



# Labour Protection In Islam

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**Abstract.** This research aims to find out the protection of labour in Islam. This research uses the library research method, meaning that the collection of data or materials needed in writing this thesis comes from books, and documentation review. Data analysis uses descriptive analysis, namely interpreting data that has been verified and stated in accordance with the research. The results show that Islam acknowledges the fact that wealth is jointly produced by labour and capital. Islam has set some rules to protect their rights. Islam acknowledges the fact that wealth is jointly produced by labour and capital. Therefore, labour has a position that is comparatively weaker than its employer, Islam has set some rules to protect its rights while in positive law, the protection of workers is intended to guarantee the rights of workers and ensure equal opportunities and treatment without any discrimination on anything to realize the welfare of workers and their families while taking into account the development of the progress of the business world and the interests of employers.

**Keywords:** protection, labour, Islam

## 1 Introduction

Labour as a factor of production has great significance. Because all natural resources are useless if they are not exploited by humans and processed by labourers. Nature has given untold wealth, but without human effort all will be stored. Many countries in the world for example in the Asian continent, the African continent and the South American continent are rich in natural resources but because they have not been able to explore it then they remain poor and underdeveloped, therefore in addition to the existence of natural resources there must also be people who work earnestly, diligently and wisely in order to be able to take natural resources for their benefit.

Islam encourages its people to work and produce, even making it an obligation for those who are able, more than that, Allah will give a reward in accordance with charity or work in accordance with the words of Allah in the Qur'an. Labour, from an Islamic perspective, is classified as an Ijarah (rental) activity in terms of buying and selling services. This is based on the Shara' foundation found in Q.S. ath-Thalaq, verse 6, which means: 'If they suckle (children) for you, then give them their wages.'

Furthermore, the Islamic teaching holds that capital cannot generate profit without a worker. A person's motivation in working or trying often comes from the beliefs he has. Encouragement from religion can make someone work diligently because they consider

the work as worship. Indeed, labourers are treated humanely by being given the right to live properly. Islam is rahmatan lil 'alamin. There is nothing on this earth that is not regulated or considered in Islam. Likewise, in the context of labour law, several texts of the holy verses of the Qur'an, hadith and the history of the life of the Islamic community, many mention the issue of employment/labour, either directly or indirectly.

Looking at the above description, Islam does not close the study of issues related to labour regulation. Islam is of the view that capital cannot generate profit without a worker (labour). A person's motivation to work or try often comes from the beliefs he has. Encouragement from religion can make a person work diligently because he considers the work as worship.

## **2 Method**

Research is basically a scientific way to get data with specific purposes and uses. The scientific method means that the activity is based on scientific characteristics, namely rational, empirical, and systematic. Rational means that research activities are carried out in ways that make sense, so that they are affordable by human reasoning. Empirical means that the methods used can be observed by the human senses, so that others observe and know the methods used. Systematic means that the process used in the research uses certain steps that are logical, (Putu Agung, A., Yuesti, 2019).

In this study the authors used qualitative research methods, qualitative research methods, namely qualitative research has a descriptive basis to understand a phenomenon more deeply. Qualitative research uses a theoretical basis as a guide to focus research, and accentuates the processes and meanings contained in the phenomenon (Hadari Nawawi, 2017).

The most basic difference between quantitative and qualitative research is the flow of theory and data, where quantitative research starts from a theory that is proven by field data; while qualitative research departs from field data and uses existing theories as support, then the results will bring up the theory of the data.

## **3 Result and Discussion**

### **3.1 Definition of Labour Protection**

Before knowing the definition of labour protection, it is necessary to know first the definition of labour. Imam Soepomo writes in his book that in labour law, there are many words concerning the subject of labour law regarding labour, but there is one meaning among the subjects of law, among others, labourers, employees, workers, and the workforce itself.

According to Abdul Hakim, the juridical definition of labour protection in Article 5 of Law No. 13 of 2003 on labour provides protection that every worker has the right and equal opportunity to obtain work and a decent livelihood without discriminating against gender, ethnicity, race, religion, and political sect in accordance with the interests and abilities of the worker concerned, including equal treatment of persons with

disabilities. Meanwhile, Article 6 obliges employers to provide the rights and obligations of workers/labourers without discriminating against gender, ethnicity, race, religion, skin colour, and political sect, (Hakim 2003).

