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Implementation of Pre-Employment Card Policy Through Live Streaming System Course To Create a Competitive Worker During the Covid-19 Pandemic

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ABSTRACT: The COVID-19 pandemic conditions have affected many companies in Indonesia, which makes them delay the hiring process, implement layoffs or unpaid leave, and dismiss their employees unilaterally in order to provide efficiency as well as to maintain business continuity which is facing a downturn in Indonesia's economy. The Pre-Employment Card Policy is one of the innovations in facing the global challenges that occur in Indonesia. At the empirical or practical level, there are doubts about the program's effectiveness. Given the lack of technical expertise in the training system of the Pre-Employment Card program, a system was launched for its training application. The live streaming system course is one of the innovative solutions in today's digital age job training system.

This study combines normative/juridical (doctrinal) legal research and empirical (non-doctrinal) legal research. This study combines normative legal research methods and empirical legal research using primary and secondary data. The implementation of the Pre-Employment Card program has not been effective because the online training system used has not been able to encourage participants to improve their soft skills. The issuance of technical regulations concerning the training system in the Pre-Employment Card is aimed at clarifying the direction of the Pre-Employment Card so that the progress of this program can be seen. The regulation referred to is a Ministerial Regulation, which in this case is the Minister of Manpower.

Keywords: Policy, Pre-Employment Card, Live Streaming System Course, Competitive Worker.

I. INTRODUCTION

Indonesia formulates that national development is carried out in the context of complete human development and the entire development of Indonesian society to realize a prosperous, just, and affluent society that is equitable both material and spiritual under Pancasila and the 1945 Constitution of the Republic of Indonesia [1]. Development is carried out jointly by the community and the Government. The community is the main actor in development, and the Government is obliged to direct, guide, and create a supportive atmosphere. Community activities and government activities should support each other, complete each other, and complement each other in a unified way toward achieving national development goals.

At the beginning of 2020, the world was shocked by a new outbreak (COVID-19 virus) that came from Wuhan, Hubei Province [2], which had implications for a slowdown in growth and implementation of development in Indonesia since the Indonesian Government decided that COVID-19 in Indonesia was types of diseases that cause public health emergencies [3].

Such conditions certainly have an impact on fundamental sectors in the country, including the economic sector and the employment sector. The worker has a very strategic role in supporting the implementation of national development. The pandemic conditions have implications for many companies, which makes them delay the hiring process, implement layoffs or unpaid leave, and dismiss their employees unilaterally in the context of efficiency as well as to maintain business continuity which is facing a downturn, especially in the Indonesian economy. In fact, the termination of the employment agreement should not be based solely on a unilateral decision. The unilateral dismissal decision means that it has violated Article 151 paragraph (1) of Law Number 13 of 2003 concerning Manpower (Manpower Law).

Based on data published by the Minister of Manpower, Fauziah, from the beginning of March to the end of July 2020, there were 2.1 million workers affected by the impact of the COVID-19 pandemic. The number consisted of 1.132.117 workers who have either been told to stay home or have been laid off, 383.645 formal workers who have been laid off, and 630.905 informal workers who have lost their jobs [4].

The force majeure provisions in the Manpower Law are only regulated in Article 164 of the Manpower Law, which concerns layoffs on the grounds of force majeure or forced circumstances. So as an effort to avoid layoffs, in this case laying off workers, there is no need to use force majeure reasons as long as it is carried out based on the provisions of the applicable regulations. Article 151 paragraph (1) of the Manpower Law explains: "Entrepreneurs, workers/laborers, trade unions/labor unions, and the government by all means, must try to prevent termination of employment." The spirit of attempting to avoid layoffs as stipulated in Article 151 paragraph (1) of the Manpower Law is further stated in Circular Letter No: SE - 907/MEN/PHI - PPHI/X/2004 concerning the Prevention of Mass Termination of Employment.

Termination of employment has become an alarming issue for workers, especially factory workers. Workers who have been affected by COVID-19 still have to bear the risk of being laid off. Termination of employment causes the workers to lose their income to provide for the needs of their lives and families [5].

