

Islamic Perspectives in the Provision of Wages (Ujrah)(Empirical Study of The Qur'an and Interpretation)

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ABSTRACT

Economic wages are the price that must be paid to employees for their services in the production of wealth, like other factors of production, in other words, wages are the price of labor paid for their services and production. To clarify the position of wages, the Ministry of Manpower through the Decree of the Minister of Manpower No. 13 of 2003 concerning the minimum wage explains several functions of wages, including; First, wages function to meet minimum basic needs for workers and their families. Second, employers in providing labor wages are calculated based on the results of production. Third, in industrial relations Pancasila, labor wages are not only part of the production costs but also have a social function, namely to meet the needs of a decent life for workers and their families. Fourth, realizing a sense of justice in the context of humanizing humans. Fifth, as an effort to equalize income.

Keywords: Upah (*Ujrah*), Tafsir.

INTRODUCTION

Labor issues and wages are one of the central issues in today's industrial economy, where the majority of the population depend on wages for their livelihoods, ranging from low wage levels to the contract system for work. The whole thing is the issue that drives the workers' demonstrations. The annual ritual of determining the Regency/City Minimum Wage (UMK) is an arena of attraction for two interests; to the interests of labor and capital owners/entrepreneurs. Demonstrations demanding an increase in the UMK are always carried out by workers on the grounds that the predetermined UMK level has not been able to meet the basic needs of workers. Abdurrahman stated that in determining the wages of workers, the standard used by Islam is the benefits of labor provided by workers in the market, not the lowest living cost. Therefore, there will be no exploitation of labor by the employers. Workers and civil servants are the same, because workers get their wages in accordance with the provisions of commensurate wages that apply in the community. In Al-Quran Surah Al-Qashash verse 26, namely:

قَالَتْ إِحْدَاهُمَا يَا أَبَتِ اسْتَأْجِرْهُ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ

Meaning: One of the two women said: "Yes, my father, take him as a person who works (for us), because indeed the best person you take to work (for us) is someone who is strong and trustworthy."

To get perfect results, the author looks at how the interpretation of scholars in Classical and Modern times. So the formulation of the problem in this study is how the interpretation of classical and modern scholars of interpretation and how the reinterpretation of the word al- Qawiyyul Amiin in surah al-Qashash verse 26. The conclusion of this study shows that there are differences in the interpretation of classical and modern scholars of the word al-Qowiyyul Amiin related with wages (ujrah). Classical scholars interpret this word textually with (physical) strength and belief. Meanwhile, modern scholars, some interpret the interpretation of classical scholars and some commentators develop.

One of the classical commentators, namely Ibn Kathir (w.774), on the word al-qowiyyul amen he interpreted it with physical strength and a trustworthy person, which in QS.al-Qashash verse 26 one of the daughters of the Prophet Shu'aib proposed two reasons Prophet Musa deserved to be hired, namely because he had the nature of al-qowiyyul amen. This is due to the admiration of one of the daughters of the Prophet Shu'aib with the strength and politeness of the Prophet Moses as a goat herder.

The difference between the wages set and the wages requested or proposed by the workers is a trigger for workers' dissatisfaction with the government and employers, this is because the wages set are far below the adequacy value required by the workers. A decent wage is a must that must be determined by all state powers. In Islamic Economics, wages are also referred to as ujrah, which further discussion in economics is often associated with work agreements made. In Islamic economics, the determination of workers' wages strongly adheres to the principles of justice and sufficiency. The main principle of justice lies in the clarity of the contract (transaction) and commitment based on the willingness to do it (from the contract). Contracts in work transactions are contracts that occur between workers and employers, so that before workers are hired, it must be clear first how the wages will be received by workers. The wages include the amount of wages and the procedure for payment of wages. Therefore, an agreement must accommodate workers' payers with the share they should receive in accordance with their work. Likewise, workers are prohibited from forcing employers to pay more than their ability to pay wages which are the rights of workers.

