

Analysis of Occupational Risk in Lobster Breeding from the Perspective of *Ijarah 'Ala Al- 'Amal*: A Case Study in South Teupah, Simeulue Regency, Indonesia

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Abstract

Risk is an event that has an impact contrary to the objectives that have been achieved. Lobster breeding requires a long time and high risk. In a work contract in the form of an *ijārah ála al-ámāl* contract is an agreement in the form of hiring someone, there are two problem formulations in this thesis: *first*, how is the responsibility for work risks in lobster breeding in Simeulue Regency? *second*, how is the perspective of *ljarah* '*Ala al-'Amal* on the worker risk coverage system in lobster breeding in Simeulue Regency? The type of research used is descriptive qualitative method of analysis, data collected through interview techniques. The results showed that: *first*, *the* work risks that can be experienced by lobster breeding workers are damage to oxygen when diving, damage to boats due to bad weather which can cause injury and death. the accountability carried out by lobster entrepreneurs is to provide treatment if their employees are sick or have an accident, support their families if their employees die. In the perspective of the *ijarah* '*ala al-'amal* contract regarding work risk coverage, it is appropriate when viewed from the terms and conditions specified in fiqh muamalah.

Keywords: Akad Ijarah 'Ala Al-'Amal, Breeding, Risk Coverage, and Seumeulu

Introduction

Risk is a threat or event that has an impact contrary to the objectives that have been achieved. Any risk that arises to society (loss of property, life, finance, business, etc.). The Hanafi view is that a risk situation does not invalidate the agreement signed by the parties.

In a work contract in the form of an *ijārah ála al-ámāl* contract is an agreement that takes the form of hiring someone's ability, especially generally referred to as soft skills or hard skills to get the job done. According to the fiqh scholars, *Ijārah ála al-ámāl* is suitable for various types of work. In particular, this can be judged by the work and its results as the object of *ijārah ala al-amāl*. For example, a form of *ijārah ála al-ámāl* is people hiring other professionals to share contact information, for example doctors working in health clinics or hospitals, designers working in convection companies, etc.¹

Judging from the individual nature of the work, if there is a risk or Damage occurs in all forms of work performed is his own responsibility, but the fiqh scholars agreed that if the damage or defect in the object he worked on was caused by his own hands and not due to negligence or intentionality, then the worker is not obliged to provide compensation. However, if the loss is caused by the worker's negligence, then compensation must be given. Considering that his work benefits many people, for example a tailor, if someone makes a mistake in his work or if the clothes sewn by the tailor are damaged in his hands, the scholars on this matter will have different views in their interpretation. Imam Abu Hanifah, Zufar bin Huzail. The Hanbalis and Shafi'is are of the view that if the garment is damaged through no negligence or intent on the part of the tailor, then he should not be liable for compensation for the damaged garment.

Abu Yusuf and Muhammad Bin Al-Hasan Ash-Shibani are of the opinion that the worker or person who provides services for the benefit of the public is liable for the risks associated with the object performed whether it is intentional or unintentional, unless the loss is unavoidable, there is a risk of exceeding the capacity limit, for example due to a major flood, accident or fire. The Maalikis are of the opinion that if the damage

¹ Nasroen Harun, Figh Muamalah (Prenada Media, 2016), p.236.

caused leaves an impression on the goods that are being or have been processed, such as washers, repairers, builders, whether intentionally or unintentionally, if there is a defect in the workmanship of the object in his hands, it becomes his responsibility and must be replaced.²

If the obligations of the worker in connection with his work have been fulfilled, the rights of the worker cannot be ignored without giving him a salary in accordance with the time promised to fulfil his rights as a worker. As long as does not violate the terms of employment for being appointed as an employee and given a salary. The employee does not receive the full salary even if the payment is late. The agreed amount cannot be reduced. A worker is entitled to his salary only if he does his job well and in accordance with the agreement, because Muslims are bound by the conditions that bind them, except for conditions that prohibit it. What is halal and haram? However, if he is absent from work without a valid reason or deliberately does inappropriate work, then this must be considered, because every right comes with an obligation. Job risks are also closely related to the value of salary, as salaries can vary depending on the level of risk or likelihood of accidents occurring in the workplace. The higher the risk, the higher the reward.

