

## THE PROFIT OF THE PRE-EMPLOYMENT PROGRAM JOCKEY IN THE PERSPECTIVE OF SHARIA ECONOMIC LAW

*Beni Firdaus, Helfi, Busyro, & Hendri*

Universitas Islam Negeri Sjech M. Djamil Djambek Bukittinggi, Indonesia

Email: [benifirdaus@iainbukittinggi.ac.id](mailto:benifirdaus@iainbukittinggi.ac.id)

### Abstract

*Pre-employment program jockey is an agent who seeks a job for the community and obtains a fee from the services. The practice is particularly carried out related to the pre-employment card program launched by the government in 2020. This article describes the practice of pre-employment jockey and to analyze sharia economic law review on the profit. This article implemented qualitative research. The primary data were obtained through interview, observation and documentation, while the analysis was conducted descriptively. The research reveals that the jockey practice has assisted people to register pre-employment card program in 2020. The assistance consisted of account registration, training, and filling survey. The incentive given to the approved people is IDR 3.550.000 but the transparency about the exact number is not precisely informed to the account owner. It can be more than the said amount or, even worse, the jockey got more incentive. This is inappropriate in sharia economic law. Ijarah principles are not applied here because there is no transparency, the willingness of account owner and justice; instead, the service contains *ghulûl* (corruption) and *gharâr* (scam) done by the jockey since what they did can be included as treason.*

*Joki program pra-kerja merupakan agen yang mencarikan pekerjaan untuk masyarakat dan mendapatkan bayaran dari jasanya. Secara khusus praktik*

perjokian ini dilakukan terkait dengan program kartu pra-kerja yang diluncurkan pemerintah tahun 2020. Artikel ini bertujuan untuk mendeskripsikan praktik joki pra-kerja dan menganalisis tinjauan hukum ekonomi syariah terhadap profit didapatkan. Artikel ini menggunakan pendekatan kualitatif. Sumber data utama diperoleh melalui wawancara, observasi, dan dokumentasi, sedangkan analisis data dilakukan secara deskriptif. Artikel ini menunjukkan bahwa praktik joki pra-kerja telah membantu masyarakat dalam pendaftaran program kartu pra-kerja tahun 2020. Bantuan berupa membuat akun, pelatihan, dan pengisian survey. Bagi masyarakat yang lolos mendapatkan insentif sebesar Rp. 3.550.000, namun transparansi jumlah sebenarnya tidak diketahui oleh pemilik akun. Bisa saja lebih besar dari itu, atau joki justru mengambil lebih banyak insentif. Hal ini tidak sesuai dengan hukum ekonomi syariah. Tidak ada prinsip ijârah (jasa) di sini karena tidak ada transparansi, kerelaan dari pemilik akun, serta keadilan; malahan, jasa ini mengandung ghu'lûl (korupsi) dan gharâr (penipuan) karena yang dilakukan joki pra-kerja ini termasuk pengkhianatan.

**Keywords:** *Islamic economic law; pre-employment jockey; profit.*

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## Introduction

According to the 2021 data of the National Development Planning Agency, the number of unemployment reaches 12 million people due to COVID-19 pandemic (Adhitya et al. 2021,1666). To anticipate this condition, government has formulated several policies including CT (Cash Transfer) program. CT program is administratively regulated by the Minister of Village, Development of Disadvantaged Regions and Transmigration of the Republic of Indonesia No. 6 of 2020 by targeting poor families non ICCTP (Indonesian Conditional Cash Transfer Programme) who lost their job during Covid-19 pandemic using data collection mechanism based on villages with the amount of assistance IDR 600.000 for 3 months (Consuello 2020, 94). In order to make the distribution is right on the target, government corporates with post office so, the approved people can directly come to the nearest post office (cannot be represented) by bringing official identity and family cards (Putra & Halimang 2021, 553).

