

Fiqh Muamalah Review of The *Kali Lubang Tutuik Lubang* System in Farm Labor Wages

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Abstract

This paper examines the practice of remuneration of farm laborers with the kali lubang tutuik lubang system in the perspective of fiqh muamalah. This research uses qualitative method with descriptive research type. This research was conducted in Nagari Lawang Mandahiling, Tanah Datar Regency, West Sumatra. The data in this study consisted of primary data and secondary data. Data were analyzed using interactive model of analysis, starting from data collection, data reduction, data presentation, and drawing conclusions. This research shows that the wage contract with the kali lubang tutuik lubang system is in the form of a speech containing an agreement about the type of work, place, and time of work. Wages are not paid directly by the land owner on the first day, but on the second day or when the worker gets a second job from the same person. If there is no work on the second day or other work, wages will be deferred one week from the last day of work. According to the fiqh muamalah review, wages with this system are legal, because from a legal point of view, the contract has met the terms and conditions. Both parties also understand that the system has been going on for a long time. However, from an ethical aspect, such a wage system contains damages, because it contains elements of neglecting the payment of wages.

Keywords: Tutuik Lubang Kali Lubang; Wage Payment System; Mafsadah; Wage Suspension.

Abstrak

Tulisan ini mengkaji tentang praktek pengupahan buruh tani dengan sistem kali lubang tutuik lubang dalam perspektif fikih muamalah. Penelitian ini menggunakan metode kualitatif dengan tipe penelitian deskriptif. Penelitian ini dilakukan di Nagari Lawang Mandahiling, Kabupaten Tanah Datar, Sumatera Barat. Data dalam penelitian ini terdiri dari data primer dan data sekunder. Data dianalisis dengan menggunakan interactive model of analysis, dimulai dari pengumpulan data, reduksi data, penyajian data, dan penarikan kesimpulan. Penelitian ini menunjukkan bahwa akad pengupahan dengan sistem kali lubang tutuik lubang berupa ucapan yang berisi kesepakatan tentang jenis pekerjaan, tempat, dan waktu bekerja. Upah tidak dibayarkan langsung oleh pemilik lahan di hari pertama, melainkan di hari kedua atau pada saat pekerja mendapatkan pekerjaan kedua dari orang yang sama. Jika tidak ada pekerjaan di hari kedua atau pekerjaan lain, upah akan ditangguhkan satu minggu terhitung semenjak hari terakhir bekerja. Menurut tinjauan fikih muamalah, upah-mengupah dengan sistem ini adalah sah, karena dari segi hukum, akadnya sudah memenuhi syarat

dan ketentuan. Kedua belah pihak juga sama-sama memahami karena sistemnya sudah berlangsung semenjak lama. Namun, dari aspek etika, sistem pengupahan seperti itu mengandung mafsadah, karena mengandung unsur melalaikan pembayaran upah.

Kata Kunci: Tutuik Lubang Kali Lubang; Sistem Pembayaran Upah; Mafsadah; Penangguhan Upah



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Introduction

As social beings and economic creatures, humans need other people to survive. These needs are called social needs.(Buijs et al., 2021). In social life, a citizen cannot live without the help of other residents(Ruhimat et al., 2006). Every activity that will be carried out by someone is very dependent on others, in the sense that humans will have no value if there is no help given by other people. Man was created by Allah as a caliph (Mardiyah et al., 2018). In the Qur'an humans as caliphs are described in surah al-Fathir verse 39, as follow:

هُوَ الَّذِي جَعَلَكُمْ خَلَائِفَ فِي الْأَرْضِ فَمَنْ كَفَرَ فَعَلَيْهِ كُفْرُهُ وَلَا يَزِيدُ الْكَافِرِينَ كُفْرُهُمْ إِلَّا مَقْتًا وَلَا يَزِيدُ الْكَافِرِينَ كُفْرُهُمْ إِلَّا خَسَارًا

"It is He who has made you successors upon the earth. And whoever disbelieves - upon him will be [the consequence of] his disbelief. And the disbelief of the disbelievers does not increase them in the sight of their Lord except in hatred; and the disbelief of the disbelievers does not increase them except in loss" (Fatir [35]:39).

