



Implementation of Financial Compensation at Syariah Mandiri Bank's Contract Employee in Maqashid Syariah Perspective

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Abstract

The aim of this research is to know and to explain how the implementation/practice of maqashid syariah at financial compensation in Syariah Mandiri Bank to the labor force-frontliner part from institution using maqashid syariah perspectives that are religion, soul, mind, generation, and wealth. Those five things will be a fundamental interview question to explain about dharuriyyat, hajiyyat and tahsiniyyat. However this research is limited only to dharuriyyat level. Qualitative method with explanatory case study strategy is implemented. Collecting data is conducted by semi-structured interview and direct observation to the object of the research. Analytical technic which is used in this research is narrative-descriptive. The result shows that financial compensation researched based on dharuriyyat which need of maqashid syariah perspective at Syariah Mandiri Bank KC Surabaya Darmo is not good enough to be done yet. There are no hajj/umrah financing support for the contract employees, some subsidiary fees which are not issued yet for them and health care and education to their family who should be cared. In spite of that, facilities to pay zakat and a giving-fund facility for training is enough taken care of by the Syariah Mandiri Bank Surabaya Darmo branch office

Keyword: *financial compensation, contract Employee, Maqashid Shariah*

BACKGROUND

Human resources in labor economics perspective of Islam by Huda (2008:227) is "all the effort and the efforts made by members of the body or mind to get a decent return, including all types of work done physical or mind". Quoting Surah An-Nahl (16): 97) humans act as natural resource users are given the verse in which Allah revealed that in the event that carried a reward of every good Muslim does not distinguish between men and women, because every human being has equal opportunities in terms of the equality. One form of appreciation for the work of human resources is



compensation. Compensation may be an important aspect in achieving organizational goals (Nitisemito, 2000:90). Financial and non financial compensation given to employees should be able to represent the worth and dignity as human beings to be maintained. In the Islamic perspective of business processes to make a living human being should be given the quest orientation of *halallan thayyban* sustenance. To support the course of the process must comply with and implement the objectives of Islamic sharia that are religion, soul, mind, heredity, and treasure. Currently there are many phenomena the use of contract employees (outsourcing) in various sectors, including in Islamic banking. Therefore study how the mechanisms associated with the provision of financial compensation by the Islamic banking Bank Syariah Mandiri one of them is interesting to study. Relevance of financial compensation to the Islamic *maqhasid* is how the five aspects of sharia can be met in treatment policies to provide financial compensation of Bank Syariah Mandiri.

FORMULATION OF THE PROBLEM

How is the implementation of financial compensation of the maqashid Islamic Sharia to the contract's employees of Bank Syariah Mandiri Darmo Surabaya branch office?

THE FRAMEWORK OF THEORIES

Human Resource

Understanding of labor in the economic perspective of Islam by Huda (2008:227) is all the effort and the efforts made by members of the body or mind to get a decent return including all types of work done physical or mind. Human resources consist of physical, intellectual, spiritual, and mental. While the definition of employment under the Act No. 13 of 2003, Article 1 paragraph 2, is any person able to do the work in order to produce goods or services to meet the needs of both themselves and for society (Book of the Labor Law, 2010:76). Employment status of the workers are three, namely:

A. Permanent Labor.

In Article 60 paragraph 1 and 2 of the Employment Act states that:

- a. Working agreement for a certain time does not require a work trial period of maximum 3 (three) months.
- b. In probationary period as referred to in paragraph (1), employers are prohibited from paying wages below the prevailing minimum wage (Book of the Labor Law, 2010:99)



B. Outsource Human Resources

Priambada and Maharta (2008:88) argue that human resource outsourcing is the kind that aims only to provide labor. The legal basis is associated with Outsourcing on Law No.13 of 2003 on Manpower Outsourcing Articles 64 and 66 especially Chapter IX of the Employment Relationship. Here is described the content of these laws:

a. Article 64

"The company may delegate part of the implementation of workers to other companies providing services through the agreement of workers / laborers are made in writing" (Book of the Labor Law, 2010:99).

b. Article 66

"The provision of labor services. / Workers for supporting service activities or activities that are not directly related to production processes must meet the following requirements: The working relationship between the workers / laborers and service providers of workers / laborers" (Book of the Labor Law, 2010:99);

C. Labor Contract

Group of temporary workers is the number of workers employed and paid according to the need, taking into account the number of hours or days. But they can become permanent employees, if in accordance with the requirements (Abdullah: 2009). According to Law No.13 of 2003 on Employment of article 59 paragraph 1 point a, b, and c states that the working agreement for a certain time can only be made for a specific job which, according to the type and nature of the job will be completed within a specified time.

