
An Islamic and Statutory Comparison on the Protection of Labor Rights; Toward an Progresif Legal Framework

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Abstract

This research aimed to analyze the concept of work in Islam, identify the principles of worker rights protection in Islamic jurisprudence (fiqh muamalah), and compare them with the provisions on worker protection stipulated in Law Number 13 of 2003 concerning Manpower. This study discussed the comparison of worker protection from the perspective of Islamic jurisprudence and Indonesian employment law. The main issues raised were the concept of work in Islam and the forms of protection of workers' rights in Islamic jurisprudence and national laws and regulations. The method used was library research by analyzing literature in the form of books, journals, and relevant laws and regulations. The results showed that in Islam, work was an obligation to maintain life and had religious value. Protection of workers' rights in Islamic jurisprudence included the right to receive a decent salary, the right to fair treatment, and the right to guarantee safety and security at work. Meanwhile, in the employment law, protection of workers' rights included social protection, technical protection, and social security for workers. These findings demonstrate a convergence between the principles of justice and welfare in Islamic jurisprudence and positive law in ensuring worker welfare.

Kata Kunci: Employment Concept; Worker Protection; Islamic Law; Employment Regulations.

Abstrak

Penelitian ini bertujuan untuk menganalisis konsep bekerja dalam Islam, mengidentifikasi prinsip-prinsip perlindungan hak pekerja dalam fiqh muamalah, serta membandingkannya dengan ketentuan perlindungan pekerja yang diatur dalam Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan. Penelitian ini membahas perbandingan perlindungan pekerja dalam perspektif fiqh muamalah dan Undang-Undang Ketenagakerjaan di Indonesia. Permasalahan utama yang diangkat adalah bagaimana konsep bekerja dalam Islam serta bagaimana bentuk perlindungan hak-hak pekerja dalam fiqh muamalah dan peraturan perundang-undangan nasional. Metode yang digunakan adalah penelitian kepustakaan (library research) dengan menganalisis literatur berupa buku, jurnal, dan peraturan perundang-undangan yang relevan. Hasil penelitian menunjukkan

bahwa dalam Islam, bekerja merupakan kewajiban untuk mempertahankan keberlangsungan hidup dan memiliki nilai ibadah. Perlindungan hak pekerja dalam fiqh muamalah meliputi hak memperoleh gaji yang layak, hak atas perlakuan adil, serta hak memperoleh jaminan keamanan dan keselamatan kerja. Sementara itu, dalam Undang-Undang Ketenagakerjaan, perlindungan hak pekerja meliputi perlindungan sosial, perlindungan teknis, serta jaminan sosial tenaga kerja. Temuan ini menunjukkan adanya titik temu antara prinsip keadilan dan kemaslahatan dalam fiqh muamalah dan hukum positif dalam menjamin kesejahteraan pekerja.

Keywords: Konsep Ketenagakerjaan; Perlindungan Pekerja; Hukum Islam; Peraturan Ketenagakerjaan.

Introduction

Indonesia is the world's largest Muslim-majority country, followed by Pakistan, India, Bangladesh, and Turkey.¹ Statistically, 87.18% of Indonesia's population is Muslim. This indicates that Indonesians continue to uphold Islamic values, which have grown alongside the presence of Islam in Indonesia.² However, the Indonesian legal system does not formally adopt Islamic law as national law. This potential Muslim population is a blessing for which the Indonesian people should be grateful, as not all countries have large Muslim populations.

Islam, as a universal religion, encompasses more than just faith (*aqidah*). It also encompasses issues beyond the realm of faith.³ In fact, every dimension of human life is inseparable from Islam's role in encompassing every aspect of human life.⁴ Even in social matters, Islam encompasses a comprehensive set of rules and regulations. It's no surprise, then, that Islam is considered a perfect religion, encompassing every aspect of human life, including economic matters.⁵

Islamic economics is a normative and positive discipline based on the standardization of Islamic economic values through the al-Qur'an and Hadith.⁶ The al-Qur'an is the highest source

¹ Al-Butary Burhanuddin, Soemitra Andri, and Nawawi Zuhri, "Peran Ormas Islam Di Indonesia," *Ekonomi Dan Keuangan Syari'ah* 5, no. 1 (2022): 17–37.