The similar program was also conducted targeting MSME (Micro, Small, and Medium Enterprises). The government gave additional assistance for the

MSME owners, whose business affected negatively due to Covid-19 pandemic, aiming to stimulate the economy. Legally, the program of MSME assistance is regulated by the Minister of Cooperative and SME No. 6 of 2020. If the people fulfill the criteria and are approved as recipients, the government will distribute the funds through banks e.g., BRI or BNI. The recipients are obliged to come to the appointed bank and bring the required documents, namely family card, identity card, business certificate, a statement letter about not receiving another financing with the amount of assistance IDR 2.400.000/MSME unit for a year (Putra & Halimang 2021, 554).

Moreover, there is the so-called pre-employment card program (id. *Program Kartu Pra-Kerja*). The different of this program with others is that it is given to people who lost their job due to waves of layoffs amid Covid-19 pandemic. To join this program, administratively participants must sign up or register their account on the website of pre-employment card. This registration process needs skill, facilities and infrastructure such as cell phone, computer, and internet signal. Other required things during the registration of the pre-employment card program are active phone number, email address, identity card, and family card (Permata 2021, 6).

These requirements might be a piece of cake for people who are familiar with administrative and technological things. Unfortunately, not all people have those skills. The long and, for some, complicated registration process of pre-employment program will exhaust people mid-way. Those unfamiliar with technology, for example, will need longer time to digest the required tools for only registering the account. Amid these difficulties, the jockey of pre-employment program emerges. Their presence is an oasis for the technology illiterate people, as they provide services from registration process to the funds disbursement (Muhyiddin et al. 2022, 1).

The pre-employment card jockeys start their jobs by helping people to register as the pre-employment card recipients the account requiring personal data such as identity and family cards; for this initial step, they are given amount of money as the service fee. Later, when the people are approved as the recipients of the said program, the jockey will help them to cash out the incentive funds from which the jockey also got some percentages of the amount as agreed beforehand (Muhyiddin et al. 2022, 3). There is also the jockey providing the full-service system i.e., they help pre-employment participants from the first step, which is registration, until the funds are ready to cash out. The minus point of this system is, the participants have no single information on the pre-employment card program. They rely fully on the jockeys to manage everything

as long as their registration is approved and they got the funds from which the jockey's fee is also earned. The pre-employment card program is dissimilar to the previous incentive programs such as CT and MSME funding. The previous programs require the participants to do everything by themselves and no representative is allowed. Meanwhile, the incentive for pre-employment card program is given indirectly through the participants' account. The different system gives the jockeys many chances to manipulate their customers and take many advantages since the customers have almost zero information on the program and their accounts are held by jockeys. This kind of situation is considered cheating. The fraud happens because the program has weaknesses administratively such as the mechanism, registration process, and verification (Aufari et al. 2022, 5). From this condition, the authors found another side of the existence of the pre-employment jockeys. They are indeed helpful, but in different side, they are detrimental for people in need.

The influences of the pre-employment card program by the government during Covid-19 pandemic was reviewed. The pros and cons were presented. It is true that the program is planned for society affected by the pandemic e.g., losing their job, decreasing income, and other economic difficulties. Therefore, the funding program through the pre-employment card is an amazing chance for society to acquire new skills through numerous trainings provided by the Indonesian government. By following the training sessions, the government tries to empower the society and stops their dependence to others. The government collaborates with several parties to provide online educational videos which can be chosen and learnt by society to upgrade themselves with new skills. Here is the problem found. While it is not a big deal for people living in full-access areas, those in rural regions have hard times to even join the pre-employment card program from the beginning. This happened due to the quota limitation by the government each batch and the selection stage. This situation triggers an issue that the program did not reach all unfortunate people, despite getting trillions of rupiah funds of allocation. The public claims that the huge budget was not in line with the small amount of people who are truly eligible for the program. Thus, some researchers reviewing the pre-employment card program tried to deepen if it is effective and empowering enough as planned (Predianto and Khoirurrosyidin 2020, 117).

