

## REALISING PANCASILA INDUSTRIAL RELATIONS IN TERMS OF THE MUAMALAH PRINCIPLE IN ISLAM FOR THE PERIOD 2008-2015

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### ABSTRACT

**Keywords:** Pancasila industrial relations; mammalian principle; justice in industrial relations; industrial peace.

Muamalah is the sunnatullah of man as a social being. One form of mammalian is in the form of employment relations. Labour relations in the modern era developed into industrial relations and experienced developments in form and scope. The Indonesian state based on Pancasila and the 1945 Constitution aspires to realise fair industrial relations formulated in Pancasila Industrial relations. On the other hand, the majority of Indonesia's population is Muslim and has fair industrial relations. Efforts to realise fair industrial relations through the approach of the Indonesian constitution, namely industrial relations and the approach of the mullah principle, can be juxtaposed. In the national context, the government formulated Pancasila Industrial Relations as the goal of developing and fostering Industrial Relations. The author will discuss the Islamic perspective on justice in industrial relations and the role of each in realising equitable industrial relations. The compatibility and differences between these approaches can be a dissolution to realising justice in industrial relations to its order and application.



### Introduction

Transaction activities between fellow humans are part of the natural interaction (sunnatullah) of humans as social beings. Humans interact with each other because they need each other (Taryono, Purnomosidi, & Riyanti, 2019). Interaction in the form of transactions, known in the term mullah in Islam, can be in the form of wages, rent, buying and selling, accounts receivable or business alliances between financiers and entrepreneurs (Kususiyanah, 2021). The wage relationship between workers and employers or employers is known as industrial relations. Industrial relations are relationships between workers and employers in which there are elements of wages, work and orders. Industrial relations have existed since humans knew the exchange of goods and services where, for one's services, the party who was given services gave rewards in accordance with the agreement (Nasution, 2015).

Classical social thought of capitalism and socialism has a view of industrial relations that has developed to this day. The principle of capitalism is the owner of capital, the owner of the means of production, the entrepreneur or employer with his control to get the maximum profit (Rochadi, Pramanti, & Sulaiman, 2020). With this principle, workers or labourers are often treated as oppressed. That is what gives rise to new thoughts arising from reactions from previous thoughts that arise because they are seen as a form of injustice. Communism describes the condition of workers or workers in oppressed conditions, so social resistance is needed to seize the factors of production.

Then came the principle of socialism, which is a development or modification of the principle that previously appeared (Muheramtohadhi & Faizah, 2022).

The Indonesian nation with Indonesian personality has Pancasila as a view of life. It does not simply follow the previous principles that developed in other countries, namely capitalism, communism and socialism (Semadi, 2019). Pancasila is a guideline for realising fair industrial relations. Efforts to build industrial and labour relations are an integral part of national development, carried out in the framework of the development of Indonesian people as a whole and the development of Indonesian society as a whole to realise a prosperous, just, prosperous society that is equitable, both material and spiritual based on Pancasila and the 1945 Constitution (Zulkarnaen, 2019).

The majority of the Indonesian population adheres to Islam. Islam is the main guideline for its adherents to behave both in a vertical relationship with God and a horizontal relationship in interacting with nature and fellow humans (Destiana, 2022). Islamic teachings derived from the Quran and Hadith have provided guidelines or principles for interacting with fellow humans, known as muamalah. One of the mullah interactions is related to the relationship between workers, employers or employers and the government (Ramadina & Arifin, 2023). Thus, the interaction between workers, employers and the government in the context of labour relations is part of Ramallah. In the text of the Qur'an and hadith, there are examples from the Prophet Muhammad and his companions on how the position of workers and employers so that justice can be realized (Ully, 2012).

Islam and Pancasila teach the value of justice in Ramallah. The two main guidelines of the Islamic ummah, namely the Qur'an and Hadith, and the value of the life of the Indonesian nation, namely Pancasila, which is described in the laws and regulations, are attractive to study. In this paper, the scope of the study will include how each perspective on realising justice in labour relations or industrial relations (Naâ & Muslihun, 2020).