² Muhammad Tahir, Kurniati, and Marilang, "Problematisasi Pemberlakuan Hukum Islam Di Negara Nomokrasi Indonesia," *Al-Ubudiyah: Jurnal Pendidikan Dan Studi Islam* 5, no. 2 (2024): 142–57, <https://doi.org/10.55623/au.v5i2.342>.

³ Iqbal Amar Muzaki and Ahmad Tafsir, "Pendidikan Multikultural Dalam Perspektif Islamic Worldview," *Jurnal Penelitian Pendidikan Islam* 6, no. 1 (2018): 57–76, <https://doi.org/10.36667/jppi.v6i1.154>.

⁴ Khoirul Umam and Alfiansyah Topandi Harahap, "Problematisasi Faktor-Faktor Produksi Dalam Ilmu Ekonomi Modern: Sebuah Upaya Akademik Dalam Integrasi Dan Islamisasi Konsep Produksi," *CENDEKIA: Jurnal Studi Keislaman* 8, no. 2 (2022): 200–215, <https://doi.org/10.37348/cendekia.v8i2.203>.

⁵ Nur Izza Safira And Charolin Indah Roseta, "Model Kewirausahaan Sosial Pada Komunitas Muslim Rumah Harapan Karangpatihan Bangkit," *KABILAH: Journal Of Social Community* 6, No. 1 (2021): 26–43, <https://doi.org/10.35127/Kbl.V6i1.4411>.

⁶ Ahmad Arif Zulfikar and Niken Junika Sari, "Analisis Perkembangan Ekonomi Indonesia: Perspektif Hukum Ekonomi Islam," *Jurnal Analisis Hukum* 7, no. 1 (2024): 32–55, <https://doi.org/10.38043/jah.v7i1.4648>.

of law for Muslims, followed by the Hadith, which is the second most important source of Islamic law. In human life, these two sources of law serve as the foundation and foundation for navigating life.⁷ This is especially true in the economic aspect, which has a social dimension and economic practices that are oriented toward communal rather than personal well-being.⁸

In sustaining life in this world, one of the crucial aspects for humans is work. From an Islamic perspective, work is both a form of worship and a noble act of charity, as workers contribute their best efforts for success and happiness in life, both in this world and the hereafter.⁹ Workers' rights and the right to work are necessary and relevant topics to discuss in the context of workforce development in Indonesia.¹⁰

Respect for and guarantee of workers' rights is one of the principles of justice in employment law.¹¹ In this regard, justice demands that all workers be treated according to their respective rights, both as workers and as human beings. They must not be disadvantaged and must be treated equally without unreasonable discrimination.

On the other hand, the employment system in Indonesia is regulated by various laws and regulations, such as Law Number 13 of 2003 concerning Manpower and provisions in the 1945 Constitution of the Republic of Indonesia. These regulations affirm the right to decent work as a fundamental right of every citizen. However, in practice, there are still unequal protections for workers, both in terms of wages, social security, and overall legal protection. This demonstrates the importance of the contribution of an Islamic legal perspective in strengthening the national employment system, particularly in the context of justice and welfare.

This research aims to analyze the concept of employment and worker protection from the perspective of Islamic law and Indonesian legislation. This research seeks to answer how

⁷ Sholikul Hadi, "Eksistensi Pancasila Sebagai Sumber Segala Sumber Hukum Dalam Konstitusi Indonesia," *Indonesian Journal of Law and Islamic Law (IJLIL)* 3, no. 2 (2021): 104–40, <https://doi.org/10.35719/ijl.v3i2.128>.

