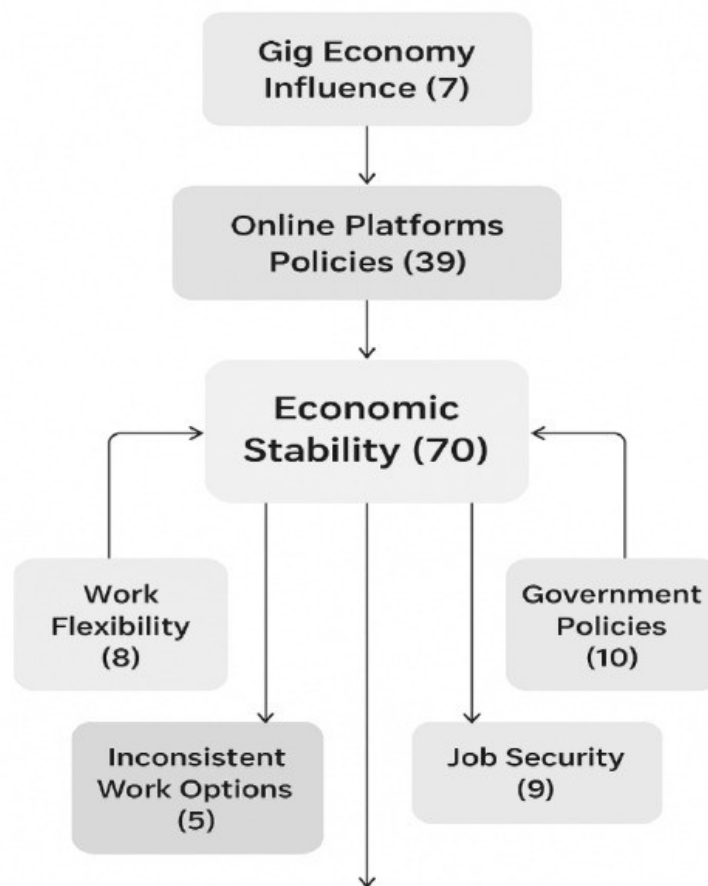


Figure: The Gig Economy and the Evolving Nature of Work
(Source: Sharma et al., 2021)

Data Collection

Primary Data Sources

The initial data to be used in this research will be close-end qualitative interview proposal of the main stakeholders in this gig economy that entail gig workers, laborists, policymakers and the gig giants Uber, Swiggy, and Zomato. The interviews will take a semi-structured form to enable certain areas with regard to the rights of the labor, the rights of the law guaranteeing the assurance as well as the areas concerning the social security will be provided.

The sampling of interviewees will also concern both the rural and appropriate urban regions of India, where the gig economy has only recently grown at an accelerated pace. It is a logical choice since the different components of the locales, where the gig workers are, provide variety in the coverage (Fischer et al., 2022). The methods used during these interviews will aim at producing the firsthand information about what gig employees were exposed to, and what they thought was the degree of effectiveness of labor laws, as well as of palpable work of the social protection, in operation.

Secondary Data Sources

The secondary data will be collected by application of intensive research on the literature source, the state of government weekly reports, policyific documentation and legal literature. The information on the current situation on labor laws, social protection system, and changes on the state policy within India and other countries are presented in these papers. Key sources include:

- Report by International organization: The reports by international organization such as the international labour organization (ILO) and the world bank are the reports covering the world view of labor laws reforms towards the gig workers.
- Indian Government Reports The high-quality sources of information to be used in this case will be reports published by the Ministry of Labour and Employment and reports in India, which are the sources of information on the stance of the government on the protection of gig employees.

Literature Articles and Books: Scholarly articles explaining the gig economy in addition to the social protection of the work relations exhibit both the conceptual opposition and the factual data used to add to the definition of the policy nothingness to be followed in the study (Uchiyama et al., 2022).

Reports, and discussions of the labor rights organization are also included by the author as secondary sources that reports the contributions of the experience of the gig workers as well as the dynamic legal process both in the country and in the global context.

Legal and Policy Analysis

The methodology has other strengths, which include the fact that it is a legal framework of the existing labor laws in India, and the relevancy of the labor laws to the scope of the gig workers. This will entail a comprehensive study of the Indian labor codes and conditions in light of making use of the metrics on workers, social security incentives and the fraction of the minimum remuneration with regard to utilization. In order to identify the sustainability lapses of the gig workers, the paper shall make comparisons between the Indian legal framework and other legal systems in the globe.