The concept of *Ujrah* on workers in Islam At the time of the Prophet Muhammad SAW was a person who set wages for his employees according to conditions, responsibilities and types of work. The process of setting salaries or wages for the first time in Islam can be seen from the Prophet's policy to give a salary of one dirham every day to Itab and Usaid who were appointed Governor of Makkah (Abu Sinn, 2012). The minimum wage level of an Islamic society is determined by taking into account the basic human needs and family support dependents. According to Abu Sinn (2012) for those who are married, the salary is twice as large as employees who are single. Because they have to bear the maintenance of those who are responsible.³

² Syaikhu, Ariyadi and Norwili, Fiqh Muamalah Understanding Concepts and Contemporary Intellectual Diala (Yogyakarta: K-Media, 2020), pp 142-143.

³ Taqiyyuddin an-Nabhani, *Building an Alternative Economic System from* an *Islamic Perspective*, Translation Muh. Magfur Wahid, (Surabaya: Risalah Gusti, 1996) pp. 83.

First, the Shafi'iyyah and Hanabillah scholars asserted that the legal provisions for the permissibility of *ijarah* are still based on a benefit, handover, and compensation that is known to be permissible. This means that if a good or service is permissible to use in sharia then it can be used as *ijarah*. Finally, *Hanafiah* and *Malikiyyah* scholars in this case argue that ijarah is a contract for the transfer of permissible benefits within a certain time.

As the result of an interview with Mr Rulik who is a worker in lobster breeding in Ulul Mayang Village, South Teupah Kec, Simeulue Regency. According to Mr Rulik, the problem of risk coverage in lobster breeding in Ulul Mayang Village, South Teupah Kec, Simeulue Regency can result in several occupational risks, namely, when taking lobsters at sea, when the weather is bad it is possible to cause engine damage due to bad weather which causes high waves so that the boat used cannot be controlled properly, then there can also be risks to divers who are taking lobsters at the bottom of the sea which can result in damage to oxygen to divers and can result in death. The breeding in Ulul Mayang Village has two employees named Mr Hendrawan Saputra and Mr Fajar Gunawan. they are paid when there are activities only because they do not work for a full month, in one month they work a maximum of only ten days and if they do not work then they are not given wages, which the concept of *Ijarah* '*Ala Al-*'*Amal* should be to have the benefit of something that is permissible for a certain period of time with the existence of iwadh. There are two types of ijarah that are commonly practiced by the community, namely ijarah benefits such as rent on an item and ijarah charity which is commonly called labour or labor.4

Then the results of the second interview with Mr Ferdhy who is the owner of the lobster breeding in Labuhan Bajau Village, South Teupah Kec Simeulue Kab. According to Mr Ferdhy, there are several work risks that occur in lobster breeding in Labuhan Bajau Village, South Teupah Kec, Simeulue Regency, the first is the work risk in taking lobsters at sea, if the weather is bad it will cause damage to the boat engine or can also cause damage to the oxygen/compressor engine which can result in death to

⁴Interview Results Rulik, *One of the Lobster Breeding Workers in Ulul Mayang Village, South Teupah Kec, Simeulue Regency,* on 23 June 2022.

divers. Then the second risk is the risk that occurs in lobster breeding about the problem of feed and cleanliness in breeding tanks that must be cleaned, because it can result in defects or death in lobster, if there are lobsters that are sick / not fresh then they must be moved to another tub to be refreshed, then if there are defective lobsters then they must also be moved to another tub so that they are not mixed with other lobsters. ⁵

Lobster breeding requires a long time and high risk. Because of the risk and long time, fishermen have difficulty accessing capital Captive fishermen in Ulul Mayang Village, South Teupah Kec. have successfully formulated feed for lobster breeding. With this feed, lobster growth is faster than the usual fish feed. The government needs to encourage lobster breeding businesses with regulations and capacity building programmes.

Based on the above preliminary data obtained previously that examines the issue of risk coverage on these lobster breeding workers. From the background of the above problems, the researcher wants to examine more about the problem in a scientific work with the title "Analysis of Work Risk Insurance in Lobster Breeding Perspective Ijarah 'Ala Al-'Amal".

The purpose of this research is: To Know How the Work Risk Accountability in Lobster Breeding in Simeulue Regency. To find out how the perspective of *Ijarah 'Ala al-'Amal* on the risk coverage system of workers in lobster breeding in Simeulue district.

Methods

Based on the type, this research is included in qualitative research with descriptive analysis research type, where the final results of this research are described in words or with sentences that show the final results of the research which is a detailed research on the subject and object of . The method used is descriptive analytic method.