COMPENSATION

Compensation according to Hasibuan (2002:118) is all income in the form of money, goods directly or indirectly received by employees as a reward for services rendered to the company. Components of the Compensation Form of compensation according to Simamora (2004: 442) consists of two, namely financial and non-financial. Chart is divided into direct financial compensation and indirect financial. While non-financial compensation is divided into the work itself and the work environment.

Financial compensation

Hasibuan (2002:118) states that compensation can be divided into two, namely:



- 1). Direct compensation in the form of salaries, wages, and wage-intensive; compensation (indirect employee compensation or the welfare of employees).
- 2). Indirect financial compensation By Rival (2004:362) argues is a form of direct financial compensation may be insurance, pensions, allowances and other lain. Allowances (Fringe Benefit) according to the Wildiaprima Strauss (2010:29).

SHARIA MAQASHID

One important cornerstone in the determination of compensation in the Islamic perspective is to use objective is maqashid Islamic sharia. According to Al-syatibhi maqashid sharia is "*mashlahah* underlying human life to achieve *falah*, (P3EI, 2008:6). *Maqashid* Islamic studies by Imam Ghazzali in Karim (2007:62) has a wider scope, namely *dharuriyyah* (primary needs), *hajiyyah* (secondary requirement), and *tahsiniyyah* (tertiary needs). In which of those three things he translate it back to five thing is the maintenance of the five basic goals for humans to reach *maslahah* (welfare) is the religion (*deen*), soul (*nafs*), intellectual (*aql*), their families and descendants (*nasl*), and property (wealth) (Al-syatibhi in Djamil, 1995: 40). Determination of compensation component based on Sharia *maqashid*:

Maintaining Religion (*Hifzh al-Din*)

Keeping the faith come before keeping other things. Allah He will say in a letter ad-Dzariyat verse 56: "And I did not create the jinn and men but that they may serve Me" (Surah Ad Dzsariyat (51): 56). Al-syatibhi in Djamil (1995: 41-42) says that there are three levels in maintaining and preserving the religion based on his interests, namely:

1. Maintaining faith in the necessities, is a condition in which to implement and maintain a religious obligation as well as things that can cause damage to meet the needs of the primary level.
2. Maintaining faith in the *hajiyyat*, is doing a religious ruling in order to avoid the trouble.
3. Maintaining faith in the luxuries of conducting religious instruction in order to maintain human dignity and complete execution of his duty to Allah SWT.

Maintain the Soul (*al-Nafs Hifzh*) Ryandono's opinion (2010: 30) about nurturing the soul that is embodied in food, clothing, shelter, health, and other public facilities. Nourishes the soul based on the level of importance according to Al-syatibhi in Djamil (1995: 42-43) can be divided into three ranks, namely:



1. Nourishes the soul in the ranking of *dharuriyyah*. For example, people will meet the basic needs of food as a survival instinct.
2. Nourishes the soul in the ranking of *hajiyyah*. For example, men are allowed only *halal* food.
3. Maintaining soul in the ranking of *tahsiniyyah*. For example, procedures such as teaching good eating and drinking and correct. This is an activity related to the propriety or ethics.

Maintaining a Common (Hifz al-'Aql) Maintaining a sense, in terms of importance according to Al-syatibhi in Djamil (1995: 43) can be divided into three ranks, namely:

1. Maintaining sense in the rankings *dharuriyyah*. For example, such regulations of forbidding drinking or those contain alcohol because one of the reasons is not good for health.
2. Maintaining a sense in the rankings *hajiyyah*. For example, it is recommended to seek knowledge as high as possible.
3. Maintaining sense in the rankings *tahsiniyyah* related to ethics, if it is not done it will not directly threaten the existence of sense.

