



## PT. Jaso Malindo Perspective of Fiqh Muamalah and Law No.13 of 2003 (Case Study of PT Jaso Malindo Department of Solok-Padang)

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### ABSTRACT

This study raises the issue of the payment of driver wages by Induk samang (owner of PT Jaso Malindo) in Koto Baru, Kubung District, Solok Regency). As for the questions of this research, namely: first, how is the payment of driver wages made by PT Jaso Malindo in Koto Baru? Second, how is the Fiqh Muamalah Review of the Wage Payment Mechanism by PT Jaso Malindo in the form of gratuities? To answer these research questions, the authors conducted field research using data collection techniques, the authors went directly to the field to collect the necessary data, by conducting interviews with parties related to this problem, namely the driver and owner of PT Jaso Malindo company in Koto Baru District of Kubung, Solok Regency. To manage the data obtained by the author using a qualitative descriptive method. The purpose of this research is to find out the method and system of wage payments made by PT Jaso Malindo. To find out how the Muamalah Fiqh Review of wage payments is based on gratuities. The author uses a qualitative descriptive method, namely by collecting data in the field and then analyzing it. The subject or data source was obtained from the owner of PT Jaso Malindo and the drivers. Data collection techniques in this study were observations, interviews, and documentation which were analyzed descriptively qualitatively. From the research conducted, it can be concluded that PT Jaso Malindo pays wages for drivers at PT Jaso Malindo. The wages given by PT Jaso Malindo to drivers are in the form of gratuities, 18% for drivers and 82% for master samang. The maximum number of passengers on the bus is 15 people with a fare from Padang to Solok Rp.

**Keywords:** *Payment, Fiqh Muamalah, Law*

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## **INTRODUCTION**

The convenience in Islam is that humans must act to help each other (Li dkk., 2020; Marshall, 2019; Shankar & Rishi, 2020). One of them is in the field of muamalah, such as wages, because someone who has done a job will get a commensurate wage for the work that has been carried out. According to the amount of value stated and agreed upon by both parties, namely the employer and the recipient of work when carrying out the transaction services/work sector (Indiani & Fahik, 2020; Lempert dkk., 2019; Speak dkk., 2018).

Basically Islam does not determine which work is the best for its people to engage in, but the most important thing is that the work is in line with Islamic requirements and produces results that are lawful and beneficial for themselves and their families and others (Bakker & Albrecht, 2018; Berdahl dkk., 2018; Clyne & Troughton, 2019). However, work that is highly favored by Islam is work done by someone with their own hands, while the best work is one that is strong, trustworthy and trustworthy (Becker dkk., 2021; Liberatore, 2019; Satybaldieva, 2018). Besides that, the issue of reasonable wages is also very much emphasized so that the two are interrelated.

Payment of wages is usually based on a work agreement, because the existence of a work agreement will create a working relationship between the master and the driver, which contains the rights and obligations of each party (Hastings dkk., 2019; Mangan, 2021; Nugroho dkk., 2018). The right of one party becomes an obligation for the other party, and the obligation as a PT is to provide decent and appropriate wages (Araújo, 2019; Kaplan, 2022; Machala, 2023). Determination of wages for drivers must be based on justice, considering aspects of life, so that the Islamic view of the driver's right to receive wages can be realized. This also includes acts of helping each other through wages (ujrah). Wages are permissible in the Shari'a as long as there are no practices that are prohibited in Islam (Brandt, 2018; Matano dkk., 2020; Strøm dkk., 2018).

Basically, ujrah is defined as the right to use goods or services by paying a certain fee (Boaheng dkk., 2019; Chyz & Gaertner, 2018; Viglia dkk., 2019). So ujrah is giving compensation in the form of assets because it has provided benefits in the form of services from the contract agreed by both parties. According to Fatwa of the National Syari'ah Council, ijarah wages are contracts for the transfer of usufructuary rights (benefits) for an item or service for a certain time through payment of rent or wages, without being followed by a transfer of ownership of the goods themselves (Hussin dkk., 2021; Sumarti, 2018). Thus in the ijarah contract there is no change in ownership, but only the transfer of use rights from the lessor to the lessee. (No.09/DSN-MUI/IV/2000 Concerning Ijarah Financing)

