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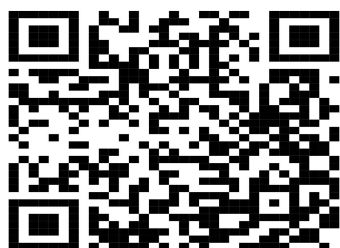
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Reconstructing Wage Law in the Contemporary Era: A Pancasila Justice and *Maqāṣid al-sharī'ah* Perspective

Abstract: The wage system in Indonesia, particularly in East Java Province, reveals a significant gap between normative regulations and practical realities. Current wage practices, which inadequately protect informal workers and casual laborers, highlight weak safeguards for basic economic rights and the lack of distributive justice as mandated by *Pancasila* and the principles of *maqāṣid al-sharī'ah*. This study seeks to reconstruct the legal concept of wages not only in a formal-legal sense but also substantively, by integrating the principles of justice embodied in *Pancasila* and *maqāṣid al-sharī'ah* as ethical and normative frameworks. Employing a juridical-normative and sociological approach, the research involved a review of labour legislation, an analysis of judicial decisions related to wage disputes, and in-depth interviews with workers, labour unions, employers, and officials from the Manpower Office (Disnaker) in three major industrial cities of East Java: Surabaya, Sidoarjo, and Gresik. The main findings indicate that: (1) the wage system in East Java remains dominated by the minimum wage approach, which fails to reflect contextual justice and balanced labour relations; (2) employers often resist implementing wage structures and scales due to weak law enforcement; (3) the values of *ḥifẓ al-māl* (protection of wealth) and *ḥifẓ al-nafs* (protection of life) in *maqāṣid al-sharī'ah* align with the welfare principles of *Pancasila* but have yet to be adopted as a legal paradigm in wage policy formulation; and (4) there is an urgent need to reformulate wage law with justice as its foundational principle rather than focusing solely on the technocratic aspects of minimum wage regulation. This study contributes a conceptual model of wage law grounded in the integration of *Pancasila*'s justice philosophy and *maqāṣid al-sharī'ah*, offering a framework for a more equitable, adaptive, and culturally responsive wage policy in Indonesia.

Keywords: Distributive Justice, Employment Law, *Maqāṣid al-sharī'ah*, *Pancasila* Justice, Wage Legislation.

INTRODUCTION

Wages are one of the most fundamental issues in the world of employment in Indonesia. In various regions, including East Java, which is known as one of the largest industrial estates in the country, the issue of wages still leaves many critical notes. Workers, especially in the informal and labour-intensive sectors, often receive wages that are far from decent. The mismatch between the workload and the compensation provided not only creates economic inequality but also reflects the weak presence of the state in ensuring social justice for workers.¹ Although governments have established minimum wage policies, wage structures and scales, as well as various other derivative regulations, implementation on the ground often does not work effectively.² Many companies have not implemented an appropriate wage system, and supervision by government officials has not been optimal.³ This reality shows that our approach to wages is still very technocratic, emphasizing more on economic formulas and macro indicators, but giving less space to the values of justice that exist in society, including ideological and religious values.

The issue of wages in Indonesia has become a concern for many people from legal, economic, and social perspectives. A number of previous studies have discussed various aspects of the prevailing wage system. For example, Sari et al. (2023) highlight that the minimum wage system has not been effective in ensuring a decent life for workers, especially in vulnerable sectors.⁴ Prasetyarini (2018) also revealed that the structure and scale of wages that should be an instrument of equality have not been running optimally,

¹ Lintang Sania, Mohammad Balafif, and Nurul Imamah, 'Pengaruh PDRB, Tingkat Pengangguran Terbuka Dan UMR Terhadap Indeks Pembangunan Manusia Di Kabupaten Dan Kota Provinsi Jawa Timur', *Bharanomics* 2, no. 1 (September 2021): 1, <https://doi.org/10.46821/bharanomics.v2i1.189>.

² Dian Ayu, Endang, and Moh Saiful Anam, 'Pengaruh Angkatan Kerja, Upah Minimum Regional, Dan Pendidikan Terhadap Tingkat Pengangguran Terbuka Provinsi Jawa Timur', *Jurnal Progres Ekonomi Pembangunan (JPEP)* 9, no. 2 (December 2024): 2, <https://doi.org/10.33772/jpep.v9i2.162>.

³ Nadiah Awary et al., 'Pengaruh Upah Minimum dan Indeks Pembangunan Manusia (IPM) Terhadap Tingkat Partisipasi Angkatan Kerja (TPAK) di Jawa Timur Tahun 2018-2023', *Bisnis-Net Jurnal Ekonomi dan Bisnis* 7, no. 2 (December 2024): 2, <https://doi.org/10.46576/bn.v7i2.5096>.

