



ISLAMIC LAW REVIEW OF CADRE WAGE CUTS (CASE STUDY OF POSYANDU ANGGREK, KELAYAN LUAR DISTRICT)

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Abstract

Humans work to find additional income for their daily lives. The desire of the cadres, the majority of whom are housewives, to work in the hope of wages is exploited by many good people, as happened at Posyandu Anggrek, Kelayan Luar Subdistrict. Where there is a cut in cadre wages which is very detrimental to the cadres. Therefore, researchers are interested in researching cadre wage cuts and the factors causing cadre wage cuts at Posyandu Anggrek, Kelayan Luar Subdistrict. The method used in this research is empirical legal research. The results of this research indicate that the wage cuts for cadres at Posyandu Anggrek, Kelayan Subdistrict have not clearly regulated wages. There are still those who do not fulfill their obligations so that workers' rights are not fulfilled, where the rights that three out of four cadres do not get regarding wages at Posyandu Anggrek, Kelayan Luar Subdistrict, namely cadres do not receive information regarding the value and amount of wages they will receive and giving wages that are not commensurate with the results of the work that has been done. The cause of the wage cuts that occurred at Posyandu Anggrek, Kelayan Luar Subdistrict, was due to the addition of PMT (Supplemental Food Provision) money which should not have been the responsibility of the cadres.

Keywords: Islamic Law, Wage Deductions, Cadre.

Abstrak

Manusia bekerja untuk mencari penghasilan tambahan untuk kehidupan sehari-hari. Keinginan para kader yang mayoritas adalah ibu rumah tangga untuk bekerja dengan harapan mendapatkan upah dimanfaatkan oleh banyak orang baik, seperti yang terjadi di Posyandu Anggrek Kecamatan Kelayan Luar. Dimana terjadi pemotongan upah kader yang sangat merugikan para kader. Oleh karena itu, peneliti tertarik untuk meneliti pemotongan upah kader dan faktor-faktor penyebab pemotongan upah kader di Posyandu Anggrek Kecamatan Kelayan Luar. Metode yang digunakan dalam penelitian ini adalah penelitian hukum empiris. Hasil penelitian ini menunjukkan bahwa pemotongan upah kader di Posyandu Anggrek Kecamatan Kelayan belum mengatur secara jelas mengenai upah.

Masih ada yang tidak memenuhi kewajibannya sehingga hak-hak pekerja tidak terpenuhi, dimana hak-hak yang tidak didapatkan oleh tiga dari empat kader terkait pengupahan di Posyandu Anggrek Kelurahan Kelayan Luar yaitu kader tidak mendapatkan informasi terkait nilai dan jumlah upah yang akan diterimanya serta pemberian upah yang tidak sepadan dengan hasil pekerjaan yang telah dilakukan. Penyebab pemotongan upah yang terjadi di Posyandu Anggrek Kecamatan Kelayan Luar dikarenakan adanya penambahan uang PMT (Pemberian Makanan Tambahan) yang seharusnya tidak menjadi tanggung jawab kader.

Kata Kunci: Hukum Islam, Pemotongan Upah, Kader.

Introduction

Basically, humans are social creatures who always need other people, so that every human being has the urge to interact with other people. One of the interactions carried out by humans with other people is by building work relationships. Humans work together with other people to fulfill their needs, this collaboration occurs between two parties who need each other.¹

The problem faced by workers recently is that companies or institutions are still found cutting wages that have been set, so it can be said that companies or institutions are not complying with the agreements that have been set. Meanwhile, in reality wages are still a basic need for workers.

Wages play a very important role for workers and also for the survival of the organization. Wages are a form of compensation, where workers receive compensation from their employers for the work or services they have performed to fulfill their lives.² Wages are retribution in the form of money paid to repay services rendered.³

Method

This type of research is field research (Field Research) which is descriptive with a qualitative approach. This research was carried out by interviewing and documenting Posyandu Anggrek cadres, Kelayan Luar Subdistrict. The location of the research was at Posyandu Anggrek, Kelayan Luar Subdistrict. Data collection techniques were carried out

¹ Novi Yanti Sandra Dewi, "Pengupahan Dan Kesejahteraan Dalam Perspektif Islam," *Jurnal Econetica: Jurnal Ilmu Sosial, Ekonomi, Dan Bisnis* 1, No. 2 (18 November 2019), hlm 11–24.

