

REGISTRATION JOCKING PRACTICES PRE-EMPLOYMENT CARD PROGRAM

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ABSTRACT

This research was motivated by the fact that in Menanti Village, Kelekar District, Muara Enim Regency, there is a practice of pre-employment card registration. The Pre-Employment card program is an initiative from the Indonesian government which aims to improve people's work skills and competencies through assistance with training costs and incentives. The main goals of this program are to reduce unemployment rates, improve workforce skills, and support entrepreneurship. This practice of gambling in pre-employment card registration arises for several reasons, such as technical difficulties in online registration, internet access, the desire to increase the chances of being accepted, and a lack of understanding of the registration procedure. In practice, there is an agreement between the two parties. This agreement uses wakālah bil ujah (وكالة بالاجرة) and al-ijārah (الإجارة) as a form of agreement between the parties involved. Even though technically the jockey service in registering for a Pre-Employment Card does not cause direct losses, in practice, the training that should be attended by participants who receive the Pre-Employment Card is actually carried out by the jockey. As a result, this practice leads to dishonest actions. This research was conducted with the aim of: 1) finding out how the practice of pre-employment card registration is carried out in Menanti Village, Kelekar District, Muara Enim Regency. 2) find out how Sharia Economic Law reviews the practice of pre-employment card registration in Menanti Village, Kelekar District, Muara Enim Regency. This type of research is field research with data collection through literature study, interviews and documentation. The research sample consisted of 10 people, including 1 Pre-Employment jockey and 9 Pre-Employment jockey service users. The collected data was analyzed descriptively qualitatively and then conclusions were drawn.

Keywords: *Sharia Economic Law, Jokian, Pre-Employment*

ABSTRAK

Penelitian ini dilatarbelakangi karena di Desa Menanti Kecamatan Kelekar Kabupaten Muara Enim yang mana adanya Praktik Perjokian Pendaftaran Kartu Prakerja. Program kartu Prakerja merupakan inisiatif dari pemerintah Indonesia yang bertujuan untuk meningkatkan keterampilan dan kompetensi kerja masyarakat melalui bantuan biaya pelatihan dan insentif. Tujuan utama program ini adalah untuk mengurangi tingkat pengangguran, meningkatkan keterampilan tenaga kerja, dan mendukung kewirausahaan. Praktik perjokian dalam pendaftaran kartu Prakerja ini muncul karena beberapa alasan, seperti kesulitan teknis dalam pendaftaran online, akses internet, keinginan untuk meningkatkan peluang diterima, dan kurangnya pemahaman tentang prosedur pendaftaran. Dalam praktiknya, terdapat perjanjian antara kedua belah pihak. Perjanjian ini menggunakan wakālah bil ujah (وكالة بالاجرة) dan al-ijārah (الإجارة) sebagai bentuk kesepakatan

antara pihak-pihak yang terlibat. Meskipun secara teknis pelayanan perijokian dalam pendaftaran Kartu Prakerja tidak menimbulkan kerugian langsung, namun dalam pelaksanaannya, pelatihan yang seharusnya diikuti oleh peserta penerima Kartu Prakerja justru dikerjakan oleh joki. Akibatnya, praktik tersebut mengarah pada tindakan yang tidak jujur. Penelitian ini dilakukan dengan tujuan untuk: 1) mengetahui Bagaimana Praktik Perijokian Pendaftaran Kartu Prakerja Di Desa Menanti Kecamatan Kelekar Kabupaten Muara Enim. 2) mengetahui Bagaimana Tinjauan Hukum Ekonomi Syariah Terhadap Praktik Perijokian Pendaftaran Kartu Prakerja Di Desa Menanti Kecamatan Kelekar Kabupaten Muara Enim. Jenis penelitian ini adalah penelitian lapangan (*field research*) dengan pengumpulan data melalui studi pustaka, wawancara, dan dokumentasi. Sampel penelitian terdiri dari 10 orang, termasuk 1 joki Prakerja dan 9 pengguna jasa joki Prakerja. Data yang terkumpul dianalisis secara *deskriptif kualitatif* untuk kemudian diambil kesimpulannya.

