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# ISLAMIC RELIGIOUS VIEWS IN INDONESIA ON EMPLOYMENT SOCIAL SECURITY AND THE STRATEGIC ROLE OF ULAMA

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#### **ABSTRACT**

This research discusses Islamic religious views in Indonesia related to employment social security and the strategic role of ulama in its spread. In the context of BPJS Ketenagakerjaan, which aims to protect workers from social and economic risks, ulama play a role as a leader who guides the community in understanding the concept of social security according to Islamic teachings. This study shows that despite skepticism about these programs, a religious organization-based approach can increase community participation. Using a descriptive qualitative method, this study analyzes the views of various religious organizations, including NU, Muhammadiyah, and MUI, towards BPJS Ketenagakerjaan. The results show the importance of ulama fatwas and the integration of Islamic values in social security programs to increase public awareness and participation.

**KEYWORDS** 

Islam, social security, employment, BPJS, ulama, community participation, fatwa.



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#### INTRODUCTION

This introduction discusses Islamic religious views in Indonesia related to employment social security and the strategic role of ulama. In Islam, ulama play a central role as the leader of the ummah who provides guidance, interprets religious teachings, and influences people's views, including in the issue of social security regulated by BPJS Ketenagakerjaan. As an institution that organizes programs such as work accident insurance, job loss, death, old age, and pension, BPJS Ketenagakerjaan aims to protect workers from socio-economic risks and ensure worker welfare.

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Indonesia, with a majority Muslim population, sees work as part of worship. In Islamic teachings, the relationship between workers and employers is based on the principles of justice and brotherhood, in contrast to the concept of modern capitalism. Islamic sharia regulates muamalah, including the ijarah system, which is relevant to the concept of social security. In this case, employment insurance is a form of implementation of Islamic contracts, such as tabarru' and wakalah bil ujrah, which are free from elements of gharar, maisir, and riba.

However, public awareness to participate in employment social security programs is still limited, partly due to the lack of information and effective innovation diffusion strategies. An approach based on ulama or religious organizations such as NU, Muhammadiyah, NW, and salafi Islamic boarding schools can help increase public understanding and acceptance of the BPJS Employment program. These organizations have the religious authority to issue fatwas, which are the people's reference in deciding their participation.

Religious organizations' views on BPJS Employment include regulatory analysis, religious literacy, and the relevance of Islamic sharia in labor protection. In Islam, the principles of maqashid sharia such as hifdz al-din (safeguarding religion), hifdz al-aql (safeguarding intellect), hifdz al-mal (safeguarding property), and others are the basis for assessing the ability of a social security program. This study aims to analyze the views of scholars from various major religious organizations in Indonesia, provide recommendations for innovation diffusion strategies, and develop a theoretical foundation that supports the implementation of employment social security according to Islamic principles.

In the global context, labor social security is applied with various models, such as conservative, liberal, and social democratic. The social democratic model, which prioritizes financing from taxes, is more relevant for developing countries with small populations but large protection needs. Meanwhile, the conservative and liberal models are more oriented to the role of the market and the contribution of participants. Indonesia adopts the mutual cooperation approach regulated in Law No. 40 of 2004, which emphasizes justice, non-profit, and universality.

Through this approach, this study also aims to identify religious views on BPJS Ketenagakerjaan, including analysis of legal fatwas from religious organizations, to produce strategic recommendations that can increase community participation.

#### RESEARCH METHOD

This research activity uses a descriptive qualitative approach. A qualitative approach is used to analyze and explore various religious literature (religious texts) used by religious organization scholars to provide opinions related to employment social security. In this study, qualitative data collection was carried out with several data collection techniques such as: Guided group discussions, expert reviews, indepth interviews and document analysis (Bungin, 2010; Darmalaksana, 2020; Rachmawati, 2007; Wahyudin, 2017) which is a reference for scholars or religious leaders who are members of religious organizations in reviewing the ideals of employment social security in Islam. In collecting qualitative data, the research team will be equipped with interview guidelines and guidelines for Guided Group Discussions (DKT/FGD).

This research is a qualitative research that is used as a guideline for exploring data, and analyzing data so that it is able to answer research questions built in the formulation of research problems. The subjects of this research are scholars who are members of the religious organizations of NU, NW, Muhammadiyah, and Salafi Islamic boarding school scholars. The object of this research is religious literacy related to employment social security.