⁸ Refki Saputra Saputra, Muhammad Misbakul Munir, and E Mulya Syamsul, "Mengkonstruksi Nalar Dan Kompetensi Maqashid Syariah Menuju Fikih Kontemporer Progresif," *Maro: Jurnal Ekonomi Syariah Dan Bisnis* 5, no. 1 (2022): 42–56, <https://doi.org/10.31949/maro.v5i1.1954>.

⁹ Raziki Waldan, "Quality of Work Life Sebagai Solusi Peningkatan Kinerja Karyawan Dalam Perspektif Islam," *Al-Hikmah* 12, no. 1 (2018): 29–50, <https://doi.org/10.24260/al-hikmah.v12i1.1080>.

¹⁰ Niru Anita Sinaga, "Peranan Perjanjian Kerja Dalam Mewujudkan Terlaksananya Hak Dan Kewajiban Para Pihak Dalam Hubungan Ketenagakerjaan," *Jurnal Ilmiah Hukum Dirgantara* 7, no. 2 (2014): 30–45, <https://doi.org/10.35968/jh.v7i2.132>.

¹¹ Richard Jatimulya Alam Wibowo, "Urgensi Pembaharuan Hukum Ketenagakerjaan Indonesia Untuk Mengakomodasi Perlindungan Hubungan Kemitraan," *Jurnal Ketenagakerjaan* 18, no. 2 (2023): 109–23, <https://doi.org/10.47198/jnaker.v18i2.211>.

Islamic principles can enrich and strengthen national employment regulations. The novelty of this research lies in the integration of Islamic legal values into the normative structure of modern employment, which prioritizes the fair and sustainable protection of workers' rights.

Research Methods

This research employed a library research method, an approach that emphasized data and information gathering from written sources.¹² Library research was conducted by accessing and reviewing various references, such as the al-Quran, Hadith, classical texts, scholarly books, journals, articles, and official documents related to the topic of employment from an Islamic perspective. This method was used because it provided a normative and conceptual foundation for the research problem, resulting in an in-depth and systematic analysis.

The data sources used in this research consisted of primary and secondary data¹³. The primary data included the al-Qur'an and Hadith, which served as the primary basis for Islamic law, while secondary data consisted of supporting literature such as *tafsir* (comprehension) books, *fiqh* (jurisprudence) books, scholarly works by contemporary scholars, and books and journals relevant to employment aspects. The data obtained from these various sources were then reviewed, compared, and critically analyzed to gain a comprehensive understanding of the issues under research.

The data analysis was conducted using a descriptive-analytical approach, systematically describing data obtained from the literature¹⁴ and then analyzing it using the *maqasid al-syari'ah* approach and Islamic legal principles. This approach aimed to identify the relevance of the concept of employment in Islam to the needs of modern society¹⁵, as well as to contribute ideas to the development of policies or regulations that promoted justice and the welfare of the people.

¹² Lutfi Firdausi et al., "Meningkatkan Mutu Lembaga Pendidikan Dengan Prinsip-Prinsip Crosby: Penerapan Untuk Keunggulan Pendidikan," *Attaqwa: Jurnal Ilmu Pendidikan Islam* 19, no. 1 (2023): 74–85, <https://doi.org/10.54069/attaqwa.v19i1.253>.

¹³ Efa Farameta, Ariefa Primair Yani, and Abdul Rahman Singkam, "Pengembangan Lembar Kerja Peserta Didik Berdasarkan Keragaman Tanaman Obat Di Desa Margomulyo Bengkulu Tengah," *Diklabio: Jurnal Pendidikan Dan Pembelajaran Biologi* 5, no. 1 (2021): 104–11, <https://doi.org/10.33369/diklabio.5.1.104-111>.