⁴ Destya Permata Sari and Rahayu Subekti, 'Asas Kemanfaatan Dan Asas Keadilan Dalam Penetapan Upah Minimum', *Legal Spirit* 7, no. 2 (December 2023): 2, <https://doi.org/10.31328/lis.v7i2.4873>.

and have even widened the gap between workers in one industrial field.⁵ On the other hand, an approach from the point of view of Islamic economics has also been carried out, such as by Gemala Tazniem Rofiq et al (2025), who emphasise the importance of the value of justice in industrial relations.⁶ However, the study has not directly linked the values of *Maqāṣid al-Syarīʿah*—especially the protection of property (*ḥifẓ al-māl*) and soul (*ḥifẓ al-nafs*)—in the context of the drafting of wage regulations. Not to mention, there are still a few studies that try to combine the principles of justice of Pancasila and *Maqāṣid al-Syarīʿah* in one complete and applicable legal framework.

From this, it can be seen that there is an important gap that has not been raised much in the previous literature, namely, the need to reformulate a wage legal system that is not only legal-formal, but also rooted in the philosophical values of the nation and religion. This research is here to answer this gap by offering a model of wage law reconstruction based on Pancasila justice and *Maqāṣid al-Syarīʿah* that is more contextual, humane, and oriented towards common welfare. Based on this background, the question to be answered in this study is: How can the wage legal system in Indonesia be reconstructed by combining the principles of justice of Pancasila and *Maqāṣid al-Syarīʿah* to make it more fair and in accordance with the reality of contemporary employment, especially in East Java? This question is the entrance to examine more deeply not only the normative aspects of labour law, but also the socio-economic dynamics that accompany it.

This research is expected to contribute both theoretically and practically. Academically, this study enriches the scientific treasures in the field of labour law and Islamic law, especially in efforts to integrate local and religious values into public policy. Meanwhile, practically, the results of this research can be a reference for the government,

⁵ Magdalena Prasetyarini, 'Kajian Terhadap Kendala-Kendala yang Dihadapi Dalam Menerapkan Ketentuan Struktur dan Skala Upah (Studi Terhadap Perusahaan Di Kota Pontianak)', *Jurnal NESTOR Magister Hukum* 14, no. 3 (November 2018): 3, <https://jurnal.untan.ac.id/index.php/nestor/article/view/29620>.

⁶ Gemala Tazniem Rofiq, Sa'ad Ihya' Uddin, and Nasyif Hilmi, 'Tinjauan Hukum Islam Terhadap Hubungan Industrial di Indonesia: Kajian Konsep Pekerja dan Pengusaha', *Jurnal Media Akademik (JMA)* 3, no. 6 (June 2025): 6, <https://doi.org/10.62281/v3i6.2315>.

trade unions, and business actors in formulating a more humane, fair, and sustainable wage system.

METHOD

This research uses a qualitative approach⁷ based on field research to explore in depth wage practices in the East Java region, as well as formulate a legal reconstruction offer based on the values of justice Pancasila, and *Maqāṣid al-Syarī'ah*. This approach was chosen because the issue of wages is not only related to formal rules, but is also greatly influenced by the social, economic, and cultural context of the community. The research location is focused on three main industrial areas, namely Surabaya, Sidoarjo, and Gresik. The three represent the face of the complexity of industrial relations in East Java, ranging from the formal to the informal sectors. Wage inequality, weak protection for workers, and incompatibility between rules and practices are common phenomena that can be observed in these three areas.

The main data in this study were collected through in-depth interviews with various parties who have a direct relationship with the issue of wages. They consisted of workers, human resources managers, trade union activists, and officials of the Labour Office. The selection of informants is carried out purposively, taking into account their experience, position, and involvement in employment issues. In addition to interviews, the researcher also observed working conditions in several companies, as well as examined supporting documents such as employment contracts, payslips, labour union annual reports, and labour supervision reports. These sources help provide a more complete picture of how the wage system is run on a practical level.

The collected data is then analysed descriptively-qualitatively.⁸ The researcher seeks to find patterns, tendencies, and inequality in wage practices, and relate them to the principles of justice sourced from Pancasila and *Maqāṣid al-Syarī'ah*. Thus, the analysis does

⁷ Matthew B. Miles, A. Michael Huberman, and Johnny Saldana, *Qualitative Data Analysis* (SAGE, 2014).

⁸ Albi Anggito Setiawan Johan, *Metodologi penelitian kualitatif* (CV Jejak (Jejak Publisher), 2018).

not only stop at normative issues, but also seeks to formulate solutions based on values and social reality. Through this approach, the research is expected to produce findings that are not only scientifically relevant but also applicable in formulating fairer and more contextual wage policies in the midst of the complexity of today's world of work.

RESULTS AND DISCUSSION

Portrait of the Wage System in East Java: Between Regulation and Field Reality

The wage system in Indonesia has actually been regulated quite clearly through Law No. 13 of 2003 concerning Manpower and updated in Government Regulation No. 36 of 2021 concerning Wages. This regulation stipulates that employers are obliged to provide wages at least equal to the Regency/City Minimum Wage (UMK) to their workers.⁹ However, implementation in the field, especially in industrial-intensive areas such as Surabaya, Sidoarjo, and Gresik, is still far from ideal. The inequality between regulation and reality is quite striking. In the Margomulyo industrial area, Surabaya, several workers in the logistics and warehousing sectors admitted that they had received salaries according to the Surabaya MSEs, which in 2024 was set at IDR 4,725,479. "I work in the packaging department. Our company complies with MSEs, and even gets incentives for overtime and meal money,"¹⁰ said Wahyu (30), a worker at a medium-scale logistics company. Wahyu's experience shows that there are still companies that comply with regulations and try to fulfil workers' rights.

