

REPUBLIC INDONESIA
KEMENTERIAN HUKUM DAN HAK ASASI MANUSIA

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Jenis Ciptaan : **Karya Tulis (Artikel)**
Judul Ciptaan : **DETERMINATION OF GO-FOOD WORKERS 'WAGES IN THE VEW OF YUSUF QARDHAWI: CASE STUDY OF PT. GOJEK MEDAN**

Tanggal dan tempat diumumkan untuk pertama kali : 1 Agustus 2020, di Medan
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DETERMINATION OF GO-FOOD WORKERS 'WAGES IN THE VEW OF YUSUF QARDHAWI: CASE STUDY OF PT. GOJEK MEDAN

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Abstract. *This paper aims to explore the legal aspects of setting Go-Food workers' wages in the view of Yusuf Qardhawi. The place of research in this paper is in Medan, North Sumatra. This type of research is a qualitative case study method of gojek workers with the design of the legal sociology approach. The instruments used in research are observation, interviews, documentation studies and literature studies. Analysis of the data used involves three steps: data reduction, data presentation and conclusion drawing. The results of this study indicate that (1) PT.Gojek Indonesia's remuneration system is by dividing profits using 80% -20% percent. Which is the taking of wages or benefits that will be obtained by the drivers or partners when consumers pay the fees or tariffs listed on the consumer and driver's cellphone screens, (2) Go-food workers' wages are considered not in accordance with Law No.13 of 2003 Concerning Employment explains that wages given to workers must meet a decent living for workers. Wages given by PT. Gojek is not feasible and does not match what is said according to Yusuf Qardhawi and the Law, it can be concluded that the behavior of PT. Gojek is considered unfair.*

Keywords: Determination of Go-Food Workers' wages, Yusuf Qardhawi View, PT Gojek Medan

INTRODUCTION

Gojek is a technology company from Indonesia that serves transportation through motorcycle taxi services, Go-Jek service is available in several regions of major cities including Medan.¹ In the gojek application there is a menu that is Go-ride, it is a transportation to take someone from one place to another as desired by the passenger at the time of the contract.² Go-mart is shopping and Go-food is a food order, its working system is almost the same as Go-ride which distinguishes Go-food will be involved with restaurants because what is ordered

¹ <http://id.m.wikipedia.org/wiki/GO-JEK> diakses tanggal 24 Januari 2019 pukul:10.29 WIB.

² www.gojakgojek.com/2016/03 diakses tanggal 25 Januari 2019 pukul : 10.43 WIB.

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DOI: 10.30575/2017/IJLRES-2020010404

is food while Go-mart is almost the same as Go-food which distinguishes only goods purchased. Go-box is a large / large number of goods, Go-send is shipping goods, Go-clean is cleaning, Go-glam is beauty, but it is often used in Medan Go-ride, Go-food and Go-send, there are some applications that are rarely used in Medan.

Problems that are often encountered in the world of work one of which is about wages or rewards that are not appropriate or any wages that are deferred from the company. This wage is one of the concepts of bermuamalah, in Islam it is regulated how to give a good reward contained in QS.Asy-Syu'araa: 26/183, not to reduce the rights of others.

In practice, the Go-jek driver gets a wage that is not appropriate and is disadvantaged due to carrying out the task of Go-food, where a gojek driver goes to a restaurant that is desired by the consumer, one of them is Napoleon Medan, where the consumers in that place are very crowded and if they want order can spend one to two hours waiting for the purchase queue, that's experienced by the gojek driver, where the wage system on the gojek driver there is a point system, if the driver takes the passenger or is called Go-ride, the driver will get one point, when delivering food orders then drivers get two points. If the driver is able to collect as many as 20 (twenty) points, the company will exchange the points for Rp 100,000, but there is a percentage distribution of the amount of money, 80% for Gojek and 20% for drivers. In addition, there is a deposited for each driver in order to save money and function as a place to cut consumer costs. For example, if a driver delivers food with a distance of less than 6km, the fee will be Rp. 15,000 then the money will be taken by the driver and then Rp. 3,000 will be deducted from the deposited driver by the company.

Consumers pay drivers at a cost of Rp. 2,000 / km if a driver takes a passenger (Go-ride), otherwise when delivering a food order (Go-food), the cost to be paid by consumers is Rp. 15,000 under 6km.³ If the driver gets an order to

³ Taufik Rahmatullah, Pengemudi Go-Jek), wawancara pribadi, Medan, 25 Januari 2019.

deliver food under a distance of 6km and costs Rp. 15,000 and has to wait one to two hours because the queue is very crowded then the wage is fixed. If one to two hours the driver takes the passenger (Go-ride) then he gets more than Rp. 15,000 from that time. This is very detrimental to the driver.⁴ The drivers have carried out their duties to buy food but the existence of tariffs or fees which as a driver's wages are not in accordance with waiting for hours. According to Yusuf Qardawi that pay the wages of workers in accordance with their work after he completed his work.⁵

LITERATURE REVIEW

In bermuamalah often discussed about wages which are rewards for workers when they have finished their work. In Islam there are rules for employers or employees to pay wages in accordance with what is done, how heavy the workers carry out their work.

