
Flexploitation in The Creative Economy Industry: Implications for Public Policy

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Abstract

Research into the creative economy industry which brings significant changes in the way individuals work has been widely carried out. However, there is little research on any of the phenomena that appear as side effects of work in this sector. Flexploitation, where creative workers face a high degree of flexibility in their work, but also face economic uncertainty and negative consequences on the resilience of their careers. This article aims to provide a contribution to individuals and stakeholders as a consideration of policy and policy decisions both personally and organizationally, providing a new frame of reference so that it is more about preventive action which is expected to be able to create significant improvements. We analyzed data from existing journals, media articles, statistical data, policies and relevant documents to identify factors contributing to flexploitation and their implications. The results of this research provide the fact that work flexibility, which is always described as a pleasant working condition for the younger generation, both in terms of flexible time and work space in the creative economy industry, actually makes them vulnerable starting from long working hours, lack of social security, and bargaining power. which is very low. This provides valuable input for researchers, practitioners, and organizations as well as policy makers to make improvements. In the smallest sector, this fact provides a stimulus for actors who are already involved in this industry or personal candidates who will soon enter the world of work or a career to be more preventive and think carefully about their own career choices.

Keywords: *Public Policy; Flexploitation; Creative Economy; Industry*

Introduction

Monday, May 5 2023, in commemoration of World Labor Day, workers in the media sector and creative industries are demanding welfare (Yoga Primantoro, 2023). Together with tens of thousands of other workers, dozens of workers who are members of the Media and Creative Industry Workers' Union for Democracy (Syndicate) also crowded the Tamhrin Fountain area, Jakarta. As reported on the *kompas.id* page, these demands include decent wages, not excessive working hours, health and employment guarantees, and protection from violence in the workplace. It is common knowledge that most of the creative economy industry workers have contract status and are also freelancers.

The creative economy discourse is indeed becoming a topic of discussion at the global level (Perdana & Utami, 2022). The estimated growth of this sector is 5% per year globally (Eni et al., 2022). This is based on data where creative goods have reached a figure exceeding 524 billion dollars in 2020 and creative services amounted to 1.1 trillion dollars ("Creative Economy Outlook 2022: Overview," 2022). The flexible work culture makes this field a highly sought-after field for the younger generation, which incidentally is currently

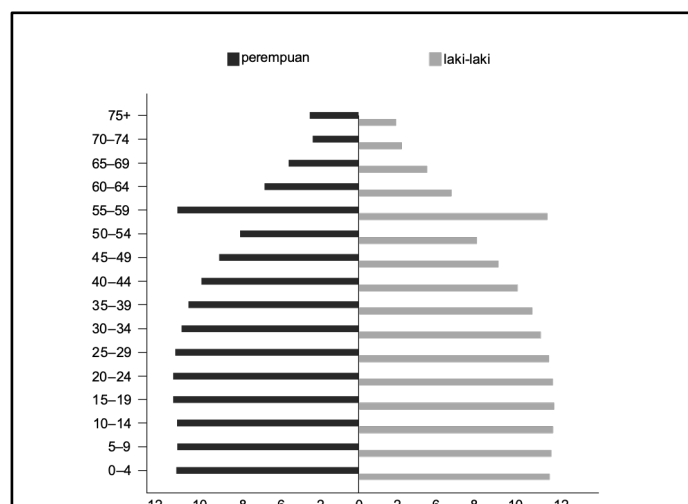
dominated by Gen Z and secondarily millennials. Many people don't understand that there are side effects to a career in this field.

Talking about careers, it cannot be separated from the economic resilience of a country. How could it not be, the economic turnover that takes place in a country also depends on the livelihood of its people. The people, as parties who are in direct conflict with the wheels of the economy, are greatly impacted by the rules of the game that have been set by their government. In the name of protecting citizens, the government, through its rules of the game, will take sides as much as possible and protect the state and its people's economy so that they tend to be fair in the name of social justice.

