

Employment contract and new forms of employment: legal regulation, digital platforms, and contemporary global labor challenges

Contrato de trabajo y nuevas formas de empleo: regulación jurídica, plataformas digitales y desafíos laborales contemporáneos globales

Contrato de trabalho e novas formas de emprego: regulação jurídica, plataformas digitais e desafios laborais contemporâneos globais

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Abstract

This study aimed to analyze the redefinition of the employment contract in response to new forms of employment emerging from digitalization, technological platforms, and transformations in the contemporary labor market. Methodologically, a qualitative legal research approach was adopted, based on doctrinal, analytical, and systematic methods through a documentary review of scientific literature, specialized doctrine, and legal regulations related to Labor Law and emerging employment modalities. The findings revealed that the traditional elements of the employment relationship, particularly legal subordination, remuneration, and personal service provision, remain essential for identifying an employment contract; however, their application faces increasing challenges in digitally mediated work environments. Furthermore, the study found that digital platforms, remote work, and the gig economy have created new employment opportunities while simultaneously increasing risks related to labor precariousness, economic dependency, and limited access to social protection systems. The conclusions indicate that traditional regulatory frameworks require significant adaptation to effectively address the evolving dynamics of modern labor relations and ensure adequate protection of workers' rights. In this regard, the development of flexible and inclusive legal regulations is essential to balance technological innovation, economic competitiveness, and social justice within contemporary labor markets. These findings contribute to the ongoing debate regarding the future of Labor Law in increasingly digitalized and globalized employment contexts.

Keywords: employment contract; digital platforms; employment relationship; labor protection.

Resumen

El presente estudio tuvo como objetivo analizar la redefinición del contrato de trabajo frente a las nuevas formas de empleo surgidas en el contexto de la digitalización, las plataformas tecnológicas y las transformaciones del mercado laboral contemporáneo. Metodológicamente, se desarrolló una investigación jurídica de enfoque cualitativo, sustentada en el método dogmático, analítico y sistemático, mediante la revisión documental de literatura científica, doctrina especializada y normativa relacionada con el Derecho del Trabajo y las modalidades emergentes de empleo. Los resultados evidenciaron que los elementos tradicionales de la relación laboral, particularmente la subordinación jurídica, la remuneración y la prestación personal de servicios, continúan siendo esenciales para la identificación del contrato de trabajo; sin embargo, su aplicación enfrenta crecientes dificultades en entornos laborales mediados por tecnologías digitales. Asimismo, se identificó que las plataformas digitales, el trabajo remoto y la economía gig han generado oportunidades de inserción laboral, aunque también han incrementado los riesgos de precarización, dependencia económica y limitaciones en el acceso a la protección social. Se concluyó que los marcos normativos tradicionales requieren procesos de adaptación para responder adecuadamente a las nuevas dinámicas productivas y garantizar la protección efectiva de los derechos laborales. En este sentido, la construcción de regulaciones flexibles e inclusivas constituye un elemento fundamental para equilibrar innovación tecnológica, competitividad económica y justicia social en el ámbito laboral contemporáneo.

Palabras clave: contrato de trabajo; plataformas digitales; relación laboral; protección laboral.

Resumo

O presente estudo teve como objetivo analisar a redefinição do contrato de trabalho diante das novas formas de emprego surgidas no contexto da digitalização, das plataformas tecnológicas e das transformações do mercado de trabalho contemporâneo. Metodologicamente, foi desenvolvida uma pesquisa jurídica de abordagem qualitativa, fundamentada nos métodos dogmático, analítico e sistemático, por meio da revisão documental de literatura científica, doutrina especializada e normas relacionadas ao Direito do Trabalho e às modalidades emergentes de emprego. Os resultados evidenciaram que os elementos tradicionais da relação de trabalho, especialmente a subordinação jurídica, a remuneração e a prestação pessoal de serviços, continuam sendo fundamentais para a identificação do contrato de trabalho; contudo, sua aplicação enfrenta dificuldades crescentes em ambientes laborais mediados por tecnologias digitais. Além disso, constatou-se que as plataformas digitais, o trabalho remoto e a economia gig ampliaram as oportunidades de inserção profissional, mas também aumentaram os riscos de precarização laboral, dependência econômica e limitações no acesso à proteção social. Concluiu-se que os marcos regulatórios tradicionais necessitam de processos de adaptação para responder adequadamente às novas dinâmicas produtivas e assegurar a proteção efetiva dos direitos trabalhistas. Nesse contexto, a construção de regulações flexíveis e inclusivas mostra-se essencial para equilibrar inovação tecnológica, competitividade econômica e justiça social no mundo do trabalho contemporâneo.

