



Research Paper

## The Practice of Wages for Student Ojek Community in Trunojoyo University Madura (A Study of Fikih Muamalah)

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### ABSTRACT

This research is motivated by the practice of entrusting services as a business in the field of service rental around the Trunojoyo Madura University environment with varied prices. Determination of wage costs in entrusted service transactions varies in practice. This study examines the practice of wages for the student motorbike taxi community in the Trunojoyo Madura University environment in the study of Fikih Muamalah from the perspective of ijarah and gharar. The results of this study indicate that there are two wage practices, namely the wage of entrusted services that distinguish between the price of goods and wages or called per-item wages and the practice of entrusted service wages that include wages in the price of goods or called the price includes entrusted services (include). First, in the practice of wages using the per-item method is an ijarah transaction, the wage is clearly known because it is differentiated from the price of the goods, so this wage practice is a valid transaction. Secondly, the practice of wages using the include method is also an ijarah contract, but because the wages are not clearly known because the wages are combined with the price of the goods. In Islam, this business transaction contains uncertainty (gharar) which can cause the contract or transaction to be invalid. The results of this study imply that the practice of entrusting services must be carried out with a clear contract and agreed upon by both parties.

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### Introduction

Nowadays, technology is developing rapidly and continues to advance with many innovations. Sophisticated smartphones have become a very helpful tool for people to interact socially and fulfil various daily needs. The benefits of smartphone ownership

are also felt by those who use it as a tool to do business and open a business. Including the student ojek community at Trunojoyo Madura University who opened a mobile phone entrustment service business. The profession of entrusting services or often called *jastip* at Trunojoyo Madura University provides convenience for the community and students. Through *jastip*, they can more easily buy items according to their needs that may be difficult to find around their place of residence. This entrustment service profession provides significant convenience for the community and students because it can provide something that is difficult to reach to be closer, such as if you want to taste food that is far from the campus environment, you can use this service to get it. So this entrusted service business can be used as a new breakthrough by the Student motorbike taxi community at Trunojoyo Madura University with the aim of facilitating consumer access to the products needed and increasing distribution efficiency, the product can quickly reach consumers. If you pay attention, people who work in the profession of entrusted services function as intermediaries or third parties between sellers and buyers, where the seller is the product provider, the buyer is the one who needs the product or the user of the entrusted service, and the service provider is the one who buys the buyer the product from the seller. so that the work practice of this business actor is very simple, because the core function of this entrusted service is shopping on behalf of consumers.

The mechanism of entrusting services for the Student motorcycle taxi community in the Trunojoyo Madura University environment uses a service rental system, so business actors offer their entrustment services by making a pamphlet or announcement containing the name of the goods, the price of the goods and the service rental fee then shared on the whatsapp grub he has created or his whatsapp story. Then the user or customer (consumer) chooses the item needed in accordance with the conditions stated in the pamphlet or the information he gets through the whatsapp group created by the business actor or direct personal line to the business actor. Then in payment there are those who use the transfer method, there are also those who pay directly when the goods arrive at the hands of consumers. However, the facts in the field, the entrepreneurs of entrusted services by the Student motorcycle taxi community in the Trunojoyo Madura University environment have unclear wage practices, such as additional costs that are not in accordance with the initial agreement and there is also the original price of goods and wages that are made into one price, so that it cannot be clearly known the amount of wages from the entrusted services.

While we can know the word "*ijarah*" comes from Arabic from the origin of the word "*al-ajru*" which means "*al-iwadlu*" (compensation), therefore *as-sawwab* (reward) is called *ajru* (wages) (Sabiq, 2017). *Akad ijarah* is an agreement based on agreement, intention, and acceptance of agreed benefits, with clear compensation (Sunarto, 1991). This means that the wage/*ujrah* must be clear in value, percentage, or nominal. And we

can also know that in Fikih Muamalah it must apply the principle of mutual consent and without any element of coercion in practice.

Muamalah is a set of rules governing the interaction of individuals with other people in terms of exchanging property or objects, including but not limited to buying and selling transactions, lending, leasing, business partnerships, storage of goods or money, debts and receivables, distribution of inheritance, wills, gifts, orders, and so on (Arfan, 2013). The essence of muamalah is the rules or laws set by Allah for His servants to fulfil their daily needs, encourage cooperation and mutual assistance, so that they will get convenience in all matters. As stated in verse 2 of Surah Al-Maidah in the Al-Quran which means:

*“Help each other in (doing) righteousness and piety, and do not help each other in sin and enmity.”* (QS. Al-Maidah ayat 2). (Al-Qur’an, 2019).

