

## WAGES IN ISLAMIC LAW

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**Abstract:** *Allah Almighty created humans as beings who cannot live without helping each other. One of the human activities in Muamalah is wages, in Fiqh it is called Ujrah. Wages are an issue that cannot be solved through discussion by parties or organizations, both private and government. It's as if wages are a task that always makes management think about setting policy. Islam offers the best solution to the wage problem to protect the interests of workers and employers without violating the legal rights of employers. The concept of Wages is established in the most appropriate way without putting pressure on any party. This type of research is descriptive qualitative and uses secondary data collection techniques. The results showed that the pillars and wage requirements were as follows: Wages and Workers (Mu'jir and Musta'jir), Shighat (Ijab Qabul), wages or rewards, and the existence of expediency. Wages can be grouped into two parts, namely as follows: The wages already mentioned (Ajrul Musamma) Y i.e. the wages mentioned at the beginning of the transaction, the condition is that when it is mentioned it must be accompanied by a willingness (received) by both parties, Commensurate wages (ajrul mistli) Is a wage that is commensurate with its work and commensurate with the conditions of work. In general, the provisions of islamic law regarding the determination of the payment of wages are as follows: Wages are paid as soon as possible, Wages are given according to their ability and achievements, Wages are mentioned before work begins, and Wages are paid appropriately.*

**Keywords:** *Wages, Islam, Fiqh Muamalah*

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### Introduction

The issue of wages and labor is a serious issue always hotly debated because this issue has various interrelated interests such as for example the Government, employers, workers and investors, hence the problem of Labor remains an important issue locally, nationally, and internationally (Nur Aksin, 2018). The problem of labor in the New Order era was a general labor policy implemented by the government whose purpose was to create the necessary conditions especially regarding the stability of investment and production of industrial workers In contrast to his time the Reformation that allowed the growth and construction of free and independent trade unions.

Wages or the provision of wages are things that have never been discussed by various parties, regardless of the form of organization, both private and government. It's as if compensation is a task that keeps management thinking about policymaking. Last but not least, wage levels repeatedly trigger conflicts between management and employees (Tiara Dewi, Muhammad Amir Masruhim, 2016). This is shown by the many protests in our country regarding the validity of wages that do not match expectations and are not directly proportional to what they do.

Any ugliness or opportunity that occurs in production activities at any time can be avoided if the labor organizers always fulfill what is their obligation and become labor rights. When all aspects of their needs are met, the workforce will automatically understand what is their obligation at work. As a wage, which is the obligation of the owner of the work to his work. Wages can also benefit the relationship between the owner and his labor. So in this case, rights and obligations become an indispensable synergy to develop the productivity of a company or organization (Mardiana & Dina, 2019) (Khairunnisa, 2015). Islam provides answers to all human problems, including economics. Basically, the businessman-labor relationship in modern times has been practiced since the time of the Prophet Sallallahu 'alaihi wasallam and his companions. Wages, or *ujroh* in Islam in Arabic, are closely related to material concepts and moral ethics, in contrast to traditional economics which considers wages only as a material concept (Pradesyah & Saputri, 2022). Therefore, the options that Islam offers in terms of wages are very different from traditional economic concepts.

In Islam, the concept of wages is very different from the Western concept of wages. Islam defends human and moral values in the wage system. Such as the concepts of fairness and fairness. Therefore the author goes into more detail about the concept of wages in Islamic law. In Arabic wages are called *al-ujrah*. In *al-Ajru*, it means "iwad (replace) the word '*al-ujrah*' or '*al-ajru*', which according to the language means *al-iwad* (change), that is, a reward given as a reward or in exchange for a job. According to (KEMENPERIN, 2003) about labor is a labor right that is received and expressed in the form of money in return from the employer or employer to the worker or laborer which is determined and paid according to an employment agreement, agreement or legislation, including benefits for workers or laborers and their families for a job and or services that have been performed. Whereas, (Iip Syaripudin, 2018) (Ismail, 2022) defines wages as the price paid to workers for their services in the production of wealth like other factors of production, labor is rewarded for its services in production. (Waliam, 2017) (Albara et al., 2021) It also defines that wages are the result of the work of the workers' bodies and accelerate their benefits, so that the law is illegitimate to delay the payment of work while employers are able to pay it off at that time. From some of the descriptions above, it can be concluded that wages are payments or rewards whose forms can vary, be paid or given by a person or institution or entity to others for business, work and the implementation of work or services (services). It means: "Work ye, and Allah shall *see your work, as well as His Messenger and the believers, and ye shall be returned to (Allah) Who knows the supernatural and the real, and he will preach unto you what ye have done*" Quraish Shihab interprets Sura At-Taubah verse 105 i.e. Allah Almighty commands His servants to do good deeds and work. On the contrary, Allah Almighty forbids laziness and waste of free time. Allah Almighty sees and judges every charity of His servant.

