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## Fair Wages in Employment: Islamic Insights into Aceh Province's Minimum Wage

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### Abstract

The problem of wages is more than just nominal. Other things are important to note, such as the time of payment and the wage component. Likewise, eligibility and fairness must be seen from the mechanism for determining it so that inequality between workers and job providers does not occur. The philosophy of wages as a form of worker protection is needed for government intervention to issue regulations made by the government by setting a minimum limit of salary/wages to be paid by the company to its workers. The Aceh government has set the Provincial Minimum Wage (UMP) to ensure wage equity between workers and job providers. This research is qualitative research that uses secondary data as a data source. The data used is Aceh Governor Regulation No. 560/1539/2022. The data was analyzed by describing the UMP setting system in Aceh and its relevance to the principles of justice, eligibility, and virtue. The results indicated that the setting of Aceh's minimum wage is relevant to the concept of wages in Islam and has fulfilled the principles of wages in Islam based on justice, eligibility, and virtue principles.

**Keywords:** Fair Wage, Islamic Insights, Principle, Islam

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### Introduction

In the economic sector, wages are one of the most crucial things in employment. Wages are closely related to the relationship between employers and workers in a particular business world. This relationship is realized by giving rights to workers who have contributed services for the smooth operation of a particular institution or company. This right can be in the form of wages, namely a means used by workers/laborers to improve their welfare. However, the wage level varies by work provider due to certain factors.

Factors that distinguish wage levels are labor demand for and supply, differences in job styles and abilities, non-financial considerations, and labor mobility (Sadono Sukirno, 2019). Ibn Taimiyah emphasized that every person must be guaranteed adequate life at a minimum standard. At the same time, he emphasized the need for justice in a government (A. A. Islahi in (Martiniingsih, 2016). The problem of wages is not just nominal; other things are essential, such as the time of payment and the wage component. Likewise, the feasibility must be seen. The determination of wages in Islam is based on three principles, namely, the principles of justice, fairness, and benevolence.

Fair wages are intended as wages that must be given to workers so they can live appropriately in society. Ibn Taimiyah refers to the prevailing price level in the labor market (*tas'ir fil amat*) and uses the term fair wages (*ujrah fil mitsl*). An overarching definition of quality and quantity is determining a level of wages. When wages and prices are uncertain or unspecified, and the type is not known, they are considered vague and speculative (A.Karim, 2007). Justice referred to here is wages balanced with the services workers provide.

The principle of wages that job providers must meet is eligibility, which means that the wages paid are sufficient for workers' clothing, shelter, and food needs (Ghofur, 2020). Furthermore, the principle of benevolence means that the wages received bring goodness to workers and job providers, workers get rewards for their work, and work providers get maximum performance from workers.

In the world of work, there are many complaints related to wages, such as the wages received not meeting the living needs of workers; this is caused by the wages received by workers being low. As mentioned in Sumarsono (2003), the problem that often arises in wages is that employers and employees generally have different understandings and interests regarding wages. For employers, wages are seen as a burden because the more significant the wages paid to employees, the smaller the profit for employers. The reality now shows that only a few employers are trying to improve the livelihood of their employees, especially the lowest class of workers.

The problem of wages is not just nominal; other things are essential to be noted, such as the time of payment and the wage component. Likewise, the eligibility must be seen from the mechanism for determining it. So that inequality between workers and job providers does not occur, as well as the philosophy of wages as a form of worker protection, government intervention is needed to issue regulations made by the government by setting a minimum limit of salary/wages to be paid by the company to its workers. This is also to get rid of the impression of exploitation by the employer to workers because they pay wages below their standard of living. This stipulation is then known as the Minimum Wage.

Determination of the minimum wage for 2023 is carried out using a new formula, namely setting wages based on the inflation rate and economic growth. This indicator is seen as representative of both elements, both workers and

employers. This improvement is because the 2022 minimum wage has not accommodated the impact of the socio-economic conditions of the community, which needs to be balanced with the rate of increase in prices of goods, which results in a decrease in the purchasing power of workers. Therefore, in terms of anticipating socio-economic dynamics that are developing in society, adjusting the setting of the 2023 Minimum Wage is expected to provide a situational solution to maintain the purchasing power of workers/laborers and business continuity (Amalia et al., 2023; Nst, 2021).