From the above understanding, it can be seen that muamalah does not only include economic activities, but also includes all events of human interaction that occur on the orders of Allah SWT to expect His pleasure, including the interaction between husband and wife. But now muamalah has become narrower in scope, often only associated with economic activities, because of the development of fiqh science so that separate studies appear on other events such as mawarist, jinayah, and siyasah. Based on the previously described problems, researchers are interested in conducting a study or research on entrustment services that exist in the Student motorbike taxi community at Trunojoyo Madura University. In order to find out the practice of wages from the Titip Service that provides additional costs outside the provisions that have been made, and which unites the product price with the service fee.

Previous research related to fiqh review of entrustment services has been conducted by previous researchers. Putri (2018) conducted an Islamic law review of the determination of ujah in Takafulink Alia investment products. Sa'adah & Maulida (2019) examined the pattern of personal shopper contracts in online buying and selling in the city of Banjarmasin, South Kalimantan. Nisak & Suhadi (2022) conducted a study of the wakalah bil ujah contract on the online entrustment service business on Instagram. Lestari, et. Al (2020) conducted a review of the DSN MUI fatwa No. 80 DSN-MUI / III / 2011 on the determination of ujah in independent products. Megawati et.al (2021) conducted an analysis of muamalah fiqh on online buying and selling services. Fransiska, et.al (2019) conducted a Fiqh Muamalah review of fees in the practice of online goods entrustment services. Based on the search, it appears that there is no research that examines entrustment services in the Trunojoyo Madura University environment with a fiqh approach. Therefore, researchers are interested in discussing using the ijarah contract in the study of Muamalah Jurisprudence.

## **Research Method**

This research is qualitative research by going directly to the field (field research). The nature of qualitative research that has been used by researchers is descriptive and tends to use analysis. The research approach used is a qualitative descriptive approach with the aim of describing and summarising various conditions, various situations, and or various phenomena of social reality that exist in society as the object of research and trying to draw social reality to the surface as a characteristic, character, trait, and or description of certain conditions, situations, and phenomena (Bungin, 2007). The object of this research is the student motorbike taxi community in Trunojoyo University Madura. Data collection methods that have been used in this research are observation, interview, and documentation. At the data collection stage, researchers made observations in the field to see the process of entrustment services in the Trunojoyo Madura University (UTM) environment. At the interview stage, researchers conducted interviews with several parties involved in entrustment service activities. Documentation techniques are used to document the activities of entrustment services in the student motorbike taxi community at UTM. Qualitative data analysis methods are carried out inductively, where the problem, research focus, data, and conclusions are based entirely on the data obtained. Starting from the existing facts and data that are special/separate, conclusions will be drawn (Haeludin, 2019).

## **The Practice of Titip Service Wages of the Student Ojek Community in the Environment of Trunojoyo University Madura**

Student ojek community in the environment of Trunojoyo University of Madura is a group of Trunojoyo University students, each of whom has the same goal, namely to run the business they make in the form of ojek services to the community around the environment of Trunojoyo University of Madura in general, especially to Trunojoyo University students who need to support their lives during college, noting that in the environment of Trunojoyo University of Madura there is no online ojek that enters around the environment of Trunojoyo University of Madura but until now there are only ojek pengkolan, where the way the ojek pengkolan works is by staying at one point called the ojek base, where customers who will use their services must first walk to the ojek base, while the ojek base at Trunojoyo Madura University is usually located at a red light junction which is quite far from the student's residence if taken by foot, therefore the presence of the Student Ojek Community at Trunojoyo Madura University can facilitate students in meeting their needs.

The Student Ojek Community at Trunojoyo Madura University not only runs shuttle services but there are several service facilities that they run such as food delivery services or commonly called delivery orders, entrusting services or commonly called jastip, this

is in accordance with the needs of students, because the distance between the campus and crowds such as markets, print out places, and food selling places is quite far, so the following idea emerged.

How the Student Ojek Community works in the Trunojoyo Madura University environment is as follows: First, the customer must join the Student ojek community WhatsApp group. Second, the customer gives a group message with the word "on" on the Student ojek community WhatsApp group. Third, the driver responds using a group message with the word "on" on the Student ojek community WhatsApp group. Fourth, the customer gives a private message to the driver to provide information on the pick-up address and delivery destination. Fifth, the driver picks up the customer from the pick-up place and delivers to the destination address.