Maintaining Descendants (*Hifz al-Nasl*) This needs to fill life, human beings should have the next generation. Breed in terms of level of need according to Al-syatibhi in Djamil (1995: 43-44), divided into:

1. Maintaining descent in the rankings *dharuriyyah*. It can be said that the efforts to maintain the existence of heredity is to get married.
2. Maintaining descent in the rankings *hajiyyah*, for example the rules determining the terms mentioned dowry for the husband at the time of the ceremony and granted a divorce to her.
3. Maintaining descendant in the rankings *tahsiniyyah*, for example, the application of the *khitbah* in a marriage.

Maintain Assets (Hifz al-Mal) Islam set up the problem very carefully treasure. Islam prohibits any fraudulent and disgraceful in search of livelihood. Maintain the property in terms of importance according to Al-syatibhi in Djamil (1995: 44) can be divided into three ranks, namely:

1. Maintain the property in the rankings *dharuriyyah*, such as with the ordinance bans the possession and taking someone else's property which is not a human right in a way that is not true.



2. Maintain the property in the rankings *hajiyyah*, if it is not done then it will not directly threaten the existence of the treasure, but will make those who need such items as capital.
3. Maintain the property in the rankings *tahsiniyyah* related to ethics or business doing *muamalah*.

PREVIOUS STUDIES

The study refers to several studies, namely, the first study by Karel A. Leklikwati (2005), entitled "Effect Analysis of Financial and Nonfinancial Compensation for Employee Job Satisfaction Regional Water Company Yapen Waropen, Papua". This study leads to the problem of financial and non financial compensation given to the local water company Yapen Waropen district of Papua and positive influence on employees, so employees can enhance employee. Further research conducted by Setiadi and Dzajuly (2008) "Preparation of Financial Compensation System Based Assessment, the Hopes of Hospital Employees and Capabilities at Husadha General Hospital, Denpasar". The study looked at about the system of financial compensation Husadha Public Hospital, Denpasar. The third study, conducted by, and Mansor Jusoh Nor Ghani MD. Nor (2006) with the title "Labor and Wage Labor in Islam: An alternative view". The overall content in this study suggests that conventional economics considers labor as a source of man's physical and mental which is donated to the spending process. Islam demands that wages be paid in proportion to the field of labor, where Islam is more likely to accept the principle of consultation between employers and workers in determining wages. Determination of the wage bargaining process based on market mechanisms or institutions. Then wages should be sufficient for the workers. Differences in this study by Karel A. Leklikwati (2005), this study examines only the financial compensation is reviewed from the perspective of Islamic *maqhasid*. The difference to the study of Setiadi and Dzajuly (2008) the research is about the perspective of Islamic *maqhasid*.

THE RESEARCH APPROACH

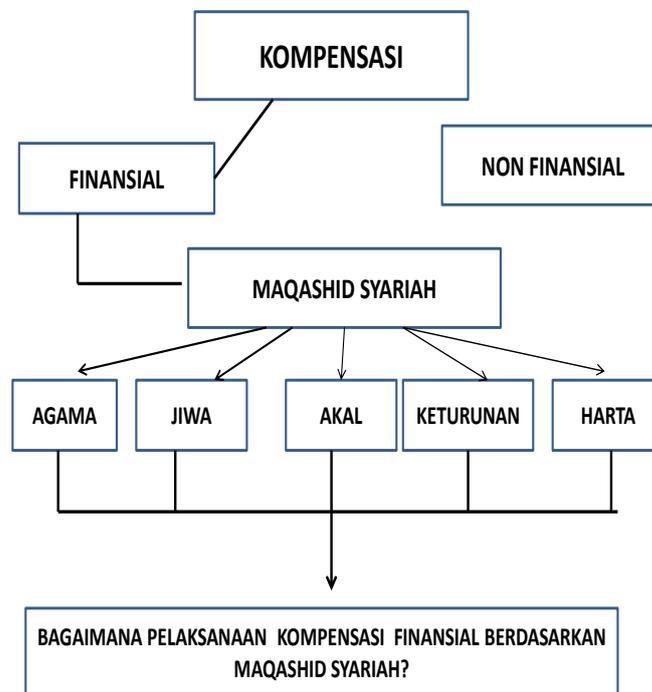
The research approach used in this study is a qualitative approach. The purpose of qualitative research methods by Semiawan (2010:1-2) is looking for a deep understanding of a phenomenon, fact or reality. Facts, realities, problems, symptoms and events can only be understood if researchers tracing record in depth and not just limited to the view on the surface. This study employed Case Study, which is explanatory case studies and researchers have little opportunity to control the events that will be investigated, (Yin, 2009:1).

