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***Maqasid Sharī'ah* -Based Multidimensional Criticism toward the Implementation of Indonesian Pre-Employment Card (*Kartu Prakerja*) Program Amidst The Covid-19 Pandemic**

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Abstract

Indonesia recognizes the magnitude of the economic impact of Covid-19 outbreak for the low, middle, and high levels. As a solution, the Government has issued the Pre-Employment Card (*Kartu Prakerja*) Program that provided for households or individuals affected by Covid-19. However, since its launch on April 11, 2020, the Pre-Employment Program has been controversial and criticized by users, public and public figures. Therefore, this research aims to sharpen the criticism of the Pre-Employment Program from the perspective of *Maqasid Sharī'ah* which represents the main objectives of Islamic law, which is multidimensional, because it includes aspects of religion (*hifz al-dīn*), biopsychology (*al-nafs*), education (*al-'aql*), social (*al-nasl*) and economic (*al-mal*). This research applied qualitative research methods of library research and presented in the form of descriptive-analytic. There are five findings of this research. *First*, from a religious perspective, the implementation of the Pre-Employment Program in the midst of the Covid-19 pandemic brought more harm (*mudarāt*) than benefit (*maslahat*). *Second*, from the perspective of biopsychology, the Pre-Employment Program risks creating doubtful income (*shubhat* even *haram*), psychological pressure and nutritional needs neglect. *Third*, from an education perspective, online training which is part of the Pre-Employment Program, is considered ineffective, both in terms of training materials that do not produce job competence, or training participation which is at risk of fictitious. *Fourth*, from a social perspective, the Pre-Employment Program creates discriminatory policies, conflicts of interest and human rights violations. *Fifth*, from an economic perspective, the Pre-Employment Program creates waste, monopoly and the potential for corruption.

Keywords: Covid-19, Criticism, Economic Policy, *Maqasid Sharī'ah*, Pre-Employment Card Program (*Kartu Prakerja*)

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Introduction

Indonesia recognizes the economy impact of Covid-19 outbreak on low, medium and high levels. On a low level, people's purchasing power has decreased and many MSMEs (Micro, Small and Medium Enterprises) are unable to operate. From the middle level, production activities, such as the film industry, are hampered, especially since cinemas are currently closed. From high levels, such large industries like manufacturing, garment, tourism and aviation industries got a decrease in incomes and even went bankrupt that they were 'forced' to lay off their employees.¹

As an alternative solution, the Indonesian government has formed the Committee for Handling Covid-19 and National Economic Recovery (*Komite Penanganan Covid-19 dan Pemulihan Ekonomi Nasional*) which carries out five main programs: a) Indonesia is Safe (*Indonesia Aman*); b) Indonesia is Healthy (*Indonesia Sehat*); c) Indonesia is Empowered (*Indonesia Berdaya*); d) Indonesia is Growing (*Indonesia Tumbuh*); e) Indonesia Works (*Indonesia Bekerja*).² Particularly, the government has prepared an economic stimulus in the real sector based on the categorization of the groups affected by Covid-19: a) individual or households have Social Safety Nets prepared; b) groups of MSMEs or Corporations get Real Sectors Safety Net prepared; c) the Financial Sector Group has a Financial Sector Safety Net prepared.³

Among those three categories, groups of individuals or households must be prioritized as they have difficulties in fulfilling basic needs in their daily life, due to being suspended, laid off or not having a job. Referring to data from the Central Statistics Agency (*Badan Pusat Statistik* or BPS), by 2020, the number of unemployed workforce reached 9.77 million people.⁴ In more detail, BPS launched data that from the 29.12 million people of the affected working age covid-19, the 2.56 million people stopped working; 1.77 million

¹Evita Widyana, "Indonesia's Economy in the Middle of a Pandemic and Policy Carried Out," *Suara*, June 9, 2020, <https://www.suara.com/yoursay/2020/06/09/162618/ekonomi-indonesia-di-tengah-pandemi-serta-kebijakan-yang-dilakukan?page=3>

²The Coordinating Ministry for Economic Affairs, "5 Main Programs of Handling Covid-19 and National Economic Recovery Committee," *Coordinating Ministry for Economic Affairs*, July 08, 2020, <https://ekon.go.id/info-sektoral/17/106/grafikonomi-5-program-utama-komite-penanganan-covid-19-dan-pen>

³Coordinating Ministry for Economic Affairs, "The Government Provides Real Sector Stimulus," *The Coordinating Ministry for Economic Affairs*, April 22, 2020, <https://ekon.go.id/info-sektoral/17/48/berita-pemerintah-berikan-stimulus-sektor-riil>

⁴Ade Miranti Karunia, "Ministry of Manpower Claims the Termination of the Working Relationship still Small," *Kompas*, February 3, 2021, <https://money.kompas.com/read/2021/02/03/174300226/menaker-klaim-angka-phk-masih-kecil?ga=2.31378806.812665474.1620259643-1887180240.1620259640>

people temporarily do not work; 24.03 get a reduction in working hours. While the increase in the number of unemployed people from 2019 to 2020 was 2.67 million.⁵

Thus, one of the economic stimuli issued by the government as a Social Safety Net related to the unemployment problem is the Pre-Employment Card Program (for further use of Pre-Employment Program). Its legal basis is the Presidential Regulation of the Republic of Indonesia Number 76 of 2020 concerning amendments to Presidential Regulation Number 36 of 2020 concerning Work Competency Development through the Pre-Employment Program.⁶

The Pre-Employment Program is a job competency development program for job seekers and workers who have been laid off, and/or workers who need competency improvement. The objectives of the Pre-Employment Program are: a) To reduce training costs spent by workers and companies; b) Reducing the cost of seeking information on training; c) Promote employability by reducing mismatch; d) Being a complement to formal education. A more detailed explanation regarding this program can be seen on the official website, namely www.prakerja.go.id.