## **RESEARCH METHODOLOGY**

The method or approach used to obtain data and information is a qualitative method or approach (Fadli, 2021) commonly used in cultural research (Hamilton & Finley, 2019; Hitchings & Latham, 2020; Skarbek, 2020). The use of qualitative

methods aims to obtain more and more in-depth data (Cheng & Metcalfe, 2018; Gill, 2020). The city of Padang has many minibuses companies, there are 7 minibuses companies spread across the city of Padang with different majors, One of them is PT Jaso Malindo. PT Jaso Malindo is a minibus transportation, meaning transportation that serves passengers to travel within the province such as trips from Solok to Padang, Solok to Bukittinggi, Solok to Sawahlunto and so on. PT Jaso Malindo has been operating for 22 years, and has 3 counter branches, namely Padang, Bukittinggi and Solok counters. At the Padang counter, the direction or destination is Solok and Sawahlunto. at the Solok counter, the destination is Padang and Bukittinggi, and at the Bukittinggi counter, the destination is Solok. The first departure at PT Jaso Malindo is around 06.00 WIB in the morning until 17.30 WIB. The number of minibuses at PT Jaso Malindo is 50 minibuses, with 50 drivers, and has a backup driver whose number of drivers is uncertain, and PT Jaso Malindo has 3 agents. Before the pandemic, 1 (one) driver's departure trip could be 3 or up to 4 trips, namely Padang to Solok, Solok to Padang and back again to Solok, but during this pandemic, 1 (one) driver can be 2 (two) or/sometimes only 1 (one) trip.

The payroll system (salary) provided by the company (PT Jaso Malindo) uses a wage system, in which the wage system is in the form of a gratuity. one of the drivers who works at PT Jaso Malindo's minibus named Mr. Zulfikar, he said that the payroll system provided by the company is a wage system, which is in the form of gratuity. 18% for the driver and 82% for Induk Samang (PT party) with a maximum number of passengers of 15 people. Furthermore Mr. Dirman (the driver of PT Jaso Malindo), said the salary given by PT Jaso Malindo to the driver is a daily wage in the form of gratuities, 18% for the driver and 82% for Induk Samang. Judging from this description, this paper explains how the payment of wages for PT Jaso Malindo drivers from the perspective of fiqh muamalah and Law no. 13 of 2003.

## **RESULT AND DISCUSSION**

PT Jaso Malindo is a bus transportation service that serves passengers traveling within the province. With the Sawahlunto-Solok Padang route. The route from the Sawahlunto City Market to Simpang Bay from Solok to Simp. Haru Padang. Solok-Bukit Tinggi trip, the route from Simp. Ambacang VI of the Solok City Tribe to Aur Market, Bukit Tinggi City. PT Jaso Malindo was established around 1998, which was named Jaso Malindo by Ibuk hj. Yusnimar.

Jaso Malindo buses total 50 buses, of which the number of drivers is 50 people, while the active reserve driver is uncertain. Each bus unit has a backup driver, for each filling pool it is chaired by an agent. The large number of enthusiasts from Jaso Malindo Bus has made PT Jaso Malindo strive to improve public transportation services such as strictly prohibiting passengers from smoking on buses, strictly prohibiting drivers from transporting more than seventeen passengers, and also serving goods delivery.

The Jaso malindo bus route travels with the Sawahlunto-SolokPadang route. The route from the Sawahlunto City Market to Simpang Bay from Solok to Simp. Haru

Padang. With a departure of 1 x 2 hours with a maximum passenger load of 15 passengers and 1 driver. The stops were made 2 times, the first stop occurred at the check point in Lubuk Silasih and the second stop stopped at the right destination, both in the Solok, Padang, Sawahlunto areas. However, the stop is sometimes made in the middle of the trip if a passenger wants to get off in the middle of the road by instructing the driver with the word "Left" in a loud voice.

Wages play an important role and are one of the characteristics of a relationship called an employment relationship, it can even be said that wages are the main goal of a worker doing work for another person or legal entity (Boustanifar dkk., 2018; Budig dkk., 2019; Macdonald dkk., 2018). That's why the government participates in dealing with this wage problem through various policies as outlined in laws and regulations.

Law Number 13 of 2003 states that every worker or laborer has the right to earn income that fulfills a decent living for humanity. For this purpose, the government establishes a wage policy to protect workers or laborers (Chen, 2018; Militaru dkk., 2019; Yan dkk., 2022). The wage policy includes: Minimum wages, overtime wages and wages for absent work due to absence. wages are paid based on the agreement of the parties, but to ensure that the wages received are not too low, the government participates in setting the lowest wage standards through statutory regulations. This is what is commonly called the minimum wage, which can be realized as provincial, district/city, or sectoral minimum wages. As the name implies, the minimum wage functions as a safety net so that the wages received by workers are not below standard so that they cannot meet the needs of themselves and their families (Ahern, 2020; Lee, 2020; Vally Senasi dkk., 2021).