The fulfillment of workers' rights and workers' obligations, in Ibn Taimiyah's concept, is called a fair or honest price. Ibn Taimiyah clearly discussed this issue with two concepts, namely equal compensation ('iwadh al-mitsl) and fair price (thaman al-mitsl). Ibn Taimiyah said: "Equal compensation will be measured and assessed by equal things and that is the essence of justice (nafs al-'adl)". The concept of a fair price in wages is intended as the level of wages that must be given to workers so that they live properly in the midst of society. However, at this time the concept of a fair wage is a problem that still needs to be discussed clearly in order to be able to improve the wage system in Indonesia.

DISCUSSION

1. Understanding Wages (Ujrah)

Ujrah itself in Arabic has the meaning of wages or wages in renting, so that the discussion about ujrah is included in the discussion of ijarah where ijarah itself has its own meaning. The definition of wages in the Indonesian dictionary is money and so on which are paid as compensation for services or as payment for labor that has been done to do something. What is meant by al-ujrah is the payment (work wage) received by the worker as long as he does the job. Islam provides guidelines that the delivery of wages is done at the completion of a job. In this case, workers are advised to speed up service to their employers, while employers themselves are advised to speed up payment of workers' wages.

From the descriptions above, it can be concluded that wages or al-ujrah are payments or rewards that can take various forms, which are carried out or given by a person or an institution or agency to another person for their efforts, work and work performance or services (servicing).) has done. The provision of wages (al-ujrah) should be based on a work agreement (contract) because it will lead to a cooperative relationship between the worker and the employer or entrepreneur which contains the rights to the obligations of each party. The right of one party is an obligation for the other party, the main obligation for the employer is to pay wages.

2. Legal Basis for Wages (Ijarah)

Almost all Fiqh scholars agree that ijarah is prescribed in Islam. As for the groups who do not agree, such as Abu Bakr Al-Asham and Ibn Ulayyah. In responding to the views of scholars who do not agree with the ijarah. Ibn Rushd argues that benefits, even though they are not in form, can be used as a means of payment according to custom (custom).

A.) Al-Quran

Most scholars are of the opinion that ijarah is prescribed based on the Qur'anic Surah Al- Baqarah verse 233 which:

وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلَا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا اتَّيْتُمْ بِالْمَعْرُوفِ ۖ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ

Meaning: And if you want your child to be nursed by someone else, then there is no sin for you if you give the proper payment. Fear Allah and know that Allah is All-Seeing of what you do.

The paragraph above explains that in paying wages to workers it must be in accordance with what they have done and in accordance with the agreed terms. If you want your babies to be handed over to women who are willing to breastfeed, then this can be done. But you must give them proper wages, if the wages are not appropriate then the contract

becomes invalid, the employer should not cheat in the payment of wages must be appropriate and clear so that no one party is harmed from both parties.

Then based on the verse in the Qur'an An-Nahl verse 97

مَنْ عَمِلَ صَالِحًا مِّن ذَكَرٍ أَوْ أَنثَىٰ وَهُوَ مُؤْمِنٌ فَلَنُحْيِيَنَّهٗ حَيٰوةً طَيِّبَةً وَلَنَجْزِيَنَّهُمْ أَجْرَهُم بِأَحْسَنِ مَا كَانُوا يَعْمَلُونَ

Meaning: Whoever does righteous deeds, whether male or female, is believe, We will surely give him a good life and indeed We will reward them with a better reward than what they used to do.

The verse explains that the reward or reward for those who do good deeds is the reward of this world and the reward of the hereafter. So a person who works in a business entity (company) can be categorized as a pious charity, on the condition that the company does not produce, sell or cultivate illegal goods. Thus, a worker who works properly will get two rewards, namely rewards in this world and rewards in the hereafter.

B) Hadith

In addition to the verses of the Qur'an above, there are several hadiths that emphasize wages, the hadith of the Prophet Muhammad (PBUH) asserts:

عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْطُوا الْأَجِيرَ أَجْرَهُ قَبْلَ أَنْ يَجِفَّ عَرَقُهُ. (رواه ابن ماجة والطبراني)

Meaning: "From Abdullah bin Umar he said, "The Messenger of Allah said: "Give wages to workers before their sweat dries" (HR Ibn Majah and at-Thabrani).