The law analysis will assume the form of the doctrinal approach to the analysis that will involve analysis of the existing laws in the sense that it will be informed with regards to the factors upon which it is formatted without addition as far as its reformation (Rahman et al., 2022). It is concerning the question of whether the existing forms of law that are found within the law system, including that of employee and independent contractor in the classification variety, can deal with the realities of the gig work.

Comparative Policy Analysis

The research used in the comparative policy analysis is a comparison of the policy of the gig economy in some of the countries like the United States, European Union as well as Australia. These nations have implemented or are attempting to impose policies that would put curbs on the gig employment and create social rights to employees of the platform. The comparative analysis brings out the difference on:

Reclassification of Gig Workers: How is This a Gig Worker or an Employee Developed in different countries?

Social Protection Measures: These are the kind forms of social protection which is assumed, health care, retirement benefits, unemployment insurance and paid leaves.

Platform Accountability: What apply the rules to the gig platforms; and what can the gig platforms do their workers to meet workers wellbeing and rights (Borelli et al., 2022).

The proposed research will visit the policy practices to determine the most promising practices already applied elsewhere and which can be applicable in the Indian scenario, considering the peculiarities of Indian society economy and the gig work issue of the developing economies.

Data Analysis

This analysis uses a qualitative style of analysis of the information utilized in the study. Proceeding by the interviews of the gig workers, and interview of stakeholders, the thematic analysis is applied to comprehend the repeated terms and motifs of the interviews. These themes will be analyzed later in reference to both law and policy markets, as they were examined in the review. It is hoped that the core problems of the gig workers, their understanding of the labor security, as well as their proposals related to changing it, will be revealed.

This is one of the fields where a comparative version of legal study is conducted, that is, pointing out the negative as well as positive aspects of the prevailing labor laws and policies in India and others (Tirapani et al., 2022). The analysis will assist in identifying possible opportunities, which can be revised to bring about a change, and proposes the modalities that can be made regarding how to assume that the gig workers can be put into consideration what social protection systems are available to them.

Ethical Considerations

The ethics of the study are perceived because the confidentiality and anonymity of research participants were not violated. All subjects will get informed of consent and they will have an opportunity of dropping out of the research without the repercussions. It is also common that outcomes of the research contained in the study have been presented in a truthful and unbiased manner.

Results and Findings: The Gig Economy and Social Contract Reforms

This part of the paper summarizes the most notable concepts and findings of the studies carried out regarding the gig economy and its impact on the labor regulations and laws, specifically in India. Such loopholes in the existing labor legislation can be reckoned with references to the discussion of the particular labor policies in various countries, case studies and legislative reviews, capturing the types of problems under the law to consider the fitters in the gig workers. The results bring a promising outlook on the situation and propose some amendments that are required to eliminate the loopholes in the existing labor legislation, to enable the provision of a proper protection and social

insurance to the gig workers.

Challenges Faced by Gig Workers in India

The key conclusion offered by the given research is the absolute lack of social security of the gig worker in India. The greatest issues with most gig workers concern the uncertainty of incomes, the impossibility of getting any health insurance, pension, or legal chance of being times of a conflict in the place of work or air train repair. This can be explained by the fact that gig workers which include people employed by such companies as Uber, Zomato, and Swiggy do not have full time employee status due to a higher chance that they can be more of a contractor i.e. not paid sick/unemployment, even social security benefits.

Unstable Income and Job Insecurity

The flexibility to make payments as one of the most emphasized in a list of the challenges associated with gig workers is unpredictable (Batmunkh et al., 2022). The uncertainties of the gig economy, when there are no guarantees of receiving working pay at any given time and everything depends on the client demand level, determine the way employees assume that they make variable income. The financial crisis exposes the employee to financial insecurity, particularly when an employee does not have any form of security, including unemployment insurance or pension scheme program. The fact that there exists no job security also compounded by this there is no job security at the workplace, there is also a contribution of this lack of job security to this insecurity since in a position being signed under a gig worker there is no job security and promise that he/she will work there or do business again.

Limited Access to Social Protection

The paper also introduces the lack of social protection that applied to the case of gig workers. The Indian labor laws do not apply the provisions of the laws to these workers as the Indian labor employees are treated, so they do not benefit because social benefits are offered to the formal employees, such as the Employees State Insurance (ESI), the Provident Fund (PF) (Loewe et al., 2022). Accordingly, gig workers do not even have access to the fundamental benefits, such as medical insurance, pension plans, and so on, paid leaves, which is an essential aspect of their life and their health. It is owing to such omissions to which the gig workers are exposed to the economic and health risks.