Minimum Wage setting not only increases productivity but can also reduce productivity. Supposedly, the value of wages is proportional to the magnitude of the role of labor services in realizing the company's business results. However, unproductive workers often use the UMP setting, so an increase in the wage rate will not increase productivity. As a result, job providers are burdened with wage demands following the Provincial Minimum Wage. Another issue also arises from the employer's side, where the employer finds it difficult to meet the minimum wage limit set by the government because even though the worker works little and easily, the employer still must pay according to that limit.

On the other hand, the Provincial Minimum Wage can also be used by employers to reduce the amount of salary so that it is not too high, even though the workers have sacrificed their labor and working hours in the production process of a company, meaning that the increase in work productivity does not affect the level of wages received by workers. Even though the Provincial Minimum Wage regulation clearly states that "The Provincial Minimum Wage is the lowest monthly wage with working hours of 7 hours/day or 40 hours/week for a 6-day work system and 8 hours/day for a 5-day/week work system. Furthermore, the Provincial Minimum Wage also only applies to single workers/laborers with a working period of less than one year (Decree of the Governor of Aceh, n.d., 2022).

The stipulation of the minimum wage that has been set only applies to workers and laborers with one year of service and below. For workers with more than one year of service, it should be carried out with a productivity-based wage system or what is known as the wage structure and scale. Implementing the structure and scale of wages in companies is important, considering a mandate from laws and regulations. Good industrial relations can manifest in the company's appreciation of productive workers and laborers through the wages they receive. With such a wage system, workers are expected to consistently increase productivity to obtain wages that can benefit Indonesian workers and their families.

The results of the study (ANIS, 2014) found that setting the level of the Aceh Provincial Minimum Wage (UMP), which is set every year, differs from the concept of Islamic economics in improving the socio-economic status of workers. This discrepancy is reviewed in terms of the determination process and its application in society. This fact is irrelevant when looking at Aceh's status as a region that is given complete authority in implementing Islamic sharia. Where the concept of workers in Islam is placed on an equal footing with employers, workers/laborers should also be respected as fellow Muslims so that their rights and obligations must be fulfilled properly. This is contrary to the wage policy implemented so far; namely, the level of needs and wages paid need to be balanced.

Based on Raiyyan's research (2020), the Aceh Provincial Minimum Wage (UMP) is quite in accordance with Hadd Al-Kifayah. Furthermore, research (Shintia & Abbas, 2019) says that employee remuneration varies considerably based on class and length of service, while the salary component here consists of basic salary plus benefits such as wife/husband benefits, position allowances, child benefits, meal allowances, and transport allowances. However, workers and employers do not understand deeply about the calculation of the provincial minimum wage and the level of wages paid does not meet the provincial minimum wage.

According to the description above, the researcher formulated the research objectives to find out the minimum wage system stipulated in Pergub Aceh No. 560/1539/2022 and see the relevance of establishing the Aceh provincial minimum wage regulation with the concept of wages in Islam based on the justice principles, eligibility, and the virtue principles.

## Literature Review

Suggestions for giving wages as a better form of fulfilling the needs of workers' lives are explained in the Koran surah (An-Nahl: 97), which reads: "Whoever does good deeds, whether male or female, in a state of faith, then surely We will give him a good life and surely We will reward them with a reward better than what they earned."

Yusuf Qardhawi explained that the reference for setting wages was an agreement between the two parties, namely the employer and the employee. However, it is inappropriate for the strong in the contract to exploit the needs of the weaker party and give them substandard wages. As is prohibited from buying and selling because of compulsion, meaning that it is not permissible to exploit the condition of the seller's urgent need to buy goods from him at a lower price than a reasonable price, so that by doing so, he has harmed him. Likewise, exploiting workers' emergency needs is not permissible to buy their hard work and sweat with minimal wages that cannot make them prosperous (Mulyadi, 2017).