Entrepreneurs are required to pay wages to their workers regularly from the start of the employment relationship until the end of the employment relationship. Wages given by employers may not discriminate between male and female workers for work of equal value (Law No. 80 of 1957) which is a ratification of ILO convention No. 100 of 1951). Wages are not paid if the worker/laborer does not work (Article 93 paragraph 1 of Law No. 13 of 2003 concerning Manpower in conjunction with Government Regulation No. 8 of 1981 concerning Wages Protection), this principle is known as the principle "no work no pay", this principle does not apply absolutely, the meaning can be waived in certain cases or in other words workers still get wages even though they cannot do the job (Buana & Budiman, 2022; Espeli, 2021; Merrill-Francis dkk., 2022).

PT Jaso Malindo is a bus transportation service that serves passengers traveling within the province. With the Sawahlunto-Solok Padang route. The route from the Sawahlunto City Market to Simpang Bay from Solok to Simp. Haru Padang. Solok-Bukit Tinggi trip, the route from Simp. Ambacang VI of the Solok City Tribe to Aur Market, Bukit Tinggi City. PT Jaso Malindo was established around 1998, which was named Jaso Malindo by Ibuk hj. Yusnimar. The payroll system (salary) provided by the company (PT Jaso Malindo) uses a wage system, in which the wage system is in the form of a gratuity.

The payroll system provided by the parent samang (owner of PT Jaso Malindo) is in the wage system. The wage system provided by PT Jaso Malindo to the driver is in the form of a gratuity, 18% (excluding oil and damage to the bus) for the driver and 82% for the master samang. Usually the maximum number of passengers on the bus is 15 people with a fare from Padang to Solok Rp. 20,000. If one (1) trip the driver takes passengers to Solok, then the total fare for full passengers is ± Rp. 300,000, so 18% of IDR 300,000 = 54,000 (fifty four thousand rupiah). Then the wages for the driver is Rp. 54,000 (fifty four thousand rupiahs), Rp. 54,000 (fifty four thousand) is the wages of the driver if the passengers are full. However, Based on Vira's statement, "Usually I'm walking in two units, I usually mine in units, now I'm in two units, when I see it, I'm going to take over one unit, so right before Covid-19 I was mining Kasadonyo, but Maso, after Covid, now the mining team has arrived limo unit, start mining from 06.00 WIB in the morning until you arrive at 18.00 in the afternoon, if the driver deposits the mining results from

Rp. 300,000 to Rp. 400,000, but now the passenger deck for the sake of the driver pays Rp. 100,000 to Rp. 200,000, the problem is that usually up to seven passengers are allowed to go, but now sometimes there are nine passengers, sabaleh, two per passenger, while the fare for ciek passengers is Padang is now Rp. 20,000, it costs only sis. The wages for the driver are eight per cent of the proceeds from the driver's deposit earlier but they don't add up to the pit of auto oil. (Usually go four now go two, at the older sister's place there were ten units of minibuses so before Covid-19, all the units were mining, but after Covid-19 only four to five units are mining now, starting at 06.00 WIB this morning until the last departure is at 18.00 WIB in the afternoon, if the driver deposits the results of the mining, usually Rp. 300,000 to Rp. 400,000, but now because there are few passengers, the driver deposits Rp. 100,000 to Rp. 200,000, because usually there are seventeen passengers, but now there are only ten, eleven or three fifteen passengers, while the fare for one passenger is Rp.

The author also conducted interviews with several Jaso Malindo drivers, namely Dirman. (Wages are given in the form of a gratuity. So once you pick up a passenger, you will be divided by 18% for the driver when you deposit it at the pool in Lubuak Silasiah)

Mr. Zulfikar Says: "Your salary is a gratuity, so it pays 18% of the results from the mining wak in the main deck of Samang, the oil for the fuel for the fuel is sometimes out of 18%, how come it's just that it's agaihanyo for auto oil sometimes it pays off sometimes it's just right -Mediocre and accompanied by Mr. Jo, the parent of Samang, Mrs. uses her belief system. Then, Karejo was sent to a school for 20 years. Waka, who was the first to become a disko driver, was advised to be quiet at Siko. Apply if you are asked to go directly to Karajo. For example, if the stops for the drivers are slow, or sometimes the drivers who stop are sometimes indecisive. (The salary is gratuity, so later the driver will give 18% of the results from the mining driver by Induk samang, the cost of bus oil is also given in addition to the 18% earlier, sometimes the oil



money is excessive, sometimes it is also mediocre. The system used in this work is a system wages).