Kata Kunci : *Hukum Ekonomi Syari'ah, Perijokian, Prakerja*

A. INTRODUCTION

One way to address this issue is to increase job opportunities through sustainable economic development. By promoting sustainable economic growth, there will be opportunities to create new jobs that can absorb the existing workforce. In addition, efforts must be made to improve the competencies of the workforce so that they can compete in an increasingly fierce job market. The government must also implement policies that encourage the growth of economic sectors with great potential to create jobs, such as industry, tourism, agriculture, and the creative sector. Furthermore, the government needs to provide support and incentives to entrepreneurs to establish businesses and create jobs.

The government must also improve access to education and training for the community so that they can enhance their skills and knowledge. With improved skills, they will be better able to secure appropriate and quality jobs.¹ In addition, the government must create a supportive investment environment for investors. With more investments, more new job opportunities will be created for the community. In addressing the issue of unemployment, the participation of all community members is also very important. The community needs to realize the importance of education and skills in the job search, so that they are also motivated to create job opportunities through small and medium enterprises. To tackle the issue of unemployment, cooperation between the government, the business sector, and the community is required. With good cooperation, it is hoped that unemployment issues can be effectively addressed and the poverty level can be reduced.

Along with the increasing spread of the COVID-19 pandemic in Indonesia, the president issued Regulation of the President of the Republic of Indonesia Number 36 of 2020 concerning the Pre-Employment Card Program on February 26, 2020, which was later changed to Presidential Regulation Number 76 of 2020 on July 8, 2020. This action was taken as one of the

¹*Pekerjaan Layak Dan Pertumbuhan Ekonomi* <https://www.closesthegapfoundation.org/glossary/decent-work-and-economic-growth> (Diakses Pada 14 Oktober 2023 Pukul 19:15)

efforts to address the impacts of the COVID-19 pandemic in the labor sector. As of now, in 2023, it still continues with different regulations.²

The Pre-Employment Card Program is an initiative by the Indonesian government launched in response to the economic impacts arising from the COVID-19 pandemic. The goal of this program is to provide assistance to workers affected by layoffs and individuals who require financial support. This program was first regulated in Presidential Regulation Number 36 of 2020 concerning 'Work Competency Development Through the Pre-Employment Card Program.' Subsequently, the technical regulations governing the allocation, budget, recruitment, and accountability of the Pre-Employment Card funds are outlined in the Minister of Finance Regulation (PMK) Number 25/PMK.05/2020. Initially, this program operated under a semi-social assistance scheme from 2020 to 2022. However, in 2023, the Pre-Employment Card program underwent a change to a 'normal' scheme regulated by Presidential Regulation Number 113 of 2022. The details of its implementation are explained in the Regulation of the Coordinating Minister for Economic Affairs (Permenko Perekonomian) Number 17 of 2022. The goal of the Pre-Employment Card Program is to assist job seekers in developing their skills through training and education. This includes access to a variety of online courses and training, as well as financial support to enhance their job search opportunities. This program is one of the Indonesian government's efforts to alleviate the economic impact caused by the COVID-19 pandemic and to improve skills and job opportunities for its citizens.

According to information quoted from the official site at www.prakerja.go.id, the Pre-Employment Card is an initiative to develop individual competencies by providing financial assistance to job seekers, workers who have been laid off, or individuals in need of competency enhancement. This program is the result of a collaboration between the government and the private sector, aimed at adding value to its participants and to the private sector itself. The program aims to help improve competencies and provide financial support to job seekers, laid-off workers, or individuals who want to enhance their competencies. In this program, there are two different schemes, namely the semi-social assistance scheme and the normal scheme, each with different details of financial assistance. In the semi-social assistance scheme, Pre-Employment card holders will receive financial assistance of RP.3,550,000.00, which is divided into training assistance of RP.1,000,000.00 for three courses, benefit assistance of RP. 2,400,000.00 divided into four months, and survey fill-out incentives of IDR 150,000.00 divided into three disbursements. During the pandemic, the semi-social assistance scheme only provided online training. Meanwhile, in the normal scheme, Pre-Employment card holders will receive financial assistance of RP.4,200,000.00, with details of training assistance of RP.3,500,000.00, benefit assistance of RP.600,000.00 for one month, and survey fill-out incentives of RP. 100,000.00 divided into two disbursements.³ In a normal scheme, training can be conducted offline, online, or a combination of both. In addition, the Pre-Employment Card program collaborates with eight digital platform partners, such as Tokopedia, Bukalapak, Skill Academy,

² Republik Indonesia, *Peraturan Presiden No 36 Tahun 2020 Tentang Pengembangan Potensi Kerja Melalui Program Kartu Prakerja*.