The Indonesian state itself has accommodated the creative economy sector in a non-ministerial government institution called the Creative Economy Agency or abbreviated as Bekraf since 2016 (Southeast Ngabalin, Alif Farhan Habibie, 2022). Indonesia has a vision of developing the creative economy until 2025 by carrying out collaborative quad helix improvements, namely the government, media, creative actors and the general public (Pangestu, 2014). This is reasonable because apart from the global data above, it turns out that labor absorption in this field is significant. This fact is the reason this sector can be said to have potential for Indonesia with its large population to be optimized as another labor-intensive industry for its people's livelihood. Especially with the fact that the creative economy concept prioritizes human resources as the main factor in industrial activities, as well as a statement from the Expert Staff of the Minister of Finance for Tax Supervision, Nufransa Wira, who emphasized that the government is targeting the creative industry to be a source of economic growth in 2025 (Wulandari, 2023).

The Indonesian Central Statistics Agency released the population of Indonesia based on age group and gender in 2022 as follows:

Graph 1
Indonesian Population Data Based on Age Group and Gender
Year 2022



Source: Processed by Central Bureau of Statistics, 2023

Looking at this data, the number of productive age people in Indonesia is currently relatively high. In 2023, the majority will be the Gen Z generation and the second will be millennials. Gen Z is the generation born in 1995-2010, where in 2023 they will be aged 28-33 years, while Millennials or Gen Y, which people know globally, were born in 1980-1994, in other words, they will be in the age range 43- 29 years (Francis & Hoefel, 2018). At this age, in terms of numbers, they are in the productive career and educational age range.

Several millennial generations choose to make a living in the creative economy industry. A realm that is predicted to be a new economic wave that does not only focus on creativity, but also the involvement of digital media, as well as heritage conservation which nowadays tends to be used as branding for a country. The problem is, this domain has a weak side in terms of the sustainability of its workers.

The fact that developing countries design policies for creative industries is commonplace (Mellander, 2013). Some countries even transfer policies that have been successful in one country to another country without making adjustments, so that many failures occur (Peck, 2011). Efforts made to improve this sector are still at the level of sub-sector grouping within it, derivatives, and operationalization so that it is effective and/or efficient. This fact emphasizes that there is no regulatory bias towards the actors who work in it.

The improvements that have occurred in this sector have only moved into the realm of large economic potential, which is beneficial from a financial or branding perspective but have not yet moved into the realm of sustainability or in other words guaranteeing workers' rights which should be contained in the available policies. On the other hand, the awareness of workers who are dominated by generation Y (millennials) tends to be neglected, even though in the near future there will be competition from generation Z who will soon replace them working in this sector. Apart from that, generation Y in the next few decades will begin to no longer be of productive working age or in normal career terms entering retirement. This is reasonable because the concept of work in this sector upholds large compensation (although some do not), and also non-routine and flexible working hours.

The Indonesian government has actually formulated various policies and programs for the management of this creative economy, but it has not supported career resilience. So, although extensive research has been conducted on the creative economy industry, there is still little research that focuses on the career resilience of creative economy industry workers. In fact, career resilience is one of the foundations of economic resilience for the people which has an impact on a country's success index.

From the facts above, there is actually something that needs to be done and then recommended to be done in order to reach a mutual agreement regarding the Job Creation Law, especially considering the news regarding this matter which resurfaced on Thursday, 19 October 2023 on the detiknews page regarding as many as 5 out of 9 constitutional judges assessing the process The establishment of the Law was formally flawed because it did not comply with the provisions of the 1945 Constitution (Hermanda, 2023), after previously on the same page in September there was a demonstration at the Horse Statue and there was a lawsuit against the Law against the Constitutional Court (Indraini, 2023). This indicates that this problem has not actually been resolved because alternative solutions have not been selected and satisfy the workers. For this reason, this research aims to analyze and provide contextual advice regarding the role of government capacity in formulating career resilience policies specifically for creative economy industry workers. Because however, the issue of career security in creative industries which tends to be exploitative has ethical implications

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and requires government accountability to oversee it through policy formulation in the context of public administration.

Findings regarding the increase in the number of creative businesses and the number of workers has become the basis for how this sector has become a target for young people (Dronyuk et al., 2019). The availability of communication, represented by digital access and the convenience of transportation, also contributed to the increase (Tao et al., 2019).

