

**ANALYSIS OF PARTNERSHIP AGREEMENTS IN THE GIG ECONOMY:
A REVIEW OF COMPILATION OF SHARIA ECONOMICS LAW (KHES)
AND ITS IMPACT ON ISLAMIC WELFARE**

To Fulfillment of The Requirement for a Master Degree In Islamic Economics

Law Department



Written by:

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**ANALYSIS OF PARTNERSHIP AGREEMENTS IN THE GIG ECONOMY:
A REVIEW OF COMPILATION OF SHARIA ECONOMICS LAW (KHES)
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Thesis

Submitted To Postgraduate Program University of Darussalam Gontor
In Partial Fulfillment of The Requirement for a Master Degree
In Islamic Economics Law Department

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ABSTRAK

Analisis Perjanjian Kemitraan dalam Ekonomi Gig: Tinjauan Kompilasi Hukum Ekonomi Syariah (KHES) Dan Dampaknya Terhadap Kesejahteraan Islam

Farid Khairi

Masalah utama dalam gig economy adalah ketidakseimbangan hak dan tanggung jawab antara perusahaan platform dan pekerja gig. Ketidakseimbangan ini menciptakan tantangan baru bagi pekerja gig, karena mereka diklasifikasikan sebagai mitra daripada karyawan. Akibatnya, mereka kehilangan akses ke perlindungan pekerjaan yang penting dan tunjangan jaminan sosial. Kondisi ini menyebabkan ketidakadilan dalam kemitraan gig economy, yang berdampak pada aspek kesejahteraan gig worker. Data dari perjanjian kemitraan perusahaan platform pengemudi online seperti Gojek, Grab, dan Maxim menunjukkan bahwa perusahaan memiliki kendali penuh atas sistem kerja mitra tanpa memberikan jaminan kesejahteraan yang memadai. Dari perspektif hukum ekonomi Syariah, penerapan konsep kemitraan dalam gig economy berdasarkan Kompilasi Hukum Ekonomi Syariah (KHES) dapat menciptakan kesejahteraan material dan spiritual jika sesuai dengan prinsip Syariah. Penelitian ini bertujuan untuk menganalisis bagaimana hubungan kemitraan, hak, kewajiban, dan batasan tanggung jawab dalam Perjanjian Kemitraan perusahaan platform digital seperti Gojek, Grab, dan Maxim dalam Gig Economy dipelajari berdasarkan Kompilasi Hukum Ekonomi Syariah (KHES) dan pengaruh perjanjian kemitraan terhadap kesejahteraan pekerja gig dari perspektif Islam menggunakan model kesejahteraan CIBEST. Penelitian ini menggunakan metode campuran dengan desain Convergent. Sumber data utama berasal dari perspektif pekerja gig. Sebaliknya, sumber data sekunder diperoleh dari perjanjian kemitraan perusahaan platform Gojek, Grab, dan Maxim sebagai platform yang paling sering digunakan di Indonesia, Kompilasi Hukum Ekonomi Syariah (KHES), Kesejahteraan Islam, dan model kesejahteraan CIBEST. Metode pengumpulan data meliputi studi literatur sumber data sekunder, observasi, wawancara dengan 4 responden, dan kuesioner kepada 107 driver online. Analisis data dilakukan dengan pendekatan kualitatif melalui kajian perjanjian kemitraan ketiga platform digital, observasi, dan wawancara dengan penggerak online, yang dianalisis menggunakan KHES untuk memahami aspek kemitraan platform. Sementara itu, pendekatan kuantitatif dilakukan dengan mengukur kesejahteraan model CIBEST untuk menilai tingkat kesejahteraan pekerja gig dengan mempertimbangkan dimensi material dan spiritual. Hasil penelitian menunjukkan bahwa perjanjian kemitraan perusahaan platform seperti Gojek, Grab, dan Maxim merupakan klausul baku yang mengatur hubungan, hak, kewajiban, dan tanggung jawab masing-masing pihak. Hubungan kemitraan ini adalah kontraktor independen, di mana perusahaan hanya menyediakan aplikasi, sedangkan gig worker bertanggung jawab penuh atas layanan mereka yang mengakibatkan ketidakseimbangan yang signifikan dalam kekuasaan dan kesejahteraan bagi pekerja gig. Menurut Kompilasi Hukum Ekonomi Syariah (KHES), perjanjian kemitraan harus memenuhi prinsip kesetaraan, saling menguntungkan, itikad baik, kebebasan berkontrak, dan perhitungan yang cermat sehingga sesuai dengan Islamic welfare dengan prinsip-prinsip seperti kesetaraan (taswiyah), itikad baik (shidq), dan manfaat bersama (maslahah). Model Gojek dan Grab menciptakan kerentanannya ekonomi melalui algoritma yang tidak transparan dan perjanjian yang tidak dapat dinegosiasikan, sementara Maxim, meskipun menawarkan hasil kesejahteraan yang sedikit lebih baik, masih kurang dalam perlindungan terhadap pekerja. 59,81% pekerja gig masuk dalam kategori kemiskinan material, sedangkan 7,47% berada dalam kemiskinan absolut, 0,93%, kemiskinan spiritual, dan hanya 31,77% pekerja gig yang berada dalam kondisi kesejahteraan. Penelitian ini berkontribusi untuk mengisi kesenjangan dalam kajian terkait gig economy dengan perspektif kesejahteraan Islam. Dengan mengintegrasikan model CIBEST dan KHES, penelitian ini menawarkan pendekatan baru untuk menilai kesejahteraan pekerja gig yang berorientasi pada aspek material dan spiritual.