And based on a statement from Ms. Astitin (Director of PT Jaso Malindo), he said the wages given by PT Jaso Malindo to drivers are in the form of gratuities, 18% for the driver and 82% for the parent samang. Where the maximum passengers on the bus are 15 people with a fare from Padang to Solok Rp. 20,000, if one (1) trip the driver takes passengers to Solok, then the total fare for full passengers is  $\pm$  Rp. 300,000, so 18% of Rp. 300.000 = 54,000 (fifty four thousand rupiah). Then wages for the driver is Rp. 54,000 (fifty four thousand rupiah), Rp. 54,000 (fifty four thousand) is the wages of the driver if the passengers are full. However, the wages received by the driver differ by 18% when there are few passengers, such as 13,12,11, even up to 9 passengers. while the benefits/services provided or issued to the company are the same.

The wage agreement between the driver and Induk Samang is carried out verbally on the basis of trust. This verbal wage agreement has become a habit for the people there because they have instilled mutual trust between one another. Because the nature of trust between one another has been instilled, their transactions run smoothly without any hindrances. The induk samang thinks that if the wages transaction is done in writing then this will make their business long later. So they more often use verbal wage agreement contracts because they are considered easier and more practical.

### **The Perspective of Fiqh Muamalah and Law No. 13 of 2003 Regarding the Payment of Wages for Drivers of PT. Jaso Malindo**

Wages in Arabic are also called Al-Ujrah which means rewards or wages. Meanwhile, in terms of wages, money and so on are paid as remuneration or as a payment for labor that has been expended to do something. Thus what is meant by wages is the payment of compensation in the form of assets for having provided benefits in the form of services from the contract agreed upon by both parties.

In fulfilling every need of human life must work. Each result obtained is very dependent on how much effort has been made in achieving this success. Humans are allowed to do anything to meet their needs as long as it is in accordance with Islamic teachings and does not deviate from the rules set by the rules of Allah SWT.

Lafaz al-Ijarah in Arabic means wages, rent, services, or rewards. It can also be interpreted as a transfer of usufructuary rights over an item or service within a certain time with a reward (wages, rent), which is not followed by a transfer of ownership rights over the item being rented. The substance of the Ijarah contract lies in taking the benefits of goods or services that are offset by wages within a certain time. Described by Hendi Suhendi in the book Fiqh Muamalah, the scholars gave fatwas about the permissibility of taking wages from activities that are considered good deeds.

Islam has also regulated work agreements that regulate all kinds of rights and obligations between a worker and an employer so that there is a balance between the two. The agreement entered into by the driver with Induk Samang PT Jaso Malindo is a form of ijarah (mu'jir and mu'tajir), sighat, benefits, and ujah. The pillars of ijarah in the PT Jaso Malindo bus transportation lease agreement with the driver are fulfilled. PT

Jaso Malindo acts as the lessor (mu'jir), the driver acts as the lessee (mu'tazir), the thing being rented is the PT Jaso Malindo bus for the Sawah Lunto-Solok-Padang (ma'qud alaih).

The siqhat agreement between PT Jaso Malindo's parent company and the driver is verbal, and the benefit is that the bus is used by the driver to become transportation within the province, which provides facilities to transport people from one place to another. The legal requirements are: the contract must be clear, the object of the contract must be fulfilled both syar'i and essentially, benefits must be allowed by syara', work must be allowed by syara'. In general, the Qur'anic provisions relating to the determination of wages are contained in Surah An-Nahl verse 90:

إِنَّ هَٰذَا يَوْمُ رُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَايَ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْإِغْيَابِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ ٩٠

Meaning: Indeed, Allah orders (you) to act justly and do good, to give to relatives, and Allah forbids from the heinous acts of evil and enmity."