When viewed from the theory of reasoned action initiated by Fishben and Adjen (1980), this sector is a favorite because millennials like the benefits offered by working in this field, such as flexibility and high compensation, even though it is not routine. This could be true, but if you look at the financial literacy capabilities of different individuals, this decision needs to be reviewed. Sources of income, management of income and expenses as well as the existence of savings and savings are things that we need to pay attention to in order to be capable of financial literacy (Hussain, 2016).

This is confirmed by Menger (1999) in Potts (2011), stating that this creative industry has an unequal distribution of income, risks that must be managed primarily through flexibility and handling more than one job at a time at the individual level. (Potts, 2011). Additionally, some criticisms include the association of the creative economy with gentrification, rising property prices, exploitative working conditions, and increasing inequality (Oakley & Ward, 2018).

Research conducted in Vietnam by Marta Gasparin and Martin Quinn from England during seven months of field research namely (July-October 2017) and a survey conducted in November 2017-May 2018 identified the fact that the biggest challenges in the creative industry business line is getting the right staff, which shifts the position of access to finance as the most common answer (Gasparin & Quinn, 2021). Thus, it can be said that a highly skilled workforce for the creative economy is a necessity (Oakley & Ward, 2018). Many creative workers face unstable working conditions, but this industry has a certain appeal that keeps workers engaged (Oakley & Ward, 2018). Despite the individual's right to remain involved with all the consequences, the government must ensure policies that are able to protect its citizens in a preventive, promotive or curative manner. This is reasonable, apart from what is stated above that workers are ignorant of their future, creative workers are increasingly tempted by the promise of wealth and fame which is firmly embedded in the discourse of the creative industry (Banks & Hesmondhalgh, 2009). This indicates how important creative industry workers are for business continuity, so policies regarding the career sustainability of creative workers also need to be given more attention, of course.

Policy formulation or what is known as policy formulation is a critical phase of the policy process (Fisher et al., 2007). This is an important stage in the process of making public policy in which the government and other policy actors aim to find solutions to various problems and conditions that affect society and organizations in achieving their goals (Howlett & Mukherjee, 2017). At this stage, the policies to be adopted by the government are developed in detail.

Policy formulation involves the activity of developing alternatives, proposals or policy options as an effort to address public problems that have been identified and are included in the government's agenda (Anderson, 2006; Dye, 2013). In other words, policy formulation involves preparing policy alternatives, impact analysis, and preparing implementation plans.

In the UK, several policies have emerged through the Creative Industries Mapping Documents, Staying Ahead, and Creative Britain, as well as various publications from non-governmental bodies tasked with establishing and implementing creative industry goals such

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as Market Matters, Britain's Creativity Challenge, and Beyond the Creative Industries (Banks & Hesmondhalgh, 2009). These documents generally do not discuss much about the creative work process, let alone the substantive nature of the work (Banks & Hesmondhalgh, 2009).

In creative industries policy in the UK, many creative workforce issues tend to be overlooked or ignored (Banks & Hesmondhalgh, 2009). In creative economy industries such as the arts and sciences, there is one important problem missing in the broader picture of creativity in the workplace, namely several dimensions of inequality that are exacerbated by a work system built on highly individualized performance appraisals and selective matching (Menger, 2015).

The research literature that has been conducted suggests the fact that policies are needed to protect the increasing trend of workers in the creative industries. Through the policies made, it is hoped that citizens will not have to worry about the continuity of their work in this field.

Methods

In this research, the literature study method is used with a focus on the topic of creative economy workers, especially in their career resilience, with policy formulation integrated into the research process as keywords and indicators to find related articles. In this research, the search engine used is Google for news articles. Regarding news articles, data was obtained from websites and digital newspapers which discussed the phenomenon of the creative economy, creative industry, career resilience and policies. Google Scholar is used to search for journals or scientific articles and even e-books, where researchers limit the year of publication to the last 5 years. A number of articles collected have correlations and similarities in the keywords creative economy and public policy. Scientific articles and e-books also support research to become a theoretical basis and analytical lens which is then processed into data into descriptive narratives which then become a new frame of reference for policy or individual wisdom. Furthermore, data regarding the Job Creation Perpu Law from Google, and from BPS regarding quantitative data regarding trends in creative economy workers in the last 5 years. The next data collected is statistical data from the Ministry of Craft and Craft itself and the Ministry of Finance to further strengthen the facts using quantitative data.