²Aktaviani, "Pentingnya Upah Dalam Mempengaruhi Karyawan Guna Peningkatan Kinerja Disuatu Organisasi,".

³ "أجر," Dalam *ويكيبيديا*, 29 Januari 2023, <https://Ar.Wikipedia.Org/W/Index.Php?Title=%D8%A3%D8%AC%D8%B1&Oldid=60834330>.

using interviews and documentation with informants, namely cadres at Posyandu Anggrek, Kelayan Luar Subdistrict.

Results And Discussion

A. Cutting Cadres' Wages at Posyandu Anggrek, Kelayan Luar Subdistrict.

The researcher's analysis of cadre wage deductions at Posyandu Anggrek, Kelayan Luar sub-district is classified as where the deductions are not in accordance with Islamic law, because they do not fulfill the pillars and conditions for the validity of wages, where the wage pillars must have a *sighat* or consent to *qabul* when a wage-wage transaction occurs in addition to the conditions. wages must also state the amount of wages that will be received, However, even though Islam has regulated wages and requires *mu'jir* to fulfill their obligations to *musta'jir*, there are still *mu'jir* who do not fulfill their obligations. According to researchers, even though the cadres at Posyandu Anggrek, Kelayan Luar sub-district know the amount of wages received after receiving wages, they still have to explain the amount of wages transparently to the cadres at Posyandu Anggrek, Kelayan Luar sub-district so that no one feels cheated or disadvantaged and for the second interest. both parties.

The practices carried out at the Anggrek Posyandu, Kelayan Luar Subdistrict, are not in accordance with the provisions given by the Prophet, namely that the *mu'jir* must state in advance how much wages they will receive before the worker starts working. The following is the sound of the hadith narrated by Abd Ar-Razzaq from Abu Hurairah and Abu Sa'id Al-Khudri:

مَنْ اسْتَأْجَرَ أَجِيرًا فَلْيُعَلِّمَهُ أَجْرَهُ⁴

"Whoever employs workers, let them know their wages"⁵

The wages given to cadres at Posyandu Anggrek, Kelayan Luar Subdistrict are wages that do not take the form of benefits which are similar to *ma'quud alaih* (object of the contract).⁶ The wages given to cadres at the Anggrek Posyandu, Kelayan Luar Village, are in the form of money and this is very useful for the cadres as workers at the Anggrek Posyandu, Kelayan Luar Village.⁷

The wages of the cadres at the Anggrek Posyandu, Kelayan Luar Subdistrict have been cut due to the additional PMT (Additional Food Provision) money which should not be the responsibility of the cadres at the Anggrek Posyandu, Kelayan Luar Subdistrict. From the results of the research conducted by the author, it can be said that Posyandu

⁴HR. Abd Ar-Razzaq dari Abu Hurairah dan Abu Sa'id Al-Khudri.

⁵Fatwa DSN Nomor 9/DSN-MUI/VI/2000 tentang *Ijarah*.

⁶Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm 400-404.

⁷Nurul Huda, *Ekonomi Makro Islam*, (Jakarta: Prenada Media, 2018), hlm 230.

Anggrek, Kelayan Luar Subdistrict is not in accordance with Islamic law, where wages should be deducted if he (the cadre) has not completed it but has done his work, then he only gets wages equal to his work, so the work is after completing it, it is handed over and he has the right to ask for wages equal to what he has done.⁸ This means that wage cuts made at the Anggrek Posyandu, Kelayan Luar Subdistrict for the reason of additional PMT money (Giving Additional Money) are not included in the things that allow wage cuts in Islam.

Providing wages to its cadres, Posyandu Anggrek does not delay. Posyandu Anggrek Kelayan Luar Subdistrict always pays its wages on time or wages are given before the sweat dries.

