



Minimum Wages and Welfare of Private Lecturers in Indonesia: Perspectives of Islamic Law and Positive Law

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Abstract: This study examines the welfare issues of private university lecturers in Indonesia who receive substandard wages, by analyzing them through the perspectives of Islamic law and positive law. The objective of this paper is to explore the alignment between the principles of wage justice in Islamic law and the wage regulations within the national legal framework, especially concerning employment in the private higher education sector. The methodology employed is normative juridical with a qualitative analysis of legal documents and Islamic legal literature. The findings indicate that private lecturers are employed under contractual agreements subject to labor regulations, which often fail to provide adequate welfare guarantees. On the other hand, Islamic law emphasizes justice, fairness, and certainty in wage distribution as part of workers' rights protection. The main novelty of this study lies in identifying the gap between the normative ideals of Islamic law and the practical enforcement of positive law in the higher

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education context. The impact of this research is to propose an integrative legal approach that incorporates Islamic ethical values into wage regulation policies, aiming to improve the socio-economic well-being of academic professionals in Indonesia.

Keywords: Islamic law; labor law; lecturer welfare; minimum wage; private universities

Abstrak: Penelitian ini mengkaji permasalahan kesejahteraan dosen perguruan tinggi swasta (PTS) di Indonesia yang menerima upah di bawah standar, dengan meninjau dari perspektif hukum Islam dan hukum positif. Tujuan dari studi ini adalah untuk menggali kesesuaian prinsip-prinsip keadilan upah dalam hukum Islam dengan pengaturan pengupahan dalam sistem hukum nasional, khususnya terhadap tenaga kerja di sektor pendidikan tinggi swasta. Metodologi yang digunakan dalam penelitian ini adalah pendekatan yuridis normatif dengan analisis kualitatif terhadap dokumen hukum dan literatur keislaman. Hasil kajian menunjukkan bahwa dosen PTS memiliki status hubungan kerja berdasarkan perjanjian kerja yang tunduk pada aturan ketenagakerjaan, yang dalam praktiknya belum memberikan jaminan kesejahteraan yang memadai. Sementara itu, hukum Islam menekankan keadilan, kelayakan, dan kepastian dalam pemberian upah sebagai bagian dari perlindungan hak pekerja. Temuan utama dari penelitian ini menunjukkan adanya kesenjangan antara idealisme hukum Islam dan implementasi hukum positif di sektor pendidikan tinggi. Studi ini memberikan kontribusi dengan menawarkan pendekatan integratif antara hukum Islam dan hukum ketenagakerjaan untuk mendorong formulasi kebijakan pengupahan yang lebih adil dan berorientasi pada kesejahteraan akademisi di Indonesia.

Kata kunci: hukum Islam; hukum ketenagakerjaan; kesejahteraan dosen; perguruan tinggi swasta; upah minimum

Introduction

Private lecturers in Indonesia contribute significantly to the advancement of higher education through teaching, research, and community engagement.¹ Despite their essential role, many still face inadequate recognition and protection in terms of rights and welfare.² Issues such as unclear employment

¹ Adamu Abubakar Muhammad et al., "E-Economic Transactions among Muslim Women in Contemporary Northern Nigeria," *Abdurrauf Law and Sharia* 1, no. 2 (November 12, 2024): 103–21, <https://doi.org/10.70742/arlash.v1i2.89>.

² Hisam Ahyani et al., "Legal Protection and Welfare for Private Lecturers: Addressing Sub-Minimum Wage Challenges in West Java," *Jurnal Media Hukum* 32, no. 1 (January 14, 2025): 21–39, <https://doi.org/10.18196/jmh.v%vi%i.23436>.

agreements, inconsistent application of regulations, and low legal awareness among lecturers often result in poor working conditions, limited job security, and insufficient wages.

These problems indicate a gap between the normative expectations (*das sollen*) established by labor and education laws, and the actual conditions (*das sein*) experienced by lecturers at private universities. The mismatch reflects not only weak institutional enforcement but also a lack of effective mechanisms to ensure compliance. The current situation undermines the professional stability and motivation of lecturers, potentially affecting the overall quality of education in private higher education institutions.