³ *Kartu Prakerja Muncul Lagi, Begini Skema Dan Penjasannya*
<https://www.cnbcindonesia.com/news/20230105212315-4-403215/kartu-prakerja-muncul-lagi-begini-skema-dan-penjasannya> (Diakses Pada 14 Oktober 2020)

Kemnaker, Pintaria, Pijar, Sekolah-mu, and MauBelajarApa, to provide training for Pre-Employment Card holders. This training aims to enhance the competencies and skills of the participants. The Pre-Employment Card program has carried out a total of 61 waves and has benefited many participants with a focus on reskilling and skill enhancement, not just as a social assistance program. This program has a positive impact on helping job seekers and workers to improve their abilities and competencies in the labor market.⁴

The main requirements to participate in this program are to be an Indonesian citizen aged over eighteen (18) and not currently enrolled in school or college (following regular education). The steps in the registration process for the Pre-Employment Card program are as follows: First, visit the official Pre-Employment Card website at <https://dashboard.prakerja.go.id/daftar>. Second, check the email you will use for registration. Third, click the verification link you receive via email. Fourth, if the verification is successful, you can proceed to the next stage. Next, return to <https://dashboard.prakerja.go.id> to log in, then enter your National Identification Number, Family Card Number, and your date of birth. Fill in your personal data and upload a picture of your identity card and a selfie with your identity card. Next, verify through your mobile number and continue to the competency test step provided. Make sure to follow each step carefully in order to successfully register and participate in the Pre-Employment Card program.

In Islamic teachings, it encourages all of humanity to support each other with a principle of responsibility in social life. The Pre-Employment Jockey service program indeed plays a very important role in helping people who need assistance in participating in the Pre-Employment Card. This aims to improve competencies and opportunities for job seekers. The reason is that the implementation of the Pre-Employment Card program, including online training, seminars, and exams to obtain electronic certificates, which should be carried out by Pre-Employment Card participants, is done by the Pre-Employment Jockeys. This ultimately creates a situation that brings about the problem of dishonesty. Allah commands His servants to help one another in goodness, but forbids them to help each other in wrongdoing, as stated in the Quran, Surah Al-Maidah: 2 and Hadith:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَحْلُوا شَعَائِرَ اللَّهِ وَلَا الشَّهْرَ الْحَرَامَ وَلَا الْهَدْيَ وَلَا الْقَلَائِدَ وَلَا آمِينَ الْبَيْتِ الْحَرَامِ يَبْتَغُونَ فَضْلًا مِّن رَّبِّهِمْ وَرِضْوَانًا وَإِذَا حَلَلْتُمْ فَاصْطَادُوا وَلَا يَجْرِمَنَّكُمْ شَنَا نُ قَوْمٍ أَن صَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ أَن تَعْتَدُوا وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ وَاتَّقُوا اللَّهَ إِنَّ اللَّهَ شَدِيدُ الْعِقَابِ

Meaning: "O believers, do not violate the symbols of Allah, nor violate the sanctity of the sacred months, nor harm the sacrificial animals, nor disturb those who visit the House of Allah while seeking bounty and pleasure from their Lord. And when you have completed the pilgrimage, it is permissible for you to hunt. And let not the hatred of a people prevent you from being just. Be kind to one another in good deeds and in righteousness, but do not assist one another in sin and

⁴ Rani Ika Wijayanti dan Ana Humardhiana, *Optimalisasi Program Kartu Prakerja Dengan Pelatihan Branding Strategy*, DIMASEJATI, 2020, Vol.2, No.1, 113.

transgression. And fear Allah; indeed, Allah's punishment is severe." (Al-Maidah: 2)⁵

وَاللَّهُ فِي عَوْنِ الْعَبْدِ مَا كَانَ الْعَبْدُ فِي عَوْنِ أَخِيهِ

Meaning : Allah always helps a servant as long as the servant helps their brother.(HR. Muslim)

B. RESEARCH METHOD

Essentially, research is conducted to seek objective truth using scientific methods, including research methodology. This method assists researchers in planning, executing, and analyzing research meticulously and structurally to achieve reliable results. The primary goal of research is to understand phenomena or acquire new knowledge based on strong evidence. This research is field research, which aims to collect data from locations in the field. In addition to field research, it is also supported by library research, which aims to gather data and information using materials such as books, notes, newspapers, documents, journals, articles, and references. The location of this research will be conducted in Menanti Village, Kelekar District, Muara Enim Regency.