In understanding just industrial relations, the Islamic view of just industrial relations is essential to be studied as a critical review of the view of just industrial relations. This is to see the extent of the compatibility of views between the two.

## **Research Methods**

This paper is prepared using the comparative study method. Comparative Research is research intended to find out and or test the differences between two or more groups. Comparative research is also research conducted to compare a variable (object of study) between different subjects or at different times and find a cause-and-effect relationship.

The comparison method is a method used to compare the data drawn to new conclusions. Comparison is comparing to find similarities between two or more concepts. By using this comparison method, the author will draw conclusions based on a comparison of variables that contribute to realising fair industrial relations. William E. Paden proposed a broader and systematic definition of comparison, namely that comparison is the study of two or more objects in the sense of the same factor, a common factor in which it is related to both similarities or differences between explicit and implicit

objects. The comparative approach or method is freely defined as coordinating all comparable data impartially and without prejudice, regardless of context or time.

The comparative approach to the study of religion is as essential and appropriate as a field of inquiry and a core part of the process of forming, testing and applying generalisations about religion at any level of parison. The word comparator appears in the discussion of qiyas or analogical deduction. Directly, qiyas cannot be equated with comparison, but in comparison, there is an element of qiyas, and in qiyas, there is an element of comparison. When we analyse a topic to see the characteristics of comparison, the categories that must first exist include Something that is compared or an original chase, a comparison or a new chase, and suitability to be compared.

## **Results and Discussion**

### **A. Fair Industrial Relations in the Review of Pancasila Industrial Relations**

Industrial relation is a system of relationships formed between actors in the production process of goods and services consisting of elements of entrepreneurs, workers/labourers, and the government. Pancasila Industrial Relations is industrial relations based on values that are manifestations of the overall precepts of Pancasila and the 1945 Constitution, and which grow and develop on the personality of the nation and Indonesian national culture.

Pancasila Industrial Relations aims to empower and utilise the workforce optimally and humanely, realising equal employment opportunities and providing labour in accordance with national and regional development needs, protecting the workforce in realising welfare and improving the welfare of workers and their families.

#### **1. Employee Review**

Workers are everyone who is able to do work to produce goods and services both to meet their own needs and for the community. Workers receive wages or other forms of remuneration. Pancasila industrial relations regulates the principles of protection of workers' rights. This is regulated in laws and regulations and becomes normative and binding for related parties, namely employers, the government and workers themselves. The principles regarding the rights and obligations of workers as a form of protection for workers in Pancasila industrial relations are as follows:

##### **a. Have equal opportunities and be treated fairly**

Every workforce has the same opportunity without discrimination to obtain employment. Every worker has the right to equal treatment without discrimination from employers. Every workforce has the right to obtain, improve, and develop work competencies in accordance with their talents, interests and abilities through job training. Every worker has the same right and opportunity to choose, get or change jobs and earn a decent income at home or abroad. Every worker has the right to earn an income that meets a decent living for humanity.

##### **b. Have the right to get time off**

Workers are entitled to adequate rest periods in accordance with the humanitarian and health principles of physical and spiritual workers. Every worker has the right to

protection for occupational safety and health, morals and decency and treatment with human dignity and religious values.

c. Getting social protection

Every worker and his family have the right to obtain labour social security. These include health insurance, protection guarantees against work accidents, old age insurance, pension insurance, job loss insurance and death insurance.

d. Right to associate

Every worker has the right and protection to associate and has protection in fighting for his rights. No party can prevent workers from becoming members of trade unions. Workers are also protected against discriminatory treatment due to their involvement in trade unions.