Palavras-chave: contrato de trabalho; plataformas digitais; relação de trabalho; proteção trabalhista.

Introduction

The employment contract constitutes one of the fundamental legal institutions of labour law, as it governs the provision of personal services performed under conditions of subordination and dependency while guaranteeing essential rights and obligations for both employees and employers. Its current legal configuration is the result of a historical process closely linked to the economic, social, and industrial transformations that accompanied the development of modern production systems. As Boza Pro (2014) argues, labour law emerged as a response to the inequalities generated by the Industrial Revolution, gradually evolving into a legal mechanism designed to protect workers against the inherent imbalances of the employment relationship. Similarly, Seco (2020) maintains that the evolution of labour law has been shaped by the continuous need to adapt its legal institutions to changing economic and social realities.

Over the past decades, labour markets have undergone profound transformations driven by globalization, digitalization, and the rapid advancement of information and communication technologies (ICTs). The advent of Industry 4.0 has fostered new forms of productive organization that are reshaping traditional employment models and giving rise to labour arrangements characterized by greater flexibility, decentralization, and digitalization of economic activities. In this context, Jara-Tapia and Zhinin (2021) argue that the integration of digital technologies is fundamentally redefining employment relationships and creating significant regulatory challenges, particularly in jurisdictions whose labour legislation was designed for conventional employment structures. Likewise, Sekerin et al. (2022) emphasize that technological transformation requires new professional competencies while simultaneously altering organizational expectations regarding the management and performance of work.

As a consequence of these developments, new forms of employment have emerged that differ substantially from traditional models based on physical presence, fixed working hours, and direct subordination. Telework, remote work, project-based employment, digital outsourcing, and labour performed through digital platforms represent some of the most prominent examples of this evolving employment landscape. Although these arrangements create new opportunities for expanding access to employment and increasing organizational flexibility, they also generate considerable legal uncertainty concerning the determination of employment rights, contractual obligations, and social protection mechanisms. Consequently, the employment contract faces the challenge of adapting to increasingly dynamic and complex labour markets in which the traditional distinction between dependent employment and independent work has become progressively blurred.

The central issue lies in the difficulty of legally classifying these emerging forms of employment within the traditional categories of labour law. Del Bono and Bulloni (2021) argue that outsourcing and digitalization have reconfigured longstanding labour issues by introducing new organizational models that complicate the identification of employer responsibilities and the effective protection of workers' rights. Similarly, Malo (2018) contends that the expansion of digital labour platforms has generated atypical forms of employment that challenge the classical legal criteria used to determine the existence of an employment relationship. This situation has produced significant interpretative gaps and legal disputes concerning subordination, economic dependency, and the effective protection of fundamental labour rights.

The importance of this issue has intensified due to the sustained growth of digital platforms as intermediaries in the provision of services and the increasing use of flexible contracting arrangements. Although these mechanisms foster innovation and create new economic opportunities, they may also contribute to labour precariousness in the absence of adequate legal regulation. The lack of clear regulatory standards hampers the effective protection of workers against risks associated with contractual instability, insufficient social security coverage, and restrictions on the exercise of collective labour rights. Consequently, it is

essential to examine the capacity of existing legal systems to respond effectively to the challenges arising from digital work and other emerging forms of employment.

The rationale for this study is grounded in the need to promote regulatory adaptation capable of ensuring fair and equitable working conditions within a context of continuous technological and organizational transformation. According to López Balaguer (2024), contemporary employment relationships require more flexible legal mechanisms capable of reconciling productive efficiency with the effective protection of workers' rights. From this perspective, revisiting the essential elements of the employment contract is particularly important in determining whether traditional legal categories remain adequate or whether new regulatory instruments are needed to address the distinctive characteristics of twenty-first-century employment.