The dynamics of the population that periodically continues to move also leads to an increase in the number of available labour force, including the conditions in the labour market. The implication of labour market condition in a country is not only on the availability of labour but also on the wage determination given to labour. The wage determination policy that has been known in conventional economics is formed from its dependence on labour market conditions. The state of demand and supply of labour is considered as the main basis for the level of wages that can be determined to be given to labour. There is even a minimum wage policy that is widely referred to as a form of wage efficiency. The concept of wage determination policy for labour from an Islamic perspective has differences with conventional economic thinking. A different point of view where in Islamic economics based on the Qur'an and sunnah also provides other results in a wage determination, (Hanifiyah Yuliatul Hijriah1\* & Elfira Maya Adiba2, 2019).

Labour in Islam also includes physical as well as non-physical potential. According to Chaudhry, the Qur'an refers to manual labour when it talks about the building of the ark by Prophet Noah, the manufacture of armour by Prophet Dawud, the tending of sheep by Prophet Moses and the construction of the wall by Dzul-Qarnain, it also refers to intellectual labour when it mentions the story of Prophet Yusuf who was appointed to oversee the state treasury by his king.(Hanifiyah Yuliatul Hijriah1\* & Elfira Maya Adiba2, 2019).

### 3.2 The Legal Basis of Labour Protection in Islam

**Al-Qur'an.** Allah SWT, says in the Qur'an letter Al-Kafi as follows:

Meaning: Indeed, those who believe and do righteous deeds, surely We will not waste the reward of those who do good deeds (Al-Kahf 30).

The above verse explains that those who do righteous deeds, including in this case work, Allah will reward them for what they have done both in this world and in the hereafter. The position of labourers in Islam occupies a respectable position. One important part of a labourer's right is wages. Wages are a basic right for every labourer.

In Surah At-Taubah Allah SWT says:

Meaning: And say: 'Work, and Allah and His Messenger and the believers will see your work, and you will be returned to (Allah) who knows the unseen and the real, then He will tell you what you have done,' (At-Taubah verse 105).

Furthermore, in Surah An-Nuur verse 33 Allah SWT says which means: And those who are unable to marry, let them keep their chastity, so that Allah may enable them by His bounty. And the slaves you have who desire a covenant, let you make a covenant with them, if you know that there is good in them, and give them a portion of the treasure of Allah which He has given you. And do not force your female slaves into prostitution, while they themselves desire chastity, for the sake of worldly gain. And whoever forces them, then surely Allah is Most Forgiving, Most Merciful (to them) after they have been forced, (An-Nuur verse 33).

**Hadits.** Meaning: Yusuf ibn Muhammad reported: Yahya ibn Sulaim reported: Isma'il ibn Umayyah reported: Sa'id ibn Abi Sa'id reported: Abu Hurairah r.a. reported: The Prophet (SAW) said: 'Allah says: There are three types of people against whom I will fight on the Day of Judgement: the one who swears on my behalf and then denies it, the one who sells a freeman and then eats from his price, and the one who hires a labourer and then the labourer completes his work but is not paid his wages.' (Hadits Bukhari).

As for the first corroborating hadith, 'The Messenger of Allah (SAW) said: 'Allah says: 'Three groups with whom I will dispute on the Day of Resurrection, and with whom I dispute I will be hostile: a man who gives a gift in My name and then goes back on it, a man who sells a free man and then eats the proceeds of the sale, and a man who hires a labourer and the labourer fulfils his contract but the man does not fulfil his contract.'

In the second corroborating hadith, the hadith of Ibn Majah, 'The Messenger of Allah (SAW) said: 'Three people will be my enemies on the Day of Resurrection, and whoever I am against, I will be against him on the Day of Resurrection: a man who gives in my name but he betrays, a man who sells a free man then he eats the proceeds of the sale, and a man who hires a worker, then when asked for payment he does not want to pay his wages'.