This descriptive research is research that really only describes what is found or occurs in a particular scene, field, or area. The collected data is classified or grouped according to its type, nature or condition. According to Bogdan and Taylor (1992), qualitative research is one of the research

⁵Interview with Ferdhy, owner of Lobster Breeding in Labuhan Bajau Village, South Teupah Kec, Simeulue Regency, on 14 September 2023.

procedures that produces descriptive data in the form of speech or writing and the behaviour of the people observed so as to be able to produce an indepth description of the speech, writing, and behaviour that can be observed from an individual, group, or community so that the point of view studied is seen as whole, comprehensive and holistic .⁶

This research uses secondary data as concepts and also juridical and normative provisions, and also primary data are empirical facts from various sources. To collect the data, the author uses library data collection methods and empirical data. The methods that the author uses are *library research* methods and *field* research methods.

Field research is conducted to obtain information from various sources which is the primary data of this research which is very important to obtain objective and reliable data so that research problems can be sought for solutions and answers accurately and precisely in accordance with the research objectives.

Data analysis is the process of systematically searching and compiling data obtained from interviews, field notes and library research, by organising data into categories, breaking it down into units, synthesising, compiling into patterns, selecting what is important and what will be studied and making conclusions so that it is easily understood by oneself and others.⁷

Research Results and Discussion

A. Occupational Risk Liability in Lobster Breeding in South Teupah District, Regency

In an Islamic perspective, responsibility is the same as trust. According to the Big Indonesian Dictionary (KBBI) is a state of being obliged to bear something (if something happens, it can be demanded, blamed, litigated and so on). This means that if there are things that are harmed or there is a risk in their actions then the person must be able to take responsibility for the risks they take, accept the consequences, be honest with themselves and others, be fair, and be wise.⁸ Although a person has

⁶Moh. Nazir, Research Methods, (Bogor: Ghalia Indonesia, 2005), p. 54.

⁷ Sugiyono, Quantitative, Qualitative and R&D Research Methodology, p. 244.

⁸ https://kbbi.web.id/tanggung answer, accessed on 4December 2023

freedom in carrying out all his activities, but still if he does wrong then he must be responsible for his actions. The attitude of responsibility is not instantaneous that just appears in a person. Responsibility will be obtained based on good personal traits. a good person will grow and develop in a person if he is accustomed to doing positive things. Meanwhile, risk is a threat or event that has an impact contrary to the goals that have been achieved. Any risk that arises to society (loss of property, life, finance, business, etc.).9

To complete the information in this study, researchers conducted interviews with four informants, including Mr Rulik and Mr Hendrawan Saputra as informants from lobster breeding in Ulul Mayang Village, South Teupah Kec. Simeulue Regency. Meanwhile, other informants are Mr Ferdhy who is the owner of a lobster farm in Labuhan Bajau Village, South Teupah District, Simeulue and Mr Mukhlis as an employee who works at Mr Ferdhy's lobster farm.

Based on information from two informants, Mr Rulik and Mr Hendra, who come from lobster breeding in Ulul Mayang Village. According to them, the risks faced in the field can be due to weather or caused by other factors on workers and can even result in the death of workers.

From the results of the interview above, it can be understood that this risk must always exist in everyday life, some even say that life must have risks, everything must deal with risks. Especially in the business world, always faced with problems that will definitely take risks too. The sources of risk are many, such as the possibility of events that deviate from expectations, but the gap is only visible if it is in the form of a loss If there is no possibility of loss, it is not called risk. The general concept of risk is uncertainty about the future of an activity, therefore, loss-causing factors are important in risk analysis two factors that give rise to risk are disasters and hazards.

Furthermore, interviews with two other informants from different breeding centres. Namely Mr Ferdhy who is the owner of a lobster farm in Labuhan Bajau Village, South Teupah District, Simeulue and Mr Mukhlis

⁹ Amini, Nafisah. Increasing the Attitude of Responsibility Through Storytelling with Story Aprons in Group B TKIT Az-Zahra Gondang Sragen in the 2012-2013 School Year. (University of Muhammadiyah Surakarta. 2013), pp. 24

as an employee who works at Mr Ferdhy's lobster farm. According to Mr Ferdhy in risk accountability, he gave his response.

Based on the information from the two informants, Mr Ferdhy and Mr Mukhlis, who come from lobster breeding in Labuhan Bajau Village, South Teupah District, Simeulue. According to them, the risks faced in the field can be due to weather or caused by other factors on workers and can even result in the death of workers. Meanwhile, according to Mr Ferdhy, who acts as the owner, he has different work risks such as the accumulation of lobster cultivation results in storage, the range of cost increases for distribution ± 20% of the initial cost, many dead lobsters, and the number of cultivation quantities and the use of uncertain cultivation ponds.