Studies on the said program has yet to discuss the profit acquired by the jockeys. The authors decided to review this aspect because of the interview results with one of those using jockeys to pass the pre-employment program. One of the customers/users said, he used jockey service because

he was busy and had no time to digest the IT things. After the deal, he willingly submitted all his personal data (identity and family) to the jockey and agreed that the received incentive will be divided. When he was announced as one of the program recipients, he was guided to create an account on one of e-money platforms to which the incentive will be transferred. The made account then was fully controlled by the jockey, whereas the real owner (jockey user) had no idea of how much incentive he got. As a result, the jockey was the one fully informed about the real amount of incentive of the pre-employment card program (Hermawan et al. 2021, 4). From this testimony, no wonder do people consider the jockey practice as criminal act since the process include the submission of other people's crucial information i.e., identity and family cards. However, there are also some people who disagree with the last statement since jockeys are present to help those who really need their skills and that the users had made mutual agreement prior to the registration process.

Based on the description above, there are two problems which will be discussed in this article. First, how pre-employment jockeys work in general including duties and agreement. The second problem is related to the perspective of Sharia economic law on profits obtained by the pre-employment jockeys.

### Research Method

This article is field research conducted by observing the pre-employment jockey practice. The characteristics of this research is inductive which specially done to construct general insight (Daipon and Hendri 2021, 118). Several data collection methods are done including interview (Rosmanidar et al. 2022, 4), documentation, and observation (Yana 2021, 15) on the practice of pre-employment jockey. The source of primary data was from interviewing 15 users of pre-employment jockey and 10 jockeys in West Sumatra Province selected by purposive random sampling technique. They are considered the key informants who provide the necessary information regarding the practice of pre-employment jockeys. The secondary data were scientific articles related to pre-employment jockey. Furthermore, the population of this research was *muajjir*, the person who give service and *musta'jir*, the service user. The data were then analyzed and deduced using qualitative descriptive analysis aiming to discover the whole practice of pre-employment jockey, fees and profits obtained by the jockeys.

## Results and Discussion

### The Pre-Employment Card Program

The pre-employment card is an identity card given to the eligible beneficiary by Indonesian government. It is a special program targeting job seekers, workers/laborers who need to enhance competency after losing their job, and those who do not get monthly salary such as MSME businessman (Predianto and Khoirurrosyidin 2020, 118). The program aims to increase work competency, enhance productivity, competitiveness, and entrepreneurship. Pre-employment card program is the government program issued in the period of President Joko Widodo to stimulate community welfare (Hermawan et al. 2021, 4).

There are several steps to register the pre-employment card program. *First*, accessing the official pre-employment card website [www.prakerja.go.id](http://www.prakerja.go.id). *Second*, preparing active email. *Third*, creating password. After filling email address and password, the registration confirmation will be sent to email. In the registration step, the participants of pre-employment card must prepare identity card, family card, active phone number, and personal face portrait (Widiastian 2021, 45). If the participants are approved, they will accept amount of money. There are several forms of funds given to the pre-employment card beneficiaries (Table 1): (a) monthly incentive fund. The amount is IDR 2,400,000,- which can be withdrawn IDR 600,000,-/month in four months; (b) training fund. The beneficiary will get IDR 500,000; and (c) survey fund. The amount of money is IDR 50,000,- which can be taken 3 times. In other words, the amount of fund or incentive of the pre-employment card program is varied depending on the type which is expected to facilitate the society to increase their welfare (Raesalat & Alifia 2020, 28).

Table 1

The amount of funds accepted by the pre-employment card program beneficiary

No	Incentive	Amount	V	Total
1	Monthly incentive	600,000	4	2,400,000
2	Survey incentive	50,000	3	150,000
3	Training incentive	500,000	2	1,000,000
<b>Total</b>				<b>IDR 3,550,000,-</b>

### The Pre-Employment Jockeys

Based on Indonesian dictionary, the word “*joki*” has several meanings. One of them is the person who take an exam for another person by

disguising as the actual examinee and accept money as a reward (Hamzah and Khusnia 2021, 23). In an online English dictionary (Merriam-Webster n.d.), the noun form of “jockey” means someone who operates something. In another study, it is defined as a paid service offered by someone to others to complete a work or duty. In Arabic, reward on a job is called *ujrah*, which means a prize accepted by a worker or service provider for the jobs that have been done such as delivering an important letter service and making a building design for an architecture bureau. The reward on all services can be given in a certain nominal amount or ratio (Putri 2020, 3).