### **The Practice of Titip Service Wages for the Student Ojek Community in the UTM Environment**

Titip Services or Jastip in the UTM Student environment is a business created by someone both individuals and groups by offering a person's service to buy goods that are entrusted or ordered by customers or service users, and this service offers goods that have been determined by the business actor, and sets the titip service fee according to each business actor who is charged in exchange for buying goods. This business is promoted by business people through social media that he has such as whatsapp grub and whatsapp stories, this was spoken by one of the entrepreneurs of the entrusted service business in the Trunojoyo Madura University environment, Sister Sulis:

*"Langkah pertama saya membuat pamflet mengenai jastip yaitu jastip mie gacoan, isi pamfletnya itu list menu dari mie gacoan, list harga mie gacoan dan upahnya. Kemudian langkah kedua saya membagikan pamflet tersebut H-1 harinya di story whatsapp sama beberapa grub whatsapp".*

The existence of this deposit service is very helpful for the needs of students who do not have private vehicles or who have other needs to get the desired item, as told by Sister Nadia as follows:

*"saya menggunakan jasa titip karena saya tidak ada kendaraan untuk beli, sedangkan mie gacoan yang paling dekat adanya di Surabaya".*

Then he also said that the delivery service he used was very helpful both from the wages which were only three to four thousand rupiah per item and that included shipping costs to his boarding house, but there had been disappointment in the delivery service, because the items purchased did not match what was ordered, but he did not question it because he felt sorry for him.

Almost the same incident was experienced by Sister Ika, she was disappointed because there was an order that was lacking where she ordered three items but only two

items were ready, if from the wages it goes directly to the price of the item, according to her it is not expensive but it will be calculated expensive if you buy more than two items because the wages are calculated per item. He said like this in the interview:

*“saya pernah mengalami ada pesanan yang kurang, waktu itu saya pesan tiga item, tapi ternyata cuma dua item yang ready, kalau untuk upahnya langsung masuk ke harga itemnya, menurut saya tidak terlalu mahal tetapi terhitung mahal jika membeli lebih dari dua atau lebih item”.*

According to Sister Lailiyah as the entrepreneurs of the entrustment service business that she has been doing since March 2023, she opened jastip when she had capital of around Rp. 500.000.00 because she has to cover it first to furniture the order, then in determining the wage she looks at how many percent of the tax on the place, for example, the gacoan noodles are 10% tax then multiplied by the cost of petrol to the location and also later added parking fees, so if the jastip is more than 50% I can get a lot of profit, but if the jastip is less than 50% I get minimal profit, she said in an interview as follows:

*“saya buka jasa titip masih awal sekitar dua bulan yang lalulah, biasanya saya buka jastip kalau udah ada pegangan uang sendiri sekitar Rp. 500.000, baru saya berani buka jastip, karena udah resiko mas harus nombokin dulu kalau tidak ada modal awal saya mau jastipnya pakai apa, masalah untung juga tidak menentu, kalau yang pesan lebih dari 50% untungnya lebih banyak dibanding dibawahnya, karena besarnya upah itu dilihat dari pajak tempatnya lalu dikalikan dengan uang bensin ke lokasinya dan parkirnya juga”.*

From the results of field observations, there are two kinds of practices used in determining the wages of entrustment services in the Trunojoyo Madura University environment, including those that distinguish the price of goods from wages or per-item wages and those that mix the price of goods with wages or the price includes entrustment services (include). The entrepreneurs of the entrustment service business in the Trunojoyo Madura University environment, some of them use one of these wage practices and some use both, so there are explanations from several business people including. Lailiyah says :

*“Aslinya itu sama saja, mau dicampur ataupun dibedakan itu sama saja, tergantung cara marketingnya saja, jadi itungan biaya jastipnya itu perproduk, semisal ditoko itu harganya Rp. 9.000 dan biaya jastipnya Rp.3.000 jadi total Rp. 12.000, untuk memperjelas biar konsumen nggak bingung perlu juga ditulis di pamfletnya (sudah termasuk biaya jastip) begitu, kalau saya menggunakan keduanya”.*

Saudari Sulis says:

