

ABSTRAK

Praktik pemberian upah merupakan aspek penting dalam hubungan kerja, khususnya pada sektor pertanian yang melibatkan buruh tani sebagai tenaga kerja utama. Dalam praktiknya, sistem pengupahan sering dilakukan secara sederhana tanpa perjanjian tertulis. Salah satu bentuk yang berkembang di masyarakat adalah pemberian upah di awal sebelum pekerjaan dilaksanakan yang didasarkan pada kepercayaan dan kebiasaan (*'urf*).

Penelitian ini bertujuan untuk menganalisis praktik pemberian upah di awal dalam kontrak kerja buruh tani di Desa Karang Kecamatan Bareng Kabupaten Jombang, serta meninjau perlindungan hak buruh tani dalam perspektif Hukum Ekonomi Syariah. Metode yang digunakan adalah penelitian kualitatif dengan pendekatan yuridis empiris, melalui wawancara dan studi literatur, serta dianalisis secara deskriptif-analitis.

Hasil penelitian menunjukkan bahwa mekanisme pemberian upah dilakukan melalui kesepakatan lisan sebelum pekerjaan dimulai. Upah diberikan di awal sebagai bentuk kepercayaan dan pengikat kerja. Hak dan kewajiban para pihak telah berjalan. Namun perlindungan buruh tani belum optimal karena tidak adanya perjanjian tertulis. Ditinjau dari akad *ijārah*, praktik ini sah karena memenuhi rukun dan syarat, serta mencerminkan prinsip keadilan dan termasuk dalam kategori *'urf ṣaḥīḥ*.

Kata kunci: Buruh Tani, Upah Di Awal, Akad *Ijārah*, Hukum Ekonomi Syariah, Kontrak Kerja

ABSTRACT

The practice of wage payment is a crucial aspect of labor relations, particularly in the agricultural sector, where farmworkers serve as the primary workforce. In practice, the wage system is often implemented in a straightforward manner without written agreements. One common practice that has emerged in the community is the payment of wages in advance, before work is performed, based on trust and custom ('urf).

This study aims to analyze the practice of advance wage payment in farm labor contracts in Karangan Village, Bareng Subdistrict, Jombang Regency, as well as to examine the protection of farm laborers' rights from the perspective of Islamic Economic Law. The method used is qualitative research with an empirical-juridical approach, conducted through interviews and literature review, and analyzed using a descriptive-analytical approach.

*The results of the study indicate that the wage payment mechanism is carried out through a verbal agreement before work begins. Wages are paid upfront as a form of trust and a binding commitment to work. The rights and obligations of the parties have been fulfilled. However, the protection of agricultural workers is not yet optimal due to the absence of a written agreement. From the perspective of the *ijārah* contract, this practice is valid because it fulfills the essential elements and conditions, reflects the principle of justice, and falls under the category of 'urf *ṣaḥīḥ*.*

Keywords: *Farm Workers, Advance Wages, Ijārah Contracts, Islamic Economic Law, Employment Contracts*