Against this background, the objective of this study is to analyze the redefinition of the employment contract in response to the emergence of new forms of employment associated with digitalization and platform-based work, while identifying the principal regulatory challenges confronting contemporary labour law. To achieve this objective, the study addresses the following research questions: How is the employment contract being redefined in response to the transformations of the digital labour market? and What regulatory challenges do emerging forms of employment pose for labour law and the effective protection of workers' rights? Addressing these questions will contribute to a better understanding of the ongoing evolution of labour law and foster scholarly debate on the development of regulatory frameworks better suited to the realities of the twenty-first-century labour market.

Methodology

This study adopted a qualitative legal-documentary research approach aimed at critically examining the contemporary transformation of the employment contract in response to the expansion of digital platforms and the emergence of new forms of employment. This approach enabled a comprehensive analysis of the legal, doctrinal, and conceptual foundations underpinning labour regulation within a context characterized by technological innovation and changing patterns of work organization. According to Mantilla (2020), legal research requires an epistemological approach that facilitates the critical and interdisciplinary understanding of legal phenomena while considering the broader social dynamics that shape the creation, interpretation, and application of legal norms.

The research employed the legal-dogmatic method, complemented by analytical and systematic methods. The legal-dogmatic approach was used to interpret the legal rules and principles governing employment relationships, whereas the analytical method enabled the examination of the essential elements of the employment contract in order to identify the regulatory challenges arising from emerging forms of employment. In addition, the systematic method facilitated an assessment of the coherence and consistency of the legal framework in light of the transformations generated by digitalization and the platform economy. As Martínez Montenegro (2023) argues, combining complementary methodological approaches in legal research promotes a more comprehensive understanding of normative problems and contributes to the identification of appropriate legal solutions.

The principal research technique consisted of a specialized documentary and bibliographic review. The corpus of analysis included peer-reviewed journal articles, academic books, statutory and regulatory instruments, and scholarly studies addressing labour law, digital platforms, and emerging employment models. The analytical process involved the identification, classification, and critical interpretation of the selected sources, allowing the development of thematic categories related to the redefinition of the employment contract and the contemporary regulatory challenges facing labour law. Consistent with the methodological approaches proposed by Guamán Chacha et al. (2021) and Agudelo-Giraldo et al. (2018), documentary legal research proved to be an appropriate methodological

framework for critically examining the normative and doctrinal evolution of the phenomenon under investigation, thereby supporting the formulation of scientifically grounded and legally robust conclusions.

Development

The Employment Contract

The employment contract constitutes the cornerstone of labour law, as it establishes the legal relationship through which one individual undertakes to provide personal services to another under conditions of subordination and remuneration. Its legal significance lies in its function as the primary mechanism for identifying the existence of an employment relationship and, consequently, for determining the applicability of the rights and protections recognized under labour legislation. According to Gómez (2016), the employment contract represents a mutual agreement that creates reciprocal rights and obligations between employer and employee, giving rise to a special legal relationship specifically designed to protect the more vulnerable party.

From a legal perspective, the employment contract is distinguished by a number of essential characteristics that differentiate it from civil and commercial contractual arrangements. Arévalo Vela (2021) argues that contemporary labour legislation recognizes the employment contract as the legal instrument through which subordinate work is formalized, thereby constituting the principal gateway to labour rights and statutory protections. Similarly, Machicado (2010) emphasizes that the essence of the employment contract lies not merely in the formal agreement between the parties but in the actual conditions under which work is performed, thereby reinforcing the primacy of substantive reality over contractual form.

Essential Elements of the Employment Contract

Labour law doctrine generally identifies three essential elements required for the existence of an employment contract: personal service, remuneration, and legal subordination. Personal service requires that the employee personally perform the assigned duties without the unrestricted possibility of delegating them to third parties. This characteristic distinguishes employment relationships from other contractual arrangements in which contractual obligations may be fulfilled through substitution or intermediaries.

Remuneration constitutes the financial consideration received by the employee in exchange for the services rendered. Its existence reflects the onerous nature of the employment relationship while ensuring the worker's economic livelihood. Beyond representing a fundamental labour right, remuneration also serves as one of the principal indicators for determining the existence of a legally protected employment relationship.