The occurrence of massive layoffs made by several companies to their employees and the number of MSME workers who became victims resulted in an increasing unemployment rate in Indonesia. In order to minimize the downturn of the economic impact and to keep people's purchasing power from decreasing continuously, the Government launched a program that is called the Pre-Employment Card, which was marked by the issuance of Presidential Regulation Number 36 of 2020 concerning the Development of Work Competency Through the Pre-employment Card Program. The Presidential Regulation has been amended by Presidential Regulation Number 76 of 2020, and it was followed by the issuance of Regulation of the Minister of Finance of the Republic of Indonesia (PMK) Number 25/PMK.05/2020 concerning Procedures for Allocation, Budgeting, Disbursement, and Accountability of the Pre-Employment Card Funds

The Pre-Employment Card is one of the innovations in facing the global challenges that occur in Indonesia. The Pre-Employment Card is one of the cards promoted by President Jokowi in the context of the development of Indonesian citizens and job training programs for those who do not have the skills to work. The card was launched along with the Indonesia Smart Card (KIP) and the Indonesia Health Card (KIS) [6]. Through the Pre-Employment Card Program, the Government has distributed incentives of IDR 13.36 trillion in 2020, and for this year, IDR 9.42 trillion has also been distributed as recorded as of October 2021 [7].

At the empirical or practical level, there are doubts about the program's effectiveness. Some doubts about the policy include the following: Are these programs benefit the recipients? Is there really a significant positive effect after they complete and get a certificate from the job training program in the Pre-Employment Card Program? The driving factor for the non-optimal implementation of the Pre-Employment Card Policy is the unclear training system in the program at the beginning of its implementation.

Given the lack of technical expertise in the training system in the Pre-Employment Card program, a system was launched for its training application. The live streaming system course is one of the innovative solutions in today's digital age job training system. This online training will require the participants to put a lot of effort into the training. Participants who do not participate in the training are ineligible for a certificate, which causes the aid incentives cannot be disbursed. For this reason, this study entitled "Implementation of Pre-Employment Card Policy Through Live Streaming System Course To Create a Competitive Worker During the COVID-19 Pandemic."

II. RESEARCH PROBLEM

Based on the explanation that has been presented in the background section, the formulation of the problem in this study is: how is the implementation of the pre-employment card policy through a live streaming system course to create a competitive worker during the COVID-19 pandemic?

III. RESEARCH METHOD

This study is a combination of normative/judicial (doctrinal) legal research and empirical (non-doctrinal) legal research. In this empirical juridical legal research, several methods of approach are used, such as a qualitative approach, an approach to legislation (statutes approach), and an approach to legal concepts (conceptual approach).

This study collected and used primary data and secondary data. Primary data is data collected directly in the field. Secondary data are laws and regulations, court decisions, state commissions' decisions, and leading legal scholars' opinions.[8]

This study used the triangulation technique to validate data and legal materials. The triangulation technique is a technique of examining data by utilizing something other than the data.[9] Data that have been collected and validated are then analyzed qualitatively and descriptively. This method requires a more subjective approach to data.

IV. RESULTS AND DISCUSSION

Existing Conditions for the Implementation of Job Training Related to Pre-Employment Card Policy in Indonesia During the COVID-19 Pandemic

The employment issue is an actual problem and requires the attention of the current Government at the moment. In the midst of the development of science and technology that has impacted the country's economy, many cases arise that cannot be handled due to outdated regulations[10].

The card, which is named the Pre-Employment Card, contains two words: pre, which means before, and employment, which is an activity to do something. The initial purpose of issuing the Pre-Employment Card is to prepare workers who do not yet have a job by providing treatment in the form of improving soft skills that will fit what Pre-Employment members want through government-prepared facilities, either face-to-face training or online training.