When the pre-employment card program was first launched by Indonesian government, some people started to use this chance by being jockeys. There are several reasons why they offer themselves as jockeys. First, compared to some communities, jockeys are very literate in technology. They understand the procedure and have adequate skills to operate cellphones and computers. They also have access to internet connection which make them aware of any information regarding the said program (Suryadi et al. 2021,347). Second, the program has uncomplicated requirements. To register to the pre-employment card program, the participants only need identity card, family card, active email address, and phone number. The third reason is regarding the service fee. When the person handled by a jockey got approval for receiving the program’s incentive, the jockey will gain much profit too. Some jockeys even got IDR 3,555,000 per participant (Habsari 2022, 227).

Due to relatively easy process, jockeys for the pre-employment card program can be found anywhere. People who want to join the program can reach jockey from social media (Facebook, Instagram, etc.) or others’ recommendation. Based on the interview via WhatsApp with some jockeys, in average, one jockey can accommodate up to 7 or 10 customers/users. Their users are not only from local area, but other regions too (Joni 2021, 1).

The interview with one of the pre-employment card beneficiaries revealed that he got help from his friend and social media to find his jockey. He was offered via WhatsApp to enroll to the program batch 15. The jockey explained the procedure, first, such as identity requirements. Even if he was not well-informed about the exact amount of money he would get, he still immediately took the offer of the jockey. He also said, the existence of pre-employment card jockey is very helpful in the registration

process because as a busy person, he barely had enough time to absorb all information regarding the government program (Widiastian 2021, 40).

A former private company employee who was affected by layoffs due to Covid-19 pandemic said he does not understand technology nor has smartphone, so, he hired a jockey to register the pre-employment card program. After the registration process, he regularly asked the jockey if he was approved or not to be the program beneficiary. Until the end of 2021, he had no idea if he was eligible for receiving the government's incentive (Joni 2021, 1). Meanwhile, another informant who was the pre-employment card beneficiary batch 14 in 2021 told that he used jockey from his friend's recommendation, who was the recipient batch 13. After contacting the jockey and submitting personal identity, he was announced to be one of recipients in that period. However, he did not get any incentive because he did not know his username and password since his jockey held the information (Dani 2022, 1).

#### **Advantages and Disadvantages in Hiring the Pre-Employment Program Jockey**

The previous study has concluded some reasons which also become the advantages for people in using the services of the pre-employment card program jockey. *First*, most of the jockey users are technologically illiterate. This is experienced by people living in rural areas or the places where internet connection is low. Due to this situation, the users are not familiar with other technology products such as laptop, smartphone, and online applications. *Second*, the users have no time to spare for the pre-employment card program registration. There are many things the participants have to do only in the stage of registration. Besides filling in the identity (personal and family), they have to prepare some apps for the requirement when the funds need to be transferred. The *last* reason is the jockey users try to save internet data. As mentioned above, the registration is done online. It needs some steps only for the initial stage, thus, they need to buy internet data that costs a lot. Using jockey's service, the users do not have to spend extra money for internet data (Putra & Halimang 2021, 555).

Despite having advantages, hiring jockeys also has the downsides. It is true that the jockey users save the money for not buying gadget and internet data to register the pre-employment card program. However, the cost of hiring the jockey is not affordable. Depending on the mutual agreement, the hiring cost can be paid in advance or by cutting the incentive from the government. Majority choose the latter system, so, the incentive they get is decreasing. Furthermore, people who use jockey usually do not want to join the following activities of the



pre-employment card program, which is training. As the jockey service includes joining the training session in place of the real incentive beneficiary, the knowledge and skills taught by the government are obtained by the jockey. As a result, the government's goal in conducting the program is ineffective as some people choose to not join the training session (Rosidin et al. 2021, 337).