This verse is related to wages in the work agreement, so it can be stated that Allah SWT commands employers to be fair and generous to workers. The word relative is interpreted as a worker (driver), because these workers are part of the company, if it weren't for their hard work it would be impossible for the employer's (induk samang) business to succeed. Therefore, the obligation of the employer (induk samang) is to provide for the welfare of their workers, including in terms of paying decent wages.

In wages, wages must fulfill the principles of justice and balance. The principle of justice implies that civil relations must not contain elements of deception, oppression, taking opportunities when the other party is in a tight spot. This principle also implies that the results obtained must be balanced with the efforts or efforts made by someone. In the concept of justice according to Aristotle reveals the conception of justice, namely distributive justice (distributive justice) in the form of a consideration (proportion) which is the equality of two comparisons (equality of ratios). Injustice is what violates that proportion. Aristotle illustrates that the part A received is in accordance with the service A, and the part B received is in accordance with the service B.

The condition for Ujrah is that the value of the property should be known with certainty and certainty. This condition was agreed upon by the scholars. The meaning of the terms has been explained in the buying and selling where, in buying and selling the price of an item must be clear, so the wages given must be clear and known. According to Abu Hanafiyah, it is required to know the place where wages are paid if the wages include goods that need to be brought.

Hadith narrated by Abu Sa'id Al-Khurdi, the Prophet SAW said:

وَعَنْ أَبِي سَعِيدٍ رَضِيَ َ جَرَّاجٍ ِرَا فَلَيْسَ ُم لَهُ أَجْرَتُهُ .

"From Abu Said Radiyallahu'anhu that the Prophet Shallahu'alaihi wasallam said:" Whoever hires a worker should determine his wages. according to the way of Abu Hanifah)

The hadith above provides an understanding of the procedures for carrying out an ijarah contract, especially in relation to the amount of wages to be paid. Confirmation of wages in work contracts is something that must be known, this is to prevent disputes in the future. For example, if the musta'jir (wages) wage rate per day is IDR 100,000, then the mu'jir (wages giver) must pay IDR 100,000. With the condition that the benefits provided by the musta'jir to the mu'jir must be proportional to the wages given by the mu'jir.

The wage, which is Rp. 100,000, is what is meant to be clear and known so that the worker knows clearly the price for the services he spends for one day and cannot be reduced by the amount that has been agreed upon as long as he does not violate the work. For example, it is known that ujarah is a definite wage (ujrah). For example, the daily wage for building workers is Rp. 70,000 (seventy thousand rupiah) per day which is paid every Saturday after working hours. The ujarah figure in the form of money of IDR 70,000 (seventy thousand) per day is a figure that is known for sure by the parties and the IDR 70,000 figure is received every Saturday by the laborer/worker, whether the work is completed or not completed, it is still IDR 70,000 (seventy thousand rupiah) the wages of the worker/worker.

Unlike the case with the provision of wages by the parent samang (owner of PT Jaso Malindo) to the driver is not in accordance with the elements of justice because the wage system provided by PT Jaso Malindo to the driver is in the form of gratuities, 18% for the driver and 82% for the parent samang. Where the maximum passengers on the bus are 15 people with a fare from Padang to Solok Rp. 20,000, if one (1) trip the driver takes passengers to Solok, then the total fare for full passengers is ± Rp. 300,000, so 18% of IDR 300,000 = 54,000 (fifty four thousand rupiah). Then the wage for the driver is Rp. 54,000 (fifty four thousand rupiah), Rp. 54,000 (fifty four thousand) is the driver's wage if the passengers are full. However, the wages received by the driver differ by 18% when there are few passengers such as 13,12,11,

The percentage form of wages given by Induk Samang (owner of PT Jaso Malindo) to the driver has broken the ijarah contract. Due to the unequal rights and obligations, the driver's rights are not properly exercised. This action is not in accordance with the conditions of wages (ujrah), that is, in terms of ujarah, the property should be of value, clear and known. As a result of violating these wage requirements, the contract made becomes a facade (damaged). This form of gratuity is said to be unclear because if one mining driver's trip is calculated, the maximum number of passengers carried by the driver is 15 passengers, with a fare for each passenger Rp. 20,000 (twenty thousand rupiah) per person. The total number of passengers carried by the driver is 15 passengers, so 15 (passengers) x 20,000 (fare from Padang to Solok) = IDR 300,000 (three hundred thousand rupiah). Rp. 300,000 (three hundred thousand) if the passenger is full. From IDR 300,000 (three hundred thousand rupiah), this is what will later be paid to the samang parent (owner of PT Jaso Malindo).