Each participant of the Pre-Employment Program will receive a total fund of IDR 3.550.000, consisting of: a) training costs of IDR 1 million; b) training completion incentive of IDR 2.400.000, which is IDR 600.000 per month for 4 months paid; c) incentive for job surveys of IDR 150.000.⁷ The training types that can be joined in this program during the Covid-19 pandemic are online-based training through 8 digital platforms partners: *Tokopedia, Bukalapak, Skill Academy by Ruangguru, MauBelajarApa, HarukaEDU, Pijar Mahir, Sekolah.mu and Sisnaker*.⁸

The Pre-Employment Program was implemented in 11 batches. Based on the official report, the first until eleventh batches have captured 5,509,055 recipients, excluded the

⁵Coordinating Ministry for Economic Affairs, "Management Report on the Pre-Employment Card Program in 2020," *prakerja.go.id*, January 1, 2021, <https://static-asset-cdn.prakerja.go.id/www/ebook-reporting/Buku-Prakerja-Fix.pdf>

⁶The Supreme Audit Agency, "Amendment to Presidential Regulation Number 36 of 2020 Concerning the Development of Work Competencies through the Pre-Employment Card Program," *Supreme Audit Agency*, July 20, 2020, <https://peraturan.bpk.go.id/Home/Details/140611/perpres-no-76-tahun-2020>

⁷Mutia Fauzia, "The Quota of Pre-Employment Card Program Participants Are Set 800,000 People Per Batch," *Kompas*, July 08, 2020, <https://money.kompas.com/read/2020/08/07/173940326/kuota-peserta-program-kartu-prakerja-ditetapkan-800000-orang-tiap-gelombang>

⁸Coordinating Ministry for Economic Affairs, "The Government Scrolls Economic Stimulus to Strengthen Social Protection Related to Covid-19," *The Coordinating Ministry for Economic Affairs*, April 01, 2020, <https://ekon.go.id/info-sektoral/17/31/berita-pemerintah-gulirkan-stimulus-ekonomi-guna-perkuat-perlindungan-sosial-terkait-covid-19>

478,619 people whose participation revoked in accordance with the rules; with the number of registrants reaching 43.8 million from 514 districts / cities in Indonesia.⁹

However, since its launch on April 11, 2020, the Pre-Employment Program has been controversial and criticized. Some of the criticisms are: *First*, it is not appropriate to hold training in the midst of the Covid-19 pandemic.¹⁰ *Second*, passing the applicants, who still have job. *Third*, many of the Pre-Employment Program training modules can be found for free on video sharing sites such as Youtube. *Fourth*, the founder of *prakerja.org* site, a counter platform site for the Pre-Employment Program, criticized that IDR 5.6 trillion from IDR 20 trillion given to the eight platforms for buying video sharing sites can be easily viewed for free.¹¹ Another criticism stated by Mukaromah, a member of the Legislative Board of the House of Representatives (*Dewan Perwakilan Rakyat* or DPR) that IDR 5.6 trillion funds are better diverted for social assistance than for training costs.¹²

Fifth, the Corruption Eradication Commission (*Komisi Pemberantasan Korupsi* or KPK) assesses the Pre-employment Program is full of interest conflicts and prone to abuse. *Sixth*, KPK assessed that the content curation of training materials was not carried out by adequate competence. *Seventh*, KPK assesses the online training method has the potential to be fictitious, ineffective, and can harm state finances.¹³

Eighth, a Politician from the Prosperous Justice Party (*Partai Keadilan Sejahtera* or PKS), Mufidayati, considers that the online-based training of Pre-Employment Program is not effective, because not all regions in Indonesia can be connected to the internet

⁹Coordinating Ministry for Economic Affairs, "Management Report on the Pre-Employment Card Program in 2020," *prakerja.go.id*, January 1, 2021, <https://static-asset-cdn.prakerja.go.id/www/ebook-reporting/Buku-Prakerja-Fix.pdf>

¹⁰Hendra Kusuma, "Critics of the Pre-Employment Card, Observer: Many have not been Helped," *Detik*, April 29, 2020, <https://finance.detik.com/berita-ekonomi-bisnis/d-4995571/kritik-kartu-pra-kerja-pengamat-banyak-yang-belum-dapat-bantuan>

¹¹Prisca Triferma Violetta, "Hope and Criticism of Users for the Pre-Employment Card," *Antarnews*, May 23, 2020, <https://www.antarnews.com/berita/1510595/asa-dan-kritik-pengguna-untuk-kartu-prakerja>

¹²Anisa Indrainsi, "Pre-Employment Card Training Criticism, House of Representative: Rp 5,6 T better used for Social Assistance!," *Detik*, May 04, 2020, <https://finance.detik.com/berita-ekonomi-bisnis/d-5001872/kritik-pelatihan-kartu-pra-kerja-dpr-rp-56-t-mending-buat-bansos>

¹³Zaki Amrullah, "Pre-Employment Card, Full of Criticism and Ineffective," *Kompas*, June 22, 2020, <https://www.kompas.tv/article/88568/kartu-prakerja-sarat-kritik-dan-tak-efektif>

network.¹⁴ *Ninth*, according to PBNU (Nahdlatul Ulama Executive Board), Pre-Employment Program can be doubtful (*shubhat*) and cause harm if it is misused.¹⁵

Overall, the above explanation shows that the Pre-Employment Program has been strongly criticized by its own users, the public, the Legislative Board of the House of Representatives, the Corruption Eradication Commission, politicians, and even the religionist (*ulama*). Therefore, this research aims to sharpen criticisms toward the Pre-Employment Program from the perspective of *Maqāsid Sharī'ah* which represents the main objective of Islamic law which is multidimensional, because it includes aspects of religion, biopsychology, education, social and economic. This multidimensional *Maqāsid Sharī'ah* criticism has significance for comprehensive criticism. This is the distinction and novelty of this research, compared to partial criticism scattered in the mass media, social media, even scientific journals related to the Pre-Employment Program.