Meanwhile, the obligation of workers, according to the view of industrial relations Pancasila, is to carry out work in accordance with their obligations, maintain order for the continuity of production, channel aspirations democratically, develop their skills and expertise and participate in advancing the company and fighting for the welfare of members and their families. Workers are also obliged to maintain the company's good name, maintain company secrets and cooperate and foster good relations with fellow workers and employers. In Pancasila industrial relations, workers are obliged to convey the problems faced to the authorised party and prioritise deliberation to reach a consensus.

## **2. A View of Entrepreneurs**

An entrepreneur is an individual, partnership, or legal entity that runs a self-owned company or an individual, partnership, or legal entity that independently runs a company not his own or an individual, partnership, or legal entity located in Indonesia representing a company domiciled outside the territory of Indonesia.

In the economic system in Indonesia, entrepreneurs have an essential role as economic drivers through business activities and contributions to the state through taxes and non-tax state income (PNBP). Entrepreneurs also contribute to creating jobs for the people of Indonesia. Therefore, in Pancasila industrial relations, entrepreneurs must also protect their rights in addition to the obligations that must be obeyed. The rights of entrepreneurs include;

a. The right to the results of work performed by workers

The thing that underlies the existence of a working relationship between employers and workers is the employer's need for the results of the work done. Therefore, employers are entitled to the results of work with the agreed amount, quality and time. Therefore, the results of work expected by employers from workers must be made and agreed upon at the beginning. Each party must have the same understanding of the agreed work results so that disputes do not arise in the future.

b. The right to privacy protection

Entrepreneurs have the right to maintain company confidentiality to still have a competitive advantage over their competitors. An employee who leaks company secrets can be punished for harming the company. This is usually done by selling company secrets to competing companies. An employee no longer working at his old workplace

should also not divulge any data or secrets to anyone. This is to maintain the excellent name and competitiveness of his old company. Employers deserve the loyalty of their workers to protect company secrets. This is because a worker who is treacherous or untrustworthy in his place can harm anyone in his work environment. Employers can direct workers to work with loyalty and prioritise ethics and morality.

c. Create and Determine Company Rules for Employees

This regulation contains rules, rights, obligations, and conditions that every employee must follow. The content of this regulation must also not conflict with the provisions regulated in the Manpower Law. In making a regulation, especially a newly established company, it can involve representatives of workers or employees. This regulation will be adjusted to the human resources in the company. This certainly affects its application, whether it can be followed or not. If a rule that has been running can burden and interfere with employee performance or the active period of the regulation has expired, the employee can negotiate and change work rules together.

In addition to having the rights as described above, entrepreneurs also have the following skills;

a. Provide decent wages and rewards

Companies must provide salaries that are by wage standards set by the government. The wages in question include the rights of workers/workers received in the form of money in return from employers or employers to workers/workers who are paid and determined according to an agreement, work agreement, or laws and regulations, including benefits for workers/workers and their families for a job and services that have been or will be performed. The wage must be paid on time and not be less than the minimum wage set.

b. Provide Training and Competency Development for workers

One of the obligations that the company must fulfil is to provide training and competency development through job training. This training can be provided with the help of outside parties or governments, jointly or individually (Rorimpandey, 2020). Job training can be in the form of internships, seminars, workshops, and many others. With this job training, not only workers will get benefits such as improving skills. Related companies that provide opportunities to attend training also benefit. Through this job training, the company will get quality human resources that can help the company achieve targets and advance the company itself.

c. Arrange a reasonable and humane working time

Do not let an employer set work time beyond normal limits so that employees can suffer from physical and mental disorders. This is not only human and unlawful but can also reduce productivity as an employee (Saleh, Russeng, & Tadjuddin, 2020). In addition, employers are also required to provide leave and special leave for female workers who are pregnant and give birth. In addition, companies are also required to provide rest time and provide time for worship according to employee beliefs.

d. The obligation to provide equal and fair opportunities

As human beings, employees demand fair treatment without discriminating against other employees. Employers are obliged to provide equal opportunities and treatment to employees who work for them. Each employee is also given the freedom to choose, obtain, or request a job mutation if possible

e. **Obligation to Provide Health Insurance Facilities and Maintain Employee Safety.**