It can be understood that Islamic law also discusses and pays attention to human life in its capacity as a 'worker' and certainly contains principles and rules as well as conceptions of 'work' and teachings to always 'work'. Before proposing and elaborating on the core of the problem, it is necessary to know that humans in their position as social beings are required to always work in order to fulfil their needs, in addition to managing natural resources and exploiting them, (Yunus Assagaf, 2016).

Islam holds the view that capital cannot generate profit without a worker (labourer). A person's motivation to work or try often comes from the beliefs he has. Encouragement from religion can make a person work diligently because they consider the work as worship. Indeed, labourers are treated humanely by being given the right to live properly.

According to T.M. Hasby Ash-Shiddiqiey, the word 'Shari'at', which is derived from Arabic, means 'a path, or a path through which water falls'.<sup>7</sup> Meanwhile, the word 'Islam', which is also derived from Arabic, means, 'To save, to enter into salvation and to submit oneself'.<sup>8</sup> But in general, the word Islam is sometimes interpreted as 'Peace' or 'Salvation', or 'Submission' and 'Obedience' (Hasby Ash-Shiddiqiey, 1967).

### 3.3 Principles of labour in Islam.

**Human freedom.** The teachings of Islam, represented by the social piety activities of the Prophet Muhammad, firmly declared an anti-slavery attitude to build a tolerant and just society. Islam does not tolerate the system of slavery for any reason. Moreover, the practice of buying and selling workers and neglecting their rights is very disrespectful of human values.

**The principle of human dignity.** Islam places every human being, regardless of profession, in a noble and honourable position. This is because Islam loves Muslims who work hard for their livelihoods. Allah affirms in QS. Al-Jumu'ah: 10, which reads, 'When you have offered your prayers, then scatter yourselves over the earth, and seek the bounty of Allah, and remember Allah much that you may prosper.' This verse is supported by a hadith narrated by Imam Al-Baihaqi: 'None of you eats a better food than that which comes from his own sweat.'

**The principle of justice.** Justice is important for human life in order to create proper respect and rights in accordance with their activities.

**The principle of clarity of aqad (agreement) and wage transactions.** Islam pays great attention to the issue of contracts, it is one of the most important parts of economic life. Every believer is obliged to fulfil what has been promised both with regard to work, wages, working time and so on, (Euis Amalia, 2005).

According to Syamsudin, a Muslim worker or entrepreneur in carrying out various business activities must always rely and hold fast to the following principles:

1. A Muslim must work with sincere intentions because of Allah SWT. Because in the perspective of sharia, work is only to uphold worship to Allah SWT in order to avoid things that are prohibited and in order to maintain from bad characteristics, such as begging or being a burden on others.
2. A Muslim in business adorns himself with noble morals, such as: honesty, trustworthiness, keeping promises, fulfilling debts and paying debts properly, giving leeway to people who are having difficulty paying debts, avoiding delaying debt payments, greed, cheating, collusion, extortion (illegal fees), bribery and manipulation or the like.
3. A Muslim must work in good things and halal businesses. So that in the view of a Muslim worker and entrepreneur, there will not be the same between the projects of this world and the projects of the hereafter. For him, halal and haram will not be the same. He will always legalise the halal and forbid the haram, even only to the extent permitted by Allah SWT and His Messenger. A Muslim in his work must fulfil his rights, whether they are related to the rights of Allah SWT or those related to the rights of human beings. Because delaying the payment of debts for people who are able is an injustice. Wasting trust and breaking agreements are not the character of a Muslim, it is the habit of hypocrites.
4. A Muslim must avoid usury transactions or various other forms of haram business that lead to it. Because the sin of usury is very heavy and usury property is not blessed, in fact it will only bring curses from Allah SWT and His Messenger, both in this world and the hereafter.