Keywords: Gig Economy, partnership agreement, KHES, Islamic Welfare, CIBEST Model

ABSTRACT

Analysis of Partnership Agreements in the Gig Economy: A Review of the Compilation of Sharia Economics Law (KHES) and Its Impact on Islamic Welfare

Farid Khairi

The main problem in the gig economy is the imbalance of rights and responsibilities between platform companies and gig workers. This imbalance creates new challenges for gig workers, as they are classified as partners rather than employees. As a result, they lose access to important job protections and social security benefits. This condition causes injustice in gig economy partnerships, which has an impact on the welfare aspect of gig workers. Data from partnership agreements of online driver platform companies such as Gojek, Grab, and Maxim show that companies have full control over the partner's work system without providing adequate welfare guarantees. From the perspective of Sharia economic law, the application of the concept of partnership in the gig economy based on the Compilation of Sharia Economic Law (KHES) can create material and spiritual welfare if it is in accordance with Sharia principles. This study aims to analyze how the partnership relationship, rights, obligations, and limitations of responsibility in the Partnership Agreement of digital platform companies such as Gojek, Grab, and Maxim in the Gig Economy are studied based on the Compilation of Sharia Economic Law (KHES) and the effect of partnership agreements on the welfare of gig workers from an Islamic perspective using the CIBEST welfare model. This study uses a mixed method with a Convergent design. The primary data source comes from the perspective of gig workers. In contrast, secondary data sources are obtained from the partnership agreements of Gojek, Grab, and Maxim platform companies as the most frequently used platforms in Indonesia, the Compilation of Sharia Economic Law (KHES), Islamic Welfare, and the CIBEST welfare model. Data collection methods include literature studies of secondary data sources, observations, interviews with 4 respondents, and questionnaires to 107 online drivers. Data analysis was carried out using a qualitative approach through a study of the partnership agreements of the three digital platforms, observations, and interviews with online drivers, which were analyzed using KHES to understand the aspects of platform partnerships. Meanwhile, a quantitative approach was carried out by measuring the welfare of the CIBEST model to assess the level of welfare of gig workers by considering material and spiritual dimensions. The results of the study show that the partnership agreements of platform companies such as Gojek, Grab, and Maxim are standard clauses that regulate the relationships, rights, obligations, and responsibilities of each party. This partnership relationship is an independent contractor, where the company only provides the application, while the gig worker is fully responsible for their services which results in a significant imbalance in power and welfare for gig workers. According to the Compilation of Sharia Economic Law (KHES), partnership agreements must meet the principles of equality, mutual benefit, good faith, freedom of contract, and careful calculation so that they are in accordance with Islamic welfare with principles such as equality (taswiyah), good faith (shidq), and mutual benefit (maslahah). Gojek and Grab models create economic vulnerability through opaque algorithms and non-negotiable agreements, while Maxim, despite offering slightly better welfare outcomes, still lacks worker protection. With 59.81% of gig workers falling into the category of material poverty, while 7.47% are in absolute poverty, 0.93%, spiritual poverty, and only 31.77% of gig workers are in a state of welfare. This study contributes to filling the gap in studies related to the gig economy with an Islamic welfare perspective. By integrating the CIBEST and KHES models, this study offers a new approach to assessing the welfare of gig workers that is oriented towards material and spiritual aspects.