In the Qur'an it has been explained that as a caliph, humans were created to serve Allah. This is due to the belief that humans have the same position as the caliph of Allah on earth and at the same time as his servants (Nofialdi, 2020; 130). In carrying out the role of caliph, humans get the task of prospering the earth according to the concept that has been set. Man as the caliph of Allah bears a very heavy burden. This responsibility cannot be fulfilled if humans are not equipped with science and knowledge (Hanafi et al., 2019).

One of the sciences and knowledge that cannot be separated and must be possessed by humans to be perfect as caliph is Islamic law (Furqon, 2021). In Islamic law it is explained that humans live on this earth as caliphs to create a social order as contained in the concept applied by Allah (Susanti, 2020). Humans as caliphs are assigned by God to prosper the earth (Furqon, 2021). In each of these activities humans need help from other people, this means that humans as weak beings or imperfect beings, need help from others in meeting their needs (Princess, 2021b).

In Islamic law it is explained that every creature must act to help, especially to help in goodness. One form of helping in goodness is using the services of others to meet needs. So that it has become a culture for the

community symbolized by actions and habits (Putri et al., 2018). All of that is regulated in Islamic law, Islamic law also teaches how to interact or relate to other people in the context of muamalah (Habibullah, 2018), so that no one is harmed.

Muamalah in Islamic law is basically permissible (permissible) until there are arguments that prohibit or forbid it (Nofialdi, 2020). Muamalah etymologically can be interpreted with mufa'alah which means doing each other. This is interpreted as an activity carried out by a person or several people to meet the needs of life (Taqiyudin, 2020). In the opinion of Muhammad Yusuf Musa quoted by Abdul Majid "Muamalah is a rule given by Allah that must be followed and obeyed by humans in interacting in society in order to maintain the interests of life (Ghazaly et al., 2010). In line with that, Nofialdi also argued that fiqh muamalah is the law that regulates the relationship between fellow human beings in dealing with property (al-amwal), rights, property management (al-tasharruf) through contract transactions and others (Nofialdi, 2020). Muamalah also explains how someone in carrying out wages and wages after someone cooperates with other people or several people in utilizing their services (Pakhrorrozi, Srisusilawati Popon, 2020).

Wage wages are also known as Ijarah. Ijarah comes from the word "al-ajru" which means "al-iwadu" (change) and therefore "ath-thawab" (reward) is called ajru (wages) (Mahmudatus Sa'diyah, 2019). From the definition above, it can be understood that Ijarah is taking benefits of an item or service (employing someone) by replacing it with a certain amount of payment or wages and in accordance with the appropriate reward (Budiman et al., 2020).

Wages are very important in terms of renting services. This is because wages are a form of remuneration given to a worker for the work or services he has done. A worker also really needs wages from the work he does to fulfill his needs and buy the things he wants (Indirwan et al., 2020). Wage remuneration has a different concept from helping each other. Please help is done in various events such as wedding parties, death parties and so on (Princess, 2021a). In helping to help there is no reward given to the helper. Please help is based on the sense of solidarity shared by fellow citizens.

In the Qur'an, it is explained related to giving wages to a worker or laborer, namely in the letter al-Nahl verse 90:

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ وَالْبَغْيِ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

"Verily Allah commands (you) to do justice and do good, to give help to relatives, and He forbids (to do) vile deeds, evil and enmity. He teaches you so that you can take lessons."(al-Nahl [16]: 90).

The verse requires us to be fair in deciding or making a decision so that no party is harmed. Fair in the sense not only in giving wages or making decisions

in wages, but fair is also described by after someone uses the services of others, he should hasten to pay for these services with his wages.