Islamic Law provides valuable insights into the issue of fair wages and the ethical treatment of workers, offering complementary principles that can enhance legal protections for lecturers. The emphasis on justice ('*adl*), fairness in contracts ('*aqd*), and the obligation to fulfill rights ('*huquq*') align with modern labor standards. Integrating Islamic values with positive law may present a more holistic approach to addressing these challenges, especially within the context of Islamic Higher Education Institutions (PTKIS).³

The study adopts a qualitative approach with a normative legal method, focusing on document analysis of national labor regulations, Islamic legal texts, and institutional agreements.⁴ The research further includes a critical review of

³ Noor Leena Haniffah, Mohammed Sharaf Shaiban, and Pervaiz Ahmed, "Development and Validation of a Performance Measurement System Based on Islamic Principles," *Heliyon* 9, no. 5 (May 1, 2023): e16095, <https://doi.org/10.1016/j.heliyon.2023.e16095>; Agus Munjirin Mukhotib Lathif, Andrey Kotyazhov, and Aliyeva Patimat Shapiulaevna, "Protecting Family Integrity from Digital Fraud: Islamic Family Law and ITE Law in WhatsApp Groups," *Jurnal Munakahat* 1, no. 1 (December 24, 2024): 44-54; Multazam Mansyur Addury and Aprilia Kinasih Putri Ramadhani, "The Influence of Financing Model and Credit Risk on Financial Stability (Study of Islamic Rural Banks in Java Island)," *Journal of Islamic Monetary Economics and Finance* 10, no. 3 (August 30, 2024): 427-44, <https://doi.org/10.21098/jimf.v10i3.1788>.

⁴ Andi Sukmawati Assaad et al., "Gender Equity in Inheritance System: The Collaboration of Islamic and Bugis Luwu Customary Law," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 458-79, <https://doi.org/10.19105/al-lhkam.v17i2.6761>; Nur Putri Hidayah and Isdian Anggraeny, "Fulfillment of Workers' Rights in Remote Working: The Perspective of Labor Development Principle in Indonesia," *Legality: Jurnal Ilmiah Hukum* 31, no. 1 (May 5, 2023): 124-37, <https://doi.org/10.22219/ljih.v31i1.25338>; Carl Magnus Bjuggren, "Employment Protection and Labor Productivity," *Journal of Public Economics* 157 (January 1, 2018): 138-57, <https://doi.org/10.1016/j.jpubeco.2017.11.007>.
<https://journal.abdurraufinstitute.org/index.php/arlash>

court decisions and academic literature to highlight legal gaps and inconsistencies. This method allows a deeper exploration of the values, principles, and obligations enshrined in both positive law and Islamic teachings regarding labor justice.

From a regulatory standpoint, several laws and regulations govern the employment conditions of lecturers, including those on labor, education, and social security. However, many of these provisions are not optimally implemented at the institutional level. Court decisions—such as the Constitutional Court ruling rejecting the petition on the unclear regulation of lecturers' salaries—affirm that private lecturers must rely on labor laws and contractual agreements with their institutions for wage protection.⁵

The importance of this research lies in its practical relevance to multiple stakeholders. For private lecturers, it provides an evaluative framework to understand their legal rights and the means to claim them. For universities, it highlights the need for improved institutional policies that align with legal standards and moral obligations. For policymakers, the findings serve as input for refining and harmonizing regulations that protect academic professionals in private institutions.

This study also sheds light on the broader impact of employment agreements on educational quality, institutional sustainability, and academic freedom. When lecturers experience job insecurity and receive wages below decent living standards, it affects their performance and commitment. A clear, just, and enforceable employment agreement can support a more conducive academic environment and ensure the long-term success of higher education institutions.