Keywords: Gig Economy, partnership agreement, KHES, Islamic Welfare, CIBEST Model



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Reg. Number : 442023831017

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The Title : Analysis Of Partnership Agreements In The Gig Economy: A Review Of
Compilation Of Sharia Economics Law (Khes) And Its Impact On Islamic
Welfare

It has been processed to fulfill the requirement for the Degree of Master Islamic
Economics Law, we request the thesis be examined soon.

Wassalamu 'alaikum warahmatullahi wabarakatuh

Ponorogo, 9th of March 2025 M

9th of Ramadhan 1446 H

The Supervisor,

Assoc. Prof. Dr. Svamsuri, M.Sh

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CERTIFICATION

Bismillahirrahmanirrahim

Assalamu'alaikum warahmatullahi wabarakatuh

To Postgraduate Program in the University of Darussalam Gontor has received a thesis written by:

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The Title : Analysis Of Partnership Agreements in The Gig Economy: A Review of Compilation of Sharia Economics Law (KHES) And Its Impact On Islamic Welfare

To fulfil the requirement for the Degree of Master Islamic Economics Law for the academic year: 2024-2025

Wassalamu'alaikum warahmatullahi wabarakatuh

Director of Postgraduate Program

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The Committee of thesis examination impartial fulfilment of the requirement of the degree of Magister in Islamic Economics Law, having held the thesis examination on:

Day and Date : Sunday, 20 April 2025

Venue : Postgraduate Building 103

State the student below

Name : Farid Khairi

Reg. Number : 442023831017

Program of Study : Master of Islamic Economics Law

The Title : Analysis Of Partnership Agreements In The Gig Economy: A Review Of Compilation of Sharia Economics Law (KHES) And Its Impact On Islamic Welfare

It has been successfully defended in front of the Board of Examiners and accepted as part of the requirements for a degree of Magister in Islamic Economics Law.

Board of Examiners:

1. Assoc. Prof. Dr. Syamsuri, S.H.I., M.Sh.

(Chairman)

2. Assoc. Prof. Dr. Setiawan bin Lahuri, Lc., M.A.

(Examiner I)

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(Examiner III)



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DECLARATION

I here by:

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Degree : Master
Program of Study : Islamic Economics Law

I hereby declare sincerely that this thesis for master degree is original of my work and free from any plagiarism activities and has not been published.

Ponorogo, 9th of March 2025 M

9th of Ramadhan 1446 H

The Researcher,



Farid Khairi

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MOTTOES

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إِنَّ اللَّهَ يَأْمُرُ بِالْعَدْلِ وَالْإِحْسَانِ وَإِيتَاءِ ذِي الْقُرْبَىٰ وَيَنْهَىٰ عَنِ الْفَحْشَاءِ وَالْمُنْكَرِ
وَالْبَغْيِ ۚ يَعِظُكُمْ لَعَلَّكُمْ تَذَكَّرُونَ

Indeed, Allah commands (you) to act justly and do good deeds, to give to your relatives, and Allah forbids evil deeds, evil and enmity. He teaches you so that you can learn.

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DEDICATION PAGE

Millions and countless thanks to My Lord Almighty,

Allah Subhanahu Wa Ta'ala.

Prayer and greetings for the Prophet Muhammad SAW

With the sincerity of my heart, I dedicate this thesis to

My beloved parents,

Who instilled in my conscience a love of effort and gratitude and filled me with a love of knowledge in life. Who taught me life, guided me with patience, loved me infinitely for a long time, cared for me with all affection, gave me the best upbringing, and nourished me with their pure advice. Therefore, I pray that Allah forgives their sins, elevates them to the highest rank, grants them success in their work and that He bestows His mercy upon them.

And for my beloved sisters and brothers,

Those who encourage me to seek knowledge, accompany me, and entertain me always, their presence is a big encouragement in my life to become a better person. May Allah reward and grant them success in their affairs and guide them to goodness in every step.

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I want to express my deepest gratitude to all the people closest to me whose names are not sufficiently listed here, who have given me attention, advice, and help during the work on this final project.

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3. The Director of Post Graduate Programme Assoc. Prof. Dr. Mohammad Kholid Muslih, M.A.
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Ponorogo, 10^h of March 2025 M

10th of Ramaadhan 1446 H

The Student,

Farid Khairi