Legal subordination is widely regarded as the defining characteristic of the employment contract. Salazar Chaves (2021) explains that subordination is manifested through the employer's authority to direct, supervise, and control the performance of the employee's work. This criterion has consistently been applied by courts and labour tribunals to distinguish employment relationships from civil and commercial service contracts.

Legal Nature of the Employment Contract

The legal nature of the employment contract has long been the subject of extensive doctrinal debate due to its distinctive characteristics in comparison with other contractual arrangements governed by private law. Unlike traditional civil contracts, the employment contract is not founded exclusively upon the principle of freedom of contract but is also governed by the principles of worker protection, substantive equality, and social justice. These principles justify the existence of mandatory legal provisions intended to correct the structural imbalance between employers and employees.

Pacheco Zerga (2008) argues that the employment contract represents a convergence of interests between employer and employee, where both economic and social objectives coexist. This perspective recognizes that the employment relationship extends beyond a mere exchange of labour for wages by incorporating values associated with human dignity, employment stability, and the protection of fundamental rights. Consequently, the legal nature of the employment contract remains central to understanding the contemporary challenges confronting labour law.

Elements of the Employment Relationship

Legal Subordination

Legal subordination has traditionally been regarded as the primary criterion for identifying the existence of an employment relationship. It implies that the employee is subject to the employer's instructions, supervision, and managerial authority regarding the execution of assigned duties. Historically, subordination has served as the principal legal criterion delimiting the scope of labour law and distinguishing employment relationships from other forms of service provision.

However, technological transformation has given rise to new and less visible forms of subordination than those characteristic of traditional employment models. Ugarte-Cataldo (2025) argues that the concept of subordination has undergone significant conceptual expansion, encompassing mechanisms of digital monitoring, algorithmic management, and automated performance evaluation. These emerging forms of control require a reconsideration of the classical legal criteria traditionally used to determine the existence of an employment relationship.

Economic Dependency

Economic dependency has become an increasingly significant concept for understanding the dynamics of contemporary labour markets. Although it has not always been regarded as a decisive criterion for establishing an employment relationship, its importance has grown considerably with the expansion of work arrangements characterized by formal autonomy but substantial economic dependence.

Rodríguez-Piñero (1966) had already suggested that economic dependency could justify extending labour protection to specific categories of workers. More recently, Oliveira (2021) argues that this concept has acquired renewed relevance in response to productive restructuring and digital transformation, making it possible to identify situations in which workers remain economically dependent upon a single client or digital platform despite being formally classified as self-employed or independent contractors.

Provision of Services

The effective provision of services constitutes an indispensable component of every employment relationship. This element refers to the actual performance of productive activities intended to satisfy the organizational needs of the employer while contributing directly to the production process. Its analysis becomes particularly relevant in situations where discrepancies exist between the factual reality of the working relationship and the contractual form formally adopted by the parties.

Hoyos (2020) observes that the doctrine of the *de facto* employment relationship (*reality principle*) has gained increasing prominence in labour jurisprudence due to the widespread use of civil or commercial contracts to conceal genuine employment relationships. Consequently, the actual provision of services remains a fundamental legal criterion for identifying disguised employment arrangements and ensuring the effective protection of workers' labour rights.

Emerging Forms of Employment

Platform Work

Digital labour platforms have profoundly transformed the organization of work through technology-based applications that connect the supply and demand of services. This model is characterized by digital intermediation, algorithmic task allocation, and flexibility in service delivery, all of which have generated significant legal debate regarding the nature of the relationship between digital platforms and those who perform work through them.

De las Heras García and Lanzadera Arencibia (2019) argue that platform work entails specific occupational risks arising from algorithmic management and the absence of traditional supervisory mechanisms. These distinctive features have prompted renewed debate on the need to redefine the concepts of legal subordination and economic dependency traditionally applied in labour law.

Remote Work

Remote work has become an increasingly important form of employment as a consequence of technological progress and organizational changes experienced by modern enterprises. This work arrangement enables employees to perform their duties outside the employer's premises through the use of digital technologies, thereby promoting greater flexibility and facilitating a better work-life balance.