Ibnu Taymiyah gave the opinion that the government may apply commensurate wage rates (*ujrah al-mitsli*) to existing transaction activities. The government has the right to force parties engaged in production if the community, such as farmers, tailors, and construction workers, to sell their services by receiving a commensurate number of wages. Thus, service buyers must keep the number of wages that service sellers will receive. Likewise, service sellers cannot demand from service buyers several wages that exceed *ujrah al-mitsl* (Martiningsih, 2016).

According to Mannan, the basic needs employers must pay are those that can cover the adequacy of life, where the standard depends on the socio-economic conditions of the community concerned. So, the minimum wage, according to Abdul Mun'im, must meet a person's living expenses, which include clothing, food, shelter, education, health, and responsibilities in the family (Ridwan, 2013).

## Methods

This research is qualitative, descriptive, and library research conducted by collecting data from various literature

books, journals, website writings, magazines, or various writings. The research method used in this research is the normative legal research method. This research belongs to descriptive qualitative studies that aim to find solutions to problems. According to this methodology, data collection used the documentation method. The data obtained is then processed by editing and data organizing methods and then analyzed by the inductive method to get a description that is as complete as possible. Documents were taken based on Government Regulation of Aceh No.560/2022 on Minimum Wages, then, the relevance to consent wage in Islam was analyzed.

## **Results and Discussion**

### **The Wage System Stipulated in The Governor of Aceh Regulation No. 560/1539/2022.**

The Governor of Aceh has set an adjustment to the 2023 Aceh UMP of 7.8%, so that for 2023 the Aceh UMP will be Rp. 3,413,666, - or an increase of Rp. 247,206, - from 2022. The Provincial Minimum Wage is the lowest monthly wage with a working time of seven hours per day or 40 hours per week for a working system of six days per week and 8 hours per day or forty hours per week for a working system of five days per week. He emphasized that companies that have paid higher wages than the UMP are prohibited from reducing or lowering wages after issuing this decision (Keputusan Gubernur Aceh, n.d.)

The Aceh Provincial Minimum Wage Regulation was stipulated in consideration of implementing the provisions of Government Regulation Number 36 of 2021 concerning Wages. Determination of the minimum wage is determined based on economic and employment conditions. It must adjust every year, considering economic growth, inflation, and expansion of the workforce (President of the Republic of Indonesia, 2021), (Ministry of Manpower, 2022), and (KEMNAKER, 2013).

The wage system stipulated in the Aceh Provincial Minimum Wage regulation is a wage system that applies nationally in Indonesia, in which all provisions and wage mechanisms follow existing regulations. Based on Law No. 13 of 2003 concerning employment, mentions the definition of wages, which reads, "Wages are the rights of workers/laborers received and expressed in money in return from the employer to workers/laborers stipulated and paid in accordance with employment agreements or legislation, including benefits of workers/laborers and their families or services that have been or will be performed" (KEMNAKER, 2013).

According to Government Regulation (PP) No. 36/2021 on Wages, the provincial minimum wage designed and approved by the governor should be announced to the public through various media by November 21 each year. Moreover, that date coincides with a national or official holiday. In that case, the announcement of the provincial minimum wage must be distributed the day before November 21 each year and take effect from January 1 each year. The district/city wage council calculates the value of the district/city minimum wage. Then the minimum wage calculation results are submitted to the regent/mayor to be proposed to the governor through the department that organizes government affairs in the provincial labor sector. However, suppose the result of calculating the district/city minimum wage is lower than the provincial minimum wage. In that case, the regent/mayor cannot recommend the value for approval by the governor. According to Article 24 of Government Regulation, the minimum wage is the lowest monthly wage which includes wages without allowances and basic wages with fixed allowances imposed on employees or laborers with a period of service of less than one year in the company. However, suppose the employee or laborer works for a year or more. In that case, it is guided by the salary structure and scale that has been determined by the employer, considering the ability and productivity of the company (Presiden RI, 2021).