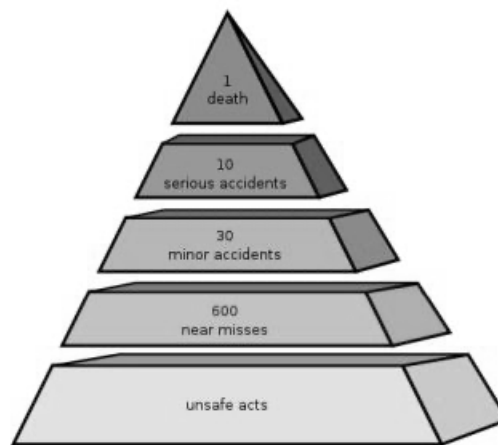
In order to outline the steps of the analysis method, keywords are first used to determine the focus of the exploratory study (Ninkov et al., 2022). Second, literature selection and evaluation, where relevance and accuracy are assessed if the literature selection is in accordance with established standards and methodology (Abbas et al., 2022). Third, synthesize the literature by analyzing the literature to find patterns of similarities and differences with existing keywords (Ahadi et al., 2022). Fourth, write down the analysis as a result to conclude several indicators (Rodríguez-Bolívar et al., 2018).

The reliability of this research uses the concept of naturalness, as according to Mulyana, the concept of reliability in qualitative research tends to be more appropriate using the term naturalness concept, namely the conformity between what they recorded as data and what actually happened in the field in which there is accuracy, completeness or authenticity from the participants. independent researcher (Mulyana, 2008).

Results and Discussion

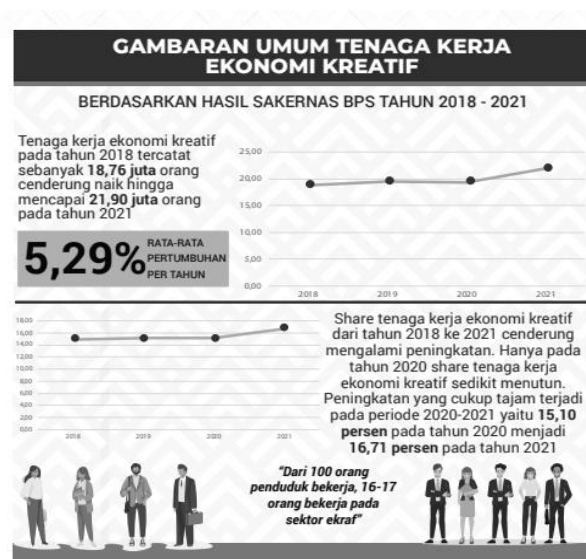
The case that emerged in 2018 regarding Mita Diran, a 27 years-old woman who worked as a copywriter at an advertising company after previously working 30 hours non-stop, indicates that there were 600 incidents faced by creative economy industry workers at the bottom of the pyramid, if we look at the work accident pyramid if there is one fatal accident (disability/death) (Saktiawan, 2018). Thus, the number of exploitations working hours in this sector is worrying.

Figure 1
Occupational Safety Pyramid



(Source : Megandi & Susanty, 2023)

Figure 2
Growth and Share of the Creative Economy Workforce In 2018-2021



Source: Central Bureau of Statistics, The Creative Economy Office of Indonesia, 2023

Through this data, we can see how the euphoria of working in the creative economy sector increases on average from year to year. In the Employment Law Article 77 paragraph 1, Law No.13/2003 requires every entrepreneur to implement working hours provisions. These working hours provisions regulate 2 systems, namely: 7 working hours in 1 day or 40 working hours in 1 week for 6 working days in 1 week; or 8 working hours in 1 day or 40 working hours in 1 week for 5 working days in 1 week.