5. A Muslim should not eat other people's property by means of haram and batil, because the honour of a person's property is like the honour of his blood. The wealth of a Muslim is forbidden to be taken except with his willingness and the shar'i reason for taking it, such as wages, business profits, buying and selling, grants, inheritance, and the like.
6. A Muslim worker or businessman must avoid any attitude or action that could harm others. He must also be a reliable partner as well as a moral competitor who always puts forward the rule 'All harm and harm is forbidden'. Seorang pekerja atau pengusaha muslim harus berpegang teguh pada aturan syari'at dan bimbingan Islam agar terhindar dari pelanggaran dan penyimpangan yang mendatangkan saksi hukum dan cacat moral.
7. A Muslim in working and doing business must be loyal to the believers and make ukhuwah above business interests, so that business does not become a means of creating tension and hostility among Muslims. And when doing business, don't talk about social, while when social don't talk about business, because it results in an insincere attitude in charity and giving (Baharuddin, 2019).

### 3.4 Hikmah Perlindungan Tenaga Kerja Dalam Islam

Islamic law is intended for individuals to realise their obligations and carry them out with sincerity. In addition to the obligations that must be fulfilled, Islamic teachings also state that every individual also has rights that are guaranteed and protected. At the next level, Islam explains that after the individual, the family also has a sacred position that must be guarded and maintained, by strengthening the sense of responsibility of each member, and filling it with mutual love and respect, (Abdul Khakim, 2003).

Workers should not be burdened with work beyond their physical and mental abilities. Giving work beyond physical ability is giving heavy work that requires strong energy to complete the work. Physical work and requires great energy has the opportunity for workers to experience various diseases, (Nasution, 2019).

Labour protection is protection that is sought to safeguard the basic rights of workers. The purpose of labour protection according to Abdul Khakim is to ensure that a harmonious system of labour relations takes place without any pressure from strong parties to weak parties. Labour protection is one of the objectives of labour development and labour development is one part of national development. This is why labour protection is a matter that needs serious attention for its implementation because it can support national development. The objectives of manpower development are, among others:

1. To empower and utilise labour optimally and humanely,
2. To realise equal employment opportunities and to provide labour in accordance with national and regional needs,
3. Provide protection to labour in realising welfare,

#### 4. Improve the welfare of labour and their families. (Abdul Khakim, 2003).

Protecting labour is important in order to combat mismanagement, so an employer must know the purpose and method of supervising workers from matters related to work rules and supervision in Islam. Employment in Islam labour is a human resource that affects the smooth running of a production. Production raw materials will not be able to be processed into a useful product, if there is no intervention from labour, (Abdul Khakim, 2003).

As explained in the Qur'anic verse Surah al-Ahqaf which means: 'And for each of them a degree according to what they have done and that Allah may fulfil for them (the recompense) of their works while they are not wronged.' For this reason, the wages paid to each employee can be different based on the type of work and responsibilities they carry.

Furthermore, the provision of wages in accordance with the work done also plays a very important role and is a characteristic of an employment relationship, even said to be the main purpose of a worker who does work for another person or legal entity. That is why the government participates in handling this wage issue through various policies as outlined in the legislation. Every worker has the right to obtain a decent income for humanity. To realise a decent income, the government establishes protection with wages for workers, (M.M Metwally, 1995).

## 4 Conclusion

With the completion of the description and explanation that the author has put forward in the discussion of the previous chapters, in this final chapter the author will try to put forward some conclusions and close with suggestions that are constructive and deemed necessary.

1. Islam acknowledges the fact that wealth is jointly produced by labour and capital. As labour is in a comparatively weaker position than its employer, Islam has set some rules to protect its rights. In fact, the rights of labour are the responsibility of the employer and vice versa.
2. As for the comparison of labour protection according to Islamic law and positive law, Islamic law stipulates the fact that property is jointly produced by labour and capital. Islam has formulated some rules to protect their rights. Actually, the labour rights are the responsibility of the employer and vice versa. The rights of labour include: they should be treated as human beings, not as animals.
3. Glory and honour should always be attached to them. They must receive a decent wage and be paid promptly. Meanwhile, in positive law, the protection of workers is intended to guarantee the rights of workers and ensure equal opportunities and treatment without discrimination of any kind to realise the welfare of workers and their families while taking into account the progress of the business world and the interests of employers.

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