The hadith narrated by Abu Ya'laa, Ibn Majah, Abu Hanifah, Thabrani about the suggestion to pay wages/salaries explains:

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْطُوا الْأَجِيرَ أَجْرَهُ قَبْلَ أَنْ يَجِفَّ عَرْفُهُ (رَوَاهُ ابْنُ مَاجَه).

"From Ibn Umar ra said that the Messenger of Allah has said: give a worker his wages before his sweat dries" (Narrated by Ibn Majah).

The above hadith emphasizes that hastening in paying wages is an obligation for the service user. After the work is finished, pay the wages, do not delay in paying the wages. The hadith also explains that Allah is very hostile to people who employ workers but do not rush in paying the wages of these workers.

In Jorong Kandang Melabung, the wages of farm laborers are not paid directly after the job, but will be received by the farm laborers after the new job is established. This kind of payment is termed by the community as a payment system "kali Lubang Tutuik Lubang". It means that wages for work on the first day will be received when the group of farm laborers do the work on the second day, while wages for the second day will be received when the farm workers do the work on the third day. The wages for the first day's work will be received by farm laborers when there is a new job, while for a new job it is usually one week, three weeks or a month apart and even the work has not been determined by the land owner.

The payment of wages using the tutuik Lubang system has long been implemented by the community with the aim of ensuring for workers when there is a new job, these farm workers can go straight to work without any service tenant waiting or queuing to get services from the farm laborer. If one of the workers is sick or unable to participate (unable) to work on the second day of work, the wages for the first day's work are still paid on the second day. Meanwhile, if you have finished working for the first day but the work for the second day is no longer available, the wages for the first day's work are paid one week after finishing work.

Several researchers have conducted research on wages for farm laborers. Among them were carried out by Nisa and Al Asy'ari in 2019 with the title Analysis of the Islamic Concept of the Tradition of Farmers' Wages (Nisa & Al-Asy'ari, 2019), with the finding that in Mandigu Hamlet there are four wage models, namely the concrete system, the wholesale system, the splice system, and the maro system. The dominant system used by the community is the concrete system. This is because the concrete system is relevant to the Islamic concept, namely fairness, mutual acceptance and good cooperation.

In line with that research conducted by Siti Mardiyah in 2020 with the title Review of Islamic Law Against Farmer Wages with the Bawon System (Case

Study in Sambirejo Hamlet, Teter Village, Simo District, Boyolali Regency) (Mardiyah, 2020) found that the practice of wages with the *bawon* system causes social jealousy and displeasure among farm workers. This is because this wage system has unclear contracts regarding the amount of wages and payment of wages is carried out in a family system. However, this wage practice may be carried out because it is included in the *urf sahiih* which does not conflict with the texts in Islamic law.

Another research on wages was also carried out by Lailatul Mufidah in 2017 with the title 'urf review of the wages of aquaculture farm workers based on PP No. 78 of 2015 concerning wages in Gunung Anyar Village, Tambak, Surabaya (Mufidah, 2017), found that the wages of farm laborers carried out by the village community had fulfilled all the provisions, both on the rights, obligations and responsibilities of pond owners and in need of ponds. If viewed from the *urf*, this wage practice is allowed to be done because it supports the benefit of the people.

Based on the explanation above, this research opens up a new study space for the practice of paying farm laborers with the *kali lubang tutuik lubang* system. This is because research on this wage practice has never been done before. This is the basis of the author's interest in studying the wage system for farmer groups using the *kali lubang tutuik lubang* system and analyzing it from the perspective of *fiqh muamalah*.

Method

This research is a qualitative research with descriptive type. Qualitative descriptive research is a research that reveals and describes events that occur in the field as they are at the location that the researcher does, including the process of data collection and data analysis (Putri, 2020). Research conducted in Jorong Kandang Melabung, Salimpaung District, Tanah Datar Regency. Sources of data in this study consisted of primary data and secondary data. Primary data obtained by observation, interviews and document studies. While the secondary data obtained by secondary data obtained through the study of documents from text books, published journals and previous research. Data were analyzed using the interactive model of analysis by Miles and Huberman starting from data collection, data reduction, data presentation and drawing conclusions.