From the interview above, it can be understood that the risk coverage that occurs in lobster farming in Ulul Mayang Village, South Teupah District, Simeulue. The owner who bears the risk is more dominant because workers who experience work and other operational risks and in the event of crop failure or loss also bear the loss is the owner who must bear the risks that arise in the cultivation of the lobster. And here the lobster breeding owner can be said to bear losses as a form of responsibility. From the information of the two informants, namely Mr Ferdhy and Mr Mukhlis in Labuhan Bajau Village, South Teupah District, Simeulue. Responsibility for workers should be carried out and provided with facilities in the form of health services and responsibility for work risks experienced by workers, so that employees who work also feel comfortable and safe.

Islam teaches its people that every human being is a leader (khalifah) who will later be held accountable. The form of responsibility is not only in the world, but also in the hereafter. The attitude of responsibility is a form of understanding in recognising human thought as a living being in this world, and the high and low morals it has. Regarding responsibility, humans in everyday life need other humans to create better life values and support their existence.¹⁰

¹⁰ Elfi Yuliani Rohmah, "Developing Responsibility Character in Learners (Perspective of Western Psychology and Islamic Psychology)", Al-Murabbi, Vol. 3 No. 1 (July 2016) pp. 37

B. Perspective of *Ijarah 'Ala al-'Amal* on the Work Risk Coverage System in Lobster Breeding in South Teupah District, Regency

In Islamic Economics, risk or uncertainty is better known as *taghrir*. *Taghrir* comes from the Arabic word *gharar* which means consequence, disaster, danger, risk and uncertainty. Risk is always related to the possibility of something adverse happening that is unexpected or unwanted. ¹¹

Risk is the possibility of deviation from expectations that can cause losses Risk can arise at any time, so that risk does not hamper an activity, risk must be managed properly Strategies that can be applied include transferring risk to other parties, avoiding risk, minimising the negative impact of risk, and modifying some or all consequences of certain risks. Risk is something that will definitely be faced by entrepreneurs. Each company has different levels of risk, some are large and some are small. Risk is something that is uncertain, but contains an element of danger as a consequence or result of a business activity or other.

The sources of risk are many, such as the possibility of events deviating from expectations, but the gap is only visible if it takes the form of a loss If there is no possibility of loss, it is not called risk The general concept of risk is uncertainty about the future of an activity, therefore, loss-causing factors are important in risk analysis The two factors that give rise to risk are disasters and hazards.

According to the scholars *of figh*, the forms of risk in the buying and selling process include:

- 1) The goods sold do not belong to the seller (entrusted goods, guarantee of the seller's debt, stolen goods)
- 2) According to the agreement, the goods were to be delivered to the buyer at a certain time, but it turned out that the goods were not delivered or delivered
- 3) Goods damaged before reaching the buyer
- 4) Goods do not conform to the sample

Based on its nature, there are several types of risk, namely:12

¹¹ Adiwarman Karim, Islamic Microeconomics (Jakarta: 3T Islam, 2002), pp. 162

 $^{^{\}rm 12}$ Reni Maralis and Aris Triyono, Risk Management (Yogyakarta: Deepublish, 2019), p.6

- 1) Pure Risk. Pure risk is a risk that will definitely cause a loss and get a profit that is small, if the risk does not occur then there is no profit or loss incurred.
- 2) Speculative Risk. Speculative risk is a risk that allows for loss or profit in other words, there are two possibilities if the event that is considered a risk actually occurs, namely financial profit and on the other hand there is a risk of loss.
- 3) Fundamental Risk. Fundamental risks are risks of natural origin with far-reaching impacts. In other words, fundamental risk refers to risks arising from factors that are under an individual's control.
- 4) Specialised Risk. Specialised risk is the opposite of fundamental risk, specialised risk or relates to a risk whose impact or cause only affects the personal environment in quantity and quality.
- 5) Individual Risks. Individual risks are a wide range of potential events that can occur in everyday life that can affect a person's financial condition, assets or liability risks.
- 6) Liability Risk. Liability risk is the risk associated with lawsuits filed against individuals or companies due to losses caused by third parties.