#### RESULT AND DISCUSSION

# Analysis of the views of MUI, NU, Muhammadiyah, NW, Salafi on Employment Social Security

## NU Ulema's Views on BPJS Employment

BPJS Employment together with BRIN researchers invited a resource person from Bahtsul Masail NU East Java, namely K.H. Ma'ruf Khozin. His real name is Mohammad Ma'ruf. He was born and raised in PP Raudlatul Ulum 1 Ganjaran Gondanglegi Malang, on April 4, 1980, to the couple (Alm) H. Khozin Yahya and Hj. Maftuhah who is the 4th child of 5 siblings. His childhood education other than in his parents' pesantren was to attend formal education in Madrasah Ibtidaiyah and Junior High School. After that, he continued his education at PP Al Falah Ploso Kediri 1994-2002 starting from the Sifir Ibtida class until he graduated. After graduating from the Islamic boarding school, he had studied at Sunan Giri University and also studied at Kampung Anh in Pare Kediri for 4 months.

Since he was in Surabaya, he has been a member of the Bahtsul Masail Nahdlatul Ulama Institute of Surabaya City in 2005, and a member of the Bahtsul Masail Institute of PWNU East Java since 2008. His participation in Bahtsul Masail has become a national level delegate, namely the 2010 Makassar NU Congress and the 2012 West Java Alim Ulama Congress (Maknun et al., 2021).

Among the works of Kiai Ma'ruf are as follows (Khozin, 2020; Navis et al., 2016):

- 1. Dalil2 Praktis Amaliyah Annahdliyah (Penerjemah),
- 2. Figh of the body,
- 3. Grave Pilgrimage Leaflets,
- 4. Dissolution of Beed, Ah Hasana,
- 5. 40 Hadits NOW,
- 6. Figih Ourban,
- 7. Amaliyah's answer to the accusation of heresy volumes 1 and 2
- 8. The collapse of the theory of heresy,
- 9. Khazanah Aswaja,
- 10. Figh Ramadan,
- 11. Aswaja Sermon
- 12. Translated by KH Marzuqi Mustamar
- 13. Team of codifiers of LBM books, and so on

Now, he is fully active in serving in Nahdlatul Ulama, both as a member of LBM PWNU East Java, the Aswaja NU Center Tutor Team of PWNU East Java, the Deputy Katib Syuriah of PCNU Surabaya City, the resource person of 'Hujjah Aswaja' TV 9 and so on. Kiai Ma'ruf also serves as the chairman of the East Java MUI fatwa and the caretaker of PP Raudatul Ulum Suramadu. In addition to receiving invitations as a resource person and speaker, he is also an informal

lecturer on the ITS campus studying Sahih Bukhari, the UNAIR campus studying thematic figh, as well as at several ta'lim assemblies (Maknun et al., 2021).

# NU's legal view on BPJS Employment

Previously, the media concluded that the MUI issued a fatwa on the haram of BPJS. This is the conclusion of the media on the decision of the MUI which is more inclined to take a cautious opinion in public participation in BPJS. There are certainly pros and cons of opinions within the MUI, and what is more favored is a cautious attitude. Some of the reasons that strengthen the fatwa include: 1) BPJS does not reflect the ideal concept of social security in Islamic teachings; 2) The existence of interest/usury; 3) Termination of BPJS membership for employees who are late in paying contributions for more than three months; 4) Termination of BPJS membership for non-employees who are late in paying contributions for more than six months; 5) More than that, BPJS is assumed to contain gharar (unclear quality and quantity of a product so that it can contain fraud) and maisir (benefiting certain parties without having to work hard).

BPJS is a program initiated by the government to be implemented by all people. Ulama may be asked for help to spread this invitation. For example, during the pandemic, the state had purchased the Sinovac vaccine. MUI punishes halal and permissible. However, it turned out that the dose of Sinovac was insufficient. The government then bought the Astra Zeneca vaccine because Egypt and Saudi Arabia use it. The central MUI declared Sinovac unclean because he used trypsin, but it was allowed due to an emergency. However, many doctors do not dare to use it. The government then went to East Java to ask for a halal fatwa from the ulama. After obtaining a halal fatwa and implementing it in East Java, the vaccine could be distributed quickly, and at that time the covid rate in East Java fell the fastest. Thus, even though the government's order program, as long as it provides benefits to the community and the nation, it does not matter. Likewise, if BPJS is considered a government order program, as long as it provides many benefits, then it is also good.

NU, which is generally dominated by Islamic boarding school residents, has committed not to clash Islam with the state. The state is a house that was once founded by NU scholars and teachers as well, so it must be maintained. If the state makes a policy, NU is never frontal and destructive. BPJS Employment for NU is in line with NU fiqh, namely on the principle of at takmin at ta'awuny. The principle of contributions and joint work is allowed and does not matter in Islam.

NU has a bahtsul masail institution that researches or studies the law on a religious phenomenon (fiqh). Regarding BPJS, NU raised several issues raised: 1) Is the concept of national health insurance in BPJS in accordance with Islamic sharia teachings?; 2) BPJS is synonymous with insurance, then does it contain riba?; 3) Can the government require the participation of the people in the BPJS program?; 4) What is the law on participating in the BPJS program?