However, these conditions are not completely even. In Sidoarjo and Gresik, there are still many workers who complain about wages that do not meet the provisions. For example, in the Berbek Sidoarjo Warehousing area, a female worker named Ratna (28) admitted that she only received Rp3,200,000 per month, far below the Sidoarjo MSE of Rp4,518,581. "It is sometimes deducted for unclear reasons. If you protest, it is said that

⁹ Izzaty and Rafika Sari, 'Kebijakan Penetapan Upah Minimum di Indonesia', *Jurnal Ekonomi dan Kebijakan Publik* 4, no. 2 (2013): 2, <https://doi.org/10.22212/jekp.v4i2.49>.

¹⁰ Wahyu, 'Personal Interview', 2024.

you are not loyal," he said.¹¹ Similar complaints were also submitted by workers of a snack factory in Gresik who received a wage of IDR 3,500,000, even though the Gresik MSE amounted to IDR 4,522,030. Another problem that arises is unilateral cuts without transparency. In some cases, the deduction is not included in the payslip. "We are often confused as to why the nominal is different every month, even though there is no clarity," said Budi (26), a machine operator at a plastic factory.¹² In addition, many companies do not provide overtime according to the provisions, do not include workers in BPJS Ketenagakerjaan, and some even do not provide annual leave.

The local government, through the Manpower Office, routinely announces MSEs and conducts socialisation. However, the effectiveness of supervision is still weak. The number of supervisory officers is very limited and often only acts if there is an official complaint from the worker, even though not all workers dare to report.¹³ "Often, workers are afraid to report because they are worried that their contracts will not be extended," said Bambang Santoso, a labour activist from the Trade Union. He added that many employers use short-term contract work systems or outsourcing to avoid long-term obligations.¹⁴ On the other hand, some entrepreneurs argue that economic pressure makes it difficult for them to meet the minimum wage provisions. "We are facing fierce price competition. If all labour costs are increased according to regulations, profit margins can be exhausted," said a convection business owner in Sidoarjo.¹⁵ Even so, economic reasons should not come at the expense of workers' basic rights, especially if the company is still able to operate and make profits.

Interestingly, there are also large companies in the Rungkut industrial area, Surabaya, which is actually a good example. One of them is a food and beverage company that not only pays according to MSEs, but also provides annual bonuses, complete health

¹¹ Ratna, 'Personal Interview', 2024.

¹² Budi, 'Personal Interview', 2024.

¹³ Annisa Fianni Sisma and Rahayu Subekti, 'Pengaturan Pengupahan Pekerja/Buruh Usaha Mikro dan Kecil Dalam Perspektif Teori Keadilan John Rawls', *Jurnal Hukum dan Pembangunan Ekonomi* 11, no. 1 (August 2023): 1, <https://doi.org/10.20961/hpe.v11i1.68740>.

¹⁴ Bambang, 'Personal Interview', 2024.

¹⁵ Tejo, 'Personal Interview', 2024.

insurance, and training programs for employees. "We believe that if workers are prosperous, productivity will increase," said the company's HR department.¹⁶ This shows that compliance with regulations is not only possible but can also have a positive impact on business sustainability. Looking at these portraits, it is clear that the issue of wages is not only about numbers, but also about commitment, partisanship, and the supervisory system.¹⁷ The government needs to be actively and decisively present to ensure that workers' rights are protected. At the same time, it is necessary to increase awareness among employers that workers are not a burden, but an important asset in the production chain and economic growth.

Justice in the Perspective of Pancasila: Considering the Basics of Humanity and Welfare

Pancasila not only functions as the basis of the state, but also as a guideline of values that should animate all aspects of the nation's life, including in terms of employment and wage policies.¹⁸ In this context, the two most relevant precepts to be studied are the second precept, "*Just and civilised humanity*", and the fifth precept, "*Social justice for all Indonesian people*." Both emphasised the importance of humane treatment and equitable distribution of justice in the social and economic order. The second precept philosophically demands that every individual be treated fairly and with dignity. In the context of employment, respect for human values must be reflected through the provision of decent wages and the protection of workers' rights. Wages are not just a means of exchange for services, but part of the recognition of human dignity.¹⁹ When workers are paid below minimum standards or do not get their normative rights, then the principle of humanity has been harmed.

¹⁶ Agung Prasetyo, 'Personal Interview', 2024.