2. Research Background and Literature Review

There were only six related previous scientific articles found by the researchers after searching digitally. *First*, Consuello (2020) argues that it is not appropriate to issue a Pre-Employment Program as a social safety net in time of Covid-19 outbreak because what society needs at the moment is fast and concrete help. Fast means that the government assistance can be received immediately without having to deal with such a selected procedure or process that hinders the downtime of help. Concrete is in term of the benefits which can be felt directly.¹⁶

Second, Kurniawansyah *et al* (2020) considered that online training for Pre-Employment Program holders will not solve the economic problems faced by communities in the midst of a pandemic.¹⁷ *Third*, Siregar and Octaviana (2020) proposed an idea to

¹⁴Haryanti Puspa Sari, "PKS Politicians Ask for Pre-Employment Card to be Stopped, This is the Reason," *Kompas*, May 05, 2020, <https://nasional.kompas.com/read/2020/05/05/20055001/politikus-pks-minta-kartu-prakerja-disetop-ini-alasannya>

¹⁵Buletin Nusantara, "BNU Asks Government to Stop Pre-Employment Card Program," *Buletinnusantara*, April 21, 2020, <https://www.buletinnusantara.com/10977/2020/04/21/pbnu-minta-pemerintah-stop-program-kartu-prakerja/>

¹⁶Yoshua Consuello, "Analysis of the Effectiveness of Pre-Employment Cards in the Middle of the Covid-19 Pandemic," *Adalah: Buletin Hukum dan Keadilan*, 4, no. 1 (2020): 93-100, <https://doi.org/10.15408/adalah.v4i1.15479>

¹⁷Amrullah Heri Kurniawansyah, Muslim M. Salahuddin, and Sri Nurhidayati, "The Concept of Strategic Policy in Dealing with Economic Externalities from Covid-19 in Vulnerable Communities in Indonesia," *Indonesian Journal of Social Sciences and Humanities* 1, no. 2 (2020): 130-39.

reallocate the training incentives funds received by the Pre-Employment Program users for agricultural intensification.¹⁸

Fourth, Zubaidi *et al* (2020) considered that the government cannot guarantee that Pre-Employment Program users will get a job after joining a training program. Therefore, the government is also required to create labor-intensive jobs.¹⁹ *Fifth*, Wijayanti and Humardhiana (2020) offer an alternative solution for Pre-Employment Program users who still find it difficult to work by having free community service programs, such as Branding Strategy training.²⁰ *Sixth*, Saidah (2019) highlighted from the perspective of Islamic law that the practice of buying and selling online video cards is considered to contain the elements of *gharar* (fraud).²¹

The *first* and *second* articles above are in line with the criticisms spread in mass media and social media about the budget for training funds for Pre-Employment Program users, which should be replaced with social assistance that can be directly used. The *third*, *fourth* and *fifth* articles have identical resonances in terms of offering ideas: a) the Pre-Employment Program budget should be reallocated to the agricultural sector (*third* article); b) the government is required to open job vacancies for Pre-Employment Program users (*fourth* article); c) Branding Strategy training is an alternative way to train job skills (*fifth* article). The *sixth* article only reviews the online training videos of buying-selling from the perspective of Jurisprudence (Islamic law or *Fiqh*), which means only a small part of the Pre-Employment Program discussed.

In short, the relevance of all the above six articles with this article covers: *First*, giving a fundamental basis from Islamic perspective to criticize the implementation of the Pre-Employment Program in the midst of the Covid-19 pandemic. *Second*, being a prescriptive basis for proposing ideas as an effort to improve the implementation of the Pre-Employment Program. *Third*, those six articles neither used *Maqasid Shari'ah* as a theoretical perspective nor analytical instrument in their studies. As a result, this research is distinctive and innovative because it proposes a multidimensional criticism based on *Maqasid Shari'ah* towards the implementation of the Pre-Employment Program in time of Covid-19 outbreak.

¹⁸Abi Pratiwa Siregar, and Nadia Oktaviana, "Reallocation of Pre-Employment Cards in Supporting the Intensification of the Agricultural Sector," *AGRISAINTIKA: Jurnal Ilmu-Ilmu Pertanian* 4, no. 1 (2020): 1-13, <https://doi.org/10.32585/ags.v4i1.843>

¹⁹Najella Zubaidi, Regy Gusti Pratama, and Sholahuddin Al-Fatih, "Legal Perspective on Effectiveness of Pre-Employment Cards for Indonesian," *BESTUUR* 8, no. 1 (2020): 9-18, <https://doi.org/10.20961/bestuur.v8i1.42722>

²⁰Rani Ika Wijayanti, and Ana Humardhiana, "Optimization of the Pre-Employment Card Program with Branding Strategy Training," *Dimasejati: Jurnal Pengabdian Kepada Masyarakat* 2, no. 1 (2020): 109-22, <https://doi.org/10.24235/dimasejati.v2i1.6645>

²¹Saidah, "Practice of Pre-Employment Card for Sale and Purchase of Online Video in Islamic Law Review," *Jurnal De Jure Muhammadiyah Cirebon* 3, no. 2 (2019): 50-58.

3. Maqasid Sharī'ah

Maqasid Sharī'ah is the main objectives of Islamic law or the wisdom placed by God in every Islamic law. The core of *Maqasid Sharī'ah* is realizing the benefit of mankind, both in the world and in the hereafter; either by bringing for benefits (*manfa'at*) or dismissing the harms (*mafsadat*).²²

Globally, *Maqasid Sharī'ah* includes 3 (three) levels: *al-Daruriyyat* (Necessity), *al-Hajiyat* (Needs), and *al-Tahsiniyyat* (Luxury). Categorically, the scholars divided *al-Daruriyyat* into five *Hifz* (preservation): *Hifz al-Dīn* (religious), *Hifz al-Nafs* (biopsychology), *Hifz al-Aql* (mind), *Hifz al-Nasl* (social) and *Hifz al-Māl* (economic).²³ Preserving those five *Maqasid Sharī'ah* which are classified as *al-Daruriyyat* is such a full necessity that human life can take place and develop. For instance, human survival will be threatened if there is a comprehensive economic crisis. Therefore, Islam prohibits the cause-effect of the crisis such as monopoly, usury, corruption and fraud. Meanwhile the objectives of *al-Hajiyat* are less necessity to human life, for example trading and means of transportation. However, if *al-Hajiyat* were not available for human being, it would change to be *al-Daruriyyat*. For example, if global trade recession occurs, this situation will lead the trade from the *al-Hajiyat* level to the *al-Daruriyyat* one. As for *al-Tahsiniyyat* are goals that serve to the life beauty, such as attractive clothes and a beautiful house.²⁴