In this study, the type of data used is qualitative data. Qualitative data is a type of data that focuses on descriptions, opinions, and personal experiences in the form of sentences, narratives, or interviews.⁶ This research is conducted to understand how the implementation of the registration service for the Pre-Employment Card program in Menanti Village, Kelekar District, Muara Enim Regency, is carried out and perceived by the community. Qualitative research tends to approach subjects in depth by exploring the understanding, perceptions, and experiences of individuals or groups related to the research topic. Therefore, in qualitative research, researchers often conduct interviews with involved parties or use text analysis to understand the meanings behind the information discovered. Qualitative data cannot be measured in numerical form, unlike quantitative data that can be measured using statistics; instead, qualitative data provides in-depth insights into aspects that are difficult to measure quantitatively, such as views, beliefs, or social dynamics within the community.⁷ Primary data is information obtained directly from the providers of the Pre-Employment Registration Services in Menanti Village, Kelekar District, Muara Enim Regency, as well as from the recipients of these Registration Services. This data will be collected through interviews conducted by the author, both in person and via social media. Thus, the author will gain a deeper understanding of the experiences and perspectives of both the service providers and recipients regarding the Pre-Employment program in the area.⁸

⁵ Indra Laksana, *dkk, Al-Qur'an dan Terjemah New Cordova*, (Bandung:Sy9ma Creative Mmedia Corp, 2012), 106.

⁶ Nursapiah Harapah, *Penelitian Kualitatif dan RD* (Bandung: Alfabeta CV, 2020), 137.

⁷ Suryana, *Metodelogi Penelitian 'Model Praktis Penelitian Kuantitatif Dan Kualitatif*, (Bandung: Universitas Pendidikan Indonesia, 2010), 11.

⁸ Arikunto Suharsimi, *Prosedur Penelitian*, (Jakarta: Rineka Cipta, 2007), 84.

Secondary data is information obtained from various books, research reports, theses, dissertations, the Bible, and other documents that are relevant to the registration practices of the Pre-Employment Card program in Menanti Village, Kelekar District, Muara Enim Regency. This secondary data is not obtained directly by the author through their research, but rather is pre-existing information that can be used as a reference or literature material in research on this topic.⁹

C. DISCUSSION

Registration Jocking Practices Pre-Employment Card Program

1. The Background of The Jocking Practice Happens

The Pre-Employment Card Program is a competency development program for work and entrepreneurship aimed at job seekers, laid-off workers/home workers, and micro and small business actors, as well as a program that is friendly to people with disabilities. Registration for the Pre-Employment Card Program is quite easy because it utilizes advanced technology, and it can be done through each person's mobile phone.¹⁰

In the Menanti Village of Kelekar District, Muara Enim Regency, the practice of using 'jokers' for the pre-employment card program is a newly emerging phenomenon. When researchers conducted observations and interviews with several service renters, they expressed that they were greatly assisted by the presence of these jokers. This is because many members of the community still have limited digital literacy and are tempted by the incentives offered, leading to the emergence of joker services for the pre-employment card program. Moreover, they simply receive the results without having to be busy registering and struggling through the selection and training processes.

The data obtained above can be used to conclude that in the practice of registration fraud for the pre-employment card program that occurred in Menanti Village, where service providers offer their services to people.

In the process of registering for the Pre-Employment Card, which is done online by accessing the official site at www.prakerja.go.id, if the grantor (pre-employment registrant) does not have an account, then the authorized representative registers them by filling in the required data, such as National Identification Number, Family Card, a photo of the ID card, phone number, and personal details. Once the account registration is complete, the authorized representative will log in using the registered email and password. Furthermore, if the registration wave has opened, the authorized representative will click "Join Wave" and wait for confirmation of acceptance after the evaluation conducted by the organizers.

After being declared successful, you must choose and participate in the training of your interest on the provided platform. Complete the training and obtain a certificate, then give a rating and review of the training attended. Wait for a month with incentives for the semi-social assistance scheme of Rp. 600,000 with four months of disbursement and three

⁹ Arikunto Suharsimi, *Prosedur Penelitian...*, 85.