In terms of online training, the Government works together with eight digital platforms of training providers. However, the initial purpose, which was to improve soft skills for those not yet employed, has changed due to the COVID-19 pandemic that struck Indonesia. In its current implementation, those affected by layoffs can also become beneficiaries of the Pre-Employment Cards. In fact, if the training system implemented in the Pre-Employment Card is able to make the beneficiaries increase their soft skills, then their existence becomes effective. However, currently, the training system implemented has not been effective. It is proven that there are many participants who do not participate in the training but can obtain certificates.

If viewed from the Constitution's perspective, the Pre-Employment Card program is a form of implementation under Article 27 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which reads: "Each citizen shall be entitled to occupation and an existence proper for a human being"[11]. If observed, the article has two core phrases: the right to work and proper life. However, looking at its implementation to date, the form of the Pre-Employment Card is only limited to providing a decent living. The Government does not guarantee participants will get a job or not after participating in the series of activities in the Pre-Employment Card program. This includes the guarantees given to workers/laborers who have been laid off by the company owners, whether they will get their jobs back after the COVID-19 storm is over. This program should be accompanied by the availability of job opportunities and increase the competence of participants so that the worker can be absorbed.

Based on data from the Indonesian Central Bureau of Statistics, as of August 2019, the number of unemployed university graduates reached 5.67 percent. The Open Unemployment Rate (TPT) for graduates of Vocational High Schools (SMK) was the highest among other education levels at 8.92 percent of the total worker of around 13 million people [12]. Not to mention the addition of all workers or laborers who were laid off due to the impact of the COVID-19 pandemic.

Given the large number of unemployed, the Pre-Employment Card must be optimized so that the participants in it have competitiveness in the form of qualified skills. This optimization can be done by improving the online training system that is currently running. Given that there is no guarantee that Pre-Employment Card participants will immediately get a job. Hence, participants must really get the skills as the purpose of the Pre-Employment Card.

The COVID-19 pandemic condition requires that the training for Pre-Employment Card participants is only held online. The online training system that is run utilizes platforms that become partners of the Pre-Employment Card. Participants are free to choose what type of training to follow or participate in. Furthermore, they are required to watch videos of available training content. When finished, questions will appear as media to test the participants. After that, the training certificate can be downloaded.

The impact that arises from this training system is that the training content videos have the opportunity not to be watched in full. It is also possible that the participant concerned does not watch the videos. As a result, the purpose of the Pre-Employment Card has not been able to be realized, which states that this program is aimed at producing premium workers. Therefore, the training system must be improved.

Building the Concept of Ideal Job Training: Based on Live Streaming System Course to Create Competitive Worker During the COVID-19 Pandemic

The Pre-Employment Card was released through Presidential Regulation Number 36 of 2020 concerning the Development of Work competency through the Pre-Employment Card Program, and it was followed by the issuance of Regulation of the Minister of Finance of the Republic of Indonesia (PMK) Number 25/PMK.05/2020 concerning Procedures for Allocation, Budgeting, Disbursement, and Accountability of the Pre-Employment Card Funds

As previously mentioned, the first Presidential Regulation that regulates the Pre-Employment Card has undergone changes through the issuance of Presidential Regulation Number 76 of 2020. In the Presidential Regulation, which regulates the Pre-Employment Card, it is stated that Executive Management and Managing Team manage the operation of the Pre-Employment Card application through the relevant Ministerial

Regulation. However, until now, no Ministerial Regulation strictly regulates the Pre-Employment Card training system. In fact, the program still continues. The implication is that the output generated is not optimal.

This must be addressed immediately, considering that the budget allocated for this program has also increased twice from the previous one, which was initially only IDR 10 trillion to IDR 20 trillion. The policy becomes ineffective with a considerable large budget without being balanced with increased human resources as its output. In other words, it will encourage state budget waste amid the COVID-19 pandemic that struck Indonesia. The Ministerial Regulation that has been stipulated has not yet clearly regulated the implementation of the system used by the Pre-Employment Card; instead, it only regulates the budget of the Pre-Employment Card.

In its online training system, the Pre-Employment Card has not followed an effective concept because there are still opportunities for fraud committed by participants. Consequently, the output is the beneficiaries of the Pre-Employment Card program; in this case, the program participants are unable to develop their soft skills as the purpose of the Pre-Employment Card itself. If this problem is not addressed immediately, then the output will continue to be not optimal. Considering that the Pre-Employment Card program still continues, it has even entered batch 10 as of October 2020.