In the contemporary era, *Maqāsid Sharī'ah* experienced a shift in meaning, from 'protection' and 'preservation' towards 'development' and 'rights.' This shift was the contribution of Ibn 'Ashūr who opened the width door for contemporary scholars to develop the theory of *Maqāsid Sharī'ah*. The orientation of this contemporary view is no longer just the preservation (*hifz*) of the al-Ghazali version, but the 'value' and 'system' of Ibn 'Ashur terminology, as the following reviews: *First, Hifz al-Dīn* (preservation of religion): In the past, it meant 'punishment for giving up true faith', but then shifted to 'freedom of faiths'. *Second, Hifz al-Nafs* (preservation of soul) and *Hifz al-'Ird* (preservation of honor): Initially ranged to care of the soul and self-esteem, then developed into 'preservation of human dignity', even 'protection of human rights'. *Third, Hifz al-'Aql* (preservation of mind): Previously, it was still limited to the prohibition of intoxicants in Islam (because it could damage the mind), but it is now developing into a 'propagation of scientific thinking,' 'travelling to seek knowledge,' 'suppressing the herd (*taqlīd*) mentality,' and 'avoiding brain drain. *Fourth, Hifz al-Nasl* (preservation of offspring): In the 20th century, *Maqāsid* experts significantly developed 'preservation of offspring' into a family-orientated theory, such as 'care for the family'. *Fifth, Hifz al-Mal* (preservation of

²²Wahbah al-Zuhaili, *Usul al-Fiqh al-Islami* (Damaskus: Dar al-Fikr, 1968), 1017-1020.

²³Jasser Auda, *Grasing Islamic Law through Maqāsid Syariah: System Approach*, trans., Rosidin and Ali Moen'im (Bandung: Mizan, 2015), 35.

²⁴Jasser Auda, *al-Maqasid for Beginner*, Translated by Ali 'Abdelmon'im (Yogyakarta: UIN-Suka Press, 2012), 5-6.

wealth): It originally meant ‘punishments for theft’ and ‘protection of money.’ Yet, it is now developing into familiar socio-economic terms, for examples: ‘social assistance,’ ‘economic development,’ ‘flow of money,’ ‘wellbeing of society,’ and ‘diminishing the difference between economic levels’. This development allows the use of *Maqāsid* to encourage economic growth of Muslims society.²⁵

4. Methodology

This research applied a qualitative approach since the object of this research is behaviour.²⁶ The type of this research is descriptive-analytic because it aims to describe the object in detail in accordance with the formulation of the problem posed.²⁷ In terms of sources, this is a library research, which examines the literature related to the Pre-Employment Program. The data collection technique of this study was documentation. The method of collecting data in the form of documentation made use of written texts.²⁸ This documentation technique was aimed to analyze research data sources.

Research data in this article is based on subjects and objects of criticism. In terms of its subjects, criticism is intended by insider and outsider that has four roles: a) Complete Participants; b) Participant as Observer; c) Observer as Participant; d) Complete Observer. This concept was first identified by two sociologists, Junker and Gold in the 1950s.²⁹ In the context of this article, the insider perspective is represented by complete participant: the parties who are involved fully in the Pre-Employment Program as the participants, such as active participants; and the participant as observer: the parties who are responsible as the committee, such as the official page of the Pre-Employment Program (*prakerja.go.id*). While the perspective of outsider is represented by observer as participant: the parties who facilitate the implementation of the program, such as the platform that collaborates with the implementers of the program; and complete observer: the parties who observe the program from outside, such as officials, religious leaders, community leaders and experts of the program.

In terms of the object, criticism is intended at five perspectives of *Maqāsid Sharī'ah*, namely religion, biopsychology, education, social and economic. In the context of this article, a religious perspective submitted criticism whether the Pre-Employment Program is corresponding or contrary to Islamic *Sharī'ah*. The perspective of biopsychology criticizes whether the program meets or ignores the human rights of biological and psychological needs. Educational perspective submitted criticism whether the program developed or buried scientific education and thought. Social Perspective criticizes whether

²⁵Jasser Auda, *Grasing Islamic law through Maqasid Shariah*, 56-60.

²⁶Lexy J Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2002), 3.

²⁷Moh. Nasir, *Research Method* (Jakarta: Ghalia Indonesia, 1988), 63.

²⁸Suharsimi Arikunto, *Procedure: A Practice Approach* (Jakarta: Rineka Cipta, 2002), 135.

²⁹Kim Knott, “Insider/Outsider Perspectives” in *The Routledge Companion to the Study of Religion*, ed. John R. Hinnells, (New York: Routledge, 2005), 246.

the program reflects social justice or injustice in the community. The economic perspective proposes criticism whether the program contributes to increasing or reducing the economic welfare of the community.

As a complement, the researchers used secondary data sources that were relevant to the research topic in the form of books, scientific journals and other digital sources. The data analysis technique of this research was content analysis.³⁰ Content analysis is one of numerous methods of research used to analyze the text data. It focuses on the characteristics of language as communication by particularly giving attention to the content or contextual meaning of the text and aims to provide knowledge and understanding of the phenomenon under study.³¹ This method finds it inappropriate and inadequate to describe the occurrence of words, phrases or sentence without consideration of the contextual environment of the data.³² The theory is considered fit and compatible, therefore, with the research problems of this study which aim to sharpen criticism of the Pre-Employment Program from the perspective of *Maqāsid Sharī'ah*.

5. Result and Discussion

5.1 *Hifz al-Dīn* (Religious Preservation) Perspectives on the Implementation of Pre-Employment Program: A Criticism

From the perspective of *hifz al-dīn* (religious preservation), there are at least three criticisms that can be addressed to the Pre-Employment Program during the Covid-19 pandemic.

First, Islam gives the responsibility to the leader to implement the truth values as exemplified by the Prophet Dawud³³ to hold the mandate of office as exemplified by the Prophet Yusuf³⁴ and the public benefit as exemplified by King Dzulqarnain.³⁵ The responsibility of the leader towards the citizen is formulated in Islamic Legal Maxim (*Qawa'id al-Fiqh*), *Tasarruf al-Imam 'ala al-Ra'iyah Manut bi al-Maslahah* which means the *Leader's Policy for the Citizen Must be Based on Benefit*.³⁶ Consequently, if a leader's policy does not bring benefits to the people, the policy needs to be revised or eliminated. In this context, the implementation of Pre-Employment Program in the midst of Covid-19 outbreak has been criticized strongly, as has been quoted before. The various criticisms have concluded one consideration that the implementation of Pre-Employment

³⁰Sumardi Suryabrata, *Research Methodology* (Jakarta: RajaGrafindo Persada, 2002), 85.