The mechanism for determining UMP are: (1) The head of the provincial or district/city payroll council forms a survey team whose members consist of three party elements, trade union representatives, employers, the government, and nonpartisans from academia; (2) Eligible Living Standard (KHL) is stated in Ministerial Decree No. 13/2015, based on these standards, the payroll council survey team conducted a price survey to determine the eligible subsistence value which was then submitted to the respective provincial governors; (3) Surveys are conducted once a month from January to September, while for October to December forecasts are made using the last square method. The average survey results will be taken each month to obtain the KHL value; (4) The value of this KHL will later be used as one of the considerations in determining the minimum wage that applies to employees or laborers with a working time of less than one year. While the salaries of employees with a working period of one year and above are negotiated bipartite between employees or trade unions and employers from the company; (5) Based on the survey value, the pay council also considers other factors such as productivity, economic growth, least affluent businesses, labor market conditions, and recommendations or considerations from the provincial or district/city pay council; (6) The governor will determine the value of the minimum wage. This minimum wage is set 60 days before the effective date of January 1 and must be distributed at least on November 21.

According to Article 23 (1) Government Regulation (PP) No. 36/2021, the minimum wage is the wage without allowance or basic wage and fixed allowance. Then, in Article 81 Number 32 of Law No. 11/2020 on Job Creation which amends Article 94 of Law No. 13/2003 on Employment, it is explained that the minimum wage component consists of basic wage and fixed allowance so that nonfixed allowance is not included in the wage portion minimum (Presiden RI, 2021).

Based on Law Number 11 of 2020 concerning Job Creation, in article 3 it is stated that creating and increasing employment by providing convenience, protection, and empowerment to cooperatives and UMKM as well as national industries and traders is an effort to absorb a wide Indonesian workforce. The extent of it while considering the balance and progress between regions in the national economic unity; guarantee that every citizen gets a job and gets compensation and treatment that is fair and proper in work relations; make adjustments to various regulatory aspects related to alignment, strengthening, and protection for cooperatives and UMK-M as well as the national industries. It is also explained that the minimum wage in force in Indonesia from February 2020 is the Provincial Minimum Wage (UMP) and the City Minimum Wage (UMK), determined based on economic and labor conditions in each region that

includes purchasing power parity, labor absorption rate, and median salary (Undang Undang Republik Indonesia Nomor 11 Tahun 2020 Tentang Cipta Kerja, 2020).

Based on the Regulation of the Minister of Manpower Number 18 of 2022 concerning the 2023 minimum wage, it is stated that regions that already have a Minimum Wage, determine the Minimum Wage by adjusting the Minimum Wage value. The adjustment to the Minimum Wage value, as referred to in paragraph (1) for 2023, is calculated using the Minimum Wage calculation formula, considering economic growth, inflation, and specific indices. The form of a certain index that describes the contribution of labor to economic growth with a certain value within a certain range, namely 0.10 (zero point one zero) to 0.30 (zero point three zeros). Determining the value of another index considers productivity and expansion of employment opportunities (Menteri Ketenagakerjaan, 2022).

The description above illustrates that the wage mechanism implemented and determined by the Aceh government has a variety of regulations that show injustice in setting the Provincial Minimum Wage. It can be concluded that the Aceh Province Minimum Wage regulation has fulfilled Islamic values, which can be seen in the items mentioned in the regulations, which are the reference in setting wages.

## **Relevance Of Aceh Provincial Minimum Wage Regulation with The Islamic Wages Concept**

Islam offers a good solution to the problem of wages to save the interests of both parties, namely workers and job providers, in achieving maximum benefit and good relations between the two, so the principles of wages in Islam must determine the determination of wages. The relevance of the Aceh UMP regulation with the concept of Islamic wages must be fulfilled based on several principles, namely fairness, decency, and benevolence. The following will be explained in detail.

### **a. Justice Principle**

Justice in the provision of compensation also needs to be considered the principle of fairness. Justice does not mean that everything must be shared equally. Justice must be linked between sacrifice (input) and income (output). The higher the sacrifice, the higher the expected income. Fair is meant here to be transparent and proportional. Being transparent in terms of wages means that before workers are hired, they must be clear how they will receive the wages. The wage includes the number of wages and the procedure for paying wages, while it is proportional that someone's work will be rewarded according to the weight of the work. The wages paid should be proportional to the level of work or production results, and exploitation is prohibited (Ghofur, 2020).