In both working hour systems, a working hour limit is also given, namely 40 (forty) hours in 1 (one) week. If the working time provisions exceed, then the regular working time is considered overtime so that the worker or laborer is entitled to overtime pay (Kemenparekraf, 2020).

Next, the following is a comparison table of the population working in the creative economy and other fields:

Table 1

The Percentage of the Indonesian Population Working in the Creative Economy Sector with Other Sectors According to Working Hours for the 2018-2021

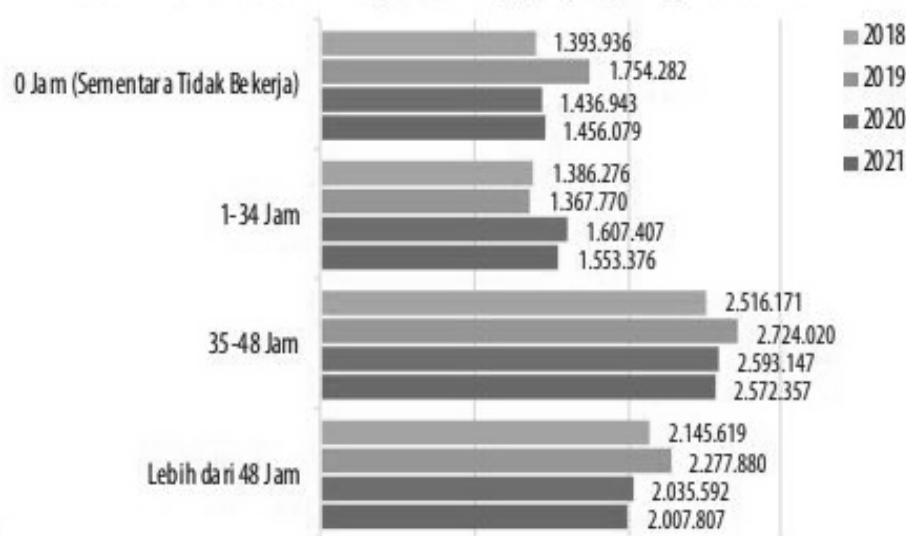
No	Jam Kerja	2018	2019	2020	2021	Semua Sektor 2021
1.	0 Jam	2,26	2,50	4,19	3,94	2,92
2.	1-14 Jam	6,46	6,66	9,34	8,59	10,81
3.	15-34 Jam	18,35	19,41	22,31	21,95	28,18
4.	35-48 Jam	40,75	41,09	35,97	36,98	36,40
5.	Lebih dari 48 Jam	32,18	30,34	28,19	28,54	21,69
6.	Pekerja Tidak Penuh (1-34Jam)	24,81	26,07	31,65	30,55	38,99

Source: Central Bureau of Statistics, The Creative Economy Office of Indonesia, 2023

Through this data, we can see that those who work in the creative economy sector on average have longer working hours compared to all sectors in 2021.

The following is a graph of creative economy workers' wages in number of hours a week:

Graph 2
Average Wages of Workers/Employees/Employees in the Creative Economy Sector
According to Weekly Working Hours (rupiah) 2018-2021



Source: Central Bureau of Statistics, The Creative Economy Office of Indonesia, 2023

This data shows that the wages of creative workers are relatively inadequate when compared with the number of working hours used. Creative industry workers themselves actually have a forum known as the Media and Creative Industry Workers' Union for Democracy or abbreviated as Syndication. This is a collective initiative of workers in the media and creative industries to be able to support each other and become a safety net in the vulnerabilities faced amidst the development of the digital economy.

This organization said that long working hours, overtime without compensation, lack of health protection, high stress levels, and threats of violence illustrate the vulnerability of creative workers in their daily lives (Saktiawan, 2018). Moreover, coupled with the fact that the digital-based creative economy industry sector is so ambitious to catch up with fellow countries in the Asia Pacific region, creative industry workers, especially those involved with digital media, are trying to provide services and information 24 hours a day. This increases the potential for flex exploitation of working hours and also concerns occupational health and safety rights which have implications for stress, depression or even bipolar disorder.