Results and Discussion

The Practice of Wages for Farmers Using the Kali Lubang Tutuik Lubang System

In Jorong Kandang Melabung, the wages of farm workers/ laborers are known as the *kali lubang tutuik lubang* system. This system is called the *kali lubang tutuik lubang* because the payment pattern is like a person who digs a hole, then to close it he has to dig another hole in another place, and the results of the excavation are covered in the first hole. That is, wages for the first day of

work will be paid when working on the second day (Martin & Rosi, interview). It is not known where the wage application for farm laborers takes place in the community and when did they start it first (M. Dt. Monti Nan Tuo, customary holder/customary leader, interview).

The first thing to do is contract. Contracts made by land owners with workers are in the form of oral or unwritten contracts. The land owner simply says the work to be done, tells the address of the field to be worked on by the worker and when the work day begins. These conversations are carried out in a short time using telephone media or even when they meet on the street (Arifendi, land owner, interview). When the appointed time came, the workers immediately came to the place that had been conveyed by the land owner. Working hours start from 08.00 WIB until 16.00 WIB. (Martin, land owner, interview 11 July 2021).

The wages that will be received by workers are already known by workers because it has become a habit. The wages of workers are as much as Rp. 80,000,-. The wages are nominal wages per day. However, after the worker has finished working, the wages that should have been received by the worker after working are not directly paid by the land owner, the payment of the worker's wages is deferred (Ida, worker/labor, interview on 9 July 2021).

Wages that will be received by farm laborers are not directly paid by the land owner on that day after finishing work. However, there is a grace period from the first working day until a new job is available. If it turns out that at that time there is no new job, then the wages will be paid after one week has passed from the last day of work. The reason the land owner delays the payment of wages after a week is as a precaution, if during the delay in payment of wages it turns out that there is work to be done, the land owner will no longer start from the beginning to seek services from the worker/laborer.

However, if there are workers who cannot participate and are unable to work, wages are paid at the same time as other workers starting their work. Meanwhile, for workers who work, wages will also be paid when there is a next job or then work without wages is postponed again after one week from the last day of work (Arifendi, land owner, interview 9 July 2021).

The positive impact of implementing this Tutuik Lubang wage is that, first, land owners can temporarily use the wages for other purposes, while for workers the positive impact is that there are some who think that they save from week to week. While the negative impact of the land owner is not fulfilling his obligations after he gets services from farm workers / laborers, then the negative impact for the workers is that they cannot take advantage of the hard work of their work to meet their daily needs (Ms. Ida, Mr. Bujang, Workers / Farmer, Mrs. Ratna, Mr. Ramdani, Community, interview on 13 August 2021).

An Overview of Fiqh Muamalah Against The *Kali Lubang Tutuik Lubang* System

If viewed from the perspective of fiqh muamalah, such a wage system contains gharar and mafsadah (damage). This is because the wages do not have a definite clarity when workers' wages are paid. Although it is stated that wages are paid at the time of new work, it is not yet known when the new work will be carried out. The practice that occurred in Jorong Kandang Melabung, Salimpaung District, Tanah Datar Regency, began with the lack of clarity on the timing of payment of wages in the initial contract between land owners and workers.

In this there is an element of doubt or uncertainty about the receipt of wages for workers. The existence of this element of doubt or uncertainty in fiqh muamalah is strictly prohibited. Based on the hadith it is also explained that:

عَنْ ابْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: أَعْطُوا الْأَجِيرَ أَجْرَهُ قَبْلَ أَنْ يَجِفَّ عَرْقُهُ (رَوَاهُ ابْنُ مَاجَه).

"From Ibn Umar r.a. said that the Messenger of Allah has said: give a worker his wages before his sweat dries" (Narrated by Ibn Majah).