QS. An-Nahl Ayat 97 It means: "*Whoever works virtue, both male and female in a state of faith, then We will surely give him a good life and We will reward him with a better reward than what they have done*" Quraish Shihab interprets that Whoever works the slightest virtue, whether he is male or female, in a state of faith and based on sincerity, then we will surely give him a good life in the world and we will reward him in the hereafter for his virtues with better rewards and multiplied than what they have done. After explaining the reward He prepared in return for the pious charity of the faithful, in this verse Allah then explained that reading the Qur'an is one of those pious charities. Allah declares, when you want to read the Qur'an, sincerely ask Allah for protection by saying the phrase *a'udzu billa'hi minasy syaitho'nir rajim*, both loudly and softly, so that you may be spared by Allah from the whispers, seductions, and temptations of the damned demons for being kept away from Allah's mercy.

The hadith of the Messenger of Allah saw. about wages narrated by Abu Dzar that the Messenger of Allah s.a.w said: *"They (your slaves and servants) are your brothers, God puts them under your care; so that whoever has a brother under his care must be given to eat as he eats (himself) and gives what kind of clothes he wears (himself); and do not charge them with a very heavy task, and if you charge them with such a task, then let them (do it)." (HR. Muslim).* It can be defined in this hadith that wages are material-like in nature, must be related to guarantees and sufficiency. In the words "he should be given what he eats (himself) and *gives what kind of clothes he wears (himself)*" it means that the wages received must be sufficient for the food and clothing of the worker who receives the wage.

## Literature Review

*The Literature Review taken and* presented in this study is sourced from journals, as for journals taken or described in theoretical studies starting from the author's name, title, year of publication of the journal, the method used, and the results obtained. The previous research taken from several journals is as follows:

- 1) (Firmansyah & Fauzi, 2017) conducted a study entitled "District Minimum Wage System in Islamic Perspective (Case Study on Sidoarjo Regency Minimum Wage)" in 2017. This research uses a qualitative research approach. From the results of his research, it can be concluded that the formulation process to the determination of the district minimum wage in Sidoarjo Regency is still not meeting all Islamic wage indicators. As in the formulation of wages, this stage of wage formulation was first carried out by the Wage Board by conducting a survey of the needs of decent living in three traditional markets, namely the wadung asri market, krian, and prohibition.
- 2) (Syaripudin, 2018) conducted a study entitled "Islamic Economic Perspectives on Qur'anic Khataman Wages" in 2018. This research is a type of *library* research, which is a type of research carried out using literature (literature), both in the form of books, notes, and reports on the results of previous research. So the results of the study show that the status of taking or receiving wages from the results of the Qur'an Khataman is okay based on the Al-hadith above, because it includes obedience or worship. Those classified as sunah are those that are disputed or disputed among Fiqh scholars'.
- 3) (Aravik, 2018) conducted a study entitled "The Concept of Labor in an Islamic Perspective" in 2018. The approach used in this study is a normative approach, using qualitative descriptive analysis methods that aim to describe or describe the existing reality or what is happening or the actual reality in the object under study. The results showed that Islam views workers as you who should be treated as well as possible by employers. Then instruct each employer to treat workers well, in the form of respecting and maintaining and being friendly and guarding against treating workers dishonorably. Islam also requires employers to provide workloads that do not exceed the working capacity limit. And the moral obligation of a worker to the employer is to respect the employer by carrying out all the obligations that the employer has bound.
- 4) (Yono & Amelia, 2021) conducted a study entitled "Wages of Islamic Perspective in Economic Development" in 2021. The problem of wages is the way entrepreneurs and the government view workers who only make it a means of production, efficiency and attracting investment. For entrepreneurs, wages are part of the cost of production so that their expenses must be calculated as efficiently as possible and optimized for their use in increasing productivity and work ethic. In fact, for workers, wages are a very useful income to meet their needs. This is based on marshall's theory that the establishment of a minimum wage allows a

workforce to increase its nutrition so that in the long run it can increase its productivity. Meanwhile, the determination of wages in Islam is based on work services or the usefulness or benefits of a person's labor. The wages of a worker are determined based on the burden of his life without regard to the services provided by the labor of a worker.