¹⁴ Pribadyo Prakosa, "Moderasi Beragama: Praksis Kerukunan Antar Umat Beragama," *Jurnal Ilmiah Religiosity Entity Humanity (JIREH)* 4, no. 1 (2022): 45–55, <https://doi.org/10.37364/jireh.v4i1.69>.

¹⁵ Yosi Aryanti, "Pemikiran Ekonomi Ibn Khaldun; Pendekatan Dinamika Sosial Ekonomi Dan Politik," *Imara: JURNAL RISET EKONOMI ISLAM* 2, no. 2 (2018), <https://doi.org/10.31958/imara.v2i2.1256>.

Results and Discussion

1. The Concept of Work in Islam

Every human being is constantly faced with physical and spiritual needs ¹⁶. The greater the quantity and quality of these physical and spiritual needs, the greater the level of well-being and happiness achieved in life.¹⁷ Conversely, if these two needs are not met adequately, humans will experience suffering. To fulfill life's needs, humans must strive and work diligently.¹⁸ Without genuine effort and work, fulfilling life's needs, both physical and spiritual, is very difficult to achieve. However, in reality, many people, including Muslims, are reluctant to strive and work.

In general, work in Islam can be defined as all human actions or endeavors, whether aimed at worldly or afterlife benefits. This can be done individually or collectively.¹⁹ In some contexts, collaborative work is even better than individual work. There are two categories of actions in terms of their value, namely good deeds (called pious deeds) and bad deeds (called sinful deeds). Good deeds are rewarded, while bad deeds are punished by sin. However, the work referred to in this article specifically refers to work that is a primary driver of economic activity. Work is carried out with the aim of fulfilling the necessities of life, improving welfare, and providing *maslahah* (benefit) for the individual and others.²⁰

The etymological meaning of work is an act, effort, action, or activity of a person. Terminologically, work is a deliberate human act, effort, action, or activity undertaken to meet the necessities of life or achieve a specific goal.²¹ Work, when viewed from the type of work, is divided into two categories: first, work performed by individuals or groups independently or by entrepreneurs.

¹⁶ Zulkifli Agus, "Peranan Orang Tua Dalam Membina Kecerdasan Spiritual Anak Dalam Keluarga," *Raudhah Proud To Be Professionals : Jurnal Tarbiyah Islamiyah* 4, no. 2 (2019): 27–42, <https://doi.org/10.48094/raudhah.v4i2.46>.

¹⁷ Ragil Prabowo and Hermien Laksmiwati, "Hubungan Antara Rasa Syukur Dengan Kebahagiaan Pada Mahasiswa Jurusan Psikologi Universitas Negeri Surabaya," *Chracter, Jurnal Penelitian Psikologi* 7, no. 1 (2020): 1–7, <https://doi.org/10.26740/cjpp.v7i1.31922>.

¹⁸ Opan Arifudin, "Pengaruh Kompensasi Terhadap Kinerja Karyawan Di Pt . Global" 3, No. 2 (2019): 184–90, <https://doi.org/10.31955/Mea.Vol3.Iss2.Pp18>.

¹⁹ Rizka Amelia et al., "Analisis Konsep Dasar Bekerja; Teori Dan Implementasi Dalam Perspektif Islam," *TOMAN: Jurnal Topik Manajemen* 1, no. 1 (2024): 1–20, <https://doi.org/10.61930/toman.v1i1.29>.

²⁰ Eja Armaz Hardi And Firman Syah Noor, "Analisis Peluang Usaha Sarang Burung Walet Di Tinjau Dari Maqashid Syariah (Studi Desa Sungai Sayang Kec. Sadu Kab. Tanjung Jabung Timur)," *Journal Of Student Research* 1, No. 5 (2023): 157–70, <https://doi.org/10.55606/Jsr.V1i5.1682>.

²¹ Resmin Manik, "Implementasi Pemberian Reward Dan Punishment Untuk Meningkatkan Etos Kerja Guru," *Jurnal Masalah Pastoral* 7, No. 0–1 (2019): 70–85, <https://doi.org/10.60011/Jumpa.V7i0-1.81>.