According to Ubidia (2023), telework simultaneously constitutes a form of work organization, an employment arrangement, and an expression of the right to work within digital environments. Nevertheless, it also raises important legal challenges concerning managerial supervision, working time regulation, data protection, and the guarantee of adequate occupational health and safety standards.

Freelancing and the Gig Economy

The gig economy is characterized by the performance of specific tasks or short-term projects managed through digital platforms or other flexible contracting mechanisms. This model has contributed to the rapid expansion of freelance work, broadening opportunities for labour market participation within increasingly globalized and digitally interconnected economies.

Bernis and Guinsburg (2019) observe that the transition from labour market flexibility to the platformization of work has fundamentally transformed traditional employment relationships. Although this model offers greater autonomy and flexibility, it also generates considerable uncertainty regarding employment stability, social protection, and the effective recognition of fundamental labour rights.

Challenges in the Legal Classification of Employment

Employment Relationship versus Civil Contractual Relationship

One of the most significant contemporary legal challenges consists of determining whether particular forms of service provision should be classified as employment relationships or as civil contractual arrangements. This distinction is crucial because it determines the applicable legal framework and the level of statutory protection afforded to workers.

Vallecilla Baena (2019) explains that distinguishing between these legal categories requires an examination of the factual reality of the relationship rather than reliance on the contractual designation adopted by the parties. Consequently, the existence of legal subordination, economic dependency, and personal service continues to constitute the principal criteria for identifying disguised employment relationships.

Bogus Self-Employment

Bogus self-employment represents one of the most pressing legal issues associated with digital platform work. It refers to individuals who are formally classified as independent contractors while, in practice, performing their activities under conditions that are substantively equivalent to those of subordinate employment.

Sanz de Miguel (2019) argues that this phenomenon reflects corporate strategies aimed at reducing labour costs and avoiding statutory employment obligations. As a consequence, numerous legal systems have introduced regulatory mechanisms designed to prevent the fraudulent use of independent contractor arrangements and to ensure the effective protection of workers' rights.

Judicial Criteria

Judicial decisions have played a pivotal role in adapting labour law to emerging forms of employment. Courts have been required to reinterpret traditional legal concepts such as subordination, dependency, and managerial control in order to address disputes arising from the digitalization of work.

Goerlich Peset (2010) emphasizes that judicial interpretation provides labour law with the flexibility necessary to respond to emerging socioeconomic phenomena. This interpretative function becomes particularly important in contexts where technological innovation evolves more rapidly than legislative reform.

Labour Regulation and Worker Protection

National and International Regulatory Frameworks

The effective protection of workers requires close interaction between domestic labour legislation and international labour standards. Such coordination strengthens labour protection frameworks while ensuring respect for fundamental labour rights within increasingly globalized labour markets.

Gravel and Delpech (2008) argue that complementarity between national legal systems and international labour law constitutes an essential mechanism for addressing the challenges generated by emerging forms of employment. This coordination is particularly relevant in the context of platform-based work, where labour relationships frequently transcend national borders.

Labour Rights in Digital Work Environments

The rapid expansion of digital technologies has created new challenges for the protection of fundamental labour rights. Issues such as privacy, the right to disconnect, freedom of association, and protection against discrimination have become increasingly significant in workplaces governed by algorithmic management systems and automated decision-making processes.

Wynn (2020) argues that digital transformation requires a reinterpretation of traditional labour rights in light of evolving forms of work organization. Accordingly, the effective protection of workers requires regulatory responses capable of balancing technological innovation with social justice.

Social Security

Social security represents one of the principal regulatory challenges associated with emerging forms of employment because independent contractors and platform workers are frequently excluded from traditional social protection systems. This exclusion increases workers' vulnerability to risks arising from illness, unemployment, disability, and retirement.

Mataix (2019) emphasizes that social security systems must adapt to the structural changes taking place within contemporary labour markets. Consequently, expanding social protection coverage has become a fundamental policy objective for ensuring decent and sustainable working conditions.

Contemporary Challenges

Labour Precariousness

The expansion of flexible employment arrangements has intensified concerns regarding labour precariousness. This phenomenon is characterized by unstable earnings, insufficient social protection, and limited access to fundamental labour rights.