⁵ Muhammad Syauqi Bin-Armiya et al., "From Constitutional-Court to Court of Cartel: A Comparative Study of Indonesia and Other Countries," *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 9, no. 2 (November 1, 2024): 457–79, <https://doi.org/10.22373/petita.v9i2.437>; Denny Indra Sukmawan and Syaugi Pratama, "Critical Review of the Constitutional Court's Decision on the Presidential Threshold," *Jurnal Konstitusi* 20, no. 4 (December 1, 2023): 556–75, <https://doi.org/10.31078/jk2041>; Bambang Iswanto and Miftah Faried Hadinatha, "The Constitutional Court Decision and Islamic Philanthropy Movements: Analysis of Zakat Organizations Legality in Samarinda," *Mazahib* 22, no. 1 (May 10, 2023): 1–36, <https://doi.org/10.21093/mj.v22i1.5968>.
<https://journal.abdurraufinstitute.org/index.php/arlash>

Additionally, the study addresses the spiritual and professional dimensions of lecturers' roles, particularly in Islamic educational settings. PTKIS institutions are expected not only to promote academic excellence but also uphold religious values. Therefore, the employment agreement must reflect both legal and ethical commitments, ensuring that lecturers are supported in fulfilling their religious and educational missions.

In conclusion, this research highlights the urgent need to reform employment agreements at private universities in Indonesia by integrating positive legal norms with Islamic principles. Through a normative legal approach, the study will provide critical insights and actionable recommendations to improve the legal protection and welfare of private lecturers. The ultimate goal is to enhance the fairness, stability, and quality of Islamic higher education in Indonesia.

Methods

This study uses a normative legal approach with a qualitative analysis of legal documents and Islamic literature.⁶ The normative legal approach is employed to examine the legal norms that regulate employment relations and wage protection for lecturers in private universities in Indonesia. This includes analyzing the legal framework related to labor rights and institutional responsibilities concerning fair compensation and lecturer welfare.⁷

Data for this study were obtained through an extensive review of national laws and regulations, relevant court decisions, and authoritative Islamic legal sources, both classical and contemporary.⁸ The selection of these sources was aimed at gaining a comprehensive understanding of how employment and wage issues are addressed within both legal systems. The focus

⁶ Godwin O. Aigbe, Matthew Cotton, and Lindsay C. Stringer, "Global Gas Flaring and Energy Justice: An Empirical Ethics Analysis of Stakeholder Perspectives," *Energy Research & Social Science* 99 (May 1, 2023): 103064, <https://doi.org/10.1016/j.erss.2023.103064>.

⁷ Christopher Hutton, "Metalinguistic Normativity and the Supercategory: Law's Deployment of Ordinary Language and the Case of *Thind v US*," *Language & Communication* 86 (September 1, 2022): 41-51, <https://doi.org/10.1016/j.langcom.2022.05.003>.

⁸ Kien Thi Pham, Bui Xuan Dung, and Thanh Quang Ngo, "The Impact of Globalization and Modernization of Laws and Theories on the Modernization of Philosophy in Vietnam: Mediating Role of Modern Societies," *Heliyon* 8, no. 9 (September 1, 2022): e10680, <https://doi.org/10.1016/j.heliyon.2022.e10680>.

is on identifying key legal principles that are relevant to the protection of academic labor within the context of private higher education.⁹

The qualitative analysis conducted in this study aims to identify points of convergence and divergence between positive law and Islamic law in terms of protecting lecturers' rights and ensuring fair treatment.¹⁰ By examining these legal sources thematically, the study explores the potential for integrating Islamic principles of justice with existing legal standards.¹¹ This methodological approach enables researchers to construct well-grounded legal arguments that reflect both normative legal reasoning and ethical dimensions rooted in Islamic values.¹²

Result and Discussion

Effectiveness of Employment Agreements in Protecting the Rights and Welfare of Permanent Lecturers in Private Higher Education Institutions (PHEIs) in Indonesia

The employment agreement is a fundamental instrument in safeguarding the rights and welfare of permanent lecturers in Private Higher Education Institutions (PHEIs). However, the effectiveness of these agreements is often compromised by a range of challenges. While such agreements theoretically outline lecturers' rights and responsibilities, the lack of robust implementation mechanisms undermines their effectiveness. Many lecturers are either unaware

⁹ Satya Surbhi et al., "The Tennessee Heart Health Network Effectiveness Study: A Stepped Wedge Cluster Randomized Controlled Trial to Assess the Effectiveness of Statewide Quality Improvement Cooperative Participation on Cardiovascular Outcomes," *Contemporary Clinical Trials* 144 (September 1, 2024): 107616, <https://doi.org/10.1016/j.cct.2024.107616>.