Second, work performed by individuals or groups under a wage or rent system. The Islamic economic system views work as a form of goodness that produces goodness and encourages other goodness.²² When someone works well, they are seen as having done good, and the results of their work are rewarded in the form of material or immaterial work, income, or rewards.

In Yusuf Qardhawi's view, work is all maximum effort made by humans, either through body movement or reason, to increase wealth, whether done individually or collectively, both for individuals and for other people. Therefore, workers can be grouped into two aspects, typical workers and *musytarak* workers.²³ A typical worker (permanent worker) is someone who works for one employer for a certain period of time and may not work for another party. Meanwhile, *musytarak* workers (part-time workers) are people who work for several employers and are free to work with anyone.

Islam views a person's glory from his devotion to Allah SWT, not from his work, income, and wealth. Devotion can only be produced when someone has faith and does good deeds. So, Islam is known as *dinun 'amaliyyun*, which means a religion rich in charity in the form of practices of its teachings, both *mahdhah* and *ghiru mahdhah*.²⁴

Islamic teachings essentially encompass three aspects of action, namely actions of the heart, actions of the tongue, and actions of the limbs. Every Muslim, when practicing Islamic teachings, is required to pay attention to these three aspects of action. Work also requires action or activity, whether performed by the tongue, the limbs, or the mind.

Work is also a reason or means in Islamic law for individual wealth acquisition. It is clear that Islam strongly emphasizes the necessity of work for humans on earth in order to earn the sustenance provided by Allah SWT so that humans, in carrying out their role as caliphs on earth, can worship Allah SWT.

Islam provides guidance to Muslims that work is a form of building social relationships between humans to meet the needs of themselves, their families, and their surrounding

²² Ukilah Supriyatin And Nina Herlina, "Tanggung Jawab Perdata Perseroan Terbatas (Pt) Sebagai Badan Hukum," *Jurnal Ilmiah Galuh Justisi* 8, No. 1 (2020): 127, <https://doi.org/10.25157/Justisi.V8i1.3326>.

²³ Muhammad Irwin Muslimin And Nurul Huda, "Produksi Menurut Yusuf Qardhawi (Studi Literatur Kitab Daurul Qiyam Wal Akhlaq Fil Iqtishadil Islami)" 8, No. 02 (2022): 1294–1300.

²⁴ Siti Halimah, "Isi Atau Materi Pendidikan: (Iman, Islam, Ihsan, Din, Amal Saleh)," *Journal of Islamic Education El Madani* 1, no. 1 (2022), <https://doi.org/10.55438/jjee.v1i1.12>.

communities, and is also an ideal form of devotion to Allah SWT. Every human being, without exception, has been assigned work that can be done and is simultaneously given the responsibility to maintain it properly according to Islamic law.

2. Workers' Rights in Islamic Jurisprudence (*Fiqh Muamalah*)

The right to work is a basic human right because, as John Locke stated, work is inherent in the human body. Work is a bodily activity and, therefore, cannot be separated or considered separate from the human body. The body is the natural or fundamental property of every person and, therefore, cannot be revoked, seized, or taken from them. In essence, work cannot be revoked, taken, or taken from them.²⁵ Just as the body and life are basic human rights, so too is work a basic human right. Along with the right to life, the right to work belongs to humans simply because they are human.

Work is also a manifestation of the human self; through work, humans realize themselves as humans and, at the same time, build a more humane life and environment; through work, humans become humans, and through work, humans find their own lives as independent humans.

Workers' rights and the right to work are necessary and relevant topics to discuss in the context of workforce development in Indonesia. Respect for and guarantee of workers' rights is one of the principles of justice in employment law.²⁶ In this regard, justice demands that all workers be treated according to their respective rights, both as workers and as human beings. They must not be disadvantaged and must be treated equally without unreasonable discrimination.

