

## ABSTRACT

Imam Sentosa, Gusti Muhammad. 2013. *The Agreement Between Outsourcing Workers and PT. Dapensi Trio Usaha Surabaya based on Syariah Economic Law Perspective*. . Final Paper. Syariah Business Law Department. Faculty of Syariah. Islam State University of Maulana Malik Ibrahim Malang. Advisor: H. Moh. Toriquddin, Lc., M.HI

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Workers/labors had sued for the withdrawal of *outsourcing* and the payment of reliable wage. People had misunderstood on *outsourcing* agreement because it was assumed that *outsourcing* agreement only benefited the service provider and put the workers/labors in the loss position. PT. Dapensi Trio Usaha made an *outsourcing*-based on agreement between service provider and workers/labors.

The company was open in providing the data, and therefore, the researcher was facilitated in collected the data. Whether this agreement was validated or not it has been reviewed from syariah economic law perspective. Taking this into account, the author felt necessary to examine a form and mechanism of agreement between workers/labors and service provider (*outsourcing*).

The objective of this research is to establish the understanding about the work agreement of *outsourcing* based on syariah economic law perspective. This Research type is empirical juridical with qualitative approach, Some conclusions were drawn.

PT. Dapensi Trio Usaha is a legal *outsourcing*-based service provider company. The agreement between PT. Dapensi Trio Usaha of Surabaya Branch and *outsourcing* workers had used definite work agreement (PKWT – *perjanjian kerja waktu tertentu*) which mostly in effort to comply with employment regulations.

Workers service provider company always leased workers/labors to implement or to accomplish the predetermined work given by the contracting company. Indeed, the providing company will pay the salary or wage of the workers/labors. The type of agreement made by PT. Dapensi Trio Usaha is explained in the Syariah Economic Law Compilation, Chapter X, entitled with *Ijarah*.

Definite work agreement made by PT. Dapensi Trio Usaha, is legal based on compilation of syariah economic law chapter *ijarah* because it has fulfilled the agreement of *ijarah* contract but there are some articles in PKWT of PT. Dapensi Trio Usaha which must be explained in detail in order to avoid multi interpretation that both sides are sincere in making agreement.