Martínez-Licerio et al. (2019) argue that labour precariousness is one of the principal consequences of labour market flexibilization when it is not accompanied by adequate legal safeguards. This problem disproportionately affects workers engaged through digital labour platforms.

Flexibility versus Employment Security

The balance between labour market flexibility and employment security remains one of the central issues in contemporary debates on the future of work. While flexibility enhances business adaptability and innovation, employment security provides economic stability and safeguards workers' fundamental rights.

Parra (1992) maintains that achieving an appropriate balance between these competing objectives represents one of the greatest challenges facing modern labour policy. Contemporary labour regulation should therefore seek legal solutions capable of reconciling economic competitiveness with robust social protection.

Regulation of Digital Platforms and the Protection of Digital Workers

Recent regulatory developments reveal an increasing tendency toward strengthening legal protections for workers engaged through digital labour platforms. Lahera Forteza and Gómez Sánchez (2023) note that legislative reforms implemented across several jurisdictions seek to enhance algorithmic transparency, expand social protection, and ensure the recognition of core labour rights.

Similarly, Almendros González (2024) argues that protecting digital workers has become one of the defining challenges of twenty-first-century labour law. The development of comprehensive and effective regulatory frameworks will be essential to ensuring that technological innovation contributes to sustainable economic development without undermining the fundamental rights of individuals participating in emerging forms of employment.

Discussion

The findings of this study demonstrate that the employment contract remains the cornerstone legal institution for protecting workers, although it faces significant challenges arising from the technological and organizational transformations that characterize contemporary labour markets. The literature consistently indicates that the classical elements of the employment relationship—particularly legal subordination—retain their conceptual relevance; however, their identification has become increasingly complex within digitally mediated work environments. In this regard, the contributions of Gómez (2016) and Arévalo Vela (2021) suggest that the protective function of the employment contract remains fundamentally intact, despite the substantial changes that have occurred in the organization and performance of work.

One of the most significant findings concerns the redefinition of legal subordination as the central criterion for determining the existence of an employment relationship. Traditionally, subordination was expressed through direct managerial instructions, face-to-face supervision, and visible hierarchical control. However, the present analysis confirms that digital labour platforms have introduced new forms of managerial authority based on algorithmic management, reputation systems, and automated performance evaluation. This finding is consistent with the arguments advanced by Ugarte-Cataldo (2025), who contends that the concept of subordination has undergone a functional expansion, adapting to new organizational models in which employers exercise effective control without requiring continuous physical supervision.

The study also demonstrates that economic dependency has acquired increasing importance in understanding emerging forms of employment. Although many platform workers are formally classified as independent contractors, they often depend economically on a single platform or enterprise as their principal source of income. This finding supports the perspective advanced by Oliveira (2021), who argues for a reconceptualization of economic dependency as a complementary criterion for assessing employment relationships within contexts characterized by productive fragmentation and digital transformation. Likewise, the results reinforce the earlier observations of Rodríguez-Piñero (1966), who had already recognized the need to broaden labour protection criteria in response to emerging forms of economic dependence.

The expansion of digital platform work represents another important finding of this research. The analysis indicates that these employment arrangements have created new opportunities for labour market participation and economic inclusion, particularly within rapidly evolving technological environments. Nevertheless, these advantages are frequently accompanied by significant risks, including employment instability, the absence of minimum labour guarantees, and limited access to social protection. These conclusions are consistent with the findings of De las Heras García and Lanzadera Arencibia (2019), who emphasize that platform workers are exposed to distinctive risks resulting from algorithmic management and the lack of traditional mechanisms of labour protection.

Furthermore, the study confirms that the legal classification of employment relationships remains one of the principal challenges confronting contemporary labour law. Distinguishing between employment relationships and civil contractual arrangements has become increasingly complex due to the proliferation of contracts that formally recognize worker autonomy while, in practice, reproducing the defining characteristics of subordinate employment. In this context, the analyses of Vallecilla Baena (2019) and Sanz de Miguel (2019) demonstrate that bogus self-employment has become one of the clearest manifestations of this phenomenon, revealing the existence of disguised employment relationships concealed under contractual arrangements that differ from those traditionally regulated by labour legislation.