³¹Hsiu-Fang Hsieh Shanno, and Sarah E, "Three Approaches of Qualitative Content Analysis," *Qualitative Health Research* 15, no. 9 (2005): 1277-1288.

³²Barbara Downe Wamboldt, "Content Analysis: Method, Application and Issues," *Health Care for Women International* 13, no. 3 (2009): 312-321.

³³Sad 38:26.

³⁴Yusuf 12:54-55.

³⁵al-Kahf 18:94-95.

³⁶Ahmad ibn Muhammad al-Zarqa, *Sharh al-Qawa'id al-Fiqhiyyah* (Damaskus: Dar al-Qalam, 1996), 309.

Program in the midst of the Covid-19 outbreak has caused more harm (*mudarat*) than benefit (*maslahat*).

Second, Islam introduces the concept of Islamic Law Priority (*Fiqh al-Awlawi*) which serves as a guide when facing dilemma. For example, if there are two harm occur at the same time, fixing the greater harm is prioritized. This is in line with *Qawa'id al-Fiqh, Idha Ta'arada Mafsadatani Ru'iyah A'zamuhuma Dararan* which means *When There are Two Harm Occur at the Same Time, Handling the One which Has Worse Negative Impact is prioritized*.³⁷ In time of crisis due to Covid-19 outbreak just like now, health and daily food needs problems are considered as *al-Daruriyyat* (Necessity); the problem of work skills is on the *al-Hajiyyat* (Need) status, or it may tend to be *al-Tahsiniyyat* (Luxury) status if it is only related to work skills insights as in online training for Pre-Employment Program participants. In fact, the budget for online training per participant reaches IDR 1.000.000 and the number of Pre-Employment program participants in 2020 is 5,509,055 people. In other words, it reaches IDR 5,509 trillion, which actually could be reallocated to meet the daily needs of around 4.237.734 Indonesian. This refers to the Central Statistics Agency (*Badan Pusat Statistik* or *BPS*) data which states that an Indonesian approximately needs around IDR 1.3 million per month.³⁸

Third, one of the Islamic law sources is *Sadd al-Dhari'ah* or Blocking the Means. This source of law is in line with the Principles of Jurisprudence, *Dar al-Mafasid Muqaddam 'ala Jalb al-Masalih*, which means that *Avoiding Harm is Preferred than Bringing Benefit*.³⁹ In this context, improving the deficiencies inherent in implementing the Pre-Employment Program is more important than implementing the program forcefully. As has been suggested by one of the DPR RI 9th Commission members, Netty, this program should be postponed since the community needed food more than training during the outbreak. Netty also doubts the argument that the training program can be a solution for the unemployed and layoffs.⁴⁰

5.2 *Hifz al-Nafs* (Biopsychology Preservation) Perspectives on the Implementation of Pre-Employment Program: A Criticism

From the perspective of *hifz al-nafs* (biopsychology preservation), the researchers argued three criticisms toward the implementation of the Pre-Employment Program in time of the Covid-19 outbreak.

³⁷Ibid., 201.

³⁸Ardiansyah Fadli, "Is BLT Enough to Fill in the Cost of Living in the Covid-19 Pandemic Period?" *Alinea*, May 11, 2020, <https://www.alinea.id/bisnis/cukupkah-blt-penuhi-biaya-hidup-di-masa-pandemi-covid-19-b1ZMV9ulP>

³⁹Ahmad ibn Muhammad al-Zarqa, *Sharh al-Qawa'id al-Fiqhiyyah*, 205.

⁴⁰Sasmito Madrim, "The House of Representatives Asks the Government to Delay the Implementation of the Pre -Employment Card," *VOA Indonesia*, April 27, 2020, <https://www.voaindonesia.com/a/dpr-minta-pemerintah-tunda-penerapan-kartu-prakerja/5392891.html>

First, Islam instructs Muslims to consume lawful (*halal*) and good sustenance (*tayyib*); and prohibits consuming prohibited (*harām*) and bad sustenance (*khabīth*), as The Holy Qur'ān guidance.⁴¹ Unfortunately, the Pre-Employment Program risks becoming *haram* sustenance, or at least *shubhāt* (doubtful). For example, an applicant of the Pre-Employment Program who still has a job but strangely passes the selection and gets the card to receive the funds. Evidently, the founder of the *Gresnews* portal, Agustinus Edy, has successfully been the Pre-Employment Program user although he has stated that he still got a job when filling out the registration form.⁴² A similar case potentially experienced by the other participants who actually should not participate in this program. Thus, it clearly indicates that the money received is *shubhat* even *haram*.

Second, Islam teaches Muslims to actively work for a living and to fight unemployment. This various work-motivation verses can be observed in The Holy Qur'ān, such as *i'malu* or work,⁴³ *kasab* or profession⁴⁴ *ibtagha* or serious effort,⁴⁵ *sana'a* or work skills⁴⁶ and so on. Nevertheless, there is no guarantee of for Pre-Employment Program users to get a job. This condition can trigger psychological pressure for the users have received government assistance, but are still unable to get a job. According to an observer of Institute for Development of Economics and Finance (INDEF), Yudhistira, the online competences training given to Pre-Employment Program participants does not meet the employers' needs. Even the competence parties who issued the certificate are doubted. This is contradicted with the Vocational Training Center (*Balai Latihan Kerja* or *BLK*) whose certificates can be used to apply for jobs.⁴⁷ In line with that, based on Rachmawati's research from *Universitas Indonesia* and Al Haq from the *Australian National University*, there are three fundamental criticisms related to training program: a) participants are not directed to the superior industry; b) do not provide information to participants regarding what expertise needed by the potential industry; c) design and content Training have not confirmed the fulfilment of the skills needed.⁴⁸

⁴¹al-Baqarah 2:168; al-Nisa' 4: 02; al-A'raf 7:57; al-Anfāl 8:69; al-Nahl 16:114.