¹⁰Program

Kartu

Prakerja

https://disnakertrans.jatengprov.go.id/assets/upload/regulasi/04_2020/e178de99ab4482aeb700d01ea6b0917c.pdf
(Diakses Pada 1 Juli 2024 Pukul 20:05)

evaluation surveys of 50,000 to help improve the quality of the program, and for the semi-normal scheme of Rp. 600,000 with one month of disbursement and two evaluation surveys of 50,000 to help improve the quality of the program.

2. The wages of a joki and the reasons why service providers use joki services.

Seeing the complexity of the registration procedure through digital platforms, as mentioned above, it causes each individual to understand the procedures and steps of registration so that they can later register themselves for the pre-employment card program. However, for some people who are reluctant to register on their own or who find it difficult with technology (not skilled in digital matters), they tend to choose other options that are considered easier, which is to seek help from others who have a deep understanding of the pre-employment card registration process. They arrange an agreement, with a reward, that if the account registered in their name successfully passes the pre-employment card program, they will provide a reward in the form of a percentage of the incentive received, but will not receive a reward if they do not pass.

The pre-employment brokers offer free assistance to the public who want to register for the pre-employment card program. However, when participants are declared successful and need help in the process of cashing out pre-employment incentives, the brokers demand a service fee of Rp. 200.000 to compensate for the effort, time, and internet connection used during the training. If pre-employment participants do not have an account or are not registered with the digital wallet provided by the pre-employment card, the brokers will assist them in the registration process.

Based on the observations made by the researcher in carrying out the practice of the registration scheme for the pre-employment card program in Menanti Village, Kelekar District, Muara Enim Regency, where the researcher obtained an interview result. Below are the interview results from several informants in Menanti Village.

As explained by Mrs. Lilis, as the provider of the pre-employment service, she stated that:

*The service provider initially registered for the pre-employment card for herself. Knowing this, her neighbor also wanted to register for the pre-employment program but did not know how to do it, so they asked for help to get registered until it was completed, and they both passed the pre-employment card. However, due to this event, more friends and neighbors were encouraged to join, leading her to spread or recommend herself to friends or others.*¹¹

Next, Mrs. Rakima, with the power of attorney, explained that:

*The transaction process for renting a job broker for the pre-employment card program is done by meeting the broker at their home. Then an agreement is made regarding the price and requirements for registering for the pre-employment program, such as a photo of the ID card and family card. After that, one must wait for the results of passing or failing for about 2-3 days during the registration and selection stage, after the pre-employment card registration closes, from registration until the incentive is disbursed to the broker who manages it, and even if one does not pass the pre-employment card registration, there are no fees charged.*¹²

Next, Mrs. Linda, as the authorized representative, explained that:

¹¹ Wawancara, Lilis, Pemberi Jasa Joki Prakerja, Desa Menanti, 2 Juli 2024

¹² Wawancara, Rakima, Pemakai Jasa Joki Prakerja, Menanti, 2 Juli 2024

*The reason I participate in the pre-employment card program through this jockey service is due to limited access to technology, where I do not have easy access or familiarity with using the internet or technological devices, so I chose to use the jockey service. The jockey service can help me and others who do not have adequate devices or internet connections to access the pre-employment card registration site.*¹³

Next, what was conveyed by Mrs. Hatul as the authorized representative explains that:

*The reason I participated in the pre-employment card program through this broker service is because of time constraints; many mothers find it more practical to use broker services. The broker service offers assistance that allows us to register for the Pre-Employment Card without having to sacrifice the time we need to take care of our families and other household responsibilities. Thus, we can continue to fulfill our daily roles without having to worry about the registration process until the incentives are disbursed it takes time.*¹⁴

Next, Mrs. Emi, as the authorized representative, explained that:

*The reason I participated in the pre-employment card program using this Joki service is that I have limited access to technology, and I did not understand at all how to register for the pre-employment card until I used the Joki service. This Joki service, in my opinion, is beneficial for everyone, especially for people like us who cannot use mobile phones, as it can help us complete the registration for the pre-employment card, and we just have to wait for the results.*¹⁵

Next, Ayuk Resti, as the authorized representative, explained that:

*The reason I am participating in the pre-employment card program through this service is that I have other activities that require my attention. Considering that the registration process for the pre-employment card takes a lot of time, I chose to use this service to save time and remain focused on my other activities.*¹⁶

Next, Mrs. Risma, as the power of attorney, explained that:

*The reason I participated in the pre-employment card program through an agent is that I didn't want to bother handling it myself. I just want to receive the results until I am declared successful. In my opinion, the registration process for the pre-employment card program is very complicated, so I chose to use the services of a pre-employment agent.*¹⁷