Answering some of these problems, NU through the bahtsul masail institution stated the following. BPJS is a state program that aims to provide certainty of protection and social welfare for all people (BPJS Law Number 40/2011). The working principle of BPJS is in line with the spirit and purpose of at-takmin atta'awuny (in language it means a safe and mutually helpful association, hereinafter used as a term to refer to 'social security'). This is illustrated by the association of

several people by paying a certain amount of contributions, then the fellowship is used to finance participants who are hit by disasters. In order to further adjust the concept of at-takmin at-ta'awuny, BPJS needs to carry out the following policy requirements: 1) There is no coercion in participation; 2) Participants are solely for the purpose of helping others (not based on profit); 3) Fairness and no discrimination in service; 4) Agreement/contract that the possibility of excess contribution costs from what is needed to be a participant's alms regulated by the government.

BPJS for NU does not contain an element of usury, nor is it synonymous with insurance. This is as long as the conditions of at-takmin at-ta'awuny above are met. BPJS can rely on the fatwa of contemporary Ulama as the following opinion of Wahbah Zuhaili.

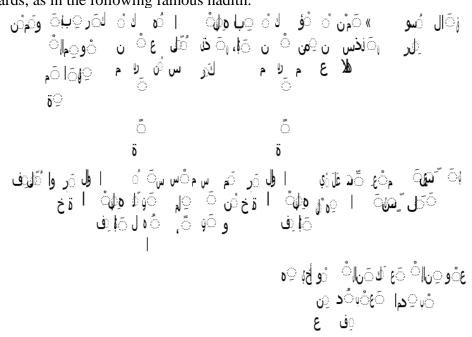
"Social security, the agreement of several people to provide mutual provisions in exchange for the calamity experienced by their members if it has actually happened" (Wahbah Zuhaili, Al-Figh Al-Islami wa Adillatuhu, 5/101)."

Among the hadiths that can also be relied on is the narration of Abu Musa on the habit of the Ash'ari Tribe of gathering food and distributing it. From the collection of this food, there will be those who bring a lot and later only get a small portion, and this is in the category of alms and praised by the Prophet.

"Narrated from Abu Musa, he said that the Prophet said: The tribe of Ash'ari, if they run out of provisions in the war or their food is small in Medina, then they gather their possessions in one container and divide them equally. They are my group and I am part of them" (HR Bukhari)."

Regarding excess contributions that can be used as alms, BPJS can create socialization or campaigns such as 'By participating in BPJS, you also help others'. This campaign can already be an alms intention. Instead of campaigning for the side of uncertainty/gambling for one's own benefit, this campaign to help others can be an invitation to give alms intentions for cases that occur when the contributions paid are not commensurate with the results obtained.

The principle of helping in Islam is highly recommended and guaranteed rewards, as in the following famous hadith.



"The Prophet PBUH said: Whoever omits one

the difficulties of a believer other than his difficulties in the world, surely Allah will remove from him one difficulty on the Day of Resurrection. Whoever relieves a person in distress (in his debt), Allah will surely ease him (his affairs) in this world and the Hereafter. Whoever covers the disgrace of a Muslim, Allah will surely cover his disgrace in this world and the hereafter. And Allah will always help his servant, as long as he will help his brother."

In general, BPJS Employment has applied the principle of at takmin at ta'awuny (social security). The usefulness in it can remove elements that are lacking or still debated by law. Furthermore, the obligation to participate in BPJS has been included in the emergency category in fiqh, so it is punished as 'permissible'. Previously, the emergency in fiqh was exemplified by the attitude that must be taken to save lives, such as having to eat carcasses in the forest as the only food available. NU Indonesian scholars are closer to Egyptian scholars in terms of fiqh references, especially because of the relative same leaning of Islamic scholarly attitudes. They, the Egyptian scholars, have reinterpreted the term 'emergency' as 'an unavoidable attitude/choice'. For example, the use of conventional banks has been included in this case, because it is very difficult to avoid in daily life.

The government's position as ulil amri can make coercive rules, in this case requiring BPJS Employment membership for workers. The government can make rules under the pretext of seeking benefits. For example, in the past, the key holder of the Kaaba was the Abdi Manaf tribe that regulated the permission of those who would tawaf. After the hajj, the Prophet said to them: "Do not hinder those who want tawaf at any time!" Over time, currently the implementation of tawaf at the Grand Mosque is regulated by the Saudi Arabian government, one of which must use ihram clothes.

Outwardly, this decision of the Saudi Arabian government violates the message of the Prophet, but this is allowed in fiqh. This arrangement is intended for

the benefit because if the implementation of tawaf is not regulated in such a way as the current development of the Muslim population, then the Grand Mosque will be crowded and irregular. In the rules of fiqh, it is stated, "If there is a prohibition in religion, but in reality there is a situation that is more maslahah, then it is permissible to review the maslahah".