The above hadith requires a person to hasten to pay wages if someone uses the services of someone else. Payment of wages should be made before the sweat of the worker dries up. After the work is finished, pay the wages, don't delay in paying the wages of the workers/farmers.

By paying attention to muamalah in Islam, there is one more principle that is very guarded, namely avoiding the element of persecution, namely by being clear on the timing of payment of wages, and prohibiting taking opportunities in narrowness, so that with the principles of muamalah in Islam it is very important to both parties so that later nothing will happen. harmed each other. As stated in Q.S Al-Baqarah verse 279:

لَا تَظْلِمُونَ وَلَا تُظْلَمُونَ

"...you are not persecuted and not (also) persecuted." (Al-Baqarah/279).

The verse above explains that we must always be fair in our dealings, because without justice humans will oppress other groups so that exploitation occurs between humans and other humans, just as we are not allowed to pursue personal gain so that it can harm.

Payment of wages according to Islam must be fair, the justice in question means two things: first, proportional justice means that workers must get wages in accordance with the productivity of the work they carry out and the contribution given or conventional economics calls it equal pay of equal job. the distribution of wages must be adjusted to the work performed and the capabilities of the workers. Second; transparent and clear. This is one of the conditions for the validity of a contract, both clarity of part of wages, time of payment and form of wages. Because workers only have the right to wages for the work they have done in accordance with the agreement they have agreed to.

The agreement becomes a binder between workers and employers to carry out all their obligations.

A worker/farm laborer is entitled to his wages if he has finished his work and an employer or land owner is obliged to immediately fulfill his obligation, namely to pay the worker's wages. The payment of wages is in accordance with the value of the work that has been done, except for conditions that prohibit it, such as for example justifying something that is unlawful and forbidding something that is lawful.

According to Yusuf Qardawi, the determination of wages must pay attention to several things, the first is a. work value: because it is impossible to equate those who are diligent and those who are careless in their work, those who have competence and those who do not have competence, because if they are equated, it is an injustice. Second b. adjust to basic needs, because every human being has basic needs that must be properly met such as the needs of Daruriyyah.

However, the people in Jorong Kandang Melabung do not understand how to transact in an Islamic way, such as implementing the wage system that has been implemented so far, it is not in accordance with what is taught by Islam in fiqh muamalah. Although there is no problem in making the contract, here the problem is because of the imbalance between the rights of farm workers/laborers and the obligations of the employer/land owner. These imbalances are:

1. The right for farm workers/laborers is to receive wages from the work they have done, although there are some workers who consider late payment of wages as a substitute for saving from week to week.
2. The obligation for the employer/land owner is to hasten the payment of workers' wages.
3. The purpose of taking benefits from the application of the *kali lubang tutuik lubang* is to be able to use the wages of farm workers/ laborers in advance for other purposes until there are new jobs to be carried out by farm workers/ laborers.

From the imbalance between the rights and obligations above there is a damage (mafsadah). As contained in the *qa'idah fiqhiyah* as follows:

إِذَا تَعَارَضَ الْمَفْسَدَتَانِ رُوعِي أَعْظَمُهُمَا ضَرَرًا بِإِزْتِكَابِ أَحَقِّهِمَا

"When faced with two mafsadah (damage) then leave the larger mafsadah by doing the lighter one."

اِذْرَاءُ الْمَفَاسِدِ مُقَدَّمٌ عَلَى جَلْبِ الْمَصَالِحِ

"Refuse mafsadah (damage) takes precedence over taking benefit"

From the problems that the author raised that became mafsadah (damage) are:

1. There is a delay in the provision of workers' wages, which means that the payment of wages is not rushed.
2. The existence of the use of wages of workers/farmers made by the employer/land owner.
3. That the farm laborers feel oppressed by the application of wages with the *kali lubang tutuik lubang* system.