Next, Mr. Namil, as the authorized representative, explained that:

*My reason for participating in the pre-employment card program through a proxy is that I lack confidence in filling out the registration form and answering the questions correctly. I am worried about making mistakes that could cause my registration to be rejected.*¹⁸

Next, Mr. Sukur, as the appointed representative, explained that:

*My reason for participating in the pre-employment card program through the services of a broker is their proven experience. Many brokers have helped a large number of people in the registration process and the success of the pre-employment program. Through years of experience, they have developed in-depth knowledge of the ins and outs of registration and the selection criteria required. Therefore, these broker services have a reliable and trustworthy track record.*¹⁹

¹³ Wawancara, Linda, Pemakai Jasa Joki Prakerja, Menanti 2 Juli 2024

¹⁴ Wawancara, Hatul, Pemakai Jasa Joki Prakerja, Menanti 2 Juli 2024

¹⁵ Wawancara, Emi, Pemakai Jasa Joki Prakerja, Menanti 3 Juli 2024

¹⁶ Wawancara, Resti, Pemakai Jasa Joki Prakerja, Menanti 3 Juli 2024

¹⁷ Wawancara, Risma, Pemakai Jasa Joki Prakerja, Menanti 3 Juli 2024

¹⁸ Wawancara, Namil, Pemakai Jasa Joki Prakerja, Menanti, 4 Juli 2024

¹⁹ Wawancara, Sukur, Pemakai Jasa Joki Prakerja, Menanti 4 Juli 2024

Next, Mr. Jerol, as the authorized representative, explained that:

*The reason I joined the pre-employment card program through the services of a runner is that my friends and neighbors have already proven successful in passing this program. In addition, the service provider is known to be trustworthy, so I feel confident in using their services.*²⁰

As conveyed by Mrs. Lilis, the provider of the pre-employment jockey service, who explained that:

*Consumer response to the services provided is that most of them are very satisfied, because they are not troubled with having to undergo selection (motivation and basic skills tests) and the training available, so they just receive the incentives.*²¹

Based on the information obtained above, it can be concluded that the majority of recipients of the Pre-Employment program in Menanti Village actively offer their assistance to others. They do this by visiting the homes of friends and neighbors to directly offer their services. After receiving requests for assistance, the recipients then carry out the necessary activities for the Pre-Employment program.

The first step taken by the power of attorney recipient is to register the grantor online. This process requires the grantor to bring the necessary documents. After the registration is complete, the power of attorney recipient will click the 'Join Wave' button to enroll the grantor in the appropriate training wave.

Next, the power of attorney holder chooses the type of training they want from a variety of options available in the Pre-Employment program. This training is conducted online. After completing the training, the power of attorney holder assists the grantor in providing ratings and reviews about the training. The grantor will then receive an incentive until the evaluation service is filled out after obtaining the Employment as a result of their participation in the Employment program. So, the grantor does not need to do anything and just waits to finish and receive the incentive money.

When related to theory, the actions taken by the service provider are in line with the requirements and procedures set forth in the Pre-Employment Card program. The principal (registrant of the Pre-Employment Card) in Menanti Village who utilizes this conveyance service meets the main requirement, which is to be at least 18 years old and not currently enrolled in formal education. [Benefits and Conditions for Registering for the Pre-Employment Card Program <https://www.hukumonline.com/klinik/a/manfaat-dan-syarat-pendaftaran-program-kartu-prakerja-lt5e7326b75d1fb/> (Accessed on July 4, 2024, at 22:00)] Meanwhile, the authorized recipient who is practicing the service delivery of couriering has also followed all the stages established by the government. Thus, both the principal and the authorized recipient have met the requirements and followed the correct procedures in the Pre-Employment Card program.

Legal Review of Islamic Economic Law on the Practice of Jocking

One of the activities carried out in Menanti Village is the practice of brokerage in registering for the pre-employment card. To provide this service, a clear agreement is

²⁰ Wawancara, Jerol, Pemakai Jasa Joki Prakerja, Desa Menanti, 4 Juli 2024

²¹ Wawancara, Lilis, Pemberi Jasa Joki Prakerja, Desa Menanti, 2 Juli 2024

necessary between the service provider and the service recipient. This research discusses *ijarah* contracts and *wakalah bil ujah* contracts, which involve the use of someone's abilities on behalf of another person to complete a task.