Employers are obliged to ensure that workers work in safe situations. Employers must also provide equipment to protect workers from the risk of accidents. Employers are required to include all their workers in the health insurance program employment social security.

f. **Obligation to listen to aspirations**

Employers are obliged to permit their workers to establish trade unions to represent their aspirations. This gives all workers the right to unionise. Trade unions or trade unions are organisations formed from, by, and for workers/workers both in the company and outside the company, which are free, open, independent, democratic, and responsible for fighting, defending and protecting the rights and interests of workers/workers and improving the welfare of workers/workers and their families.

**3. A view of the role of government**

The government is an organisation that has the task and function of managing the government system and setting policies to achieve state goals. (Miriam Buhardjo: Fundamentals of political science p.54). Each State has an organisation authorised to formulate and implement decisions binding on all populations within its territory. These decisions, among others, take the form of laws and other regulations. In this case, the government acts on behalf of the state and exercises power from the state. Various policies towards achieving the goals of Society are carried out while bringing order to human relations in society.

Thus, the government is an institution that exercises authority and power to regulate the social, economic, and political life of a country or its parts. In industrial relations, the government is constitutionally tasked with realising fair industrial relations based on Pancasila and the 1945 constitution. The role of the government in realising in the form of:

a. **Making legal regulations related to labour.**

Government Make policies and rules that regulate the relationship between workers, employers and the government in the form of laws, government regulations, ministerial regulations and regional/governor regulations. In these laws and regulations, policies are made to regulate the rights, obligations and roles of all parties to realise fair industrial relations. This regulation includes workers' fundamental rights, such as the minimum wage, worker protection and the national social security system.

b. **Supervise**

The government supervises the implementation of laws and regulations for workers, employers and government institutions. The government, from the regional to the central level, has agencies overseeing the implementation of labour regulations. This supervision ensures that the parties carry out their obligations and obtain their rights.

c. Prevent and regulate disputes between workers and employers.

The government provides industrial relations mediators in every district/city and province to the central level. Industrial relations mediators are tasked with handling industrial relations disputes so that problems can be resolved through negotiations. The mediator can advise the disputing parties on an alternative solution.

d. Coaching workers, trade unions and employers

The government is obliged to guide workers and employers in order to increase their understanding of labour rules. In addition, coaching also aims to create a harmonious relationship between workers, employers and the government. This coaching activity can be in the form of training or seminars and visits to the Company to provide recommendations that can be directly applied.

e. Develop employment planning policies and employment and placement information.

The government is obliged to make workforce planning a basis for all stakeholders to plan and anticipate future conditions. The planning includes workforce needs, competencies and areas of expertise needed. With this plan, workers and entrepreneurs get information to meet each other's needs.

## **B. Fair Industrial Relations and the Muamalah Principle**

### **1. Industrial Relations in Muamalah Review**

In Islam, the employment relationship between employer and worker is constructed in the *ijarah* contract, which contains various labour obligations that apply between workers, employers and third parties, as well as aspects that apply therein, such as the number of wages, treatment of women and children workers, labour disputes and procedures for forming trade unions and termination of employment.

*Ijarah* transactions themselves have various definitions but refer to the same substance. An *ijarah* transaction is often defined as an agreement (*al 'and*) against the benefit of a particular object or service with a precise amount of reward (*'wash*). In this case, some scholars replace the word contract with ownership on the grounds that *ijarah* is the ownership of benefits, services or objects. In addition, some *qiyaskan* with buying and selling (*al-bay*) because it is *qiyaskan* on buying and selling benefits or services. In an employment relationship, this contract is stated in the employment agreement before both parties start the employment relationship.

In the Islamic view, employers are not allowed to exploit workers, and labourers cannot exploit their employers). Therefore, in order not to discriminate against workers, Islam regulates the issue of labour in an employment contract law (*ijarah*). In *ijarah* transactions, there are two parties involved, namely the party who provides services and gets wages for the services provided, called workers (*air*) and the recipient of services or employers, namely the party who provides wages, called employers/employers.