It is also required that wages in ijarah transactions be stated clearly and notified of how much or how little the worker's wages are. Hadith narrated by Abu Sa'id Al-Khudri, the Prophet SAW said: Meaning: From Abu Sa'id Al Khudri ra. that the Prophet SAW said, "Whoever employs workers, then determine the wages." (HR Abdurrazaq).

C) Ijma

The Muslims at the time of the Companions had agreed that ijarah was permissible because it was beneficial for humans. Everything that can bring benefits, then the work becomes good and lawful. None of the scholars disputed this ijma' agreement. As stated by Sayyid Sabiq: "And upon the stipulation of the lease, the Muslims have agreed, and it is not considered (seriously) the opinion of people who differ from the consensus agreement of these scholars", because Al- ijarah is a contract for the transfer of usufructuary rights to goods or services. , through the payment of rental wages, without being followed by a transfer of ownership of the goods themselves .Ibn Rushd in the book Bidayah Al-Mujtahid, also said that "indeed the lease is allowed by all the jurists of large countries and the jurists of the first period". Al-ijarah is a contract for the transfer of usufructuary rights to goods or services, through payment of rental wages, without being followed by a transfer of ownership of the goods themselves.

d) Legal Basis of the Wage Law

Is one of the normative rights of workers. Wages received by workers are a form of achievement from employers when the workers themselves have also given achievements to employers, namely a job that has been done. Chapter 1 Article 1 number 30 of Law Number 13 of 2003 concerning Manpower affirms: "Wages are the rights of

workers/or workers which are received and expressed in the form of money as a reward from the entrepreneur or employer to the workers/labourers which are determined and paid according to an agreement. work, agreements or statutory regulations, including allowances for workers/laborers and their families for a job and/service that has been or will be performed”.

3. Analysis of Similarities and Differences in Wages (Ijarah) According to Some Experts

A) Wages Equality (Ijarah) According to Several Experts

1) Hizb ut-Tahrir

The standard of wages for a worker according to Hizb ut-Tahrir is measured based on the services or benefits of his labor, not measured according to how much energy is devoted. The size of the energy expended is not a standard of wages and also not a standard of service for him. Wages according to Hizb ut-Tahrir are not required to meet the basic living needs of the workers, but are solely based on the extent of the value of the benefits of the labor.

The basis of the concept of wages according to Hizb ut-Tahrir is the shar'i definition of ijarah. This is because the definition of shar'i is shar'i law. In this case, his position is the same as that of kai dah shar'iyah, because it is taken from the shar'i argument with correct ijthad. Thus the shar'i definition can be used as a proposition for the appropriate problem as shar'i law. While the shar'i definition of an ijarah contract is a contract for benefits with a substitute. These benefits for workers can be work benefits if they do their work based on their knowledge and expertise such as engineers, or they can benefit if they do work based on their body strengths such as assistants.

2) Ibn Taiymiah

Wages as prices paid to workers for their services in production. Wages are very important and the impact is far-reaching. If workers do not receive fair and reasonable wages, it will not only affect the purchasing power which ultimately affects the standard of living of the workers and their families, but will directly affect the whole society because they consume a large amount of the state's production.

3) Afzalur Rahman

Afzalur Rahman is an autodidact scientist from Pakistan who was born in 1915. According to Afzalur Rahman, wages are the price paid to workers for their services in the production of wealth, labor is rewarded for services called wages. Wages must be determined through negotiations between workers, employers and the state. In making decisions about wages, the interests of the breadwinner and the employer will be considered fairly. According to him, that the minimum wage must be sufficient to meet basic needs, the economic responsibilities of workers including the number of members of their family must be taken into consideration and differences in wages must be within the limits set according to the basic differences, among others in the type of employment, length of service, education and training as well as the economic needs of each worker, however and under no circumstances is it permissible for wages to exceed the limits set by these three factors.

B) Differences in Wages (Ijarah) According to Several Experts

1) Hasan Al-Banna

Hasan Al-Banna, the founder of the Ikhwān al-Muslimīn, views that the wages received by the workers must be sufficient for their basic needs. Remuneration of workers below

the standard of basic needs causes poverty which is forbidden in Islam. When one of the company directors said to him: "Are you happy to see the conditions of the poor workers?" Al-Banna replied: "Don't you know that the cause of this poverty is the stinginess of companies and their reluctance to give them wages commensurate with their basic needs!"