*Ijārah is regulated in statement of financial accounting standards (PSAK) No.107, that ijārah is a lease of ijārah objects without the transfer of risks and rewards associated with ownership of assets, with or without wa'ad to transfer ownership from the owner to the lease at a certain time.*²²

*Linguistically the Arabic term ijarah means to rent or hire, and it could be defined as the transfer of the usufruct of a specific property from one party to another in exchange for rent, or transfer of the labour of one person to another in exchange for fee payments. There are two types of ijarah.*²³

The *ijarah* contract is a rental agreement in which someone rents out their services to perform a certain task in exchange for a specific remuneration.²⁴ In this case, the service provider (jockey) provides services to register others for the pre-employment card program and receives payment in return.

Meanwhile, the *wakalah bil ujah* contract is an agreement of power of attorney for compensation, where one person is authorized to take action on behalf of another and receives payment as compensation for the service.²⁵ In this context, the jockey acts on behalf of the service recipient to complete the pre-employment card registration process, in exchange for previously agreed compensation.

The importance of clarity in the contract in this brokering practice is crucial to ensure that both parties understand their respective rights and obligations. Clarity in this agreement helps to set clear expectations and avoid misunderstandings in the future. With a detailed agreement, the potential for conflicts can be minimized because each party has agreed to the applicable terms and conditions. This not only helps in resolving any disputes that may arise but also ensures that the cooperation process can run more smoothly and efficiently.

Clarity in the agreement also provides a sense of security and trust for both parties, as each party knows exactly what is expected of them and what they will receive in return. Thus, a clear and transparent contract is an essential foundation for successful and harmonious cooperation in this brokering practice.

Based on the facts discovered by researchers in the field, the practice of fraud in the registration of the Pre-Employment Card begins with an agreement regarding wages between the grantor and the recipient of the power of attorney. This agreement uses two types of contracts, namely the *ijarah* contract and the *wakalah bil ujah* contract.

The *ijarah* contract used is *ijarah al-a'mal*, which is a lease that pertains to work or services. In this case, the authorized party (jockey) agrees to carry out the entire registration process for the pre-employment card on behalf of the principal (Registrar) in exchange for a

²² Darti Busni et.al, *Implementation of the Hybrid Contract Concept in Multiservice Ijarah Financing as a Financing Alternative Health Service in The Covid-19 Pandemic* Jounal of Ilmiah Syari'ah Vol.21 No.1 2022,17

²³ Mohamed Hamour et.al, *Contemporary Issues of Form and Substance: an Islamic Law Perspective*, ISRA Internasional Journal of Islamic Finance Vol. 11 No.1 2019,132

²⁴ M. Ichwan Sam, Hasanudin, dkk, *Himpunan Fatwa Keuangan Syariah*, (Jakarta Erlangga, 2014), 91

²⁵ Agus Ernawan dkk, *Solusi Berasuransi, Lebih Indah Dengan Syariah* (Cet. I; Bandung: PT. Karya Kita, 2009), 94.

certain fee.²⁶ This process includes online registration, data entry, wave selection, online training, and providing reviews and ratings.

In addition, the *wakalah bil ujarah* contract gives the agent the authority to act on behalf of the principal in exchange for a fee. Thus, the principal grants full authority to the agent to implement the pre-employment program.

The use of both types of contracts ensures that the rights and obligations of both parties are clear and well understood, supporting the smoothness and efficiency of the pre-employment card registration process.

This agreement involves hiring someone to perform a specific task. In the context of the service of a registration agent for the pre-employment card in Menanti Village, the pre-employment registrant, referred to as the principal, contracts the registration service provider to manage the entire process of registering for the pre-employment card.

The service provider is responsible for handling all stages of registration, from start to finish of the training. In this case, the pre-employment registrant offers work to the service provider in exchange for payment of wages. This transaction can be considered as a form of wage-for-wage, where the principal pays the service provider for the work that has been completed.

Based on the results of the data presentation obtained, in the practice of providing brokering services for registering for the pre-employment card program, the incentives received will be divided between the grantor (registrant) and the grantee (service provider).