¹⁰ Matthew Mitchell, "Analyzing the Law Qualitatively," *Qualitative Research Journal* 23, no. 1 (September 9, 2022): 102–13, <https://doi.org/10.1108/QRJ-04-2022-0061>.

¹¹ Musa Adekunle Ayanwale, Rethabile Rosemary Molefi, and Shata Liapeng, "Unlocking Educational Frontiers: Exploring Higher Educators' Adoption of Google Workspace Technology Tools for Teaching and Assessment in Lesotho Dynamic Landscape," *Heliyon* 10, no. 9 (May 15, 2024): e30049, <https://doi.org/10.1016/j.heliyon.2024.e30049>.

¹² Erick Laming, "I Just Took the Beating': Indigenous Peoples' Experiences with Police Use of Force," *International Journal of Law, Crime and Justice* 75 (December 1, 2023): 100630, <https://doi.org/10.1016/j.ijlcj.2023.100630>.

of the detailed provisions of their agreements or are unsure of how to enforce their rights when violations occur.¹³

One major issue is the inconsistency between the terms of the employment agreement and the actual practices within the institution. Despite the presence of formal agreements, the reality often deviates significantly from what is written in the contract. This discrepancy can lead to lecturers being exploited or their rights being ignored. For instance, provisions related to wages, benefits, or workload may not be adhered to, leaving lecturers in precarious positions.¹⁴

Lecturers in Private Higher Education Institutions (PTS) have faced significant challenges in understanding or accessing the legal framework that governs their work. Many are unaware of the specific rights they are entitled to under their employment contracts. This lack of awareness often prevents them from asserting their rights, even in cases where these rights are violated.¹⁵

Another challenge is the lack of clear communication between lecturers and administrative bodies regarding the contents and enforcement of employment agreements. Without proper guidance or regular updates, lecturers may remain in the dark about their entitlements or the steps they need to take to protect themselves. This lack of communication exacerbates the issue of inequitable treatment and weakens the overall protection of lecturers' welfare.¹⁶

Moreover, the absence of transparent and accessible channels for resolving conflicts or disputes regarding employment agreements is another significant hurdle. In cases of grievances, lecturers often find themselves navigating a bureaucratic labyrinth without a clear path to justice. This

¹³ Yohamintin Yohamintin et al., "The Profile of Continuing Lecturer Professional Competency Conditions in Private Universities," *QALAMUNA: Jurnal Pendidikan, Sosial, Dan Agama* 15, no. 1 (March 15, 2023): 83–94, <https://doi.org/10.37680/qalamuna.v15i1.2298>.

¹⁴ Nurul Nur Azizah, "Nasib Jadi Dosen: Beban Kerja Bejibun, Gaji Minim Dan Tukin Sulit Dibayar," *Konde.Co* (blog), January 23, 2025, <https://www.konde.co/2025/01/nasib-jadi-dosen-beban-kerja-bejibun-gaji-minim-dan-tukin-sulit-dibayar/>.

¹⁵ Ferdi Widiputera and Iskandar Agung, "Mr. Private University Barriers to World-Class Education: The Case of Indonesia," *Journal of Research and Educational Research Evaluation* 12, no. 2 (August 30, 2023): 100–112, <https://doi.org/10.15294/jere.v12i2.70270>.

¹⁶ Ahyani et al., "Legal Protection and Welfare for Private Lecturers."

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discourages them from filing complaints or addressing violations, leaving them vulnerable to exploitation or unfair treatment.¹⁷

To improve the effectiveness of employment agreements in protecting lecturers' rights, it is essential to establish mechanisms that ensure the consistent implementation of the terms agreed upon. This includes creating oversight bodies or committees tasked with monitoring compliance with employment agreements. Such bodies could provide lecturers with an accessible channel to report violations and seek remediation.¹⁸

In addition, institutions should prioritize creating and distributing clear, easy-to-understand guides on lecturers' rights and obligations under their contracts. This would enhance transparency and ensure that lecturers are fully informed about the terms of their agreements and how to advocate for their rights effectively.