*“saya menggunakan yang dicampurkan biar mempermudah, biar nggak ngitung-ngitung dan yang beli nggak nanya-nanya, karena kalau udah ditentukan harganya kan pembeli jadinya tahu berapa habisnya tanpa harus ngitung biaya jastip harga asli dan biaya pajak,*

*kalau dipikir-pikir daripada harganya ada setengahnya misal Rp. 13.500 mending dibulatin saja, kemarin pas saya habis Rp. 213.000 itu pajaknya Rp.19.000an, jadi semakin banyak yang nitip berarti pajaknya juga banyak”.*

Saudari Ainiyah says:

*“saya tidak menggunakan upah sama harga yang disatukan, saya lebih suka menggunakan upah sama harga yang dibedakan, karena lebih jelas berapa besaran upah yang saya tarifkan dan besaran upah tersebut sudah termasuk ongkos kirim apa belum, jadi costumer dapat merasa nyaman dan aman”.*

From the explanation above, it can be seen that entrusted services are a form of contemporary business in which business people in it will offer assistance to people who want to buy something when they are abroad or are out of town in general, jastip is promoted through social media such as Facebook, Instagram, or WhatsApp..

Delivery services in the Trunojoyo Madura University environment are a service-based business provided by business people to the community around the campus, especially students who need these services, in the mechanism, this delivery service business promotes its services through whatsapp stories and whatsapp groups, where the goods or products in the delivery service are mostly gacoan noodles, but there are also those who provide other than these goods or products. Meanwhile, in the practice of wages, some use one product price at the same time as the wage, some are differentiated, and some use both, then for the payment is made at the end after the goods are purchased using cash mooney payments and can use e-money, but not many use it because most use the cash of delivery system.

### **Review of Fikih Muamalah on the Practice of Wages for Student Ojek Community Titip Services in the Environment of Trunojoyo University Madura**

The Student ojek community at Trunojoyo Madura University is a group of individuals who not only run shuttle services, but there are several service facilities that they run such as food delivery services or commonly called delivery orders, and entrusting services or commonly called jastip, this is done based on the needs of students, because the distance between the campus and crowds such as markets, print out places, and food selling places is quite far, so the idea arose.

One of the service facilities of the Student motorbike taxi community in the Trunojoyo Madura University environment is entrustment services. Titip service is a service business where the business actor has the status of a shopper for his service users, where the service users referred to here are the community around the campus or especially students. Promotion of entrusted services carried out by entrusted service



business actors is through whatsapp stories and whatsapp groups by distributing pamphlets containing products in entrusted services. Where the products in the entrusted services in the Trunojoyo Madura University environment are mostly gacoan noodles.



Gambar 1. Contoh Open jasa Jastip per-item

### Wage practices that differentiate between price and wage (per-item)

The practice of wages for student motorbike taxi communities in the Trunojoyo Madura University environment above is in accordance with the ijarah contract, which ijarah is a contract for services or benefits that have economic value (maqshudah), known, legally handed over to others (Rainbow lascar team, 2013). Based on the results of the author's observations, this wage practice is clear that the services used are in the form of entrustment services and the wages are known, have economic value and are legally handed over in the form of money. And the practice of depositing wages is in accordance with the legal basis for ijarah based on the words of Allah SWT in the Al-Quran Surah Ath-Thalaq verse 6 which means:

*"Kemudian jika mereka menyusukan (anak-anak)mu untukmu maka berikanlah kepada mereka upahnya". (QS. Ath-Thalaq: 6).*

Ibn 'Umar (Radhiyallahu anhum) reported that the Messenger of Allah (peace and blessings of Allah be upon him) said:

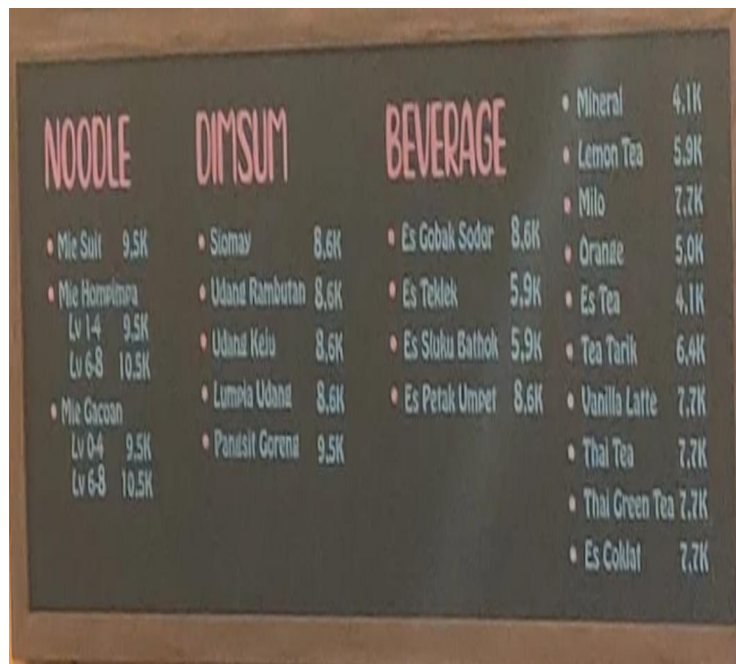
*"Berilah upah kepada para pekerja sebelum mengering keringatnya". (HR. Ibnu Majah) (Muhammad, 2004).*

The explanation above can be proven by the results of the author's interview with the informant that in the practice of entrusting services to the Student motorbike taxi community at Trunojoyo Madura University, the service provider provides a fee rate in the form of money that must be paid by the user of the entrusted service according to



Author name, Author name, Author name: Your title goes here

the specified nominal. The payment is made after the goods are given to the user, for example, such as the service of entrusting gacoan noodles lv 6-8 which costs Rp. 10,500 and the entrustment service fee is Rp. 3,000 / item, the total to be paid is Rp.13,500..



Picture 2. Menu and Price List of Mie Gacoan Kenjeran Surabaya

Gacoan noodle delivery service motorbike taxi community Students at Trunojoyo Madura University often shop at Gacoan noodles located in Kenjeran Surabaya because it is the closest place to Trunojoyo Madura University.



Picture 3. Practice Example of Titip Service Fee Include Price

The practice of depositing wages the price includes the depositing service (include)

The practice of wages for student motorbike taxi communities in the Trunojoyo Madura University environment above does not include the amount of wages clearly so that it cannot be known how much the wages are charged, even based on the picture above the price list of all menus is equalised, while the original price of each menu varies. In the legal requirements of ijarah, the wages must be known both in value, percentage, and nominal, while in the practice of wages above the wages are not clear both in value, percentage, and nominal. Islam explains that transactions that contain uncertainty are called gharar. The practice of gharar can cause a transaction to be invalid, if it fulfils two elements, namely gharar that occurs in mu'awadhah contracts (business transactions) such as sale and purchase contracts, ijarah, shirkah and gharar which is included in the severe category according to the prevailing tradition (urf)..

While this deposit service uses an ijarah contract, which is included in the mu'awadhah contract and this wage practice has uncertainty, because the amount of the wage is not known, so this wage practice is an invalid transaction, because it is included in transactions prohibited in Islamic law, as explained in the hadith below which means:

*"Rasulullah Shalallahu 'alaihi wa sallam melarang jual beli al-hashah dan jual beli gharar"*. (HR. Muslim) (Imam, 1995).

The practice of gharar in this entrustment service transaction is prohibited because it is included in the type of business transaction, where in business transactions that apply are exchanges and returns, each transaction player must get their rights, both goods and profits. That way, any form of gharar that results in one party or another being harmed is contrary to the purpose of the transaction itself.

## Conclusion

Based on the results of the research and data analysis that has been carried out, the authors provide conclusions relating to the Practice of Student Ojek Community Tipping Service Wages at Trunojoyo Madura University in the Study of Muamalah Jurisprudence. The practice of wages for student motorcycle taxi communities in the Trunojoyo Madura University environment uses two methods in determining the nominal wages for entrusted services, the first, using the per-item wage practice method, this practice is a practice that distinguishes the price of goods from the wages for entrusted services. The practice of wages for the Student Ojek Community in the Trunojoyo Madura University environment in the study of Muamalah Jurisprudence has two points, the first is the practice of wages using the per-item method is an ijarah transaction, the wages are clearly known because they are differentiated from the price of the goods, so this wage practice is a valid transaction. The second is that the practice of wages using the include method is also an ijarah contract, but because the wages are not clearly known because the wages are combined with the price of the goods. So in

Islam, this business transaction contains uncertainty (gharar), gharar can cause the contract or transaction to be invalid.

### **Authors' Declaration**

The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation, and discussion of results. The authors read and approved the final manuscript.

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