The grantor (registrant) is an individual who wishes to register for the pre-employment card program but uses the services of another party to assist in the registration process. The grantee (service provider) is the party that provides registration services for the pre-employment card program for others in exchange for incentives from the program. In the practice of brokering the registration for the pre-employment card program using a *wakalah bil ujarah* contract, this contract refers to an agreement in which one party (grantor) gives authority to another party (grantee) to perform certain tasks in exchange for a fee.²⁷

With this *wakalah bil ujarah* agreement, the grantor (pre-employment registrant) gives authority to the grantee (service provider) to manage all the registration processes for the pre-employment card program. The grantee then receives incentives from the program as a reward for the services they provide.

Thus, the practice of proxy registration for the pre-employment card program involves the use of the *wakalah bil ujarah* agreement as a legal basis that allows the grantor to employ the services of another party to facilitate the registration process, in exchange for a fee as compensation for the grantee.

After the agent completes their duties, the principal provides compensation as a reward for the services rendered. The work performed by the agent clearly belongs to the principal, as evidenced by the account in the name of the principal used in the process.

Based on the data presented earlier, in the practice of brokering services for the registration of the pre-employment card program, the incentive received by the principal is

²⁶ Helmi A. Karim, *Fiqh Muamalah* (Jakarta: PT Raja Grafindo Perseda, 1993), 34.

²⁷ Hasil Wawancara, Pemberi Jasa Joki Prakerja Dan Pemakai Jasa Joki Prakerja, Desa Menanti, Juli 2024

limited to a wage payment of RP 200.000. In this context, the work done by the proxy on behalf of the principal entirely belongs to the principal. The principal also receives an incentive from the pre-employment card program in accordance with the agreement they made regarding the payment of wages.²⁸

If linked to theory, the practice of service provision is in accordance with the conditions and pillars of the *wakalah bil ujah* and *ijarah* contracts. In the practice of fraud in registering for the pre-employment card, this process begins with a clear agreement where the grantor fully entrusts the authority to the authorized recipient. This transaction is carried out without elements of fraud, coercion, ambiguity, speculation, or injustice to both parties, and is based on mutual needs and agreements.²⁹

Thus, in this practice, all aspects of the *wakalah bil ujah* and *ijarah* agreements are observed carefully. The principal grants authority to the agent clearly and transparently, without any elements detrimental to either party.

This practice is based on mutual needs and agreements, ensuring that the process adheres to the principles contained in the *wakalah bil ujah* and *ijarah* agreements. This guarantees that the implementation of the registration proxy practice for the Pre-Employment Card is carried out fairly, equitably, and prioritizes the welfare and satisfaction of both the principal and the agent. Although technically, the proxy service in the registration of the Pre-Employment Card does not result in direct losses, in practice, the training that should be attended by Pre-Employment Card recipients is actually done by proxies. As a result, this practice leads to dishonest actions.

D. Conclusion

The practice of registration card cheating in Pre-Employment at Menanti Village, Kelekar District, Muara Enim Regency involves the service provider (the person wishing to register) and the service recipient (the person providing the registration service). The service recipient offers to manage the registration and training of the service provider's Pre-Employment card for an agreed-upon fee. The person providing the service will receive a payment of Rp. 200.000 if the registered participant passes, but will not receive compensation if they do not pass. The service process includes registration, joining waves, selecting and attending training, giving assessments, receiving incentives, and filling out evaluation surveys. Based on the job pattern carried out, it can be said that this practice is similar to cheating.

The review of Islamic economic law regarding the practice of using intermediaries in the registration of the pre-employment card shows that the transactions involve *ijarah* contracts and *wakalah bil ujah* contracts. The practice of using intermediaries in the registration of the pre-employment card under *ijarah*, which falls under *ijarah al-a'mal* or *ijarah* that pertains to services, involves hiring someone to perform a job. In the practice of registration for the pre-employment card in Menanti Village, pre-employment registrants hire intermediary services to manage the registration and training for the pre-employment card, with an agreed compensation. In the implementation of the pre-employment card program using a *wakalah bil ujah* contract,

²⁸ Hasil Wawancara, Pemberi Jasa Joki Prakerja Dan Pemakai Jasa Joki Prakerja, Desa Menanti, Juli 2024

²⁹ Saleha Majid, *Prinsip-Prinsip (Asas-Asas) Muamalah*, J-HES: UIN Syarif Hidayatullah, Vol. 2, No. 1,

the registrant delegates authority to the intermediaries and pays them after the task is completed. However, in practice, the training that should be attended by the recipients of the pre-employment card is actually performed by the intermediaries. As a result, this practice leads to dishonest actions.

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