Guaranteeing workers' rights ultimately has a direct, positive impact on the attitude, commitment, loyalty, productivity, and, ultimately, the performance of each worker. Recognition, appreciation, and guarantees of workers' rights are increasingly recognized as factors that determine the continuity and success of a business/company. Conversely, violations

²⁵Afreiza Octaguna A et al., "Hak Alamiah menurut John Locke," no. September (2023): 1–17, <https://doi.org/10.11111/nusantara.xxxxxxx>.

²⁶Sinaga, "Peranan Perjanjian Kerja Dalam Mewujudkan Terlaksananya Hak Dan Kewajiban Para Pihak Dalam Hubungan Ketenagakerjaan."

of workers' rights can make workers uncomfortable, undisciplined, less committed, and less loyal to the institution where they work.²⁷

Worker protection encompasses protection against occupational safety (or security) and occupational health while performing work. Occupational safety is a regulation aimed at protecting workers from the risk of accidents while performing work in workplaces that use hazardous tools/machines and/or processing materials.²⁸

Buchari Alma, a successful entrepreneur from Japan, said that to achieve success in work and career, you must fulfill 8 (eight) requirements, as follows:

- a. Strong will
- b. Achieving goals with the help of others
- c. Good appearance
- d. Self-confidence
- e. Decision-making
- f. Education
- g. Ambition drive.

Islam strongly condemns fraudulent practices in business practices or in carrying out work, as they are detrimental and dangerous to others. Every work must be conducted honestly, free from flaws. Various forms of fraud are committed by individuals or groups that stem from personalities lacking the foundation of noble morals (*al-akhlaq al kariimah*).²⁹ Moral development through education, both formal and non-formal, must be carried out, especially in light of Muhammad's sending as a prophet and messenger to improve human morality. The existence of a nation is largely determined by morals, and the decline of morals is also a sign of a nation's downfall.

The Right to Work: Islam establishes the right of every individual to work. Humans gain nothing beyond what they earn. As individuals, both men and women have equal rights to obtain employment and pursue job opportunities. Above all, these rights must be balanced with

²⁷Ida Hayati and Sri Wilistiningsih, "Analisis Loyalitas Pekerja Bagian Farmasi Di Rumah Sakit Pertamina Jaya," *Bina Manfaat Ilmu; Jurnal Pendidikan* 2, no. 4 (2019): 631–54.

²⁸Supartini Supartini et al., "Implementasi Kesehatan Dan Keselamatan Kerja (K3) Bagi Pekerja Lapangan Di Pelabuhan New Priok Container Terminal 1," *Majalah Ilmiah Bahari Jogja* 19, no. 2 (2021): 43–63, <https://doi.org/10.33489/mibj.v19i2.272>.

²⁹Heru Susetyo, "Korupsi Sebagai Kejahatan Dalam Hukum Islam," *Misykat Al-Anwar: Jurnal Kajian Islam Dan Masyarakat* 5, no. 2 (2022): 239, <https://doi.org/10.24853/ma.5.2.239-260>.

personal potential, abilities, experience, and professionalism.³⁰ The Prophet's message regarding the recruitment and placement of workers is as follows: "Indeed, Allah is pleased if one of you performs a job professionally." This means that, ideally, the standard for employee placement is based on achievement, dedication, and professionalism. There are several workers' rights in the context of Islamic jurisprudence (*fiqh muamalah*):

a. The Right to Receive Wages

According to Islam, workers' salaries must be commensurate with the type of work. If Islam establishes wages, it also establishes differences in the number of wages according to the type and importance of the work.³¹ This aligns with the al-Quran's message about balance in the workplace.