- 5) (Arif, 2019) conducted a study entitled "*Ju'alah* In Islamic View" in 2019. The research approach uses descriptive qualitative. In everyday life, in general, humans do a lot of activities, in these daily activities there is work that cannot be done alone, so they must need others to do the work. Because of this, there must be a reward for the work done by the other person. In Islam, this wage or gift is called *ju'alah*. The matters relating to this *ju'alah* are explained by the scholars in muamalah jurisprudence, what are the pillars and conditions, what is the legal basis, how technical the implementation is, what are the things that cancel it, and then what is the wisdom of this *ju'alah* .

## Method

This type of research is qualitative descriptive research. This writing aims to summarize and conclude various conditions, situations, or phenomena of social reality that occur in the society that is the object of research. The type of data used is secondary data, namely data obtained from Library materials (Syafrida Hafni Sahir, 2022). The secondary data is taken from Library materials from several book references, the internet, and articles

Primary data is material that has relevant binding laws in this study. The primary data that we use is the Quran and Hadith, Law of the Republic of Indonesia No. 13 of 2003 concerning Manpower. Secondary data as a support for the primary material that the author uses through journals, literature, books, and so on related to this research. Tertiary material as a support for primary and secondary data used in this study is the Big Dictionary Indonesian / KBBI (Pendidikan, 2023).

### 1. Data Collection Techniques

The data collection technique in this writing is a *document study* (*Library Research*), namely collecting secondary data through the identification of reference books, and scientific article, the internet, and other materials that are still related to this research (Abdussamad, 2021).

## Result and Discussion

Regarding the discussion of the Pillars and Terms of Wages, The kinds of wages, and the provisions for the payment of wages in the previous study did not provide detailed provisions in either the Quran or the Sunnah. In general, the provisions of Islamic law regarding the pillars and conditions of wages, various wages, and the terms of payment of wages are as follows:

### 1. Pillars and Wage Terms

#### a. Wage Bill

Rukun Is the main points of Islamic teachings that are the basis or foundation for Muslims. The jurists of the Hanafi madzhab, stated that the pillars of the contract are only *ijab* and *qabul*, they admit that there can be no contract without the parties making it and without the object of the contract. The pillars and conditions of wages are as follows:

#### 1). Wages and Workers' Parties (*Mu'jir and Musta'jir*)

Requirement:

- a) Sensible but not required. It is not justified, then, to employ lunatics, children who are not yet mumayiz and unreasonable.
- b) There is a willingness from both of them to do the *ijarah* contract. If one of them is forced to perform the contract, then the contract is invalid.
- c) Proficient in controlling Desires

2). *Shighat (Ijab Qabul)*

*Shighat* is a remark made by the wage earners and workers. In *shighat* there are *ijab* and *qabul*. *Ijab* is a statement from the first party (*mu'jir*) to lease goods or services while *kabul* is the answer to the agreement of the second party to lease the goods or services lent by *mu'jir*. For example, you are willing to work on this project within two months with a daily wage of Rp.20,000, and the type of work is road work? then the laborer replied "Yes", I was willing.

3) Wages or Rewards

Namely money and so on that are paid as avengers or as payers of energy that has been spent to do something. The payment of these wages may be money and may be in the form of objects, and is hinted at being known to the amount by both parties, in accordance with the established agreement.

4) The existence of expediency

The work and goods that will be used as the object of labor must have obvious benefits such as working on project work, plowing fields and so on. Before entering into an *ijarah* contract, the benefits that will be the object of the *ijarah* should be clearly known in order to avoid disputes in the future, either the type, nature of the goods to be rented or the work to be carried out (Mardani, 2019).