This is in accordance with the words of the Prophet as narrated by Abu Daud as follows:

حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَالِدِ الدَّمَشْقِيُّ حَدَّثَنَا وَهْبُ بْنُ سَعِيدِ بْنِ عَطِيَّةَ السَّلْمِيِّ حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ أَعْطُوا الْأَجِيرَ أَجْرَهُ قَبْلَ أَنْ يَجِفَّ عَرَقُهُ⁹

Has told us [Al Abbas bin Al Walid Ad Dimasyqi] said, has told us [Wahb bin Sa'id bin Athiah As Salami] said, has told us ['Abdurrahman bin Zaid bin Aslam] from [his father] from [Abdullah bin Umar] he said, "The Messenger of Allah sallallaahu 'alaihi wasallam said: "Give wages to workers before their sweat dries."¹⁰

Islam also states that wages must be commensurate with the work that has been given. Therefore, the Qur'an orders the mu'jir to pay the workers according to their due share according to the work the cadres have completed.

The Islamic economic view that mu'jir must pay workers wages commensurate with their work. If the mu'jir pays wages unequally, which is equally unfair, then he is considered to have mistreated his workers.

The results of the research conducted by the author, Posyandu Anggrek Kelayan Luar Subdistrict is still not in accordance with wages according to Islam, because at Posyandu Anggrek Kelayan Luar the wages given to cadres are not commensurate with the work that has been done because the wages given to cadres are equalized regardless of the amount of work or The responsibility is borne by the cadres because in Islam wages are entitled to be given according to their work.¹¹

⁸Wahbah Az-Zuhaili, *Fiqh Islam Wa Adillatuhu*, (Damaskus: Darul Fikr, 2007), hlm 426.

⁹Ibnu Majah, *Sunan Ibnu Majah*, (Beirut:Darul Fikr, 2000), hlm 20.

¹⁰ Kumpulan Hadist Ibnu Majah, "Ilmu Islam." Nomor 2443, <https://ilmuislam.id/Hadits/Cari?S=Sebelum%20kering%20keringatnya>

¹¹Nurul Huda, *Ekonomi Makro Islam*, (Jakarta: Prenada Media, 2018), hlm 230.

B. Factors Causing Cuts in Cadres' Wages at Posyandu Anggrek, Kelayan Luar Subdistrict.

The results of research carried out by researchers in the field regarding wage cuts that occurred at Posyandu Anggrek, Kelayan Luar Subdistrict, there were factors that caused cuts in wages for cadres at Posyandu Anggrek, Kelayan Luar Subdistrict, namely, wage cuts to increase PMT money (Providing Additional Food) at Posyandu Anggrek, Kelayan Luar Subdistrict.

There are still many mu'jir who are not appropriate in giving wages to musta'jir and there are even many mu'jir who cut wages to musta'jir. Wage cuts are also a threatening thing for workers/laborers, especially for those who do not have a side job.¹² There are several factors that cause wage cuts as regulated in the Republic of Indonesia Government Regulation Article 63 Number 36 of 2021 concerning Wages, the provisions of which state that employers are permitted to cut workers' wages or cut employees' salaries.¹³ With the following conditions:

1. Payment of fines, compensation, and/or advances on wages, is carried out in accordance with the work agreement.
2. For renting a house, renting company property that the entrepreneur rents out to workers/laborers, and/or debts or installments of workers/laborers' debts must be made based on a written agreement or written agreement.
3. Excess wage payments are made without the worker/laborer's consent.¹⁴

a. Education Factors for Anggrek Posyandu Cadres, Kelayan Luar Subdistrict

Wages are something that must be given as compensation for the benefits he gets.¹⁵ Wages are workers' rights which are received and expressed in the form of money as compensation from entrepreneurs or employers to workers/laborers which are determined and paid according to a work agreement.¹⁶ If the wages that workers

¹²Thufail Rozaan, Analisis Yuridis Pemotongan Upah Tenaga Kerja Akibat Pemberlakuan Pembatasan Kegiatan Masyarakat (PPKM) Level 1-4, *Mimbar Jurnal Hukum* .2 No.2, (2021), hlm 7.