¹⁷ Leonardo Siahaan, Erli Dayinati, and Ulfah Nabilah Azizah Manurung, 'Analysis of the Effect of Inflation and Regional Minimum Wage on the Total Poor Population of North Sumatra the Period of 2001-2021', *ProBisnis : Jurnal Manajemen* 14, no. 2 (April 2023): 2, <https://doi.org/10.62398/probis.v14i2.118>.

¹⁸ Syafruddin Karimi, 'Sistem Ekonomi Pancasila, Keadilan Sosial, Dan Neoliberalisme Global', *Pancasila: Jurnal Keindonesiaan* 4 (June 2024): 1-10, <https://doi.org/10.52738/pjk.v4iX.526>.

¹⁹ M. Imam Abrori, 'Implementasi Hubungan Industrial Pancasila Terhadap Kesejahteraan Pekerja Perspektif Hukum Ketenagakerjaan', *Legal Studies Journal* 3, no. 1 (March 2023): 1, <https://doi.org/10.33650/ljs.v3i1.9952>.

Meanwhile, the fifth precept emphasises the importance of social justice, which includes the equitable distribution of wealth, access to employment opportunities, and protection for economically vulnerable groups. In practice, there are still many workers in Indonesia, including in East Java, who face unsuitable working conditions, an unstable contract system, and a lack of social security. This inequality indicates that the ideals of social justice as mandated in Pancasila have not been fully realised. To illustrate the incompatibility between the values of Pancasila and the actual conditions of wages in the field, it can be seen from the following table:

Table 1. Implementation of Pancasila Values in Workers' Wages

The Value of Pancasila	Normative Principles	Field Reality
Precept Two: A Just and Civilised Humanity	Respect human dignity through living wages and fair treatment	Many workers still receive wages below MSEs, non-transparent cuts, and a lack of protection for workers' basic rights
Fifth Precept: Social Justice for All Indonesian People	Equitable distribution of welfare, social protection, and job security	There is income inequality, irresponsible outsourcing practices that are irresponsible, and weak supervision of labour violations

Sumber: Author's Interpretation

This problem becomes more complex when the employment supervision system does not run optimally. Existing regulations are often just a formal symbol with no real influence on the ground. When violations of workers' rights are not strictly acted upon, social justice, which should be a common goal, is ignored.²⁰ In fact, the spirit of justice and humanity in Pancasila should be the main direction in the preparation and implementation of labour policies. Fair wages are not just economic matters or the calculation of costs, but are part of the moral responsibility of the state and society to their citizens.

Realising a wage system that is in line with the values of Pancasila requires the commitment of all parties—the government, business actors, and the community. The

²⁰ Wihelmus Jemarut, I. Gusti Agung Andriani, and Pahrur Rizal, 'Penetapan Upah Minimum dalam Perspektif Teori Keadilan John Rawls', *Jurnal Interpretasi Hukum* 4, no. 1 (April 2023): 133-144, <https://doi.org/10.22225/juinhum.4.1.6457.133-144>.

government must strengthen its regulations and supervision, while companies are required not only to comply with the law, but also to make justice and humane principles in labour relations.²¹ Workers, on the other hand, need to be supported to have a fairer bargaining position in an often unequal work system. By making Pancasila a living and operational value framework, the wage system in Indonesia can better reflect the noble goal of the nation: to create a just, prosperous, and civilised society. It is not only about numbers and nominals, but about how work relations can be carried out with respect for human dignity and the distribution of justice in real terms.

The Principles of *Maqāṣid al-Syarī'ah* in Islamic Economic Law: Relevance to the Wage System

Maqāṣid al-Syarī'ah, or the main objectives of Islamic sharia, are an important basis for forming a legal system that is just and in favour of human welfare.²² In the context of Islamic economic law, the principle of *maqāṣid* is not only an ethical framework but also a practical guideline in shaping policies, including wages. Values such as the protection of property (*ḥifẓ al-māl*), the soul (*ḥifẓ al-nafs*), and human dignity (*karāmah*) are important pillars in determining justice in employment relationships. Wages in Islam are positioned as part of the *ijarah* contract, which is an employment relationship between an employer and a worker based on a service and reward agreement. In this system, justice (*‘adl*) is the main principle. Wages must reflect the value of work, equality, and meet the basic needs of workers. If wages do not meet these conditions, then they are not in harmony with *Maqāṣid al-Syarī'ah*, because they have injured the economic and social rights of workers.²³

The principle of life protection (*ḥifẓ al-nafs*) demands that each individual earn enough to maintain survival. Wages that are too low or unstable can threaten the health,

²¹ Anjar Kususiyanah, 'Hubungan Industrial Pancasila Dalam Undang-Undang Cipta Kerja', *Invest Journal of Sharia & Economic Law* 1, no. 2 (December 2021): 2, <https://doi.org/10.21154/invest.v1i2.3478>.

²² Mohamad Subli et al., 'Green Investment in Contemporary Islamic Perspective: A Maqasid al-Syarī'ah Analysis of the Mining Industry in Morowali', *MILRev: Metro Islamic Law Review* 4, no. 1 (April 2025): 1, <https://doi.org/10.32332/milrev.v4i1.10269>.