The setting of the Minimum Wage for Aceh Province shows that the determination of wages is carried out fairly, that is, transparent and proportional; this can be seen from the contents of the Pergub itself, which implicitly contains the principle of justice. Article 2 states that "The Aceh Provincial Minimum Wage (UMP) for 2022 is set at IDR 3,413,666, - (Three Million Four Hundred Thirteen Thousand Six Hundred Sixty Rupiah)". Article 3 states that "The Aceh Provincial Minimum Wage as referred to in Article 2 is the lowest monthly wage with a working time of 7 hours of day or 40 hours of week for a work system of 6 days of week and 8 hours of the day or 40 hours of week for work system 5 days of week.

The Governor of Aceh's regulation is also in line with the opinion of Ibnu Taimiyah, which states that the government may apply commensurate wage rates (*ujrah al-mitsli*) for existing transaction activities. The government has the right to force parties engaged in the community, such as farmers, tailors, and construction workers, who need their services to sell their services by receiving a commensurate number of wages. Thus, service buyers must keep the wages that service sellers will receive. Likewise, service sellers cannot demand wages that exceed *ujrah al-mitsl* from service buyers. The determination of wages refers to the prevailing price level in the labor market and equivalent wages. This means that wage rates are determined by bargaining between workers and employers, and equal wages will be determined by known wages, if any, which can serve as a reference for both parties. The level of wages is determined by bargaining between workers and employers with clarity on the form of work, time, and number of wages. Remuneration follows known wages and can be a reference for both (Margining's, 2016).

Based on the explanation above, it can be concluded that the Aceh Provincial Minimum Wage regulation has fulfilled the principle of fairness in wages; that is, before workers are hired, employers must explain how they will receive the wages. The minimum wage amount and the procedure for paying monthly wages can be known thoroughly by workers. Even though many employers still pay daily or weekly wages, they are still adjusted to the UMP rate that has been set. However, the nominal figure listed in the governor regulation can be a reference for employers in paying workers' wages in daily, weekly, and monthly forms. Meanwhile, the proportion of wages is stated in Article 3, which states the working time with the stated minimum wage, so the possibility of labor exploitation is very low.

### **b. The Eligibility Principle**

In addition to the issue of fairness, another thing that needs to be considered in wages is the element of eligibility. This eligibility can be compared with remuneration at other companies, or it can also be by using government regulations regarding minimum wages or by using minimum basic needs. This can also be done by comparing it with how wages in other companies are intended to maintain "External Consistency." If wages in the company concerned are lower than in other companies, this can result in difficulties in obtaining workers. In Islam, feasibility means enough food, clothing, and shelter. Apart from that, eligibility here is also meant not to harm other people by reducing the rights they should have obtained. For example, give someone's wages far below what is usually given.

In the hadith narrated by Mustawrid bin Syadad Rasulullah SAW. said: "I heard the Prophet Muhammad said: "Whoever becomes a worker for us, let him find a wife for him; if a maid does not have it, let him look for it for his assistant. If he does not have a place to live, let him find a place to live. Abu Bakr said, "It was reported to me that the Prophet Muhammad said: Whoever takes an attitude other than that, then he is an outrageous person or a thief" (HR Abu Daud) (T. Wildan, 2022).

From the hadith above, the eligibility of the wages received by workers is seen from three aspects, namely food (food), clothing (clothing), and boards (place to live), even for employees or employees who are still not married, it is the job of the employer who employs him to find his soul mate. This means that the relationship between the employer and the worker is not only limited to a formal employment relationship, but the employee is considered part of the employer's family.

The determination of the Minimum Wage for the Aceh Province, based on an eligibility perspective regarding decent living needs, is relevant to the regulation of the Minister of Worker, number 13 of 2013. It includes food and drink, clothing, housing, education, health, transportation, recreation, and savings.

From the explanation above, it can be concluded that in terms of the feasibility of clothing, boards, and food. The determination of the Minimum Wage for Aceh Province has fulfilled the principle of eligibility according to Islam, as explained by Mannan that the basic needs that the employer must pay are those that can cover the adequacy of life where the standard depends on the level of socio-economic conditions of the related community. So, the minimum wage, according to Abdul Mun'im, must cover a person's living expenses, including clothing, food, boards, education, health, and responsibilities in the family (Ridwan, 2013).