Rasulullah saw said:

اعطوا الاجير اجره قبل ان تجف عرقه

A Meaning : " *pay wages before the sweat dries*".⁶

The scholars explain the cause and wisdom of the hadith statment in which wages are the price of the work of the body while he has hastened his service. If he hastens it, then he has the right to receive wages immediately.⁷

We recommend that workers' wages are very good if they carry out Islamic law because no one is hurting one another, let alone the more sophisticated world because of the internet network, it is very easy to get a job, work with the internet, save time and practically.

METHODOLOGY

⁴ Romulus Tampubolon, (Pengemudi Go-Jek), wawancara pribadi, Amaliun Medan, 24 Januari 2019.

⁵Didin Hafi Dudin, dkk, *Peran Nilai dan Moral dalam Perekonomian Islam*, (Jakarta: Rabbani Press, 2001), h. 405.

⁶ Mahrus Ali, *Terjemahan Lengkap Hadis Bulughul Maram*, (Surabaya: Balai Buku, 1990), h. 386.

⁷ Yusuf Qardhawi, *Peran Nilai dan Mora dalam Perkembangan Islam*, (Jakarta: Rabbani Press 2001), h. 404.

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This type of research is qualitative in nature, which is a method in which data is stated in a reasonable state without being made in the form of symbols, numbers, or formulas. The approach used is the legal sociology approach. The approach used in field research (Field Research). This research was conducted in real life. Field research is essentially a method for discovering specifically and realistically about what is happening in the midst of community life.⁸

In determining the location of research conducted at PT. Gojek Indonesia on Jl. Perintis Kemerdekaan Complex Komplek Jati Function No.12 Medan. This company is a motorcycle office in Medan and is the only one, so it can make it easier to meet the characteristics that are representative to obtain information to get an idea of the problem to be studied.

Data collection techniques in this legal research focus on field research and based on primary data, then for data collection is done by several groups, namely: Documents, Interviews, and Observation. As for secondary data, the following literature is used: Al-Qur'an, Hadith and references to the original book Yusuf Qardawi.

Data analysis in this study uses qualitative methods. Qualitative research has characteristics that distinguish it from other types of research. Qualitative research uses qualitative methods, uses data analysis inductively and collects descriptive data (words, images) instead of numbers. And the field notes in this study are descriptive. It can also be said that qualitative methods are processes that try to gain a better understanding of the complexities involved in human interaction.

FINDINGS AND DISCUSSIONS

The Wage System of Partner of PT Gojek

Online-based transportation services increasingly spoil us. If we live in big cities, like Jakarta, Surabaya or Medan almost every day we always use public transportation services. However, since the number of online-based

⁸ Mardalis, *Metode Penelitian Suatu Pendekatan Proposal*, (Jakarta: Bumi Aksara, 2009), h. 28.

transportation began to emerge, many have begun to switch to using this service rather than ordinary public transportation.

Online-based transportation provides a number of conveniences that are not found compared to when we use public transportation services. By using online transportation services, we can freely choose two-wheeled vehicles or four-wheeled vehicles, we do not need to jostle with others, so we feel comfortable throughout the trip.

Another convenience that is obtained when using online transportation services is flexibility in paying for services. If taking public transportation requires passengers to pay in cash, then the online-based transportation service in addition to providing payment in cash, also provides the option to pay in Google. Facilitating consumers who want to use the Gojek service but don't want to bother using cash, Gojek presents its newest service, Go-Pay.

Go-Jek Indonesia's Chief Marketing Officer, Piotr Jakubowski, said, Go-Pay is a Go-Jek electronic wallet service. With Go-pay, consumers will be easier when using services on Go-Jek. Nadiem claims that through the Go-Pay service, many informal workers have developed businesses. One of them is the existence of stalls on the roadside.

Through the Go-Food delivery service, small shop owners can be easily accessed by consumers. The Go-Pay service also makes transactions easier because it doesn't require face-to-face transactions. For Gojek drivers, the Go-Pay service is claimed by Nadiem to directly improve their quality of life. Because, the Go-Pay service that resembles a digital wallet makes it easier for them to save money.