²³ Muhammad Dimas Wibawa, Abd Qadir Gassing, and Hamsir Hamsir, 'The Concept of Wages in the Maqashid Sharia Overview (Study of PP No. 36 of 2021)', *International Journal of Islamic Studies* 3, no. 2 (December 2023): 2, <https://doi.org/10.24252/ijis.v3i2.43358>.

safety, and mental well-being of workers and their families. Therefore, the wage system must ensure a decent survival, not just an administrative formality. Meanwhile, the principle of protection of property (*hifẓ al-māl*) emphasises that one's work must be safeguarded and should not be confiscated or cut unilaterally. In practice, delayed payments, non-transparent withholdings, or payments below the minimum standard constitute violations of workers' property rights to the results of their efforts. Islam requires clarity, accuracy, and fairness in the payment of wages.²⁴

Human dignity (*karāmah*) is also an important aspect that should not be ignored. Workers are human beings who have value and honour, not just a means of production. Therefore, the wage system must respect the dignity of workers as legal subjects who have an important role in development. A living wage is a form of recognition of their contribution, not just compensation for labour. The principle of justice (*‘adl*) also demands proportionality. Wages should be tailored to workload, skills, and responsibilities. Justice here does not mean that all workers get the same wage, but wages that are proportional to their contribution. In this context, the determination of the minimum wage is an instrument of the state to ensure the lower limit of justice in labour relations. In addition, *Maqāṣid al-Syarī‘ah* contains the principle of *maslahah* (public good). This means that wages must not only be fair to individuals but also support social stability and harmony.²⁵ Unearned wages can create poverty, inequality, and social tension. On the contrary, fair wages will increase productivity, loyalty, and purchasing power, which has a positive impact on national economic growth.

Within this framework, the state plays an important role as the guardian of the *maqāṣid*. Wage regulations such as the setting of the minimum wage, social security, and labour protection are not only technical instruments, but also part of the implementation

²⁴ Asri Wijayanti et al., 'Identification of Maqashid Shariah's Principles in Establishing a Wage', *IJFMR - International Journal For Multidisciplinary Research* 6, no. 4 (July 2024), <https://doi.org/10.36948/ijfmr.2024.v06i04.25251>.

²⁵ Budi Badrul Zaman, Isman, and Imron Rosyadi, 'Implementation Of Maqashid Sharia in Employee Wages in Islamic Education Institutions', *Al-Afkar, Journal For Islamic Studies* 7, no. 1 (January 2024): 1, <https://doi.org/10.31943/afkarjournal.v7i1.830>.

of Sharia principles. When the state neglects to regulate or supervise the wage system, then *Maqāṣid al-Syarī'ah* is not carried out properly in the public sphere. To clarify the relationship between the principles of *Maqāṣid al-Syarī'ah* and the wage system, the following table is presented:

Table 2. The principles of *Maqāṣid al-Syarī'ah* and the wage system

Principles of <i>Maqāṣid al-Syarī'ah</i>	The Meaning of Islamic Economics	Applications in Wages
<i>ḥifẓ al-nafs</i> (protection of the soul)	Ensuring basic needs and survival	Wages must be sufficient for the basic needs of workers and their families
<i>ḥifẓ al-māl</i> (perlindungan harta)	Maintain ownership rights over the work	Wages must be paid on time, transparently, without unauthorised deductions
<i>karāmah</i> (human honour)	Maintaining human values and self-esteem	Wages reflect recognition of the role and dignity of workers
' <i>adl</i> (keadilan)	Proportionality and balance in employment relationships	Wages are determined based on the company's contributions, workload, and ability in a fair manner
<i>Maslahah</i> (Public Welfare)	Ensuring the stability and welfare of the wider community	Wages must support social justice and reduce economic inequality

Source: Author's Interpretations

Thus, the wage system in Islamic economic law cannot be separated from the framework of *maqāṣid al-sharī'ah*. Dignified and humane wages are a reflection of the basic principles of sharia that not only regulate vertical relationships with God, but also horizontal relationships with fellow human beings. The implementation of these values is the main foundation for building a just, dignified, and sustainable economic structure.

Critical Analysis: Inequality, Injustice, and Inefficiency of Wage Regulation

The wage system in Indonesia still leaves many problems, especially the inequality between the rule of law and practice in the field. Formal rules such as the Labour Law and the Government Regulation on Wages have been designed to protect workers. However,

in practice, there are still many workers who have not received full normative rights. This shows that existing regulations have not been able to guarantee wage justice as a whole. One of the main problems is the minimum wage system. The central government uses formulas that refer to inflation and national economic growth, but often does not take into account the real needs of workers in their respective regions.²⁶ As a result, the set MSEs (Regency/City Minimum Wage) may not be enough to meet the basic needs of workers, especially in industrial areas with high living costs such as Surabaya, Sidoarjo, and Gresik.