b. The Right to Leave and Work Relief

From a normative Islamic perspective, Allah SWT does not burden a person beyond their capacity. This demonstrates that in addition to having the right to work, humans also have the right to be treated well in the work environment and, therefore, should have time to rest for their mental and physical well-being. As humans, each person has a limited capacity to mobilize their energy and thoughts. Therefore, appropriate working hours and vacation time must be regulated.³²

c. Right to Guarantee and Protection

In addition to the rights mentioned above, in today's workplace, guarantees of security, safety, and health for workers are increasingly considered important. The right to protection is based on the right to life. Therefore, this right is also considered a human right. Every human being has the fundamental right to life, and no one has the right to deprive them of it. Conversely, everyone else is obligated to protect and guarantee this right.³³ A company or institution has a

³⁰ Rahma Pramudya Nawang Sari and Anton Anton, "Wanita Karier Perspektif Islam," *SANGAJI: Jurnal Pemikiran Syariah Dan Hukum* 4, no. 1 (2020): 82–115, <https://doi.org/10.52266/sangaji.v4i1.446>.

³¹ Rizqa Amelia, Nadya Maulidya Manurung, and Mustafaruddin, "Upah Buruh Dalam Perspektif Islam," *Jurnal Ekonomi, Bisnis Dan Manajemen* 2, no. 2 (2023): 123–32, <https://doi.org/10.58192/ebismen.v2i2.807>.

³² Yusup Supriyadi, Siti Ngainnur Rohmah, and Mufidah, "Analisis Penodaan Agama Dalam Pilkada DKI Jakarta Tahun 2017 Berdasarkan Undang-Undang Nomor 1/PNPS/1965 Dan Pandangan Masalah Al Mursalah," *El-Siyasa : Journal of Constitutional Law* 1, no. 1 (2023): 12–21, <https://doi.org/10.61341/el-siyasa/v1i1.002>.

³³ Condro S Riyadi and Mutia C H Thalib, "Keselamatan Kerja Kepada Tenaga Kerja Konstruksi 'Guarantee of Legal Protection for Occupational Health and Safety for Construction Workers,'" *Jurnal Legalitas* 13, no. 2 (2022): 82–96.

moral obligation to protect and guarantee this right, at least by preventing the possibility of endangering workers' lives by guaranteeing the right to protection.

3. The Rights of Workers in Law

Employment law in Indonesia is essential to guarantee Indonesian citizens employment and their rights and obligations. Furthermore, workers also require protection to ensure productivity and a comfortable working environment.³⁴ The preamble to the 1945 Constitution of the Republic of Indonesia, paragraph four, states, "The Indonesian government protects the entire Indonesian nation," and Article 27, paragraph 2, states, "Every citizen has the right to employment and a decent living."

From the legal basis above, it is clear that one of the constitutional obligations of the state/government is to provide employment and protection to its citizens; as Lalu Husni said, working is part of the basic rights of citizens in order to maintain the existence of their lives.

Based on Article 5 of Law Number 13 of 2003 concerning Manpower, namely, providing protection that every worker has the right and the same opportunity to obtain work and a decent living without differentiating gender, ethnicity, race, religion, and political affiliation according to the interests and abilities of the worker concerned, including equal treatment for people with disabilities.³⁵

Employment law regulates all matters relating to workers before, during, and after employment. The purpose of establishing employment law is to empower and utilize workers optimally and humanely, achieving equal opportunities.

Forms of Legal Protection for Workers: Theoretically, there are three types of work protection, as follows:

a. Types of Social Protection for Workers

Social protection is protection for workers related to social enterprises. The purpose of social protection is to enable workers to enjoy and develop their lives as human beings in general and specifically as members of society and families. Social protection is also known as

³⁴ Ngabidin Nurcahyo, "Perlindungan Hukum Tenaga Kerja Berdasarkan Peraturan Perundang-Undangan Di Indonesia," *Jurnal Cakrawala Hukum* 12, no. 1 (2021): 69–78, <https://doi.org/10.26905/idjch.v12i1.5781>.