⁴²Sasmito Madrim, "The House of Representatives Asks the Government to Delay the Implementation of the Pre -Employment Card."

⁴³At-Tuabah 09:105.

⁴⁴al-Baqara 02:276.

⁴⁵al-Jumu'ah 62:10.

⁴⁶al-Anbiya 21:80.

⁴⁷Kaltengpos, "Graduates of Pre-Employment Card Programs Hardly Accepted by the Company," *Kaltengpos*, September 7, 2020, https://kaltengpos.co/berita/46593_lulusan_program_kartu_prakerja_sulit_diterima_perusahaan.html

⁴⁸Robbi Karman, "Three Weaknesses of Pre-Employment Card," *Mondayreview*, accessed May 2, 2021, <http://mondayreview.com/post/tiga-kelemahan-kartu-prakerja>

Third, Islam teaches Muslims to share food in the times of crisis;⁴⁹ giving food for needy people who are in dire need,⁵⁰ though they do not beg or beg directly;⁵¹ giving food to the poor, orphans and people who are shackled,⁵² such as people who were laid off so that they do not have income. Even people who do not care about the food needs of others are considered as religion liars.⁵³ In this context, instead of using the budget for online training which is not urgent, it is better allocated to meet urgent and emergency food needs. To sum up, health and food are so urgently more needed than training.

5.3 *Hifz al-Aql* (Education Preservation) Perspectives on the Implementation of Pre-Employment Program: A Criticism

There are three criticisms toward the implementation of the Pre-Employment Program during the Covid-19 pandemic from the perspective of *Hifz al-Aql* (education preservation). *First*, the training material does not produce competence. The Prophet Muhammad (SAW) taught Muslims to work professionally, through his words: *Allah Ta'ala really likes a servant who does professional work when working*.⁵⁴ Besides, He also called on Muslims to truly master and apply the knowledge learned, as it is said, that, Learn the knowledge that makes you well-known then apply it, you will become experts. However, the online training materials for Pre-Employment Program users only cover the cognitive aspects of work skills. As a matter of fact, job skills are competencies that combine cognitive, affective and psychomotor aspects. Job competence can only be obtained through direct training (not online) and on an ongoing basis (not instantaneous). According to Economist and Executive Director of the Institute for Development of Economics and Finance (INDEF), Tauhid Ahmad, online education is more suitable for students. Workers should be trained via face-to-face physical skills education. Due to the pandemic, it is thus impossible to apply the face to face training. In other words, the Pre-Employment Program should be postponed and waiting for better condition.⁵⁵

More firmly, KPK found the weakness of training in the pre-employment program as follows: a) There are only 13% of the 1895 proper training online; b) the 89% training platforms are already available on the internet for free; c) Training methods are only one-

⁴⁹Al Balad 90:14.

⁵⁰Hajj 22:28.

⁵¹Hajj 22:36.

⁵²Al-Insan 76:08.

⁵³al-Ma'un 107:1-3.

⁵⁴Hadith Narration by al-Tabari and al-Baihaqi

⁵⁵Budiarti Utami Putri, "A lot of Criticism for Pre-Employment Card Program," *Tempo*, May 3, 2020, <https://fokus.tempo.co/read/1338163/ramai-kritik-untuk-program-kartu-prakerja/full&view=ok>

way and do not have a control mechanism for the actual training settlement by participants.⁵⁶

Second, the training materials and facilities are not right on target. The Prophet Muhammad (SAW) said: *forgetting is the destroyer of knowledge, while the waste of knowledge is that you convey it to those who are not experts*. This hadith shows that the transmission of knowledge must be right on target. In fact, according to a researcher from INDEF, Huda, the Pre-Employment Program was considered not on target because of the high digital divide in Indonesia. Nearly 40% of the laborers are so low educated that they do not know technology well. Not to mention 62% laborers are such non-millennial generations that do not familiar with digital world.⁵⁷ This means that there are two types of wasted knowledge in online training programs for Pre-Employment Program users: mismatching of both training materials and facilities.

The *third* one is fictitious participation. Based on a study conducted by KPK, even though the participants had not completed all classes from the training package, the training institutes strangely had issued the training certificates. In addition, some participants have received incentives even though they have not completed all the training purchased. This means that the state still pays for training though the participants did not actually participate in.⁵⁸ This is not in line with scientific ethics exemplified by The Prophet Muhammad (SAW), like honest (*siddiq*), trustworthy (*amanah*), accountable (*tabligh*) and scholar (*fatanah*). Unfortunately, the users of the Pre-Employment Program who do not complete the training package have the potential to commit lies (*kadhib*), betray trust (*khianat*), hide facts (*kitman*) and remain stupid (*baladah*).

5.4 *Hifz al-Nasl* (Social Preservation) Perspectives on the Implementation of Pre-Employment Program: A Criticism

There are three criticisms toward the implementation of the Pre-Employment Program in the midst of the Covid-19 pandemic from the perspective of *Hifz al-Nasl* (social preservation).

The *first* one is Discrimination. Islam requires leaders to prioritize the principles of justice.⁵⁹ And equality.⁶⁰ Discussing the Pre-Employment Program implementation, there

⁵⁶Glery Lazuardi, "KPK Reveals 8 Weaknesses of Pre-Employment Card," *Tribunnews*, June 19, 2020, <https://www.tribunnews.com/nasional/2020/06/19/kpk-beberkan-8-kelemahan-kartu-prakerja>

⁵⁷Daniel Formen Siburian, "Pre-Employment Card Criticized, Only Benefit the Digital Startup," *CNBC Indonesia*, April 22, 2020, <https://www.cnbcindonesia.com/tech/20200422171719-37-153744/kartu-prakerja-dikritik-hanya-untungkan-startup-digital>

⁵⁸Achmad Al Fiqri, "Pre-Employment Card Online Training is Potentially Fictitious," *Alinea*, June 18, 2020, <https://www.alinea.id/nasional/pelatihan-daring-kartu-prakerja-berpotensi-fiktif-b1ZOG9vfC>

⁵⁹al-Nisa' 4:58, 135; al-Ma'idah 5: 8; al-Nahl 16:90.