With this *ijarah* principle, workers and employers occupy an equal position where each party binds itself because it is based on the mutual needs and willingness of each party. In the principle of *Ramallah*, each party has the same obligation in carrying out obligations and protecting the rights of other parties. The behaviour of reducing or violating the agreed rights of others is forbidden. It receives severe threats, as mentioned

in the Qur'an: "Woe to the muthaffif. They are the ones who, when buying measured goods, they ask to be fulfilled. But when they measure or weigh for others, they reduce." (QS. Al-Mutaffifin: 1 – 3).

## 2. Workers In Muamalah survey

In the principle of mammalian, workers are those who provide or sell services (air). For the services rendered, workers are entitled to remuneration in accordance with the agreement. In this case, the services provided by entrepreneurs are limited to agreed services. Therefore, employers are entitled to services that have been agreed upon by workers, not entitled to workers. This is what distinguishes the principle of mammalian from slavery. The rights and obligations of workers in the mammalian principle include the following;

### a. Execute and abide by agreements

"Every Muslim has to conform to the agreement he agreed to. Except for agreements that harness the lawful or lawful the haram." (Narrated at-Thabrani). A believer, in interacting with others, cannot be separated from two rules: the rules of sharia and rules made together. The two are binding and must not contradict each other. If there is a conflict, then the rules of the Shari'a are favoured. Conversely, when there are no binding Sharia rules, both parties may make other rules in accordance with the agreement.

### b. Carry out work as a form of promised services

Islam requires man to work (QS. At-Tawbah [9]: 105, "And say, 'Work you, and Allah will see your works, as well as His Messenger and the believers, and you will be returned to (Allah) Who knows the unseen and the real, and He will tell you what you have done.

### c. Bersikap Professional

A worker must work professionally and respect employers and maintain the continuity of the company." No one is stingy, a deceiver, a traitor, and a bad one who serves his master" (Hadith et al.). The first people to knock on the door of Heaven are workers who are good to each other, obeying the rules that have been mutually agreed upon.

## 3. Entrepreneurs in muamalah review

In the Islamic view, employment relations are a form of buying and selling muamalah (earth) where workers sell job services with specific results. At the same time, employers are buyers of services with specific rewards. In general, sellers and buyers have equal degrees where each has rights and obligations. Employers, as buyers of services, need workers as parties who sell services and vice versa. Thus, employers and workers carry out muamalah transactions in the form of buying and selling (ijaroh) on the basis of mutual needs and willingness of both parties. Thus, Islam does not place employers in a superior position but instead on an equal footing with workers.

### a. Execute the agreement stated in the employment agreement

Industrial relations occur by agreement between employers and workers. The agreement can be stated in a written employment agreement, but it can also be in oral form. The employment agreement contained an agreement regarding the rights and



obligations of each party, wages, work and order. Employers are obliged to carry out the agreement contained in the employment agreement. The obligation to obey the agreement is contained in one of the following hadiths:

"Three men, I will be his enemy on the Day of Judgment: He who promises by saying My name and breaks the promise, He who sells a free man and enjoys the proceeds of his sale, and He who hires others, but after that person has worked well his wages are not paid." (HR. Bukhari no 2109).

b. Workload should not exceed capabilities.

Islam requires man to work (QS. At-Tawbah [9]: 105, "And say, 'Work you, and Allah will see your works, as well as His Messenger and the believers, and you will be returned to (Allah) Who knows the unseen and the real, and He will tell you what you have done.'").

c. Building equality

"The labourers are your brothers whom God has entrusted you. So whoever has a labourer should be given food as he eats, clothed as he wears, and not be forced to do something that he cannot afford. If he is forced, he must be helped." (HR. Ahmad).