Global Policy Approaches and Their Relevance to India

The analysis was able to offer a comparative policy summary of the essential precedents on international level in regards not only to the countries in which the gig economies are being aligned, but also to the social protection afforded the gig workers (Shah et al., 2022). The examples of such cases are the AB5 bill published in the United States, the European Union initiatives on the issue of platform workers, and the other labor reforms urged in the country such as Australia and the United Kingdom. Such foreign experiences yielding results from the study can be valuable in the form of helpful predicates during which the difficulty of Indian laws and socio-economic situations can and should be addressed differently in a perspective of confronting to approach the needs of this group of gig workers.

Reclassification of Gig Workers

A bill, which was also targeted to be installed in the United States, called the AB5 bill is an effort to reclassify gig workers to be employees thereby gaining some labor protection, including minimum wages and unemployment. Equally, the European Union has encapsulated policies that would safeguard the employees of platform such as minimum wages, paid holidays and medical insurance (Kring et al., 2022). These alien events augur the reclassification as workers being one of the best means of exposing the changes in commission of to be subordinated to that of regular workers. But since it is in the infancy of gig work in India and the industry segment has already made it their main financial driver, such drastic shifts can be taken into account prior to the conclusion on whether to undertake said change.

Social Protection and Minimum Wage Standards

It also is an international procedure of the role of the extension of social protection to the contract workers of the gig. In particular, the European nations have suggested that the gig laborers should be included in the current mechanisms of social security and hence be accorded rights to access to healthcare and pensions among other social security systems. These are as well vital provisions which assist in cushioning a high-income volatility safety net to the workers. Such systems can be altered to meet the needs of the gig economy in India where individuals would be able to obtain proper healthcare, pensions, and other service they need. Secondly, create minimum wage standards would help it in targeting exploitation and challenging it to cope with having to resettle the gig workers to compensate them in turn.

The Need for Labor Law Reform in India

The article indicates the necessity of the contemporary revisions of the Indian labor laws in the bid to keep in mind the new gig economy. The Indian labor codes prepared according to the traditional forms of employment do not cover the issues of the gig works. This has left the gig workplace workers out of the considerations of the law in which the rest of the employees are provided with such law as minimum wages, dispute resolution and workers health insurance.

The results supported the idea that though some steps are already made, and even the gig workers are invited to participate in the process of creating the Code on Social Security (2020), there is still a lot to be done (Van Doorn et al., 2022). Gig employees are still experiencing the failure to provide all the primary social protection benefits and laws. The studies need to tap beneath the fabric of restructuring of the labor laws, which considers the truth of the gig work, yet preserves the existing flexibilities that continue to suggest such practice of implementing work as desirable to other forms of workers.

Proposed Reforms for Gig Worker Protection

The results include the fact that the research proposal recommends a list of relevant transformations that would help streamline the legal and social protection situation of the gig workers in India:

Rewind Gig Workers and Employees: The Rewinding Gig Worker that already has a need of this would grant the labour protection literatures to the Gig worker amongst the other workers who would have been entitled to minimum wages, health and social security.

Reduction in social security Benefits: The gig workers should be placed in their own social security scheme exclusive to them as far as possible as the ones that govern the formal employees (Kring et

al., 2022). This may be compensation towards wellbeing, pension plans and other insurance plans (unemployment insurance).

Minimum Wage Laws: To begin with, minimum wages should be adopted to employees operating in the hotel sector by legislation and supervision of the laws to eliminate situations of unjust payments. This would assist in avoiding exploitation and economic stability usually granted to laboratory employees and particularly in such sectors as ride-sharing and meal delivery.

Litigability of the Platform, The Gig-platforms will need to be answerable in the aspect of ensuring that the worker receives a fair treatment and is reasonably secure. This is in addition to availing the workers to grievance mechanisms which will fully defend their payment in case they sustain a work-related injury/dispute.

Conclusion

The key concerns in the study are outlined as income instability, the absence of social security and the inaccessibility of the legal aspects, which are stated as the central issues that gig employees have in India. The side-by-side study of the policies deployed all over the world has offered valuable information on how the labor rights and social protection afforded to the gig workers can be mitigated. Nevertheless, it also forms the accents on the necessity of the specific solution to the issues of labor laws redress in India which will consider the national peculiarities of the socio-economic structure and unchangeable dynamics of labor in the cyber world. With the help of the changes offered, Indian people can make the labor market fairer, which would enhance the flexibility of gig jobs and resources, and prevent the infringement on human rights and welfare of the employees.

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