2)Al-Nabhani

As Al-Nabhani also rejects the theory of wages based on minimum living needs which is the basis for wages in various contemporary countries. The wages of a worker are measured based on the services or benefits of his labor, not measured according to how much energy is devoted. In this case Al-Nabhani said: "Indeed the principle of setting wages is the benefits (services) provided either by the goods, the work or the person. The wage for a job is neither the value nor the price of that thing. As for the worker, the wage is not the product he produces as he is not the fulfillment of his basic needs. There is no role at all for the rise or fall of the level of living necessities for setting wages. Therefore, it is not valid to return the determination of wages to the value or price of something, the product of workers and the fulfillment of their needs, as there is no role for the rise or fall of the standard of living for the determination of these wages. Determination of wages only refers to one thing only, namely benefits (services) because it is a contract for benefits with rewards.

3)Yusuf Qardawi

Meanwhile, Yusuf Qardawi stated that the standard of setting wages must pay attention to two things: First: the value of the work itself, because it is impossible to equate smart people with stupid people, diligent people with lazy people and so on, because it equates between different people is an injustice. Second: the needs of workers, because there are basic human needs that must be met, whether in the form of food, drink, clothing, shelter, vehicles, treatment, children's education, as well as everything that is needed according to conditions, without being excessive and without being stingy. for the person of that person, and for the person who is his dependents.

4.Pillars and Terms of Wages

A.Pillars of Wages (Ujrah)

Pillars are the elements that make up something, so that something is realized because of the elements that make it up. For example, a house is formed because of the elements that make it up, namely the foundation, pillars, floors, walls, roofs and so on. In the Islamic concept, the elements that make up something are called pillars. The jurists of the Hanafi school, stated that the pillars of the contract were only consent and qabul, they acknowledged that there could be no contract without the parties who made it and without the object of the contract. The difference with the Shafi'i school only lies in the perspective, not regarding the substance of the contract. Meanwhile, according to the Jumhur Ulama, there are (4) four pillars of Ijarah, namely:

1.Aqid (people who have a contract)

That is a person who performs a lease contract or wages. People who give wages and who rent out are called mu'jir and people who receive wages to do something and who rent something are called musta'jir. Because the ability to act is so important as a requirement to perform a contract, the Syafi'iyah and Hanabilah groups add that those who perform the contract must be adults and it is not enough just to be mumayyiz.

2.Sighat

Statement of will which is usually called sighat contract (sighatul-'aqd), consists of ijab and qabul. In Islamic contract law, consent and qabul can be done through: 1) speech,

2) messengers and writings, 3) gestures, 4) secretly, 5) silently. The conditions are the same as the conditions for ijab and qabul in buying and selling, it's just that the ijab and qabul in ijarah must mention the specified period of time.

3.Wages (Ujrah)

That is something given to musta'jir for services that have been given or taken advantage of by mu'jir. On the condition that it should be:

- a) It is clear or the amount is known. Therefore, ijarah is not valid with wages that are not yet known.
- b) A special employee such as a judge may not take money from his job, because he has already received a special salary from the government. If he takes a salary from his job it means he gets twice the salary by only doing one job.
- c) The rent must be submitted together with the receipt of the rented goods. If the rented benefits are complete, then the rent must be complete. That is, the benefits and payments (money) of rent which is the object of the lease.

4.Benefits

To contract a musta'jir, the form of work, time, wages and labor must be determined. Therefore, the type of work must be explained, so that it is not obscure. Because ujrah transactions that are still unclear are fasid.