The factor of disease emergence as an implication of flex exploitation was also mentioned by the LION (Local Initiative for OSH Network) institution as an institution that focuses on K3 issues, stating that workers with non-standard relationship patterns do not have definite guarantees (Saktiawan, 2018). The pattern of employment relations should have a bargaining system for K3 and wage increases or other facilities and benefits, if only the government has a policy that provides protection or facilitates the health and safety rights of workers in the media and creative industries, whose subsectors are divided into so many.

March 9 2023 on the kemenkeu.go.id page discussing the Job Creation Perppu which at that time was represented by the deputy minister of finance himself. The vision of the Job Creation Perppu is to change the way the bureaucracy works (bureaucratic revolution) so that the business world continues to develop. The topic discussed was "Perppu Job Creation in Providing Ease of Doing Business for MSMEs in the Tourism and Creative Economy Sectors," the agenda of which was the Socialization Activity of the Job Creation Law Task Force taking place in Nusa Dua Bali. The final message conveyed was that they wanted to carry out an in-depth review against the Job Creation Perppu by business actors, the Ministry of Craft and Creative Economy, and the bureaucracy with public dialogue (Ministry of Finance, 2023). This is reasonable because up to now there have been many critics of this law.

Constitutional Law Lecturer at the Faculty of Law, Indonesian Islamic University (FH UII), Allan Fatchan Gani Wardhana, S.H., M.H. views that the ratification of the Job Creation Perppu will damage the legislative system because there are no provisions that allow the Perppu to be made using the omnibus method, and will have a negative impact on relations between state institutions, namely the President, DPR and the Constitutional Court because the President does not respect the Constitutional Court's decision and also does not respect the DPR as an institution forming the Law (uui.ac.id, 2023).

Deputy Chairman of Commission IX DPR RI Kurniasih Mufidayati said the Job Creation Perppu was inconsistent with the results of the Constitutional Court's decision because what the Government actually had to do was to improve Law No. 11 of 2020 which was conditionally unconstitutional in accordance with the direction of the Constitutional Court within a period of two years, not to make a Perppu which meant eliminating legislative function of the DPR at all (Commission IX DPR, 2023).

The United Workers, which consists of 13 federations and trade unions, believes that there has been harassment by the Constitutional Court as a result of the issuance of the Perppu, rather than revising the Ciptaker Law (Datikcom/a, 2023). Basically, the Perppu exists, as a result of the urgency that forces it to further regulate the provisions of the 1945 Constitution (Legislation, 2023).

The study of policy formulation has long been influenced by efforts to improve practice in government by introducing more rational decision-making techniques and tools (Fisher et al., 2007). The majority of research on policy formulation is directed at the nature and type of advice given to decision makers (Craft & Howlett, 2012). These suggestions come from a system consisting of interacting elements, which is called a "policy advisory system". Implicitly, this approach generally presents the content of policy advice either as "political" in support or as "technical" in relation to administration.

The actors involved in formulating policies not only aim to create a balance between various interests, but must also have a role as assessors who must be able to create values that can be mutually agreed upon, based on rational assessments, in order to achieve optimal results (Supriyanto, 2015).

This policy formulation is part of the stages of public policy making according to William N. Dunn. This is confirmed again by Howlet and Mukherjee's opinion, namely that formulation is a stage in policy making that involves consideration of various existing options. After that, these options are arranged into a number of choices that can be accepted by relevant policy actors, especially in government. The aim of this formulation is so that these options can be used effectively to overcome the policy problems being faced (Howlett & Mukherjee, 2017).

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In terms of branding, we can actually be oriented towards South Korea with K-Pop, Japan with Harajuku, and India with Bollywood (Perdana & Utami, 2022) where at the realm level the actors already use a regular and routine salary system, pension or old age guarantees. , as well as making major changes to the protection of intellectual property rights and copyright.