By looking at the mafsadah (damage) caused by the imbalance between rights and obligations in wages, wages with the *kali lubang tutuik lubang* system cause harm to workers. Everything that is prohibited by Islam that can harm others and will cause harm must be removed. In accordance with the rules of fihiyah as follows:

الضَّرَّاءُ يُزَالُ

“Adversity must be eliminated” (Ibrahim, 2019).

Delaying payment of wages is a form of injustice if the employer actually has the ability to fulfill it. However, if the delay is caused by uzhur syar'iyah / sharia reasons so that it causes inability to carry out payments, it is obligatory for the employer to convey this matter.

As can be seen from the fiqh muamalah that the payment of wages applied in Jorong Kandang Melabung does not fulfill the provisions of the ijarah contract, it can be seen from: first, the contract is valid, but in practice it contains gharar and mafsadah. The contract made by the land owner to the worker is legal, but in the practice of ijarah there is damage (mafsadah) because between the ijab and qabul which is conveyed by the land owner to the worker/ laborer it is not clear, such as when the time for receiving the wages is not explained.

Second, the time of payment of wages is not based on the Qur'an and Hadith. In the Qur'an it is stated to comply with the contracts carried out, and in the hadith it is explained to hasten the payment of wages before the workers' sweat dries up. Meanwhile, land owners do not fulfill the rights of farm workers/laborers and fulfill their obligations as employers, because in every obligation there are rights that must be fulfilled and vice versa. Wages are not paid after the worker/farmer has finished working, but the wages are promised to be paid after the new job or the first day of work will be paid on the second day of work, even if there is no new job, the worker or farm laborer's wages will be paid after the end of the job. one week from the last day of work.

Third, ethics, *adab* or morals do not meet the provisions of Ijarah, namely the time of payment of wages is unknown. One of the conditions for Ijarah that is not fulfilled by land owners to farm workers/laborers is to not hasten in paying wages and not being clear about the timing of payment of wages.

Fourth, the application of wages with a tutuik hole system containing gharar and mafsadah. In accordance with what happened in Jorong Kandang Melabung, that the wages of farm workers contained mafsadah due to damage to

ethics, manners or morals in paying wages. There is an element that benefits one of the parties where the act is not in accordance with the Qur'an, hadith and also the rules of fiqhiyah.

In the Qur'an, it is explained that no one should commit acts of violence from one human to another as stated in Q.S Al-Baqarah verse 279 as previously mentioned. Furthermore, in the rules of fiqhiyah, everything that causes harm and damage must be eliminated, such as the application of the wage system for farm laborers with the term Kali Lubang Tutuik Lubang, because the application of this wage system is taking advantage of other people's difficulties.

Therefore, the wage system of *kali lubang tutuik lubang* must be eliminated so that no one else is harmed and no person takes advantage of the oppression. The most important thing is to avoid gharar (obscurity/fraud) and also eliminate greater mafsadah (damage).

Conclusion

From the description above there are several things that can be concluded, namely the implementation of wages with the *kali lubang tutuik lubang* system starting between land owners and workers using only speech contracts and through telephone media to convey the type of work, place and time of work. After the worker/farmer has finished working, the land owner does not pay his wages directly. However, the land owner will pay the wages for the first day of work on the second day of work or when there is a new job. Meanwhile, if the new job no longer exists, the payment of the worker/farm laborer is deferred after one week from the last day of work.

The fiqh muamalah review of wages with the *kali lubang tutuik lubang* system is valid because from a legal point of view the contract fulfills the terms and conditions contained in the Ijarah contract. Moreover, in its implementation, it has become a habit and is understood by farm workers/laborers. However, from the ethical or moral aspect, the implementation of wages using the *kali lubang tutuik lubang* system is categorized as neglecting to pay workers/farmers' wages and containing mafsadah (damage). In *mafsadah* is not allowed because it will result in loss of one of the parties. Thus in the initial contract there must be clarity from both parties, especially from the land owner to the workers regarding the timing of payment of wages before the workers/farmers carry out their work.

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