Furthermore, the master samang (minibus owner) will pay wages to the driver. The wage given by the samang master to the driver is 18% of IDR 300,000 (three



hundred thousand rupiah) = IDR 54,000 (fifty four thousand) if the passengers are full. So Rp. 54,000 (fifty four thousand), this is the wages received by the driver for one deposit, and even then if the passengers are full, the wages received by the driver are different if the driver carries less than 15 passengers, such as a driver on one trip carrying only 14, 13, or even once there were only up to 9 passengers, so it was also 18% different that was given by Induk Samang (Owner of PT Jaso Malindo) to the driver.

Only 18% of this form of gratuity is known, but the figure of 18% is not known, because of the difference in driver income between a driver carrying 15 passengers and a driver transporting less than 15 passengers (13, 14 or even 9 passengers) so the driver does not know the price for services rendered to the master samang for one day, while the driver carries out his obligations as a mu'tazir, namely working from morning to evening and depositing his mining results to the master samang.

The difference in wages from this form of gratuity only occurred during the pandemic, before this outbreak, in general, drivers could mine 2 to 3 trips and transport 15 passengers on each trip so the difference in wages from the form of gratuity is not a problem for the driver, but during the time of Covid-19 until now. for one trip there are not up to 15 passengers, several drivers said during the interview,

Mr. Dirman said: "Since Covid-19, why don't you have 2 other trips, to take care of the 15 passengers on the trip, it's really good now, even ado juo ciekciek, the driver, who didn't mine the day before, but still got into Karajo juo from morning to evening."

(Since Covid-19, don't even think about mining for two trips, to accommodate up to 15 passengers is very difficult now. There are even some drivers who don't mine but the drivers still come to the counter to work from morning to evening.)

Mr. Marnan also said: "If the salary is now, there's no way of doing it, because the passengers are sometimes busy on Saturdays or not Sundays, so you don't have a salary, you know that the sakatek is being received now, why don't you want to look for it to meet other needs?" . "(The current salary is not clear, because there are few passengers, but occasionally there are a lot of passengers on Saturdays and Sundays, so if you want a lot or a little salary, just accept it now, if not, where do you look for money to meet your daily needs).

"Every worker or laborer has the right to obtain income that fulfills a decent life for humanity". The government sets wage policies to protect workers or laborers, one of which is the minimum wage. The minimum basic wage as stipulated in the Minister of Manpower Regulation NO. 05/MEN/1989 which has been amended by Regulation of the Minister of Manpower No. 03/MEN/1996 jo. Regulation of the Minister of Manpower No. 03/MEN/1997 concerning Minimum Wage. The minimum wage is the basic wage which includes fixed allowances. One type of minimum basic wage is UMR (regional minimum wage or provincial minimum wage).

UMR (regional minimum wage) is the minimum wage that applies to all companies in a certain area. The regional minimum wage (UMR)/UMP varies in each

region. The UMR/UMP is based on the consumer price index, minimum physical needs, expansion of employment opportunities, wages generally apply regionally, continuity and development of the company, regional and national level of development. The UMR for West Sumatra Province is IDR 2,484,000.

The salary given by the samang master to the driver is 18% of the results of the driver carrying passengers for one day, the author has calculated the driver's income for one month, namely for 1 full passenger trip, namely 15 people with a fare of Rp. Rp. 300,000, of the proceeds, 18% is given to the driver, which is Rp. 54,000 for one trip/day, meaning that for one month the driver's income if he only carries one passenger, namely Rp. 1,620,000/ month, is different if the driver's salary carries two passengers. trips or more for one month, the total income of the driver is  $\pm$  IDR 3,240,000 for two trips or more / month. From the explanation above, the wage system in the form of gratuities applied by PT Jaso Malindo is not clear with the provisions of the UMR for the Province of West Sumatra and the labor law.

The payroll system implemented by PT Jaso Malindo is also not in accordance with the concept of wages (ujrah) in fiqh muamalah. In terms of wages (ujrah) it is explained that wages (ujrah) are contracts for the transfer of usufructuary rights (benefits) for goods/services within a certain time through payment of rent or wages, without being followed by the transfer of the goods themselves. (No. 09/DSN-MUI/IV/2000 concerning Ijarah Financing).