### c. The Virtue Principle

The Virtue Principle referred to here is that wages can benefit workers and employers. Workers' wages can be a support to meet the necessities of life. Meanwhile, for employers, the services obtained from workers can advance and maintain the existence of the business being carried out; in the agreement, both parties are warned to be honest and fair in all their dealings so that there are no acts of persecution that harm the interests of employers and workers.

Suppose you look at Government Regulation Number 36 of 2021 concerning Wages and the Aceh Governor's Regulation concerning the Determination of the Minimum Wage. In that case, it shows that the purpose of setting the minimum wage in Aceh is nothing but an embodiment of the principles of benevolence (Decree of the Governor of Aceh, n.d.) and work (President of the Republic of Indonesia, 2021). In Islam, virtue applies not only to one party but also to both the laborer and the employer. This means that the wages set do not necessarily prioritize the interests of the workers alone but also pay attention to the productivity and economic growth of the companies where they work so that both are mutually beneficial.

The explanation above is in line with Qardhawi's opinion, which explains that "In fact, a worker is only entitled to his wages if he has carried out his work correctly and in accordance with the agreement because Muslims are bound by conditions between them except conditions that prohibit what is lawful or allow what is unlawful. However, he does not work without proper reasons or deliberately performs it improperly. In that case, this should be considered (his wages deducted) because every right is balanced with obligations. The rights given follow the obligations carried out; as long as workers get total wages, the obligation must also be met. This explains that workers get wages for their work in addition to workers' rights. It is also the company's right to get good results from workers. Even Qardhawi said that working well is the worker's obligation, for his rights are the wages he gets. Likewise, giving wages is the company's obligation to the company's rights, which is the result of the workers' work. However, it is inappropriate for the strong in the contract to exploit the needs of the weaker party and give them substandard wages. As prohibited from buying and selling because of compulsion means that one cannot exploit the condition of the seller's urgent need to buy goods from him at a lower price than a reasonable price so that he has harmed him. Likewise, exploiting workers' emergency needs is not permissible to buy their hard work and sweat with minimal wages that cannot make them prosperous (T. Wildan, 2022; Teguh Eka Prasetya, 2022).

From the description above, Aceh's minimum wage regulation is relevant to the concept of wages in Islam. This can be seen from the Islamic values in each point of the governor's regulation regarding the Aceh minimum wage.

## Conclusions

Minimum wage is a standard used as a guideline by employers/employers in making agreements with workers regarding the actual wages that must be paid to workers. This minimum wage is also set by the government, considering workers' minimum living needs. In Islam, wage determination must meet the principles of justice, appropriateness, and benevolence. In Islam, wages must be paid on time and according to the hard work of the employee, determined the wages of workers based on the conditions of a city and their personal needs. This action may be used as an example to determine the level of wages according to the basic needs of society and viewed from the point of view of calculating wages based on the pattern of meeting the needs of decent living.

Article 3 of the Aceh Provincial Minimum Wage regulation above clearly reinforces that wages are set based on the time and work system offered. That is, the wages paid must be under the time they sacrifice for the company or employer. Furthermore, to achieve maximum benefit in terms of labor and wages, not all wage-setting activities are entirely left to the market mechanism because sometimes the market mechanism does not work pretty and fairly. Therefore, the government needs to take over the role of the market mechanism in providing these commodities and services to ensure the realization of the principles of fairness, decency, and benevolence in setting wages.

If seen from Aceh No.560/1539/2022 concerning the setting of the Minimum Wage for the Province of Aceh, it is carried out considering government regulation 36 of 2021 regarding wages. This means that the State in general and the Aceh government in particular have guaranteed the realization of the principles of justice, fairness, and virtue in determining workers' wages. Even though the non-compliance of companies or institutions pays wages, it is not caused by setting a minimum wage that is incorrect and not following Islamic sharia. However, economic actors must comply with the regulations or their inability to pay wages according to those set in the Provincial Minimum Wage, caused by economic growth, inflation, and a decent life.

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