Regular training programs for both lecturers and administrative staff are crucial in this context. These programs should cover the various aspects of employment agreements, from legal protections to practical steps for addressing grievances. Empowering both parties with the knowledge and tools needed to enforce the terms of the contract will foster a more equitable and supportive working environment.¹⁹

Another critical step is to evaluate the effectiveness of the current system regularly. By collecting feedback from lecturers and assessing the impact of training programs, institutions can identify gaps in knowledge or implementation. This feedback loop would allow for continuous improvement in the protection of lecturers' rights and welfare.

¹⁷ Ester Lince Napitulu, "Lecturers Learn from Judges' Solidarity in Fighting for Welfare," *kompas.id*, October 9, 2024, <https://www.kompas.id/baca/english/2024/10/09/en-ketika-para-dosen-mengamati-kekompakan-hakim-perjuangkan-kesejahteraan>.

¹⁸ Gokma Toni Parlindungan and Dorris Yadewani, "A Study on The Protection of Lecturer's Rights According to Employment Law No. 13 of 2003 for Higher Education Organisation," *International Journal of Emerging Issues in Social Science, Arts and Humanities (IJEISSAH)* 2, no. 3 (August 17, 2024): 122–29, <https://doi.org/10.60072/ijeissah.2024.v2i03.013>.

¹⁹ Franciscus Xaverius Wartoyo and Teguh Prasetyo, "Legal Protection and Welfare in Education: A Post-Pandemic Recovery Perspective on Implementing Law No. 14 of 2005," *Jurnal Pembaharuan Hukum* 10, no. 3 (December 30, 2023): 541–51, <https://doi.org/10.26532/jph.v10i3.36117>.

Lastly, fostering a culture of transparency within institutions is vital for the long-term effectiveness of employment agreements. Institutions should strive to create an open environment where lecturers feel comfortable discussing their rights and any issues related to their employment. This transparency can reduce confusion and foster trust between lecturers and management, ultimately enhancing the overall protection of lecturers' welfare.

Barriers in Implementing Employment Agreements and Their Impact on Legal Protection of Lecturers in PHEIs:

The implementation of employment agreements in Private Higher Education Institutions (PHEIs) faces several significant barriers that hinder the effective protection of lecturers' rights. One of the primary obstacles is the insufficient enforcement of the agreements. Many institutions lack the necessary mechanisms to ensure that the terms of the contract are fully implemented. As a result, lecturers are often left without the protection they are entitled to under the agreement, which can have serious consequences for their welfare.

Another major issue is the inconsistency in applying the terms of employment agreements across different departments or faculties. In some cases, lecturers may be treated differently depending on their unit, leading to disparities in benefits, workload, or other employment conditions. This inconsistency undermines the fairness and equality that should be inherent in the employment relationship, and it can foster resentment among faculty members.²⁰

Moreover, poor communication between administrative staff and lecturers exacerbates the problem. Administrative staff, who are responsible for implementing the terms of the agreement, may not have a clear understanding of the provisions themselves. This can result in administrative errors, misunderstandings, or delays in addressing issues raised by lecturers. In turn,

²⁰ Ester Lince Napitupulu- ester.napitupulu@kompas.com, "Ketika Ekspektasi Presiden dan Tuntutan Kesejahteraan Dosen Belum Sinkron," Kompas.id, 2025, <https://www.kompas.id/artikel/ketika-ekspektasi-presiden-dan-tuntutan-kesejahteraan-dosen-belum-sinkron>.

lecturers may become frustrated and disengaged from the process of ensuring their rights are upheld.²¹

The lack of effective dispute resolution mechanisms is another significant barrier. When conflicts arise between lecturers and institutions, the absence of clear and accessible procedures for resolving these disputes can leave lecturers feeling powerless. This can deter them from pursuing their grievances or result in unresolved issues that continue to negatively impact their welfare.

Furthermore, lecturers may feel hesitant to report violations or seek legal recourse due to fear of retaliation or damage to their career prospects. The power imbalance between lecturers and institutional management can create an environment where lecturers feel they have no choice but to tolerate unfair treatment. This fear of retaliation is a significant barrier to effectively protecting lecturers' rights.²²

The legal system in Indonesia, while designed to protect workers, may also pose challenges for lecturers in PHEIs. Navigating the legal framework can be complex and costly, and many lecturers may not have the resources or knowledge to pursue legal action. Additionally, the lack of specialized legal support for academic staff makes it harder for lecturers to access proper legal advice when needed.