³⁵ Christin Lady Matindas, "Analisis Hukum Ketenagakerjaan Tentang Perlindungan Buruh/Pekerja Berdasarkan Undang-Undang Nomor 13 Tahun 2003," *Lex Privatum* 6, no. 3 (2018): 149–57, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/20431>.

occupational health.³⁶ Occupational health is a type of social protection because the provisions regarding occupational health are related to social issues. Occupational health includes regulations intended to limit employers' authority to treat workers as they please.

b. Types of Technical Protection for Workers

Technical protection is a type of worker protection related to efforts to protect workers from the dangers of accidents caused by work tools or materials. This protection is more often referred to as occupational safety. Unlike other types of work protection, occupational safety not only provides protection to workers but also to employers and the government.³⁷ For workers, the guarantee of occupational safety protection will be created.

c. Types of Economic Protection for Workers

Economic protection is a type of protection related to efforts to provide workers with sufficient income to meet their daily needs and those of their families, including in the event of workers being unable to work due to circumstances beyond their control. This type of protection is usually referred to as social security for workers.

d. Social Security for workers

Social security for workers is protection for workers in the form of compensation in the form of money to replace a portion of lost or reduced income and services resulting from events or circumstances experienced by workers, such as work accidents, illness, pregnancy, childbirth, old age, and death.³⁸

Conclusion

Islam, as a comprehensive legal system, pays great attention to employment aspects, both in the spiritual, social, and economic dimensions. The concept of work in Islam is not only understood as an economic activity but also as worship and a form of self-actualization that

³⁶ M. Bagus Basofi and Irma Fatmawati, "Perlindungan Hukum Terhadap Pekerja Di Indonesia Berdasarkan Undang-Undang Cipta Kerja," *Professional: Jurnal Komunikasi Dan Administrasi Publik* 10, no. 1 (2023): 77–86, <https://doi.org/10.37676/professional.v10i1.3544>.

³⁷ Fahrul Ramdan Suwandi and Dodi Jaya Wardana, "Aspek Hukum Keberlakuan Bpjs Ketenagakerjaan Terhadap Perlindungan Dan Keamanan Kerja," *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan* 2, no. 1 (2022): 251–62, <https://doi.org/10.54443/sibatik.v2i1.539>.

³⁸ Sri Arfiah and Yulianto Bambang Setiadi, "Pelaksanaan Jaminan Kecelakaan Kerja Dalam Jaminan Sosial Tenaga Kerja (Jamsostek) (Studi Kasus Pada PT Batik Keris Sukoharjo)," *Jurnal Pendidikan Ilmu Sosial* 22, no. 1 (2012): 10–17, <https://doi.org/10.2317/jpis.v22i1.854>.

reflects devotion to Allah SWT. Workers' rights in Islamic jurisprudence (*fiqh muamalah*) include the right to a decent salary or wages, the right to fair treatment, the right to occupational health and safety protection, as well as the right to rewards and leave. All of these rights are guaranteed normatively by the principles of *maqāṣid al-syarī'ah*, which emphasize benefit and justice.

Within the framework of positive law, worker protection is guaranteed through Law Number 13 of 2003 concerning Manpower and its various derivative regulations. The state, through its constitution and employment laws, affirms that work is a right of every citizen, and the state is obliged to provide decent employment and guarantee protection for workers. Both Islamic and national law emphasize the importance of the principles of justice, non-discrimination, and the protection of workers' human dignity.

The findings of this study indicate that, from a positive legal perspective, workers protection can be divided into three categories, namely social protection, technical protection, and economic protection. All three play an important role in ensuring the fulfillment of workers' welfare and basic rights. Therefore, the synergy between Islamic values and national employment regulations is a crucial foundation for realizing a fair and equitable employment system oriented toward the welfare of the community. This research is expected to serve as a reference for strengthening employment policies that are just and contextual to the needs of Indonesia's pluralistic society.

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