**1. Miscellaneous Wages**

Wages can be grouped into two parts, namely as follows:

a. Already mentioned wages (*Ajrul Musamma*)

Y.i.e. the wages mentioned at the beginning of the transaction, the condition is that when it is mentioned, it must be accompanied by a willingness (accepted) by both parties. The purpose of setting an appropriate salary level is to protect the interests of both parties, both service sellers and service buyers, as well as avoid elements of exploitation in every transaction.

b. Commensurate wages (*ajrul mistli*)

It is a wage commensurate with his work as well as commensurate with the conditions of his work. This means property that is demanded as compensation in a similar transaction in general. If wages are mentioned in the agreement, then they are the declared wages (*ajrun musamma*). If it has not been reported or there is a difference of opinion about the quoted wages, then relative wages can be determined (*ajrul misli*).

**2. Terms of Payment of Wages**

a. Wages paid as soon as possible

Rasulullah SAW gave an example that Muslims must follow after that, namely determining the wages of workers before they carry out their work. Rasulullah SAW said:

*"Give it to a worker his wages before his sweat dries." (HR. Ibn Majah, shahih).*

This provision is intended to eliminate the suspicion or concern of workers that their wages are paid or delayed for no reasonable reason. However, Muslims have the right to determine the term of payment of salaries according to the agreement between the worker and the employer.

b. Wages are given according to their abilities and achievements

Allah says in the Quran Surah Al-Jatsiyah verse 22

That is to say: *"And God created the heavens and the earth with the right purpose and to be redeemed by each of them for what he did, and they would not be harmed."*

Every human being will be rewarded for what he has done. From the above section, it can be concluded that the wages given are in accordance with their abilities and the energy spent in working. While the employer must receive profits in accordance with the capital he spends. When workers are not paid a living wage, it not only affects purchasing power but ultimately also affects the living standards of workers and their families. In addition, injustice to the working class generates discontent and chaos among them and can give rise to anti-industrial actions in the form of strikes.

c. Wages are mentioned before work begins

Rasulullah SAW gave an example that Muslims must follow after, namely the determination of the wages of workers before they start carrying out their work. Rasulullah SAW said:

*"Whoever employs a worker should determine his wages (HR. Abdul Razzaq)"*

The point of this hadith is to immediately fulfill the rights of the worker after the completion of the work, as well as it can be meant if there has been an agreement to give a salary every month. In the hadith, the Messenger of Allah has given instructions, so that the employer first gives information about the amount of wages that will be given to the workers before they do their work. With the information on the amount of wages received, it is hoped that it can provide encouragement to work and provide comfort in working. They will carry out the work in accordance with the agreement of the employment contract with the employer.

d. Wages paid in a decent manner

Allah Almighty Says in QS. Asy-Syua'ra verse 183

That is to say: *"And ye shall not harm man to his rights, and ye shall not run rampant on the face of the earth by making mischief"*

The above verse implies that a person should not harm others by reducing the rights obtained. In other words, the right to wages means that you cannot hire people who are much lower than normal wages. A living wage is a salary that employees receive for daily necessities. For the idea of a living wage, the government sets a Regional Minimum Wage (UMR) or a Minimum Wage for Workers (UMP). The regional minimum wage (UMR/UMP) varies by region based on the consumer price index, minimum physical needs and expansion of employment opportunities. With the minimum wage, the government can adjust wages according to the changing needs of employees or workers.

## Conclusion

From the results of the research that has been obtained, conclusions can be drawn, namely as follows:

1. Rukun Is the main points of Islamic teachings that are the basis or foundation for Muslims. The pillars and conditions of wages are as follows: Wages and Workers (Mu'jir and *Musta'jir*), *Shighat (Ijab Qabul)*, wages or rewards, and the existence of expediency.
2. Wages can be grouped into two parts, namely as follows: The wages already mentioned (*Ajrul Musamma*) Y i.e. the wages mentioned at the beginning of the transaction, the condition is that when it is mentioned it must be accompanied by a willingness (received) by both parties, Commensurate wages (*ajrul mistli*) Is a wage that is commensurate with its work and commensurate with the conditions of work.

3. In general, the provisions of Islamic law regarding the determination of the payment of wages are as follows: Wages are paid as soon as possible, Wages are given according to their ability and achievements, Wages are mentioned before work begins, and Wages are paid appropriately.

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