Another important factor is the lack of a dedicated monitoring body to ensure the implementation of employment agreements. Without an independent body overseeing compliance, there is little accountability for institutions that fail to adhere to the terms of the contract. This lack of oversight allows violations to go unchecked, further undermining the protection of lecturers' rights.

In some cases, the absence of clear guidelines on how to address emerging issues in the employment relationship further compounds the

²¹ Nina Rossouw and Liezel Frick, "Lecturers' Stories of Teaching Understanding Hidden Curriculum Enactment in a Private Higher Education Institutions," *The Independent Journal of Teaching and Learning* 19, no. 1 (May 21, 2024): 110–23, <https://doi.org/10.17159/ijtl.v19i1.18856>.

²² SPK - Serikat Pekerja Kampus, "Meninjau Kebijakan Kesejahteraan Dosen dalam Permendikbudristek No. 44 Tahun 2024," accessed April 13, 2025, <http://spk.or.id/post/view/meninjau-kebijakan-kesejahteraan-dosen-dalam-permendikbudristek-no-44-tahun-2024>.

problem. Institutions may lack a structured approach to dealing with new challenges or disputes, which can leave lecturers in a vulnerable position. Without a clear framework for resolving issues, lecturers may not know how to proceed or whom to approach for help.

Additionally, the absence of proactive engagement with lecturers in reviewing and revising employment agreements perpetuates the cycle of ineffective implementation. If lecturers are not involved in discussions about their contracts, their concerns may go unaddressed, leading to frustration and a lack of trust in the system. This disengagement can further hinder efforts to protect lecturers' rights.

To place these issues in a broader context, it is worth noting how developed countries such as Portugal treat their academic staff. According to a faculty member at the University of Madeira in Portugal, the average salary for a professor is around €2000 per month, which is equivalent to approximately IDR 38,167,800.²³ This compensation reflects a higher level of state and institutional commitment to ensuring the welfare and financial security of academic professionals. In contrast, many lecturers in Indonesian PHEIs receive compensation far below this level, despite carrying similar academic responsibilities. This stark difference illustrates the urgent need for Indonesia's PHEIs to reform employment policies and practices in order to align with international standards.

To overcome these barriers, it is essential to implement robust enforcement mechanisms, improve communication channels, and establish clear and fair dispute resolution procedures. Regular monitoring and evaluation of the implementation process, along with increased transparency, are also key to addressing these obstacles effectively. By incorporating best practices from countries with strong academic labor standards, Indonesian PHEIs can take meaningful steps toward strengthening the legal protection and welfare of their lecturers.

²³ SANL. Opinion of a lecturer from the University of Madeira, Portugal, in April 2025
<https://journal.abdurraufinstitute.org/index.php/arlash>

Islamic Law and Positive Law of Indonesia on the Obligation of Fair Remuneration and Protection for Lecturers in PHEIs, and How Their Integration Can Strengthen Legal Protection:

Islamic Law emphasizes the principle of justice and fairness, particularly in financial dealings. The concept of "fair remuneration" is deeply rooted in Islamic teachings, which assert that workers, including lecturers, are entitled to receive a fair wage for their work. This fair remuneration is not only about paying a salary but also about ensuring that the compensation reflects the value of the work performed and meets the needs of the worker.²⁴

In the context of lecturers, Islamic law requires that their compensation should be just, with due regard for the amount of work they perform, their qualifications, and the responsibilities they carry. Islam also promotes the protection of workers' rights, including their physical and mental well-being. This means that institutions must provide lecturers with a safe and supportive working environment, where they are not exploited or mistreated.²⁵

Positive law in Indonesia, particularly the Labor Law, aligns with these principles by mandating fair wages, protection against discrimination, and ensuring safe working conditions for all employees, including lecturers. The Indonesian legal framework stipulates that workers are entitled to reasonable remuneration, social security, and other benefits, which are crucial for ensuring their well-being. This legal protection helps to create a framework within which lecturers can seek recourse if their rights are violated.²⁶

Both Islamic law and Indonesian positive law recognize the importance of work-life balance and the need to protect workers from exploitation. Islamic law encourages employers to be generous in compensating their employees and to avoid practices that lead to unfair treatment or hardship. Similarly,

²⁴ Yapiter Marpi, "Perlindungan Hukum Profesionalitas Dosen Swasta Terhadap Hak Dan Kewajiban Menurut Undang-Undang Nomor 14 Tahun 2005 Tentang Guru Dan Dosen: Indonesia," *Jurnal Nalar Keadilan* 3, no. 1 (May 30, 2023): 59–79.