⁶⁰al-Baqarah 2: 22; al-Hujurat 49:13.

are several things that can be classified as discriminatory: a) the online-based Pre-Employment Program recipient selection mechanism only benefits applicants who live in areas with good internet connections. Meanwhile, applicants who live in areas with poor internet connection, especially without internet connection access, will be systemically marginalized without having had time to compete; b) the online-based selection mechanism for the recipients only benefits tech-literate applicants; The applicants who are not the tech-savvy will find it difficult to pass the selection.

Additionally, Supporting idea is also declared by a politician, Mufidayati, that the online-based Pre-Employment training program was ineffective, because not all regions in Indonesia could be connected to the internet network.⁶¹ A similar statement was conveyed by Gandung Ismanto, a Public Policy Observer from Sultan Ageng Tirtayasa University, who criticized the Pre-Employment Program only reaches urban communities, but does not reach people in rural areas with agrarian characteristics.⁶² Meanwhile, the spokesperson for the Business Competition Supervisory Commission (*Komisi Pengawas Persaingan Usaha* or KPPU), Guntur S. Saragih, highlighted the discrimination aspect in selecting the training institutions, digital platform partners, and payment system which must be transparent, non-discriminatory, and have minimal barriers to market entry.⁶³

The *second* one is Conflict of Interest. Islam prohibits practices which are defined as nepotism. The Holy Qur'an calls on Muslims to prioritize the principle of justice more than family relations⁶⁴, even hatred towards a community must not overthrow the principle of justice.⁶⁵ It is narrated in the Hadith that here is an *Ansār* man who said: O Messenger of Allah, why don't you employ me as you employ *Fulan*? The Prophet Muhammad (SAW) replied: *After my leaving, you will find self-prioritized behavior (atharah; nepotism), so be patient* (Hadith Narration by al-Bukhari). Deeply, KPK assessed a conflict of interest among five of the eight digital platforms with the Training Provider Institution. There are at least 250 from 1.895 trainings managed by the Training Provider Institutions have a conflict of interest with the digital platform. The five platforms which are considered to have a conflict of interest are the *Skill Academy (Ruangguru)*; *Pintaria (HarukaEdu)*, *Sekolah.mu*, *MauBelajarApa.com* and *Pijar Mahir*. A conflict of interest occurs because the training institution is also a digital platform or collaborator in the Pre-Employment

⁶¹Haryanti Puspa Sari, "PKS Politicians Ask for Pre-Employment Card to be Stopped, This is the Reason," *Kompas*, May 05, 2020, <https://nasional.kompas.com/read/2020/05/05/20055001/politikus-pks-minta-kartu-prakerja-disetop-ini-alasannya>

⁶²Nuranisa Hamdan, "Jokowi's Pre-Employment Card Should not be Discriminatory," *Tagar*, December 11, 2019, <https://www.tagar.id/kartu-pra-kerja-milik-jokowi-tak-boleh-diskriminatif>

⁶³Annisa Margrit, "Pre-Employment Card, Full of Controversy Program," *Bisnis*, May 12, 2020, <https://infografik.bisnis.com/read/20200512/547/1239472/kartu-prakerja-program-yang-penuh-kontroversi>

⁶⁴An- Nisa 4:135.

⁶⁵al-Ma'idah 5:8.

Program.⁶⁶ In addition, Wana Alamsyah, an Indonesia Corruption Watch (ICW) researcher, said that even though Adamas Belva officially resigned from the position of the President's millennial special staff, the potential for conflict of interest remained, because Belva's resignation did not abort the cooperation made between the government and *Ruangguru* as Pre-Employment Program partner.⁶⁷

The *third* one is violating human rights. Islamic law upholds human rights.⁶⁸ (The restriction in selecting the digital platform partners are classified as violating human rights, such as the right to freedom of opinion and expression, since there are only eight digital platforms cooperated with the Pre-Employment Program.⁶⁹ In addition, The National Commission on Human Right considers that the Pre-Employment Program does not help workers who have been suspended from work or laid off at the time of Covid-19 pandemic. Evidently, the implementation of Pre-Employment Programs is not on the right target and the management ought to be transparent and accountable.⁷⁰

5.5 *Hifz al-Mal* (Economic Preservation) Perspectives on the Implementation of Pre-Employment Program: A Criticism

The last criticism toward the implementation of the Pre-Employment Program in the midst of the Covid-19 pandemic comes from the perspective of *Hifz al-Mal* (economic preservation).

The *first* point has something to do with *mubadhir* expenditures and waste. Islamic law prohibits all forms of expenditure that are classified as profligacy (*mubadhir*). *Mubadhir* with regard to spending on assets that are ineffective or not on target.⁷¹ For example, the Pre-Employment Program is considered to only benefit a handful of partner companies.⁷² Meanwhile, extravagance (*israf*) relates to spending on assets that are not

⁶⁶Republika, "KPK Finds Conflict of Interest in the Pre-Employment Card Program", *Republika*, June 18, 2020, <https://republika.co.id/berita/qc4gen409/kpk-temukan-konflik-kepentingan-di-program-kartu-prakerja>

⁶⁷Ramadhan, "The Pre-Employment Card and Conflict of Interest behind the Resignation of Belva Devara," *Asumsi*, April 22, 2020, <https://www.asumsi.co/post/kartu-prakerja-dan-konflik-kepentingan-di-balik-pengunduran-diri-stafsus-jokowi-belva-devara>

⁶⁸al-Nisa' 4:97; al-Isra' 17:70; al-Rum 30:30; al-A'la 87:3, al-Balad 90:10.

⁶⁹Dwi Bowo Raharjo, and Ria Rizki Nirmala Sari, "National Human Rights Committee: Pre-Employment Card is not in Accordance with the Needs of Workers Who are on Layoffs," *Suara*, April 21, 2020, <https://www.suara.com/news/2020/04/21/160654/komnas-ham-kartu-prakerja-tak-sesuai-dengan-kebutuhan-pekerja-yang-di-phk>

⁷⁰Aswab Nanda Pratama, "30 Kinds of Human Rights According to the United Nations," *Kompas*, December 10, 2018, <https://internasional.kompas.com/read/2018/12/10/17055301/ini-30-macam-hak-asasi-manusia-menurut-pbb?page=all>

⁷¹al-Isra' [17]: 26-27.