The thing that can optimize the Pre-Employment Card consists of two components: the related regulations as a legal umbrella and the technical concept of an effective training application system. Regarding the issuance of new regulations, what is meant in this case is a ministerial regulation as mentioned in Article 24 of Presidential Regulation Number 36 of 2020 as amended by Presidential Regulation Number 76 of 2020. This regulation explains that the work mechanism of the Managing Team and Executive Management is regulated by a Ministerial Regulation that organizes coordination, synchronization, and control of ministry affairs in the administration of Government in the economic sector as the Chairman of the Committee. The minister referred to is the Minister of Manpower, who is also included in the Job Creation Committee in the Pre-Employment Card program. The Minister of Manpower as an institution that oversees Indonesian workers has the obligation and authority to optimize the worker while reducing the unemployment rate in Indonesia through appropriate solutions.

The system proposed to optimize the Pre-Employment Card program is called the Live Streaming System Course. Through digital platforms that have been designated by partners, the procurement of live streaming-based training can be carried out. This live streaming-based training is inspired by the online learning system that students have carried out during the COVID-19 pandemic. The live streaming system is considered to be quite effective compared to the previous system on the Pre-Employment Card, where the training is only enough by accessing videos without direct monitoring from instructors. The participants can be more interactive by asking questions to the instructor if they do not understand the subject matter.

After selecting the field of interest, the participants of the Pre-Employment Card program will be asked to adjust and select the class schedule, which is then used regularly and continuously in the training process from beginning to end. After that, the participants can start attending the training according to their respective schedules, and attendance will be held to monitor the progress of the training. The purpose of holding attendance is so that this training has an effective measurement mechanism for monitoring the program and participants can actually make good use of the facilities provided by the Pre-Employment Card program.

The concept of the Pre-Employment Card training system in the issuance of these new regulations was created with the consideration of disciplined and optimal training. Suppose the participants are found not to have attended the training in more than five meetings. In that case, the issuance of new regulations may regulate the provision of strict measures or sanctions by not giving certificates to participants who do not comply with the rules, and the assistance incentives will automatically not be provided. Therefore, with this training, the benefits of the Pre-Employment Card program can be clearly felt by the community.

As has been explicitly regulated, the registered Pre-Employment Card participants will receive financial assistance for training costs and incentives of IDR 3.3550.000,- which are given gradually in 4 months. The funds will be transferred to the participant's bank account or e-wallet. If previously, participants who passed could only access training held online by paying the training fee in advance using the non-cash balance received by participants, this time, the results of this study suggested that they be able to provide free facilities to users when accessing all existing training platforms.

Therefore, this study also proposes to provide regulatory changes regarding the timing of assistance. The financial assistance was proposed to be received by participants through two waves, including at the beginning of the participant's participation, which is 30% for the cost of purchasing the quota. The rest of the financial assistance will only be provided when participants have attended the entire training series and passed the program's exam in order to measure the participants' level of understanding in mastering all materials and practices during the training period.

Taking into account the smaller opportunities due to insufficient job opportunities, the financial assistance provided after the end of the training is intended as business capital and costs to perform all forms of actual practice for the participants in developing and implementing their competencies. In addition, it is also a form of hope that job seekers can open their own businesses or employment after the Pre-Employment Card training is successfully completed.

V. CONCLUSION AND RECOMMENDATION

The conclusion of this paper is that the implementation of the Pre-Employment Card program in Indonesia has not been effective because the online training system used has not been able to produce competitive labor. Live Streaming System Course-based job training is expected to bring the training system in a better direction. Thus, it is expected that the quality of the output will be consistent with the goal. It is also expected that participants can enhance their soft skills so that they become competitive worker. There is a need for strengthening regulations to ensure the effective implementation of the Pre-Employment Card policy. Regulations need to be strengthened with administrative sanctions.

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