²⁵ Lieke Ayu Amelia, "Legal Protection for Workers' Rights in the Indonesian Labor System," *The International Journal of Politics and Sociology Research* 11, no. 2 (September 20, 2023): 373–80.

²⁶ FA Suharno Suharno, Imam Rozikin, and Felina Felina, "Protection of Workers Rights Employment Copyrights and Laws," *The International Journal of Law Review and State Administration* 2, no. 2 (March 27, 2024): 54–61, <https://doi.org/10.58818/ijlrsa.v2i2.121>.
<https://journal.abdurraufinstitute.org/index.php/arlash>

Indonesian labor laws require that lecturers receive adequate leave, health benefits, and protection from unjust dismissal.²⁷

The integration of Islamic principles of justice with the positive law of Indonesia can create a more comprehensive and robust framework for protecting lecturers' rights. By aligning these two systems, institutions can ensure that lecturers receive not only the legal protections guaranteed by Indonesian law but also the ethical protections emphasized in Islamic teachings.²⁸

This integration would strengthen the legal protection of lecturers in PHEIs by providing a dual layer of security. Lecturers would not only be able to rely on the legal rights granted under Indonesian law but also on the ethical and moral obligations highlighted by Islamic law.²⁹ This would lead to a more equitable and just working environment for lecturers.³⁰

Furthermore, the integration of these two legal systems can help foster a culture of fairness and respect within academic institutions. By combining the legal framework with Islamic principles, institutions would promote an environment where lecturers' rights are respected, and their welfare is prioritized. This approach would also encourage institutions to adopt fairer

²⁷ Muhammad Rizky Ramadhan, Muhammad Kamal, and Mochammad Andry Wardhana Wikra Mamonto, "Omnibus Law in Indonesia: Legal Protection of Workers in Employment Contracts," *Golden Ratio of Law and Social Policy Review* 1, no. 1 (November 30, 2021): 7–16, <https://doi.org/10.52970/grlspr.v1i1.151>.

²⁸ Amelia, "Legal Protection for Workers' Rights in the Indonesian Labor System"; Abdullah Izza Aprilla et al., "Legal Protection of Workers' Rights in Indonesia," *Proceeding International Conference Restructuring and Transforming Law* 1, no. 1 (September 2, 2022): 121–27; Moch Salman Alfarizi and Khozin, "Holistic Curriculum Development in Islamic Education Institutions in Vocational Schools," *LECTURES: Journal of Islamic and Education Studies* 3, no. 1 (March 21, 2024): 19–26, <https://doi.org/10.58355/lectures.v3i1.79>.

²⁹ Asman Asman, "Parental Rights and Obligations to Children in the Era of Industrial Revolution 4.0 (Islamic Family Law Perspective)," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 4, no. 1 (June 30, 2020): 232–58, <https://doi.org/10.22373/sjhk.v4i1.6899>; Asman Asman and Ahmed Ahmed, "Parental Obligations Towards Hadhanah Mumayyiz After Divorce Islamic Family Law Perspective," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 6, no. 1 (2023): 27–40; Charles O'Mahony, "The Reform of Irish Mental Health Law: Aligning with Human Rights Obligations?," *International Journal of Law and Psychiatry* 95 (July 1, 2024): 102004, <https://doi.org/10.1016/j.ijlp.2024.102004>.

³⁰ Arpangi Arpangi and Tajudeen Sanni, "The State's Injustice: Failing to Protect Fixed-Term Workers' Rights," *Journal of Human Rights, Culture and Legal System* 5, no. 1 (March 22, 2025): 158–86, <https://doi.org/10.53955/jhcls.v5i1.531>.

policies and practices, such as transparent salary structures, equal opportunities for professional development, and safe working conditions.