¹³Peraturan Pemerintah Republik Indonesia Pasal 63 Nomor 36 Tahun 2021 *Tentang Pengupahan*.

¹⁴Permatasari dan Hukumonline, "Aturan Potong Gaji Karyawan Dalam Peraturan Ketenagakerjaan." 7 Juli 2018

¹⁵Hidayanti, Rahmaniah, Dan Haris, "Upah Dalam Profesi Advokat Pada Kasus Pembelaan Perkara Pidana Menurut Perspektif Ulama Di Kota Banjarmasin," *Jis :Jurnal Islamic Studies*, (2023), hlm 413. <https://qjurnal.my.id/index.php/jis/article/view/532>

¹⁶Pasal 1 Undang-Undang Nomor 13 Tahun 2003 *Tentang Ketenagakerjaan*.

should receive are cut, it is the same as taking away workers' rights. Like the cuts in cadre wages that occurred at Posyandu Anggrek, Kelayan Luar Subdistrict.

From the results of research conducted by the author, there are several factors related to the lack of education of cadres which cause wage cuts at Posyandu Anggrek, Kelayan Luar Subdistrict, including the following:

- 1) The lack of knowledge that the cadres at Posyandu Anggrek, Kelayan Luar Subdistrict have regarding the wages they will receive.
- 2) Lack of curiosity among cadres at Posyandu Anggrek, Kelayan Luar Subdistrict regarding information regarding the wages they will receive.
- 3) There is no courage among the cadres at Posyandu Anggrek, Kelayan Luar Subdistrict to submit an opinion regarding the applicable wage cuts.

b. Economic Factors of Anggrek Posyandu Cadres, Kelayan Luar Subdistrict.

Workers work in the hope of receiving rewards, many work to earn wages as income for daily life. Workers hope that the wages they receive will be sufficient for their daily lives or simply to help supplement their family's economy.

Wages are very important for workers to fulfill their lives, the importance of wages is also accompanied by complex problems. One of the problems experienced by workers is wages that are not paid according to work or wage cuts that are carried out unilaterally. This is because workers are the weak party at work.¹⁷

From the results of research conducted by the author at Posyandu Anggrek, Kelayan Luar sub-district, there are cadre economic factors in the wage cuts that occur at Posyandu Anggrek, Kelayan Luar sub-district, where the majority of the cadres are housewives who have no income and only join as cadres as income. additional funds to increase and help the family's finances, when wages are cut and wages are not commensurate with the work or wages are cut by the mu'jir, the cadres can only accept and remain silent, they cannot do anything, even just ask questions. , because they are afraid of being dismissed as a cadre and losing the income that should be an addition to family life.

Conclusion

The cuts to cadres' wages that occurred at Posyandu Anggrek, Kelayan Luar Subdistrict, did not disclose the value at the beginning and the wages given to the cadres were already in the form of something useful and not similar to the object of the contract

¹⁷ Evy Safitri Gani, Sistem Perlindungan Upah di Indonesia, *Jurnal Hukum Dan Syariah* 11 No.1, (2015), hlm 4.

because the wages given were in the form of money. Posyandu Anggrek, Kelayan Luar Subdistrict, cuts cadres' wages to increase PMT (supplementary food provision) money, which is not included in the things that allow wage cuts in Islam.

The factor that causes wages to be cut at Posyandu Anggrek, Kelayan Luar, is the additional PMT (supplementary food provision) money, which can be concluded into two factors, namely the cadre education factor, which is the lack of knowledge possessed by the cadres at Posyandu Anggrek, Kelayan Luar. regarding the wages that will be received, the lack of curiosity of the cadres at Posyandu Anggrek, Kelayan Luar Subdistrict regarding information regarding the wages that will be received, the lack of courage for the cadres at Posyandu Anggrek, Kelayan Luar Subdistrict to submit an opinion regarding the applicable wage cuts. And the economic factor is that the cadres, the majority of whom are housewives and do not have income to help the family economically, when wages are cut, can only remain silent because they feel lucky to be a cadre and are afraid of being dismissed as a cadre.

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