

Remuneration of Workers in the Perspective of Islamic Law and Current Labor Laws

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Abstract

The problem of wages is a very important issue that cannot be ruled out, because wages are a source of income that can cover the necessities of life and also wages can affect income, standard of living, community and welfare. However, if workers do not get adequate wages, then this can affect their livelihood and also the purchasing power of workers. This study aims to determine the existing remuneration in Law no. 13 of 2003 concerning Employment in the Perspective of Islamic Law. This study uses qualitative methods using a normative approach. The data sources used are primary legal sources in the form of laws and regulations and secondary data sources in the form of books, journals, the internet. Then, the data is processed and analyzed to produce a scientific research. The amount of wages must be balanced with the work that has been done. Remuneration must also comply with muamalah principles and muamalah principles. These principles cover all forms of muamalah except those specified otherwise in the Al-Qur'an and Hadith, based on voluntary, based on considerations of bringing benefits and avoiding harm, carried out by maintaining justice.

Keywords: Wages, Islamic Law, Employment



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INTRODUCTION

Wages according to Islam are rewards received from someone both in this world and in the hereafter for their work. Rewards in the world in the form of material rewards that are fair and proper. While the rewards in the hereafter are rewards. Conventional wages are basic wages or additional wages that are directly or indirectly given by employers to workers, either in cash or in kind. The difference between conventional and Islamic wages. First, morals, in Islam Wages are closely related to morals. This means that in wages there must be a sense of humanity and brotherhood that exists between employers and workers. While conventionally does not have a moral concept. Which means that there is little or no attention to humanity and brotherhood between the two parties who work together. Second, the aspect of the limitation of wages, in Islam, wages are not only limited to material (worldly) but also with the hereafter (rewards). This aspect of the hereafter is inseparable from the aspect of the world, namely morals. The concept of morality is very important in order to obtain rewards with the hereafter aspect. If morals are not implemented, then the aspect of the hereafter in the form of reward will not be achieved. The equality of conventional and Islamic remuneration is contained in the principle of justice and the principle of decency.

In Islam, wages are very concerned about and protect the interests of both employers and workers. Islam wants justice so that no one is harmed by workers. However, employers suffer losses if they are forced to pay workers more than they can afford. The problem of wages is a very important issue that cannot be ruled out, because wages are a source of income that can cover the necessities of life and also wages can

affect income, standard of living, community and welfare. However, if workers do not get adequate wages, then this can affect their livelihood and also the purchasing power of workers.

In social life, whether we realize it or not, people are always connected to each other to fulfill their basic needs. Related to this, such as the Qur'an, in addition to putting enormous pressure on the need for work, and clearly says that humans were created on earth to earn a living, a salary and as an entity that provides work, which is called an employer. In an employment relationship, there is one party who is a provider of benefits or labor who is said to be a worker, who will receive payment in the form of a salary or wages. As well as the party that prepares the job which is said to be the employer. In fiqh it is called leasing the services of human workers, which we call the *ijarah al-'amal* contract, namely *ijarah* by hiring someone to run something.

RESEARCH METHODS

The type of research used in scientific writing is qualitative research, using a normative approach, namely research on legal principles, legal systematics, legal synchronization, and comparative law. There are types of approaches in the normative approach, including namely; statutory approach (statue approach) which is commonly used to examine statutory regulations with ongoing legal problems or issues, a conceptual approach (conceptual approach) which provides a point of view in problem solving analysis. The data sources used in this study are data sources which include:

1. Primary Sources of Law. Primary legal materials consist of binding legal materials, namely: basic norms or basic rules, legislation, basic regulations.
2. Secondary Law. Secondary legal materials consisting of various legal-related information which includes: text books, journals, articles, and the internet. In this study, the authors used legal materials such as legal books, journals or legal articles and information from the internet.

RESEARCH RESULTS AND DISCUSSION

Wages System in Perspective of Islamic Law

In Islam, wages are often referred to as *jaza'* (rewards or rewards), which are often found in the words of Allah SWT, including Surah An-Nahl (16): 97.

- مَنْ عَمِلَ صَالِحًا مِّنْ ذَكَرٍ أَوْ أُنْثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُمْ بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

"Whoever does good, both men and women in a state of faith, We will surely give him a good life and We will reward him with a reward that is better than what they have done."

The word "*walanajziyannahum*" in this verse conveys the idea that those who work will get good rewards in their work in this world (material) and in the hereafter (reward). It is emphasized that Allah rewards men and women who do good with rewards in this world and the hereafter. While the word "good deeds" refers to all actions that are beneficial to individuals, families, groups and humans as a whole and in accordance with the advice of reason, the Qur'an and Hadith. Therefore, it can be understood that anyone who uses his energy to work for both companies and individuals is classified as a good deed, because it is beneficial for himself and his family and society as a whole, as long as it is not against the Shari'a.

Islam has opened various job opportunities for humans so that they can choose according to their skills, talents, experiences and interests. People are not forced to choose

a particular job unless the job is of general benefit. Although Islam provides freedom to choose a job, if it is proven to be morally and materially harmful to both the individual and society, Islam prohibits this type of work.

Thus, Islam forces every member of its community to work, earn food and income, survive with various comforts of life and ways of life in this country, which is full of God's grace. However, Islam instructs Muslim workers not to enter into employment contracts for disobedience and encourages them to work in a legal environment and not cross borders. Working hard and working in a lawful environment is an effort to maintain one's dignity (self-esteem) and honor, so that every job, as long as it is lawful, is good and honorable according to Islam as recorded in the Qur'an:

يَأْتِيهَا النَّاسُ كُلُّوا مِمَّا فِي الْأَرْضِ حَلَالًا طَيِّبًا وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ

Meaning: "O all people, eat what is lawful and good on earth" and Rasulullah SAW said: "Hala (food) that is lawful is obligatory after (other) tasks." (QS. Al-Baqarah (2): 168).