### **How Do the Pre-Employment Program Jockeys Work?**

In the beginning, the pre-employment card jockeys ask several requirements for registration process such as identity card, family card, and a self-portrait with ID card. The service fee of jockeys varies depending on mutual agreement between the jockey and its user/customer. Some jockeys somehow were able to purchase one unit of house from their income of being the pre-employment card program jockey (Weli 2021).

There are at least two working systems of the pre-employment card jockeys. *First*, the jockey helps the registration process by creating new account using customer's identity and family cards, but the email address and phone number are provided by the jockey. In this system, when the customer's registration is approved, the incentive which is in the form of electronic money will be transferred to the jockey's email and phone number (Weli 2021).

*Second*, the jockey helps the registration using the customer's identity card, family card, and email address, but the electronic money account is connected to jockey's phone number. As a result, if the customer is approved to be the incentive recipient, there will be notifications to jockey's phone number which means that the fund will also be transferred to the jockey's account (Yanti 2021).

The jockey practices on the pre-employment card program are perceived by the people who have limited knowledge on technology and legal awareness. It is easy for jockeys to register someone because there are many lower-middle class people, whom are the target of most jockeys. The practices are even easier since the administration process of the said program is easy and uncomplicated (Raesalat & Alifia 2020, 26). Moreover, jockey does not only provide service during registration process but also assists the participant for incentive disbursement. This last process is the thing that is avoided by many people since they have low literacy in technology. One jockey user said that the disbursement process is complicated for him. He is first required to create an account in an e-wallet platform. If there is an error in registering e-wallet account, it will be a

headache for those who are not familiar with the technology. Meanwhile, some people also perceive that registering e-wallet account is also difficult since it requires identity confirmation (Andre 2021).

Figure 1  
The pre-employment jockey's workflow

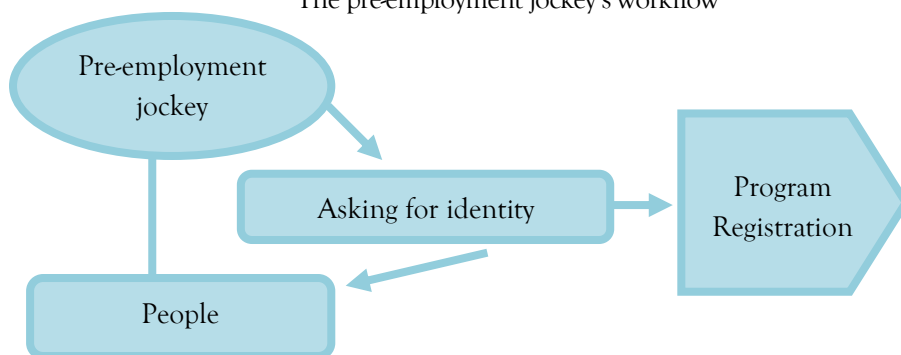


Figure 1 shows how the jockeys work when offering the services of the pre-employment card program registration. In general, most jockey's targets are the lower-class society who is not well-educated. Jockeys find their customers by spreading the brochure and pamphlet on social media. This information is also extended by mouth-to-mouth promotion from those experiencing in hiring the jockeys. When the jockeys find their customers, the contract begins. All steps of the said program are done by jockeys starting from the registration to the funds transfer. All contract agreements and the incentive division between jockey and user will be discussed later in this article.