The birth of the Job Creation Law and its derivative regulations, such as Government Regulation No. 36 of 2021, further expands flexibility in terms of wages. Unfortunately, this flexibility is often used by employers to reduce labour costs, not to increase efficiency or productivity.²⁷ For example, the loss of the sectoral wage component and the loose supervision of the employment contract scheme have made the position of workers even weaker. In many cases, this actually encourages practices that are detrimental to workers. In the field, there are still many workers who receive wages below MSEs, especially in the informal sector and small to medium businesses. Some contract and freelance daily workers also do not get the social security or benefits they should receive. In fact, there are also unilateral wage cuts by companies on the grounds of efficiency or production targets that are not achieved. All of this shows that the labour surveillance system is still very weak.²⁸

The lack of supervisors, limited supervision budget, and lack of strict sanctions for violations are the main factors for these inefficiencies. In many cases, violations of wage rules are resolved only internally or informally, without a clear legal process. As a result, employers still feel safe even though they violate workers' rights. Furthermore, this

²⁶ Rizki Amalia Fitriani et al., 'Efektivitas Pengawasan Ketenagakerjaan Terhadap Upah Minimum Pekerja', *JURNAL USM LAW REVIEW* 5, no. 2 (December 2022): 2, <https://doi.org/10.26623/julr.v5i2.5761>.

²⁷ Aditya Ramadan et al., 'The Influence of Regional Minimum Wages on Unemployment Rates in Indonesia: Multiple Linear Regression Analysis', *Economic Military and Geographically Business Review* 2, no. 1 (July 2024): 1, <https://doi.org/10.61511/emagrap.v2i1.2024.872>.

²⁸ Sitti Mutmainnah Syam, 'Analisis Dampak Undang-Undang Cipta Kerja terhadap Kesejahteraan Buruh di Indonesia', *Jurnal Hukum Lex Generalis* 6, no. 5 (May 2025): 5, <https://doi.org/10.56370/jhlg.v6i5.1032>.

inequality shows that the legal system has not really sided with workers.²⁹ Laws that are supposed to guarantee justice are often a tool of legitimacy for the interests of entrepreneurs. This can be seen from the weak bargaining position of labour unions in wage negotiations and the limited space for labour participation in the labour policy determination process. This injustice has an impact not only economically, but also socially. Workers who receive low wages find it difficult to improve their quality of life, have difficulty sending their children to school, and are vulnerable to structural poverty. This condition widens the gap in social inequality and, in the long run, can threaten the stability of industrial relations.

In terms of economic law, this condition also reflects the failure of the state to make the law an instrument of social engineering. Instead of encouraging justice, the wage system actually deepens the inequality between capital owners and workers. It is at this point that we need to reevaluate the direction of wage regulation that focuses not only on economic efficiency, but also on the protection of people as workers. The reformulation of regulations must be carried out with a more equitable approach.³⁰ The minimum wage should be set based on actual decent living needs, not just macro numbers. The state must also strengthen surveillance mechanisms and open up equal spaces for social dialogue between workers and employers. Regulations must protect, not suppress.

Thus, fair wages are not just a moral demand, but an urgent legal and policy need. If left unchecked, inequality in the wage system will only exacerbate social injustice and weaken Indonesia's economic competitiveness from within. Here is a comparison table between wage regulation and the reality on the ground that can reinforce the narrative of the previous critical analysis:

Table 3. Comparison of Regulation and Wage Reality in East Java

²⁹ Patrick Winson Salim, John Michael Hizkia, and Rasji, 'Pengaruh Undang Undang Cipta Kerja Terhadap Pemenuhan Upah Minimum Pekerja', *Jurnal Kewarganegaraan* 7, no. 2 (December 2023): 2, <https://doi.org/10.31316/jk.v7i2.5383>.

³⁰ Solihin Solihin and Markoni Markoni, 'Perlindungan Hukum Pekerja Pasca Pemberlakuan Undang-Undang No. 11 Tahun 2020 Tentang Cipta Kerja', *Jurnal Locus Penelitian Dan Pengabdian* 1, no. 12 (2022): 12, Nasional, <https://doi.org/10.58344/locus.v1i9.573>.

Aspects	Regulation (Normative)	Reality on the Ground
Determination of the Minimum Wage	Based on Government Regulation No. 36 of 2021, calculated from inflation and national economic growth	Not considering real needs, MSEs are not enough for the needs of a decent life.
Wage Payment According to MSEs	Must pay at least according to MSEs (Law No. 13/2003 and Job Creation Law)	Many workers are paid under MSEs, especially in the informal and labour-intensive sectors
Sectoral Wages	Abolished through the Job Creation Law	Labour loses additional income; There is no difference in wages according to risk sectors.
Flexibility of Employment Relationships	Expanded through PKWT contracts and outsourcing	Many workers do not have social security, and the working period is not fully calculated.
Wage Cuts	Can only be done with the written consent of the employee	There are many unilateral cuts for reasons of efficiency or production targets
Employment Supervision	The state has to guarantee the protection of workers' rights	The number of supervisors is very minimal; Many violations are left without strict sanctions
Trade Union Protection	Recognised and protected by law (Law No. 21/2000)	The practice of union busting still occurs; Unions are difficult to participate in wage negotiations.
Sanctions for Wage Violations	There are administrative to criminal sanctions	Rarely applied; Slow and often ineffective complaint process