The findings also underscore the importance of strengthening both domestic and international regulatory frameworks to ensure the effective protection of digital workers. The literature reviewed indicates that the pace of technological innovation frequently exceeds the capacity of legal systems to respond through timely regulatory reform, thereby creating normative gaps that may increase workers' vulnerability. Consistent with Gravel and Delpech (2008), greater coordination between national labour legislation and international labour standards emerges as a fundamental strategy for guaranteeing decent working conditions within increasingly globalized and digitally interconnected labour markets.

Finally, the results suggest that the principal challenge facing contemporary labour law lies in achieving an appropriate balance between labour market flexibility and the effective protection of workers' rights. While technological innovation and emerging forms of work organization provide important opportunities to enhance productivity and expand employment

opportunities, they also require regulatory frameworks capable of preventing labour precariousness and ensuring fair working conditions. In this regard, the contributions of Parra (1992), Lahera Forteza and Gómez Sánchez (2023), and Almendros González (2024) collectively indicate that the future development of labour regulation should move toward more dynamic and inclusive legal models capable of recognizing the distinctive characteristics of digital work without compromising the fundamental principles of worker protection, legal certainty, and social justice that have historically constituted the normative foundation of labour law.

Conclusions

This study concludes that the employment contract remains the fundamental legal institution governing employment relationships despite the profound transformations brought about by digitalization and the emergence of new forms of work. Although the classical elements of the employment relationship—namely legal subordination, remuneration, and the personal provision of services—continue to retain their conceptual significance, their identification has become increasingly complex in work environments characterized by technological intermediation and flexible organizational structures. Consequently, the traditional legal criteria require continuous reinterpretation to respond effectively to the evolving dynamics of contemporary labour markets.

The findings further demonstrate that digital labour platforms, remote work, and the gig economy have substantially reshaped the organization and performance of work, creating new employment opportunities while simultaneously generating significant challenges for worker protection. Although these employment models have enhanced labour market flexibility and organizational adaptability, they have also contributed to the emergence of contractual instability, insufficient social security coverage, and obstacles to the effective enforcement of fundamental labour rights. Accordingly, the continued expansion of digital work demands more precise, adaptive, and up-to-date regulatory responses capable of addressing these emerging challenges.

The study also concludes that one of the most significant challenges confronting contemporary labour law lies in the accurate legal classification of emerging forms of employment. The increasing prevalence of workers who are formally classified as independent contractors while remaining substantively subordinate or economically dependent highlights the limitations of certain traditional legal criteria for determining the existence of an employment relationship. This reality underscores the need to strengthen both statutory interpretation and judicial standards aimed at identifying disguised employment relationships and ensuring effective protection against practices that contribute to labour precariousness.

Finally, the findings suggest that the redefinition of the employment contract should move toward regulatory models capable of balancing technological innovation with the effective protection of labour rights. The development of flexible, inclusive, and future-oriented legal frameworks adapted to evolving productive realities constitutes an essential prerequisite for ensuring decent working conditions, promoting legal certainty, and guaranteeing that digital transformation contributes to sustainable economic development without undermining the fundamental principles of social justice upon which labour law is founded.

Study Limitations

The principal limitation of this research stems from its predominantly documentary and theoretical nature, relying on the analysis of scholarly literature, legal doctrine, and specialized regulatory sources. Consequently, the study did not incorporate empirical research or statistical evidence capable of directly assessing the practical implications of emerging forms of employment within specific legal or socioeconomic contexts. This limitation restricts the

generalizability of certain findings across different labour markets and institutional environments.

Future Research

Future research should incorporate empirical methodologies and comparative legal analyses to examine the impact of digital labour platforms, remote work, and the gig economy across diverse legal systems and institutional contexts. Further investigation is also warranted into issues such as social protection, algorithmic management of work, digital labour governance, and emerging regulatory mechanisms designed to ensure fair working conditions within increasingly complex digital labour markets.

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Declaration of Conflict of Interest

The author declares that there are no financial, professional, institutional, or personal conflicts of interest that could have influenced the design, conduct, analysis, interpretation, or publication of the findings presented in this study.

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