### The Agreement between the Jockey and the User

Based on the preceding explanation, there must be an agreement between the pre-employment jockey and the user before executing the job; only few users did not make a prior agreement. The very first agreement is usually related to administrative fee to create an account for registration. The next agreement is valid after the users are eligible to be the beneficiary of the pre-employment card program. The agreements are varied and each user might experience different things. The agreement discussed here is after the user is approved as the recipient which involves the incentive. The *first* agreement is that any kind of incentive (training, survey, and monthly funds) of the pre-employment card program will be divided in half for the user and the jockey. *Second*, only the monthly incentive is divided in half

between the jockey and the user. Meanwhile, the funds for training and survey are for jockey without prior notice to the user. *Third*, the jockey will not inform anything about all kinds of incentives if the user is approved as the beneficiary. The user will only receive the small portion of the initial funds. *Last*, there is no mutual agreement at first. The pre-employment card jockey just registers the user's identity to the program. When the user is approved, only a small amount of incentive is given to the real user since the jockey manages and divides the funds. Even, if the incentive ratio is compared, the jockey's fee is greater in number than the real beneficiary (Yanto 2021).

Table 2

The illustration of monthly incentive division between the jockey and the user

No	Agreement	Monthly incentive	
		Jockey	User
1	50:50 allocation	1,200,000	1,200,000
2	70% for jockey and 30% for user	1,680,000	720,000

According to the explanation about all types of agreement, Table 2 illustrates the monthly funds division between the user and the jockey (Suryadi et al. 2021, 346). Meanwhile the illustration for training funds division is presented in Table 3 (Matakali and Polewali 2021, 878).

Table 3

The illustration of training incentive division between the jockey and the user

No	Agreement	Training incentive	
		Jockey	User
1	50:50 allocation	250,000	250,000
2	100% for jockey	500,000	0

The two tables present the difference in the amount of incentive received by the user and the pre-employment jockey. Basically, all the pre-employment card program beneficiaries will get incentive IDR 3,550,000. However, if they choose to use jockey services, they should bear the consequence of not receiving the full amount of government incentive. To

pay the service, they will only get half of the amount at most, or even one third of total incentive depending on the agreement with the jockey.

### The Services Provided by the Jockeys and Their Income

In general, there are two types of services provided by the pre-employment program jockeys: (a) providing only registration service, and (b) the full service, namely from the registration step to the funds disbursement. For their services, jockeys usually set the pay rate when making agreement with the users. Take an example, for only registering the user's account and following the process, the fees start from IDR 50,000 to IDR 300,000 (Syarif 2022, 175). Some jockeys, in attempt to attract new customers/users, offer guarantee. They dare to give 100% guarantee that their users will be approved as the beneficiaries (Yana 2021, 17).

For the full-service system, the jockeys even need to follow the training as one of procedures required by the government for all the pre-employment card program beneficiaries. The training is based on the field and interest of users. Following the training session, there is also a test which require the participants to fill in questionnaire and answer some questions (Rafitrandi 2020). For training incentive, the government gives IDR 500,000 which is given after the training ends. Mostly, the jockeys did not inform the users about this fee but considered it as one of the full-service fees (Andina 2022, 37).

The last work of jockeys is to transfer the funds to the users based on the prior agreement they made. In this step, jockey is required to cash out the fund by connecting the account of the pre-employment card beneficiary. In total, one jockey can pocket up to IDR 3,550,000 from each user (Suryadi et al. 2021, 346).

### The Islamic Economic Law Perspective Regarding the Practice of The Pre-Employment Program Jockey

The pre-employment program jockey first exists to facilitate people who are technologically illiterate. This is because the whole process, from registration to funds transfer, is conducted online. If reviewing from the initial existence, the jockeys' presence is impactful during the selection process of this government program. They offer advantages for those in need and it is considered *maslahah* i.e., the thing valued as a good deed. Hence, the jockey practice includes the *ta'awun* (helping each other) principles (Khoiruddin 2018, 83). In Islam, Allah asks His faithful servants to help one another in good deeds which is instructed in Q.S. al-Maidah [5]: 2,

*“And cooperate in righteousness and piety, but do not cooperate in sin and aggression. And fear Allah; indeed, Allah is severe in punishment.”*

The verse is supported with a narration on performing good deeds and helping others by the Prophet PBUH:

“Help your brother while doing the wrong thing or being abused.” Anas said: *Rasulullah, we will help the people who are abused. How do we help the people who do the wrong thing? The Prophet answered: by preventing him to do the wrong thing. And that is your help.*”

Based on the Islamic teachings stated in the Quran and the Prophet's hadith, the jockey's work system in helping other people is valid. They help their customers to follow the government program by registering the account using the customers' identity. It is jockey's duty to inform the amount of incentive received by the customers who are eligible as the beneficiaries of the pre-employment card program. As the service fee, jockey also deserves some amount of the said incentive. In Islam, the jockey's share after helping others is included in *ijārah bi al'amāl*. It is a wage or income the jockey gets based on the agreement with the customer. *Ijarāh bil al'amāl* must be something valuable both money or things which quantity must be known. It is allowed because this profit is according to the mutual agreement.

The practice of the pre-employment card jockey has fulfilled the contract requirements: (a) *aqidain* (contracting parties), namely the jockey and the identity owner; (b) *mu'jir*, namely the one providing services (jockey); (c) *musta'jir*, namely the jockey's user or customer. All of these parties exist in reality and eligible to perform the contract; they are *baligh* (mature), mindful, and competent to do *tasaruf* (controlling the property).

The practice of the pre-employment jockey, nevertheless, is also detrimental for community. In this case, the existence of jockey is *mafsadah* because, in reality, the practice of jockey is different from what has been negotiated. For example, the jockey asks the identity of someone who does not know information about the pre-employment card program when the jockey offers them to register. When offering registration, the pre-employment card jockey does not inform about the amount of money which will be accepted by the owner of ID and family card. This way, there will be different benefits which will be obtained if the participant is approved as the pre-employment card beneficiary. The ratio on the amount of money received by the pre-employment card jockey and the user (registered people) is respectively 80% and 20%. The funds, even, can be 100% taken by the jockey.

From the description, there is a fraud seen from the work process. It is first indicated when the pre-employment jockeys help their users for program registration. Next, if the users are approved, the jockeys will connect their phone numbers and e-wallet accounts, so that the incentive fund which has been cashed out will be accepted by the jockeys, not the real beneficiaries. When this happens, the jockeys are considered committing fraud since they fool the participants who mostly come from the low-income families. Besides, there is indication of corruption or *ghulūl* which means taking the property out of the determined share (Arifin 2019, 65). Abu daud narrated,

*“Confirmed in hadith which is narrated by Buraidah Radhiyallahu ‘anhu, Rasulullah Shallallahu ‘alaihi wasallam stated: for whomever we assign a job to, then we determine the salary for him, so the things which are taken outside of it is ghulūl property.”*

*Ghulūl* is also banned by the Quran (Rasyidi 2020) stated by Allah the Almighty in Q.S Al-Baqarah [2]: 188,

*“And do not consume one another’s wealth unjustly or send it (in bribery) to the rulers in order that (they might aid) you (to) consume a portion of the wealth of the people in sin, while you know (it is unlawful).”*

Observing the work of the pre-employment jockey step by step, this includes a treason. First, they lie to the participants or identity owners about the real amount of the incentives for the program beneficiaries. Second, they deceive the program initiator, namely Indonesian government. The funds, which are initially provided for helping the unfortunate community, are received by the jockeys by making use of their skills in technology. Third, the jockeys also act as brokers. They search for people personal data and even persuading the clueless citizen to entrust their identity and family data to the jockeys with which the jockey will register into the program.

Wahbāh al-Zuhaili states that treason is everything (action or efforts) that violates the promises and beliefs that have been a custom. Yusuf bin Mahiq al-Makki narrated a hadith (Samud 2020, 5),

*“A fulan is the guardian of some orphans. He notes/calculates the income for the orphans. The orphans tricked him by taking a thousand dirham. The fulan gave another thousands of dirham to them (orphans). Later, I found out that the orphans have double the amount they have been given (two thousand dirhams). I said, take your thousand dirhams which they have brought. He replied: my father told me that he heard the Messenger Rasulullāh PBUH said to fulfill the trust of the one who*

*believes in you. And, do not betray the person who already betrayed you”* (narrated by Abu Dawud).