Source: Author's Interpretation

The table above illustrates the real inequality between legal norms in wage regulation and actual practices in the field, especially in the East Java region. Although normatively, regulations such as Government Regulation No. 36 of 2021 and the Job Creation Law have set standards that seem progressive—for example, the determination of the minimum wage based on macroeconomic indicators, protection against wage cuts, and the obligation to pay wages according to MSEs—the facts on the ground actually show many violations. Workers, especially in the informal and labour-intensive sectors, still receive

wages below the minimum standard. Even the elimination of sectoral wages makes workers lose wage differentiation based on workload and sector risk, which was previously a source of additional income.

In addition, the weak labour supervision function is a big gap that makes many companies free from sanctions despite violations of labour rights. The minimal number of supervisors, complicated complaint processes, and weak enforcement of sanctions make legal protection ineffective. In the context of industrial relations, workers also experience pressure due to the weak position of trade unions, especially with the practice of union busting. Overall, this table confirms that Indonesia's wage regulatory system has not guaranteed substantive justice and has not fully addressed the real needs of workers within the framework of sustainable welfare.

Offer of a Model of Wage Law Reconstruction Based on Pancasila and *Maqāṣid al-Syarī'ah*

After outlining the various problems in the wage system in Indonesia, especially in East Java, it is important to present alternative offers that are more in line with the social reality and needs of workers. This offer is not only technical but also contains a value approach that is able to bridge the gap between legal certainty and social justice.³¹ In this case, the author offers a model of wage law reconstruction based on the values of Pancasila and *Maqāṣid al-Syarī'ah*. The values of Pancasila and *Maqāṣid al-Syarī'ah* have a strong slice, especially in placing humans as the main subject of the law. In Pancasila, the second precept (just and civilised humanity) and the fifth precept (social justice for all Indonesian people) emphasise the importance of recognising human dignity and equitable distribution of welfare.³² Similarly, in *Maqāṣid al-Syarī'ah*, the principle of protection of the soul (*ḥifẓ al-*

³¹ Irham Rahman et al., 'Actualization of Pancasila Justice Values In Regarding Wage Regulations In Realizing Social Welfare', *Journal of Law, Politic and Humanities* 4, no. 4 (June 2024): 796-802, <https://doi.org/10.38035/jlph.v4i4.363>.

³² Subiyanto Subiyanto et al., 'Reconstruction of Employment Regulations That Are Integral in Realizing Industrial Relations Based on Pancasila Justice', *Enrichment: Journal of Multidisciplinary Research and Development* 2, no. 11 (February 2025): 11, <https://doi.org/10.55324/enrichment.v2i11.307>.

nafs), property (*hifz al-māl*),³³ and honour (*karāmah*) encourages the existence of a humane and non-exploitative economic system.³⁴

By referring to these two value bases, the wage system should not only follow macroeconomic figures, but also decently answer the needs of workers. This means that the approach used needs to be more comprehensive: paying attention to the cost of real needs, the condition of the work sector, and the contribution of workers to productivity. This model also encourages the return of *sectoral wage* mechanisms, which have been removed and have actually narrowed the space for justice for workers with high workloads. In terms of implementation, it is necessary to strengthen in terms of supervision and enforcement of rules. One of the fundamental weaknesses in the current wage system is the weak control function.³⁵ Therefore, in this new model, an active, responsive, and supportive supervision system is needed to protect workers' rights. In addition, the complaint mechanism must be made simple and accessible, especially for workers in the informal sector.

This model also encourages a stronger role of the state in ensuring justice. The state must not only function as a facilitator of market interests, but also as a protector of vulnerable groups. Local governments, for example, must be given space to set wage policies that are in accordance with local needs. In addition, union participation needs to be strengthened so that the wage formulation process involves real workers' votes. It is also important to establish a multi-stakeholder forum that regularly reviews and evaluates wage policies. This forum can consist of representatives of workers, entrepreneurs, academics,

³³ Ahmad Farikhin, Ahmad Hasan Ridwan, and Heni Mulyasari, 'Kajian Historis Maqashid Syariah Sebagai Teori Hukum Islam', *Asy-Syari'ah* 24, no. 2 (2022): 2, <https://doi.org/10.15575/as.v24i2.19332>.

³⁴ Zulaikah Zulaikah, 'Implementasi Maqashid Al-Syariah Dalam Penetapan Upah Minimum Pekerja Berbasis Keadilan', *Jurnal Justisia Ekonomika: Magister Hukum Ekonomi Syariah* 6, no. 1 (June 2022): 1, <https://doi.org/10.30651/justeko.v6i1.10689>.