PROPOSITION

The study was based on the proposition as follows: *Maqhashid* implementation of sharia in financial compensation if executed properly then the resulting performance of human resources will be good.

THINKING FRAMEWORKS

The concept of thinking in the framework describes the flow of research is the cornerstone the implementation of compensation of *Maqhashid* Islamic Finance at Bank Syariah Mandiri employees contract Surabaya branch office. What and how is related to the treatment given five things each.



TYPES AND SOURCES OF DATA

Sources and types of data in this study were obtained from key informants and secondary data.

ANALYSIS UNIT

This study analyzed the implementation of sharia maqhasid, namely religion, life, intellect, lineage, and property (necessities) in financial compensation at Bank Syariah Mandiri received frontliner the labor contract.



SCOPE OF RESEARCH

The scope of this study is limited to how the implementation of financial compensation to the employees of Bank Syariah Mandiri frontliner the contract, which in this case served as a teller and customer service are reviewed from the perspectives of Islamic *maqhashid* consisting of five aspects. The study was limited to the needs that are necessities addition, this study did not intend to generalize the results of a study of contract workers in addition to the frontliner and the results of this study also does not apply to other Islamic Bank.

DATA ANALYSIS TECHNIQUES

This study uses observational data analysis of the facts, documentation, and semistructured interviews. To avoid mistakes and errors of data-checking the validity of the data must be based on the criteria of trust (credibility) This study used the technique of making the analysis of explanation (narrative-descriptive) which aims to assist and analyze the findings in the field and provide an explanation of the case studies on Islamic Banking Surabaya branch office independent so as to prove a proposition that has been made previously.

DISCUSSION

This study aims to explain how the implementation of sharia maqhasid on financial compensation at Bank Syariah Mandiri to the Surabaya branch of the labor contract frontliner. The discussion starts from the most important and urgent to that is not too important, so if the need cannot be met then it will not threaten the existence of one's self to it. The study used the interview to find out anywhere from a list of questions that include all the needs of the five aspects of sharia maqashid (attached).

Maintain Religion (*Hifzh al-Din*)

Contract employees as informants get some treatment of the corresponding BSM KC Surabaya and not in accordance with sharia maqhashid perspective. Unmet need is about the ease of financial assistance to perform the pilgrimage to be a lack of attention. This is a requirement of the aspects of religion that are necessities because if needs are not met properly then it will be able to threaten the existence of a person. However, there are needs to be fulfilled in the religious aspects of the employees get the THR as meeting the needs of the day of Eid.

Maintaining Mental (*Hifzh al-Nafs*)

From the aspect of the soul, which needs to be necessities include a life insurance benefits in the form of health insurance and Social Security. Meeting the needs of these necessities can be met by either. Further health benefits are useful for



maintaining the health of its employees to cover medical expenses of employees who are sick. Mechanism claims for expenses for medical are very easy. So it can be said to BSM in conducting the business of health care workers can be properly fulfilled.

Maintaining Intellect (*Hifzh al-'Aql*)

From the aspect of mind, fulfilling the needs of employees that are necessities are fulfilled properly. It can be seen from the results of interviews with informants who claimed that the benefits of training and facilities for all employees are held regularly by the BSM KC Darmo Surabaya in order that employees can focus on enhancing the ability of employees in terms of customer service and to increase understanding more in the field of Islamic banking. However, training allowances are given only when training outside the city.