And also confirmed in the Hadith: "Give a worker his wages before his sweat dries." (Narrated by Ibn Majah, authentic). The purpose of this hadith is to immediately fulfill the worker's rights after the completion of the job, so it can also be meant if there has been an agreement on giving a salary every month. From this hadith it can be identified that in the sharia system it is emphasized that before the worker's sweat dries, wages must be submitted, so that the meaning of this hadith of the Prophet is that workers can take their wages when the work assigned to them has been completed perfectly. Al-Munawi said, It is forbidden to delay giving salary even though you are able to pay it on time. What is meant by giving a salary before the worker's sweat has dried is an expression to show that he is ordered to give a salary after the work is finished when the worker asks even though his sweat has not dried or his sweat has dried. Several options related to the salary payment system, among others:

1. A system of paying wages at a fixed time, ie. a system in which wages are paid at pre-agreed times. For example hourly, monthly, weekly, daily and hourly wages.
2. Wage per wage system, namely a system in which wages are paid for a particular job based on the calculation of total compensation
3. Collective wage payment system, namely the wage payment system, in which wages are paid by a group of workers or workers and then divided among themselves.
4. Benefits or a participatory wage system, namely a wage payment system that gives workers or workers a share of the profits earned by the employer or company in addition to the basic salary they should receive.
5. Salary system with a salary scale, namely a system in which salaries are given based on market prices of certain company products.
6. The index salary system, or salary payment system, the size of which is directed to the index of the average cost of living for an employee or worker, of course, is also based on the cost of living.

The Wage System in the Perspective of the Labor Law

Wages can be based on work agreements, as long as the wage provisions in the work agreement do not conflict with statutory regulations. If the provisions in the work agreement conflict with the law, then the applicable wage is the wage whose rules are in the law. In setting wages, every worker/laborer who works in the company or outside the

company needs to earn income that is able to meet the needs of a decent life for humanity. In general, the wage system in Indonesia has several functions, among others, to guarantee a decent life for workers and their families, form rewards for one's work, and provide incentives as a reference in increasing work productivity.

In Article 1 number 30 of Law Number 13 of 2003 concerning Manpower, it provides an understanding of wages, namely the rights of workers/laborers who are received and expressed in the form of money as compensation from employers or employers to workers/laborers who are determined and paid according to work agreements, agreements, or laws and regulations, including allowances for workers/laborers and their families for work and or services that have been or will be performed. Pursuant to the provisions of Article 88 Paragraph (1) and Paragraph (2) of Law Number 13 of 2003 concerning Manpower, it is explained that every worker/ laborer has the right to earn income that fulfills a decent living for humanity, the realization of income that fulfills a decent living for humanity as referred to in Paragraph (1), the government stipulates a wage policy that protects workers/laborers.

The basis of wages is working time. Based on the provisions of Article 77 Paragraph (1) of Law Number 13 of 2003 concerning Manpower, it is explained that every entrepreneur is obliged to comply with the provisions on working time. As for the provisions of working time regulated in Article 77 paragraph (2) of Law Number 13 of 2003:

1. 7 (seven) hours 1 (one) day and 40 (forty) hours 1 (one) week for 6 (six) working days in 1 (one) week; or
2. 8 (eight) hours 1 (one) day and 40 (forty) hours 1 (one) week for 5 (five) working days in 1 (one) week.

The position of wages according to Article 37 of Government Regulation Number 78 of 2015 concerning Wages, labor wages have a special position if an entrepreneur experiences bankruptcy, then labor wages are a debt that takes priority over payment in accordance with applicable bankruptcy laws and regulations. The position of wages is very important for the determination of minimum wages based on applicable laws and regulations in order to achieve worker welfare. The wage system is a framework for how wages are regulated and applied which reveals that the wage system in Indonesia is generally based on three functions, namely: Reflecting rewards for one's work; Ensure a decent life for workers and their families; and Provide incentive money to encourage increased work production.

It was further explained that in determining wages for workers, employers usually pay attention to the following:

1. Work performance that has been given by the workforce which can be measured by the time used, energy and skills contributed physically, mentally and socially;
2. Seeing and conducting surveys with similar companies on the wages given to workers who do the same job; and
3. Provision of incentives to workers who are diligent and have special achievements so as to increase productivity;

Paying must also be done by looking at the minimum real needs of the workforce, so that the workforce and their families can live decent lives. The function of wages varies, depending on the angle from which the wages are viewed, as follows:

1. From the perspective of labor, wages function as a necessity for a decent life with his family.

2. From the point of view of the employer, wages function as a driving element in the production process and are the production costs of the company.
3. From the government's point of view, wages are a measure of people's lives. Therefore, the formulation of wages must be able to create a harmonious, harmonious, steady, peaceful and dynamic business climate.

CONCLUSION

The explanation above can be concluded that the amount of wages must be balanced with the work that has been done. Remuneration must also comply with muamalah principles and muamalah principles. These principles cover all forms of muamalah except those specified otherwise in the Al-Qur'an and Hadith, based on voluntary, based on considerations of bringing benefits and avoiding harm, carried out by maintaining justice. In positive law, the wage system is also regulated in various regulations, including in Article 1320 of the Criminal Code concerning Agreements, Law Number 13 of 2003 concerning Manpower, Government Regulation Number 8 of 1981 concerning Wages Protection, and other regulations.

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