The application of Islamic principles within the framework of positive law can also enhance the enforcement of lecturers' rights. Islamic law emphasizes accountability, which can serve as an additional motivation for institutions to adhere to the legal obligations set out in their employment contracts. This heightened sense of responsibility could reduce instances of exploitation and improve the overall treatment of lecturers.³¹

Lastly, integrating Islamic law and positive law could provide lecturers with more avenues for recourse in case of disputes or violations. Lecturers would have both legal and ethical grounds to challenge unfair treatment, making it easier for them to protect their rights and ensure that their welfare is maintained.

In conclusion, the integration of Islamic law and Indonesian positive law offers a promising approach to strengthening the legal protection of lecturers' rights in PHEIs. By aligning these two systems, institutions can create a more equitable and supportive environment for lecturers, ensuring that their rights are respected and their welfare is prioritized.

Conclusion

Based on the exploration of the effectiveness of employment agreements in protecting the rights and welfare of permanent lecturers in Private Higher Education Institutions (PHEIs) in Indonesia, as well as the challenges in their implementation and the integration of Islamic and Indonesian positive law, several key conclusions can be drawn.

³¹ Rasiyam Rasiyam et al., "Integration of New Media and Prophetic Communication Enhanced for Zakah, Infāq, Ṣadaqah, and Waqf Fundraising: A Case Study of Baitulmaal Munzalan Indonesia," *Journal of Islamic Law* 4, no. 1 (February 15, 2023): 28-46, <https://doi.org/10.24260/jil.v4i1.1167>; Tatang Hidayat et al., "Designing Islamic Values Integration into Sociology Learning," *Jurnal Pendidikan Islam* 6, no. 1 (June 30, 2020): 37-56, <https://doi.org/10.15575/jpi.v6i1.8119>; Heni Widianingsih and Ahmad Hapidin, "Integration of Human Rights in Islamic Family Law: Challenges and Solutions in Indonesia, Malaysia, and EGYPT," *Jurnal Nahdlatul Fikr* 6, no. 1 (December 27, 2023), <https://ejournal.kampusalazhar.ac.id/index.php/JNF/article/view/4>.
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Firstly, while employment agreements are a vital tool for safeguarding the rights and welfare of lecturers, their effectiveness is often undermined by inconsistent implementation. The lack of robust enforcement mechanisms, poor communication, and insufficient transparency in the implementation of these agreements contribute significantly to the failure to protect lecturers' rights effectively. In many cases, the agreements themselves are not adequately followed, and lecturers find themselves unaware of their rights or unable to assert them when violations occur. This highlights the need for clear communication, regular training, and better oversight mechanisms to ensure the agreements are upheld and lecturers' welfare is prioritized.

Secondly, the barriers to the effective implementation of these agreements, including weak enforcement, lack of dispute resolution channels, and power imbalances between lecturers and management, severely affect the protection of lecturers' rights. These obstacles prevent lecturers from fully accessing the benefits they are entitled to, creating a sense of vulnerability. Addressing these barriers requires strengthening legal frameworks, improving institutional transparency, and fostering a more supportive and open dialogue between management and faculty.

Thirdly, the integration of Islamic law and Indonesian positive law offers a valuable opportunity to enhance the legal protection of lecturers. Islamic law emphasizes justice, fairness, and the moral obligation to provide fair remuneration, which aligns with the principles of fairness embedded in Indonesian labor law. Combining the ethical considerations from Islamic law with the legal protections provided by Indonesian positive law could create a more comprehensive and robust framework for safeguarding lecturers' rights. This integration not only provides lecturers with stronger legal recourse but also encourages institutions to adopt more ethical and just practices in dealing with faculty members.

In conclusion, improving the welfare and rights of lecturers in PHEIs requires a multifaceted approach that includes revising and enforcing employment agreements, overcoming barriers to implementation, enhancing transparency, and integrating ethical principles from both Islamic law and positive law. By addressing these factors, institutions can create a more equitable and supportive environment for lecturers, ensuring that their rights are

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protected, and their welfare is prioritized. This, in turn, will contribute to a more effective and high-quality educational system within private higher education institutions in Indonesia.

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