That condition makes at least 250 thousand drivers already have access to better financial products. Later, the driver partners can also use Go-Pay like using a credit card thereby reducing cash transactions. Gojek has cooperated with 6 (six) banks in Indonesia specifically for Go-Pay top-ups and will continue and be open to other banks. The cooperation can also be utilized by drivers to open

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accounts so that they can access various banking services, including installment programs that have been difficult to reach.⁹

Wage Application for Food Ordering

PT. Gojek Indonesia does not only create a customer pick-up application, this company creates goods or with the term Go-Food. According to information, the newly released Go-Food service has integrated with more than 15,000 (fifteen thousand) places to eat in Jabodetabek. The 15,000 (fifteen thousand) places to eat consist of 23 categories, ranging from food stalls to luxury restaurants. How to order via mobile phones that have an Android or IOS system. And uploading a gojek application through PlayStore, and then going to the Gojek menu after that select the Go-food menu.

Users who will order food through Go-Food is very easy. This is because the Go-Food feature already exists in the Go-Jek application. So users do not need to call like a delivery service. How to order it is to click on the Go-Food feature on the Go-Jek application. Later a variety of restaurants and restaurants will appear that are tracked according to the location in the user's vicinity. then the user can begin to choose the food menu to order. After approving an order, the user is just waiting for food to be delivered by the Gojek driver.

Go-Food services not only provide convenience for users but also provide opportunities for culinary industry business people to maximize their business. The essence of Go-Food, one of which is to promote food created by the SME industry. This is a big mission that wants to be realized by the "green jacket fleet". For example there is good food and good quality on the side of the road, with Go-Food, their food can be promoted through the suggest restaurant feature. So not only large franchise restaurants can succeed here, ordinary food stalls and even roadside dining can be successful with Go-Food if the food is good and quality.

⁹<http://www.Gojek.com> diakses tanggal 20 Mei 2019 pukul 6.56 WIB.

Wage system for Partners at PT. Objects by dividing the profit sharing system between 80 percent for drivers and 20 percent for companies. Withdrawal of wages from consumer payments to each driver after making an order between the shuttle ordering, ordering food and others. But drivers do not get travel money, meaning that if consumers want to order food and have to queue for a period of one to two hours, then the drivers are only paid the amount stated in the application. If the expenditure is Rp. 15,000 (fifteen thousand rupiahs), then that will be divided for the company and partners (drivers). These payments can be paid through two systems, namely:

1. Cash, namely payment in cash, where consumers directly pay fees to drivers;
2. Deposit / Go-pay, the payment balance is not in cash, but with a consumer balance deduction system.

Consumers really like to use the payment system through Go-pay because consumers will get a 20% discount. If consumers use this system, profit taking for partners and companies through the online system. Drivers before becoming partners will create a savings book which if consumers use Go-pay will automatically increase their balance. And the balance can be disbursed by the driver reporting at the nearest branch office that the balance will be disbursed, but if consumers use the cash system, the company will deduct the driver balance by 20% of the costs paid by consumers. The Gojek application will show how many miles the journey will be traveled and show the costs to be paid, it will automatically be displayed on the consumer's cellphone screen and driver.

Determination of Wages According to Yusuf Qardhawi

In the book *Darul Qiyam Wal Akhlaq Fil Iqtishodil Islami* Yusuf Qardhawi explains:

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وانما يستحق العامل اجره اذا اداه على الوجه المطلوب¹⁰

Meaning: *actually a worker has the right to his salary if he has fulfilled his work properly.*¹¹ Al-hadith explains the good and suitable wages to be given to workers that can be obtained by all workers ie:

ان اخوانكم خولكم جعلهم الله تحت ايديكم فمن كان اخوه تحت يده فليطعمه مما ياكل وليلبسه مما يلبس ولا تكلفوهم ما يغلبهم فان كلفتموهم ما يغلبهم فاعينوهم ولا تكلفوهم اي العمل مالا يطيقون فاذا كلفتموهم فابينوهم

*They (your slaves and servants) are your brothers, Allah put them under your care; so that whoever has a sibling under his care must feed him what he eats (himself) and gives what clothes he wears (himself); and do not impose on "those with very heavy tasks, and if you impose them on such tasks, then help them (do it)." (HR. Muslim).*¹²

From this hadith it can be defined that wages of a material nature (wages in the world) must be related to the security and adequacy of food and clothing. The words: "he must be fed as what he eats (himself) and give clothes as what he wears (himself)", means that the wages received must guarantee the food and clothing of employees who receive wages.

An explanation of wages according to Yusuf Qardhawi has been explained at the top that the worker must be paid wages as he does properly. But not the case with PT. Gojek Indonesia drivers cannot get paid properly. In the Go-food menu or order food, drivers cannot be paid while traveling or waiting in line. Which there are some food places that are very crowded, so it takes a long time to order and deliver the food to consumers.