³⁵ Elisabeth Sundari, Gerry Alvindo Daniel Munthe, and Elizabeth Nurmiyati Tamatjita, 'A Dynamic Pancasila' Social Justice Implementation in the Indonesian Labor Law Development', *Journal of Legal, Ethical and Regulatory Issues* 25, no. 2 (January 2022), <https://www.abacademies.org/abstract/a-dynamic-pancasila-social-justice-implementation-in-the-indonesian-labor-law-development-14151.html>.

religious leaders, and the government. With this kind of forum, wage policy will be more adaptive to social and economic dynamics in society.³⁶

In the long term, wage system reform also needs to be supported by a change in the legal and education paradigm. The values of justice in Pancasila and *Maqāṣid al-Syarī'ah* must be part of the way of thinking of policymakers and law enforcement officials. This can start by incorporating a social justice perspective into employment training and labour law curriculum reform.³⁷ The integration of national and Islamic values in the wage law system can be a central solution that is relevant to the Indonesian context. As a pluralistic country but with a strong religious cultural base, this value approach will facilitate social acceptance and strengthen the legitimacy of the law itself. These values are able to bind all parties to act fairly, humanely, and responsibly.

Ultimately, the wage model offered aims to create a balance between workers' rights and the interests of employers. A decent wage will boost productivity, while legal certainty will protect the business world. With a system design like this, wages are no longer a source of conflict, but rather an instrument of mutual development.³⁸ Thus, the reconstruction of the wage system based on Pancasila and *Maqāṣid al-Syarī'ah* is a serious effort to harmonise positive law with the noble values of the nation and religion. If implemented consistently and involving all parties, this model has the potential to answer the challenges of economic inequality and structural injustice that have been inherent in the national wage system.

CONCLUSION

The wage system in Indonesia, especially in industrial areas such as Surabaya, Sidoarjo, and Gresik, still faces serious problems rooted in inequality between regulations

³⁶ Tri Nurhayati and Raden Lungid Ismoyoputro, 'Justice, Equality, and Indonesian Labor Law: Navigating Humanitarian Challenges in the Workplace', *Walisono Law Review (Walrev)* 6, no. 1 (December 2024): 1, <https://doi.org/10.21580/walrev.2024.6.1.21746>.

³⁷ Muhammad Habibi Miftakhul Marwa, Immawan Wahyudi, and Fithriatus Shalihah, 'Analysis of Child Labor Rights Fulfillment Based on Maqashid Syariah', *JUSTISI* 10, no. 2 (May 2024): 2, <https://doi.org/10.33506/js.v10i2.2861>.

³⁸ Efriza Pahlevi Wulandari, Kasuwi Saiban, and Misbahul Munir, 'Implementasi Maqashid Syariah dalam Pemberdayaan Ekonomi Masyarakat', *Invest Journal of Sharia & Economic Law* 2, no. 1 (June 2022): 1, <https://doi.org/10.21154/invest.v2i1.3661>.

and practices in the field. Despite the normative rules on minimum wages and wage structures, the reality is that many workers—especially in the informal sector and freelance day labourers—have not received the protection they deserve. Unfair wage practices, such as wages under MSEs, unilateral cuts, and the absence of social security, are an illustration that the existing system has not been able to realise justice for all parties involved in the labour relationship. The values of justice contained in Pancasila, especially the second precept on just and civilised humanity and the fifth precept on social justice, are actually very relevant to be used as a foothold in formulating wage policies. The principles of *maqāṣid al-shari'ah*, such as the protection of the soul (*ḥifẓ al-nafs*) and property (*ḥifẓ al-māl*), also affirm the importance of welfare and protection for workers as part of moral and social responsibility. However, until now, these two basic values have not become the main normative framework in our labour law system. In fact, if seriously integrated, the two can strengthen the legal position of wages so that they are not only legal-formal, but also reflect substantive and contextual justice. Therefore, concrete steps are needed to reformulate the national wage system more comprehensively. The government must review the formula for setting the minimum wage to better suit the real needs of workers in various regions and sectors. At the same time, strengthening labour supervision must be carried out systemically so that violations do not continue to recur. Further research can be directed towards the development of wage legal models that are more responsive to social and economic changes, such as the rise of digital platform workers and flexible working schemes. By making justice a meeting point between the values of Pancasila and *Maqāṣid al-Syarī'ah*, Indonesia's wage system in the future is expected to be more civilised, sustainable, and inclusive.

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AUTHOR CONTRIBUTIONS STATEMENT

W designed the research design, developed a theoretical framework, and collected and analysed field data in the Surabaya, Sidoarjo, and Gresik areas. IGAKRH contributes to conceptual and juridical studies, especially related to the integration of Pancasila values in the wage system, as well as supervising the validity of methodological approaches. The LK focuses on the analysis of *Maqāṣid al-Syarī'ah* in the context of Islamic economic law and provides conceptual direction in the preparation of a model of wage law reconstruction. The three authors were actively involved in the process of discussing, writing, and editing the final manuscript.

CONFLICT OF INTEREST

The authors state that there is no potential conflict of interest, either financially, professionally, or personally, that could affect the results and objectivity of this study. The entire research and writing process is carried out independently and prioritises academic integrity.

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