Contract wise, what have been done by the pre-employment card program jockeys do not violate the agreement. In the registration stage, the identity owners agree to submit their personal data to the jockeys which in reality, the registration is truly performed. The two parties have made mutual contract which means that they agree on the contract content. However, in practice, the pre-employment card jockey only states general agreement content. They sometimes do not provide detail explanation about incentive allocation if their users are approved as the program beneficiaries. As a result, the users only accept the amount of money given by the jockeys because they are unaware of any information regarding the pre-employment card program (Handayani & Rachman 2020, 117).

The preceding paragraph, if it seen in the perspective of *sighat* (def. formal exchange between the contracting parties indicating their willingness into an agreement), shows that there is obscurity in the jockey practice. It does not clearly state the real amount from the government given to the identity owners if they are approved as the beneficiaries. Their so-called agreement is just as simple as a statement, “*I (the jockey) will sign you (the user/customer) up to this government program. If you are eligible to be the beneficiary, I will give the incentive to you*” (Hermawan et al. 2021, 3).

The statement, which is also considered as a contract, above does not include the transparency required in Islamic perspective. There is no clear disclosure on (a) how much the funds are from the government i.e., monthly, survey, and training incentives; (b) the fees for jockey’s service; and (c) the funds percentage received by the users. Because of this obscurity, the users got only 50% or even less than that of the real incentive. In fact, the incentive from Indonesian government is IDR 3,550,000. However, some jockey’s users only get IDR 1,500,000 or IDR 1,000,000. Thus, it is not wrong to claim that the jockey practice is detrimental for the unfortunate community (Hamzah & Khusnia, 2021, 23). The indication of law violation in this unclear contract will break *muamalah* contract.

*Gharar* (scam or fraud) is also found in the practice of the pre-employment card program jockey. People’s personal data are utilized by the jockeys to gain much money from the incentive of the government program which initially belongs to the identity owners. This practice is also considered *zalim* (injustice)

because the jockey secretly takes half or more incentive funds of the users or identity owners that have no idea about the real amount (Taufiq 2018, 249). God states in Surah an-Nisa [4]: 29,

“O you who have believed, do not consume one another’s wealth unjustly but only (in lawful) business by mutual consent. And do not kill yourselves (or one another). Indeed, Allah is to you ever Merciful.”

In Islam, every transaction must be based on willingness and openness principles between contracting parties. It is not wrong to help others as the initial intention of the pre-employment jockey by assisting those in need to receive government’s incentive during Covid-19 pandemic. However, helping others must be fair and open (Ulum 2020, 56) because in Fiqh, *muamalah* relationship always prioritizes justice and avoids violence as cited in Q.S. al-Baqarah [2]: 279,

“And if you do not, then be informed of a war (against you) from Allah and His messenger. But if you repent, you may have your principal – (thus) you do no wrong, nor are you wronged.”

## Conclusion

The existence of the pre-employment program jockey is very helpful for people who is technologically illiterate because they can apply to the program launched by Indonesian government for those impacted by Covid-19 pandemic. Thus, the jockeys have rights to accept reward for the service they provided; in Islam it is called as *ijārah bi al’amāl*. When helping people to apply the program, the pre-employment program jockeys ask personal data (identity and family cards) of the users or customers. However, there is no clear explanation about the shares which will be accepted by the users if they are announced as the eligible beneficiaries of the said program. This part is considered *ghulūl* (corruption) and *gharar* (fraud) in Sharia economic law as the jockeys use others data for their own benefits. They did not give proper disclosure of how much the incentive given by the government, the service fees, and the amount that will be received by the users in the end of the agreement. *Muamalah* principles are also broken in this practice as there is no willingness from the users if the jockeys receive much more than the real identity owners. To prevent this kind of detrimental contract or agreement, the contracting parties must all aware of any information and situation. This will help people to detect any kinds of violations and mistreatment done by another party.



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