B.Terms of Wage (Ujrah)

In Islamic law regulates a number of requirements related to wages (ujrah) as follows:

1. Wages must be done by means of deliberation and open consultation, so that it can be realized in each individual economic actor, a sense of moral obligation that high and loyal dedication to the public interest.
2. Wages must be in the form of mall mutaqawwim and the wages must be stated clearly. Employing people for food wages is an example of unclear wages because they contain an element of jihalah (uncertainty). Ijarah like this according to the jumhur fuqaha', apart from malikiyah, is not valid. The Malikiyah jurists stipulate the validity of the ijarah as long as the size of the wages is intended and can be known based on custom.
3. Wages must be different from the type of object. Paying a job with similar work, is an example of not meeting this requirement. Therefore, the law is not valid because it can lead to the practice of usury. For example: hiring coolies to build houses and the wages are in the form of building materials or houses.
4. The wages of the rental agreement should not be in the form of benefits from the type of thing that is made into the agreement. And it is not legal to help someone with the wages of helping someone else. The problem is invalid because of the equality of benefit types. Then each of them is obliged to pay the appropriate wages or costs after using the person's energy.
5. In the form of fixed assets that can be identified if the benefits are not clear and cause a dispute, then the contract is invalid because ambiguity prevents delivery and acceptance so that the purpose of the contract is not achieved. The clarity of the object of the contract (benefits) is manifested by the explanation, place of benefit, period of time, and explanation, the object of work in the rental of workers.

5.The Principles of Wages in the Islamic Perspective The

Prophet gave an example that must be followed by Muslims, namely, determining the wages of employees before they start carrying out their work. By providing information on the salary to be received, it is hoped that it will provide encouragement for workers to start work, and provide a sense of calm. They will carry out their job duties in accordance with the employment contract agreement with the employer. For this reason, the wages paid to each employee can be different based on the type of work and responsibilities they carry.

A. The number of wages that must be received by workers

In Islam, the number of wages is determined by an agreement between employers and workers. Both parties have the freedom to determine the amount of wages, and are free to determine the terms and methods of payment of these wages. As long as they are mutually willing and do not harm either party.

The minimum wage level in Islam must be sufficient to meet the basic needs of workers, namely housing, clothing, and food. Sadeq as quoted by Didin Hafidhuddin and Hendri Tanjung explained that there are two factors that must be considered in determining wages, namely primary factors and secondary factors. The primary factors are basic needs, workload and working conditions. A secondary factor is treating workers as brothers. The calculation of the amount of wages according to Islam is as follows:

1)The principle of fairness and justice in determining the number of wages.

2)Company management is open and honest and understands the internal conditions and external situations of employees' needs to meet the needs of food, clothing and housing.

3)Company management needs to calculate the maximization of the salary which is proportional to the nishab of zakat.

4)Company management needs to revise the calculation of the amount of salary both when the company generates profits or losses, and communicates it to the workers/workers.

B.Obligation to Pay Wages

Employers are obliged to pay wages to workers who have completed their work. Whether it's daily, weekly, monthly, or otherwise. Islam recommends to speed up payment of wages, do not delay. Slowing down the payment of wages can cause great suffering to workers. In Islam, arbitrarily late payment of wages to workers is prohibited, unless the delay is regulated in the contract (agreement). Likewise, the suspension of payment of wages by the entrepreneur must first be regulated in the contract. If it is not regulated, the entrepreneur is obliged to pay the worker's wages after completing the work.

C. Justice and Feasibility in Giving Wages

Justice, in giving wages we need to also pay attention to the principle of justice. Justice does not mean that everything should be shared equally. Justice must be linked between sacrifice (input) and income (output). The higher the sacrifice, the higher the expected income. Organizations that apply the principle of justice in wages reflect organizations led by pious people.

CONCLUSION

From this discussion, we know that Islam as a religion that regulates all aspects of human life clearly provides guidelines on how to apply the provision of wages (ujrah) to workers according to an Islamic perspective. In Islamic Economics, wages are also referred to as ujah, which further discussion in economics is often associated with work agreements made. In Islamic economics, the determination of workers' wages strongly adheres to the principles of justice and sufficiency. The main principle of justice lies in the clarity of the contract (transaction) and commitment based on the willingness to do it (from the contract). In addition to the verses of the Qur'an above, there are several hadiths that emphasize wages, the hadith of the prophet Muhammad emphasized: Meaning: "From Abdullah bin Umar he said, "The Messenger of Allah said: "Give wages to workers before their sweat dries" (HR. Ibn Majah and at Thabrani).

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