Protection of intellectual property rights and copyright needs to be increasingly emphasized, this is because several sub-sectors of the creative industry, especially those that produce products based on output as well as outcomes, for example, such as music and films, will be difficult to calculate based on quantity alone. Products such as films and music will only produce several products or works at a time, but the creative process in them takes quite a lot of time. So, the concept of copyright or intellectual property that is suitable for products like this is to use a profit sharing or royalty system for the creators.

The term intellectual property (IP), which has been around for a long time in other countries, has spread to Indonesia, namely by developing the basic idea that has been created so as to produce a larger universe which also means earning income for the party who provided the first idea or first product. from this idea so that there is a modification or development of the next idea or product.

Moreton believes that universities are the main place in developing the creative economy workforce. This is reasonable because these institutions have adopted much of the rhetoric of the creative economy and moreover deploy "certain constructions of those ideas at the level of policy and everyday practice. Moreton also carefully explores how universities produce cultural and creative visions that are not balanced and instrumental through their third mission activities. There is therefore hope that universities can help create an alternative vision of the creative economy where ethical values are placed at the forefront (Oakley & Ward, 2018).

This is where this research aims to provide a contribution supported by factual data which is then analyzed and then codified which then produces a suggestion to be used as a consideration for policy making. Some suggestions that can be put forward are as follows. First, protection of creative workers comprising of ethics and accountability. In terms of ethic, the government must ensure that the policies implemented protect workers in the creative industries. Employees have the right to work in a fair and safe environment. As for accountability, the government must ensure that the policies implemented meet accountability standards, and relevant institutions must be responsible for protecting workers. Second, empowerment of creative workers including ethics and accountability. In the essence of ethics, public administrations should encourage the empowerment of creative workers through policies that promote healthy working conditions, skills development opportunities, and access to social security. While in accountability, the government must be held accountable for worker empowerment efforts, and concrete steps must be acknowledged and reported openly. Third, supervision and law enforcement. Regarding ethics, effective control mechanisms are needed to ensure that companies in the creative industries comply with ethical standards regarding working hours, wages and working conditions. Whereas accountability, regulators and law enforcers must be held accountable when dealing with ethical violations related to worker exploitation. Fourth, education and awareness. In regard with ethics, the government should support education and awareness programs to increase understanding of workers' rights and risks of exploitation. As for accountability, the effectiveness of educational programs must be measured and reported to ensure accountability in providing accurate information. In this case, ethics and accountability are the basis for formulating fair and sustainable government policies.

Conclusion

Based on the analysis of the processed results of the literature review that the author obtained through scientific articles, e-books, news and other relevant documents, the author concludes that the available public policies have not accommodated bias towards the career resilience of creative economy actors. In other words, career security conditions are not yet safe for workers and/or prospective workers in the creative economy industry when this article is published. Furthermore, there is limited knowledge among millennials and Gen Z regarding flex exploitation as a side impact on their careers in this sector. This is due to the large number of employee turnover occurring and/or those with freelancer status, and the contract system. This is reasonable because business owners in the creative economy industry still tend to be free and not bound by the regulations presented, even with the passing of Perppu No. 2 of 2022 concerning Job Creation which later became law on March 21 2023, it abolished Law no. 11 of 2020 is still a polemic with many lawsuits at the Constitutional Court level by several parties, labor organizations, and criticism from academics. Lastly, creative workers ignore their own future because they are still tempted by the promises of wealth and fame that are firmly embedded in the discourse of the creative industry (Banks & Hesmondhalgh, 2009).

Uncertainty acts as a substantive condition for innovation and self-achievement, but also as an attraction, this is a fact of work in the creative economy industry (Potts, 2011). Activists as a group of workers are on average younger than the workforce in general (on average in Gen Y or Millennials and some have started Gen Z), with higher levels of self-employment, higher levels of unemployment, and several forms of hidden unemployment, which is shrouded in flexploitation in the name of mere time flexibility, and compensation which tends to be high without being accompanied by individual financial literacy figures for a more realistic future. The available policies regarding employment, especially the creative economy industrial sector, need to be improved as a preventive measure by the government to protect the rights of its citizens who may have minimal literacy. It also maintains the stability of the creative economy industry market so that it remains fair and sustainable in the future.

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