Maintaining Descendants (*Hifz al-Nasl*)

From the aspect of heredity, the needs to be necessities, among others, is associated with the offspring of employees. Birth of employee benefits issues for which the contract is still not a major concern by the bank. Though it is a necessity of hereditary aspect, because it requires a great cost in labor. Necessities are unmet needs of the next pregnancy care benefits, which employees can make a claim for these costs then the BSM KC Darmo Surabaya can make reimbursement.

Maintain Assets (*Hifz al-Mal*)

Needs are the necessities that are related to wages. Implementation of the salary is very easy mechanism for directly credited to the account of each employee's contract of each month and always on time. The next time a contract employee doing overtime, the additional salary is no difference in treatment with other employees. This is supported by additional wages for overtime in accordance with the provisions of the Department of Labour, so it can be said in accordance to the salary for overtime with the provisions of the Department of Labour is a need for necessities are met properly.

CONCLUSION AND SUGGESTIONS

1. BSM party Darmo Surabaya branch office should be able to consider the needs of both the contract employee who is required or not required by the religion which has not been considered properly in order to create a good performance and a pleasant working atmosphere.
2. Should employees get details on the payment of zakat and employees' social security insurance.
3. Procurement benefits are not available to contract employees such as childbirth allowance, health insurance wife and children, education for



children, and education should be taken into consideration for the BSM KC Darmo Surabaya to be given to contract employees.

4. Researchers are expected to investigate further on the same topic but for the needs that are *hajiyyat* and luxuries.

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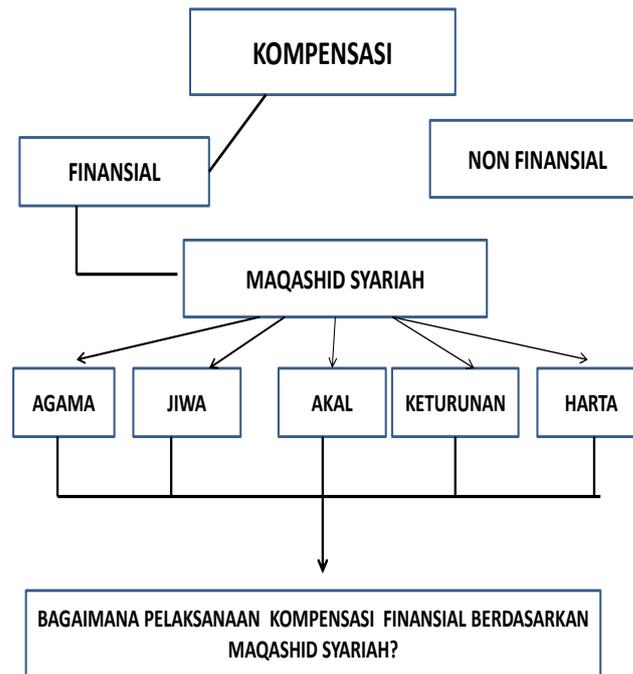
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ATTACHMENT

**Grouping Question Research Needs Based on Level
*Dharuriyyat in Maqashid Syariah***

Types of needs	
Religion	There is / no financial assistance from the Bank Syariah Mandiri (BSM) for contract employees to perform Hajj
	There is / no benefits during leave Hajj / Umrah
	There is / are not contract employees get holiday allowance (Eid Fitr)
	The proportion giving THR
	Timing of THR
Soul	There is a soul / not concern the salvation of souls (Insurance)
	There is / are not health care
	Proportion of the cost of premiums
	Claim for medical expenses for insurance
	Claim for medical expenses when sick
Intellectual	There is / no training allowances
	Magnitude range of training allowances
	Benefits of training allowances
	The mechanism of training allowances
Heredity	There offspring / no birth allowance
	There is/no pregnancy care benefits for contract employees
	Claim for the cost of prenatal care
Wealth	Salary in accordance with the property to the provisions of the minimum wage salary (minimum wage) in Surabaya
	Awarded a contract employee salaries in a timely manner according to the agreement



Compensation

Financial, Non Financial

Religion, Soul, Intellectual, Descendant, Wealth

How is the implementation of financial compensation of the maqashid Islamic Sharia