Work risk coverage in the concept of *Ijârah al-'amal* as explained in the previous chapter is a contract carried out by taking advantage of something from another person by paying based on an agreed agreement as well as certain conditions. In fact, ijarah has the same concept as buying and selling. The only difference is that the object being traded in ijarah is a service, whether the service is produced by humans or from the utilisation of goods. It is different in buying and selling which trades goods or services . ¹³

Explained in the book Fiqh Muamalah by Rachmat *Syafi'i, ijarah* is an agreement to transfer the right to use goods followed by payment of wages or rental fees without being accompanied by transfer of ownership rights. So someone can sign an ijarah contract if they want to borrow an item. But keep in mind that the loaned item does not mean the transfer of ownership

¹³ Sayyid Sabiq, Fiqh Sunnah, Juz III, (Beirut: Dar Al-Fikr, 2003), pp. 138.

of the item from the lessor.¹⁴ For example, a customer wants to borrow a laptop for six months. After that, the Islamic bank will provide details of the rental costs that have been determined with certainty so that there are no changes in costs during the property loan period. If the rental price has been agreed, the customer will receive the laptop from the lessor. Now, the customer must pay the rental fee for six months, after which the lessor will be paid for the services he provided. ¹⁵

According to Nasrun Haroen, *ijarah* '*Ala al-*'Amal is a contract to take someone's energy by hiring that person to do a job. *Ijarah* '*ala al-*'amal according to the fiqh scholars must clearly know the form of work that will be done by someone. In this case it is very important if there is a risk, there will be clarity on the responsibilities and consequences arising from the contract made by the parties .¹⁶

The pillars and conditions of Ijarah are as follows:

- a) *Mu "jir* and *Musta "jir*, are people who make rent or wages. *Mu "jir* is a person who rents against someone's services while *musta "jir* is a person who receives wages and bestows—his services in doing something, the requirements for *musta'jir* himself must be a person who has baligh, rational, capable of tasharauf (controlling property) and mutual consent.
- b) *Sighat* (Ijab and Qabul) carried out by both parties, namely mu'jir and musta'jir.
- c) *Ujrah* (wage), the amount of wages should be known by both parties, both in leasing and in wage-hiring.
- d) The goods to be leased or the services to be leased in leasing or hiring must fulfil the conditions.

In the *ijârah bi al- 'amal* contract, the benefit is not something that comes from the goods as explained above, because in this contract the object as a pillar of the contract is in the form of work produced by the labour of a person or group of people. In this work, the parties must agree on the object of work so that it does not cause disputes and conflicts when the work is

¹⁴ Nasrun Haroen, Fiqh Muamalah, (Jakarta: Gaya Media Pratama) pp. 236

¹⁵ Sayyid Sabiq, Figh Sunnah 13, (Jakarta: Pena Pundi Aksara, 2006), p.203.

¹⁶ Nasrun Haroen, Figh Muamalah, (Jakarta: Gaya Media Pratama) pp. 236

carried out. Thus, the suitability of what is desired by the user of services or labour must be fulfilled by the worker and this will certainly benefit both parties to the contract. In this case, the owner of the lobster breeding centre and the workers have fulfilled the agreement, because the business owner has provided wages according to the amount stated in the contract as well as various Occupational Safety and Health (K3) facilities, namely gloves, protective shoes, safety glasses, oxygen cylinders when diving, and others. If an accident occurs while working, the lobster breeding owner is responsible for the treatment and healing process of employees. The workers have done their job in carrying out activities from nursery to harvest well. In addition, the owner also feels the benefits of the presence of diligent workers, namely experiencing an increase in sales and turnover so that the Acehnese people are better known about lobsters from Simeulue.¹⁷

Conclusion

Risk is something that will definitely occur in every business activity. Often employees experience work accidents such as, damage to oxygen when diving, damage to boats due to high waves due to bad weather, and can result in death, efforts made to avoid these work risks are by providing complete equipment such as oxygen gas cylinders and special clothing for diving for employees who will dive to the seabed, not forgetting to always check the boat that will be used to catch lobsters in order to avoid work accidents. Coverage of Occupational Risks in Lobster Breeding in Simeulue Regency has been responsible in accordance with their respective main duties and functions. For the owner of the lobster breeding business in the sense of responsibility he gives to workers who experience work risks as a form of appreciation and personal commitment to the professionalism of an entrepreneur.

Ijarah '*Ala al-*'*Amal* Perspective on the Work Risk Coverage System in Lobster Breeding in Simeulue Regency. In handling the risks that occur in the business, the owner has taken the right steps according to *ijarah* '*ala al-*'*amal*. Work risk coverage has been provided properly by the owner of

 $^{^{17}}$ Interview with Ferdhy, Lobster Breeding Owner, on 28 November 2023 in Labuhan Bajau Village, South Teupah District, Simeulue.

the lobster breeding centre such as providing equipment for employees who go down to the sea and facilitating them while at sea such as food and drink supplies, then the business owner is also responsible in the event of a work accident such as, the main help of bringing to the nearest hospital so that immediate treatment is given. *Ijârah ala al-'amal* has pillars that must be fulfilled so that the work contract is said to be in accordance with the principles of the *ijârah ala al-'amal* contract

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