The wage system in ujarah must be something that is known for sure and fixed (maal mutaqawwimin), for example a driver's service a day is Rp. 100,000 (one hundred thousand rupiah), then Rp. 100,000 (one hundred thousand rupiah) must be given both that day the driver is transporting passengers from Padang to Solok or Solok to Padang one trip, two trips, both full passengers and a few passengers carried by the driver, a fixed Rp. 100,000 (one hundred thousand rupiah) is also given. it is possible that the wages will change when Induk samang (PT Jaso Malindo) gives a salary increase, which is clearly stated in nominal value to the driver and is given a fixed amount onwards.

The payroll system implemented by PT Jaso Malindo in the form of a gratuity is more directed to the payroll system in syirkah. because the payroll system that recognizes the percentage system according to fiqh muamalah is the musyarakah/syirkah system. Musyarakah or what is often referred to as syirkah is cooperation in a business, profits and losses are borne by both parties (profit sharing) where profit sharing must be clear, for example 30%, 20%. Or 10%. As applied to PT Jaso Malindo, once the driver pays the proceeds of transporting passengers, Induk Samang (PT Jaso Malindo) divides it for the driver 18% and 82% for the parent samang (PT Jaso Malindo).

The system implemented by PT Jaso Malindo is more towards the syirkah mudharabah system. Syirkah mudharabah or also known as a profit sharing agreement is in the form of a limited partnership which is a contest between labor and property, the first party (financier) provides capital to another party (manager) to use for business,

provided that the profit (profit) earned will be shared by according to agreement. Similar to what was implemented in PT Jaso Malindo, the parent samang (PT Jaso Malindo) provides capital, namely minibuses to be used to transport passengers by drivers, and drivers as minibus managers, using minibuses to transport passengers from Padang to Solok and Solok to Padang.

So from the understanding of *ujrah* (wages) above, the *ujrah* applied by PT Jaso Malindo does not match the concept of *ujrah* in *fiqh muamalah*, because *ujrah* (wages) is something of value, known with certainty, and still does not know a percentage. In addition, the payroll system implemented by PT Jaso Malindo is not in accordance with Law no. 13 of 2003 concerning Manpower, especially wage protection, because it is calculated that the total salary of a driver given by induksamang for one month does not reach or is below the UMR (regional minimum wage) of the City of Padang, if during that one month the driver only carries passengers one trip. If a driver can transport passengers in one month, two trips or even up to three trips, the driver's salary can be above the UMR for the city of Padang.

The payroll system implemented by PT Jaso Malindo should be more precise the payroll system in the *musyarakah* or *syirkah* (profit sharing), namely *syirkah mudharabah* (profit sharing agreement), because PT Jaso Malindo as the minibus provider agreed to cooperate with the driver as the manager. minibuses for transporting passengers and provisions for profits to be shared according to the agreement, namely 18% for the driver and 82% for the parent samang (PT Jaso Malindo) every trip the driver transports passengers so that profits and losses are shared and no one-party feel disadvantaged.

## **CONCLUSION**

PT Jaso Malindo. Review *Fiqh Muamalah* regarding the payment of driver wages by PT Jaso Malindo, namely the payroll system implemented by PT Jaso Malindo is not in accordance with the concept of wages (*ujrah*) in *fiqh muamalah*, because the wage system in *ujrah* must be something that is known with certainty and remains (*maal mutaqawwimin*), For example, a driver's service for a day is Rp. 100,000 (one hundred thousand rupiah), then Rp. 100,000 (one hundred thousand rupiah) must be given, whether that day the driver is carrying passengers from Padang to Solok or Solok to Padang one trip, two trips, both full passengers and passengers. a small number of drivers are transported, a fixed amount of Rp. 100,000 (one hundred thousand rupiah) is given. If PT Jaso Malindo continues to apply this wage system with a gratuity, the driver's income for one month must consistently be above the UMR (Rp. 2,484,000) set by the province.

The gratuity payroll system implemented by PT Jaso Malindo at this time is more precisely the payroll system in *syirkah*, because *syirkah* is cooperation in a business, profits and losses are borne by both parties (profit sharing) where profit sharing must be clear, for example 30%, 20%. Or 10%. As applied to PT Jaso Malindo, once the driver deposits the proceeds of transporting passengers, the samang parent (PT Jaso Malindo)

divides it for the driver 18% and 82% for the samang parent (PT Jaso Malindo) so that profits and losses are equally borne by both parties and no parties are harmed, by implementing this profit-sharing system the driver can maximize the transportation of passengers.

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