4. Pay a decent wage, as agreed and on time

"Give it to the wage worker before his sweat is dry." (HR et al.). From Mustawrid bin Shadad, the Prophet said, "Whoever is a worker for us, let him find a wife (for her); a helper when he does not have one. If he has no place to live, let him find a place to live." Abu Bakr ash-Siddiq said, "I was told that the Prophet Muhammad said, 'Whoever takes a stand other than that is an outrageous or a thief.'" (HR et al.).

The determination of wages according to the quality of work is based on the principle that humans are created with different abilities and skills. Moreover, do not envy what God has given to one part of you more than others. This is affirmed in Surah An-Nisa Verse 32:

"(For) for men there is a part of what they work for, and for women (also) there is a part of what they work for, and ask God for a part of his gift. Verily Allah knows all things."

1. The role of the government in the muamalah fist

The government, in Ramallah terminology, approaches the term until amri. The term *ulil amri*, with regard to state life, can be interpreted as a leader, amir, president or king. The meaning of this word is taken from the meaning contained by Surat an-Nisa verse 59 because the verse requires obedience to Allah, the Messenger and *ulil amri*, who are considered as leaders of the Muslim community after the death of the Prophet SAW. In general, what is meant by leader (*ulil amri*) is people who have orders or as governments, namely people who rule over humans.

Thus, the meaning of all *amri* that can be discussed with the government includes the state government in general, namely the presidential institution, DPR, Ministry, local government, workforce office, and individuals, which include the president, legislators, ministers, government officials, local government officials to state officials who handle labour issues such as mediators and industrial relations supervisors.

## 2. Drafting and setting rules

The government plays a role in maintaining the working relationship between employers and workers running well. The government is obliged to act reasonably towards employers and workers as commanded by Allah Subhanahu wata'ala as follows; "Behold, Allah commands you to deliver a commission to those who deserve it, and (commands you) to establish laws among men, that you may establish it justly. Indeed, God has taught you the best. Verily, Allah is All-Hearing and All-Seeing." (QS. An-Nisa: 58)

## 3. Supervise rules

It means: "O believers, be ye true enforcers of justice, bearing witness to Allah even against yourselves or your mother, father, and relatives. If he is rich or poor, then God knows better his benefits. Then, do not follow just because you want to stray from the truth. Moreover, if you twist (words) or refuse to be a witness, then verily God is All-Knowing of everything you do." (QS. An-Nisa: 135)

## 4. Become a mediator against disputing parties.

It means: "And if there are two classes of believers at war, let you reconcile between them, but if one breaks the covenant against the other, let the one who breaks the covenant you fight until it recedes to the command of God. When he has receded, reconcile between the two according to justice, and be; verily God loves those who do justice." (QS. (Al-Hujurat: 9).

## Conclusion

In carrying out national development, the participation of workers is increasing, and along with that, labour protection must be further improved regarding wages, welfare and dignity as human beings. It is known that Industrial Relations in Indonesia are industrial relations based on Pancasila, namely the relationship between the actors of the production process of goods and services (Workers, Entrepreneurs and the Government), which is based on values that are manifestations of the overall values/precepts of Pancasila and the 1945 Constitution which grow and develop on the personality of the nation and national culture.

The basic principle of equality between employers and workers is the basic principle in industrial relations of Pancasila and the principle of mammalian in Islam. In Pancasila industrial relations, employment relations are civil engagements built on the basis of willingness, good faith and the existence of interests (work). In the principle of Ramallah in Islam, employment relations are a form of earth where what is agreed is service and reward. Industrial relations, Pancasila, and the principle of Ramallah in Islam are compatible in terms of protecting the fundamental rights of workers. The basic rights of workers include the right to wages, protection and security, fair treatment, development, humane treatment and opinion.

Islam has a concept of justice in industrial relations. In line with the principles of justice. The concept of justice in industrial relations according to Islam is also in line with

the country's constitution stipulated in the constitution of the Republic of Indonesia, laws, and government regulations.

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