⁷²Yeremia Sukoyo, "ICW: The Implementation of Pre-Employment Card Budget Waste," *Beritasatu*, April 27, 2020, <https://www.beritasatu.com/jaja-suteja/nasional/625955/icw-pelaksanaan-program-kartu-prakerja-pemborosan-anggaran>

efficient or not efficient.⁷³ According to the Deputy Chairman of the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat* or MPR), Syarief Hasan, online training as part of the Pre-Employment Program is not effective and efficient, not transparent and not accountable. In fact, it has the potential to waste the state money.⁷⁴ A similar assessment was conveyed by an ICW researcher, Almas Sjafrina, who assessed the implementation of the Pre-Employment Program as a waste of government budgets, one of which is because the Pre-Employment Program benefits various training providers more than the participants.⁷⁵

The second one is Monopoly. Islam requires an economy that can rotate the flow of funds from the rich to the poor so that it is not only concerned with the rich.⁷⁶ A factual example of Pre-Employment Program monopoly which deals with the flow of funds is done by *Ruangguru*. In this case, *Ruangguru* has controlled 62% of the training transactions for the community receiving the first phase of social assistance, worth IDR 1.6 trillion. In other words, *Ruangguru* is estimated to have a gross income of IDR 992 billion in a matter of weeks.⁷⁷ Moreover, the limited partnership of the Pre-Employment Program has indicated that the flow of funds is merely monopolized by the 8 digital platforms. The coordinator of the Indonesian Anti-Corruption Society (*Masyarakat Anti-Korupsi Indonesia* or MAKI), Boyamin Saiman, stated that the appointment of eight partners allegedly violated provisions in the form of unfair business competition or monopoly.⁷⁸ Meanwhile, the Business Competition Supervisory Commission stated that they had met and discussed with two of the eight digital platforms, *Tokopedia* and *Bukalapak*, to investigate the alleged business monopoly of the Pre-Employment Program partners.⁷⁹

The third one is the potential for corruption. Islamic law prohibits all forms of corrupt practices (*ghulul*) that harm the public. This prohibition can be found in The Holy Qur'an (*Surah Ali Imran* [3]: 161), al-Hadith (Imam Bukhari narrated the Hadith about a person

⁷³Surah al-Nisa' 4:6; al-An'am 6:161; al-A'raf 7:31; al-Furqan 25:67.

⁷⁴Inkana Putri, "The MPR leaders Argue Pre-Employment Card Has the Potential to be a Waste of State Money," *Detik*, May 14, 2020, <https://news.detik.com/berita/d-5015371/pimpinan-mpr-nilai-kartu-pra-kerja-berpotensi-pemborosan-uang-negara>

⁷⁵Dimas Jarot Bayu, "ICW: Pre-Employment Card Does Not Benefit Participants, Only Budget Waste," *Katadata*, September 15, 2020, <https://katadata.co.id/happyfajrian/berita/5ea6cb5558726/icw-kartu-prakerja-tak-untungkan-peserta-hanya-pemborosan-anggaran>

⁷⁶Hashar 59:07.

⁷⁷Abdul Sabana, "Pre-Employment Card Program Only Enriches a Handful of Companies," *Keuanganonline*, accessed May 20, 2020, <https://keuanganonline.id/nasional/program-kartu-prakerja-hanya-memperkaya-segelintir-perusahaan/>

⁷⁸CNN Indonesia, "MAKI: The Appointment of 8 Pre-Employment Card Partners Causes Monopoly," *CNN Indonesia*, May 04, 2020, <https://www.cnnindonesia.com/nasional/20200504193941-12-499986/maki-penunjukan-8-mitra-kartu-prakerja-munculkan-monopoli>

⁷⁹Idris Rusadi Putra, "KPPU Meet Two Applicators in the Alleged Monopoly of Pre-Employment Card," *Merdeka*, May 08, 2020, <https://www.merdeka.com/uang/kppu-temui-dua-aplikator-dalami-dugaan-monopoli-mitra-kartu-prakerja.html>

named Kirkirah who died in a state of petty corruption, then The Prophet Muhammad (SAW) said that Kirkirah went to hell), as well as the Islamic law or *Fiqh* (all *fiqh* schools agree that corruption is *haram*). In this context, ICW assesses that the Pre-Employment Program has the potential for corruption, based on the appointment of eight partner platforms for the Pre-Employment Program which is mandated by the government without going through any mechanisms or procedures related to the procurement of goods and services, as in the mechanism of Presidential Regulation Number 16 of 2018 regarding the Procurement of Goods and Services.⁸⁰ Moreover, KPK will analyze and further investigate the alleged implementation of the Pre-Employment Program of in the 2020 budget year worth IDR 5.6 trillion reported by the Indonesian Anti-Corruption Society (*Masyarakat Anti-Korupsi Indonesia* or MAKI).⁸¹

6. Conclusion

This *Maqasid Sharī'ah* -based multidimensional criticism article shows the negative aspects pertaining to the Pre-Employment Program of in time of the Covid-19 outbreak, from the perspective of preserving religion (*hifz al-din*), biopsychology (*hifz al-nafs*), education (*hifz al-aql*), social (*hifz al-nasl*) and economic (*hifz al-mal*). This article does not only strengthen the various criticisms conveyed by various groups, but also provide an argumentative basis from the perspective of Islamic law as well as a diagnosis regarding aspects that need to be addressed so that the implementation of the Pre-Employment Program runs optimally.

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⁸⁰Dian Fath Risalah, "ICW Explains the Corruption Potential on the Pre-Employment Card," *Republika*, May 5, 2020, <https://republika.co.id/berita/q9t79g328/icw-paparkan-potensi-korupsi-di-kartu-prakerja>

⁸¹Fathurrohman, "The Alleged Corruption of Pre-Employment Card Was Explored," *FIN*, June 5, 2020, <https://fin.co.id/2020/05/06/dugaan-korupsi-kartu-prakerja-didalami/>

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