The time required by the driver when buying food to spend one to two hours, the time is really wasted and the driver feels disadvantaged time and energy. Because if the time is diverted to carry out work with other menus such as Go-ride or the other will be more profitable in terms of money earned. one to two hours can deliver people at a price more than ordering food, so it can be said that the company harms drivers with no wage provisions when waiting in line to order food.

¹⁰ Yusuf Qardhawi, *Daurul Qiyam Wal Akhlaq Fil Iqtishodil Islami (Kairo Mesir: Maktabah Wahbah, 1995), h. 373.*

¹¹ Didin Hafiduddin, *Peran Nilai dan Moral* (Jakarta: Robbani Press, 2001) h, 404

¹²Mahrus Ali, *Terjemahan Lengkap Hadis Bulughul Maram* (Surabaya: Balai Buku, 1990), h. 352.

CONCLUSION

PT.Gojek Indonesia's remuneration system is by dividing profits using 80% -20%. Which is taking wages or benefits that will be obtained by the drivers or partners when consumers pay the fees or rates listed on the consumer and driver's mobile screen. By using a cash system and a deposit system or with another name namely Go-pay. But in the payment of drivers on the Go-food menu is not appropriate because the driver is disadvantaged by time and energy just to wait for orders ordered by consumers such as Napoleon. Wages according to Yusuf Qardhawi is that pay workers' wages appropriately and appropriately. Associated with this problem if the driver will wait a long time the company should make the provision of wage payments due to waiting for a long queue.

As stated in Act No. 13 of 2003 concerning Manpower explains that the wages given to workers must fulfill a decent living for workers. Wages given by PT. Gojek is not feasible and does not match what is said according to Yusuf Qardhawi and the Law, it can be concluded that the behavior of PT. Gojek is considered unfair.

BIBLIOGRAPHY

- Ali, Mahrus. 1990. *Terjemahan Lengkap Hadis Bulughul Maram*. Surabaya: Balai Buku.
- Anselm & Juliet Corbin. 2003. *Dasar-Dasar Penelitian Kualitatif Tata Langkah dan Teknik-teknik Teorisasi Data*, Terjemahan Muhammad Shodiq & Imam Muttaqin. Pustaka Pelajar: Yogyakarta.
- Al-Jaziri, Abdurrahman. 2003. *Al-fiqhu Ala Mazahib Al-Arba'ah*, cet.II, Jilid III, Beirut: Dar Al-Ilmiyah.
- Departemen Agama RI. 2009. *Al-qur'an dan Terjemahan*, Bandung: PT.Sygma Examedia Arkanleema.
- HafiDudin, Didin dkk. 2001. *Peran Nilai dan Moral dalam Perekonomian Islam*, Jakarta: Rabbani Press.
- Husni, Lalu. 2014. *Pengantar Hukum Ketenagakerjaan*, Jakarta: PT. Raja Garfindo.
- Mardalis. 2009. *Metode Penelitian Suatu Pendekatan Proposal*, Jakarta: Bumi Aksara.
- Miru, Ahmad. 2007. *Hukum Merek Cara Mudah Memahami Undang-Undang Merek*, Jakarta: PT.Raja Grafindo Persada.

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DOI: 10.30575/2017/IJLRES-2020010404

Muhammad. Abi Abdillah Bin Ismail Bukhari. 2013. *Shahih Bukhari juz 2* .Beirut: Dar Al-kitab.

Munawwir, Ahmad Warson. 1997. *Al-Munawwir Kamus Bahasa Arab-Indonesia, edisi II*, Surabaya: Pustaka Prograsif.

Muhammad, Syamsuddin bin Khatib Asy-Syarbaini. 1997. *Mughni Al-Muhtaj*, cet.I, Jilid II, Beirut: Dar Al- Ma'rifah.

Shihab, M. Quraish. 2000. *Tafsir Al- misbah*, Vol.2, Ciputat: Lentera Hati.

Suhrawardi. 2004. *Hukum Ekonomi Islam*, Jakarta: Sinar Grafika.

Suhendi, Hendi. 2010. *Fiqh Muamalah*, Jakarta: PT. Raja Grafindo Persada.

Qardhawi, Yusuf. 1995. *Daurul Qiyam Wal Akhlaq Fil Iqtishodil Islami*. Kairo Mesir: Maktabah Wahbah.

Wilson, Redney. 1998. *Bisnis Menurut Islam*, Jakarta: PT.Intanmasa.

<http://id.m.wikipedia.org/wiki/GO-JEK> diakses tanggal 24 Januari 2019 pukul:10.29 WIB.
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