As another example, riba is clearly haram by law, and this cannot be avoided in conventional banks. The NU Kiai/ulama do not demand the dissolution of conventional banks. The Kiai directed to try not to practice riba individually (such as when borrowing between individuals). In a personal context, avoiding riba can still be done, but in a large context (the state) this is an emergency, so it is allowed.

The funds collected in BPJS can be borrowed/recirculated by the government, then invested. Investment for NU does not have to go to Islamic banks, but as long as a business or company with a profit-sharing system even if it is not contracted by murabahan, it is still halal. Unless it is clearly invested in illegal business entities such as liquor factories or nightlife venues. Thus, the focus is seen on the investment object, not always with sharia management or Islamic bank institutions.

The fiqh embraced by NU scholars is divided into hard and medium camps. Imam Ghazali, who is more oriented towards Sufism, for example in the book Ihya Ulumuddin stated that 'muamalah with most of the property is haram, then the law is haram'. This is an example of a harsh opinion because it is more oriented to Sufism, and is suitable for personal application. In contrast to Imam Nawawi's opinion which states that investment in banks is only punished as makruh. Thus, the arrangement of social funds can choose the opinion of Imam Nawawi which is lighter. The opinion of Egyptian scholars, one of which is Shaykh Ali Jum'ah, can also be followed by his fatwa 'avoiding mafsadah (damage) is prioritized rather than being too forced to look for what is clearly halal'.

Islamic communities who understand BPJS are skeptical, its investment instruments, profit and loss, the community still insists on considering it haram, if there is a postulate to guide the public to see the investment instrument, it is halal haram. In a general perspective about insurance between halal and haram. The postulate to neutralize to provide understanding.

Community Skepticism is our job to carry out holistic socialization, using a normative paradigm, releasing people's doubts with religious arguments. It is necessary to build an epistemic approach, a humanistic paradigm, a causality paradigm, give and take take and give, these instruments must be made. BPJS must have a community cluster: the community cluster accepts

BPJS in totality, the community accepts BPJS on the condition (somewhat hesitant), the community cluster. Which prohibits BPJS. BPJS PR provides an understanding of what is forbidden, because they have a perspective.

Muamalah is not like prayer, if one is invalid, the other is not. There are clauses of sholih, aslahu, ashlah. The principles of usefulness, justice, etc. are reduced by themselves, because these elements already exist. Non-sharia BPJS and sharia are good and important, branding is important. There is no investment mix because there are already principles of benefits, etc. Buffer funds are important in case of damage later on.

During the pandemic, the state had bought Sinovac, the MUI punished halal and allowed. The dose turned out to be less, then the government bought Astra Zeneca because Egypt and Saudi used it. The central MUI declared it unclean

because of the use of trypsin, but it is permissible because of the use of trypsin. Many doctors do not dare to use it. Then the government went to East Java, asking for a halal fatwa. At that time, East Java was the fastest to go down. Even though the order, as long as it provides benefits, don't be too anti. Whatever it is, as long as it provides benefits for the community and the nation, it doesn't matter.

NU among Islamic boarding schools has considered that our commitment 'Islam is not in conflict with the state, because the state is our home'. If there is a state policy, NU is not directly frontal and destructive, because the state is formed by our kiai-kiai as well. BPJS is in line with the principles of religion at Takmin at Ta'awuny. Contributions and joint work are allowed and there is no problem. The elements that BPJS considers to be in line with our fiqh: 1) there is no coercion (but if the state has enacted, then it is different, so it is an obligation) if the state has given rules, then we participate in the emergency element. For example, the banking system. For example, Egyptian scholars with a bank system have entered the element of dlarurat, they cannot be separated from the bank. It is an unavoidable primary wish.

The main element of BPJS Employment is to help each other together, not the element of seeking profit (because gambling in our religion is not allowed). For example, car insurance, some can get big because of a big accident, some because of a little abrasion, even though the payment is the same, this is gambling. So BPJS is a help facilitated by the government. Fairness in service (no discrimination) The possibility that the amount of contributions exceeds the required costs, then it becomes alms or infaq in accordance with government regulations.

In the past, during the Jogja earthquake, Kiai Hasyim Muzadi said, whose house was slightly damaged by forced damage, it turned out that it was not liquid. Here is added a little intention for alms

The term Emergency often connotes "if it is close to death". Like eating carcasses, an emergency at this level is difficult. So it needs to be reinitiated. The Egyptian scholar leaned in: "when we cannot avoid it, then we enter an emergency". All car leasing uses car insurance. Contributions that are aligned with benefits (if it is more alms) Another example, riba is clearly not allowed, but in our country there are conventional banks, the Kiai do not demand the dissolution of conventional banks. So at least individually do not have practice, for example when borrowing debts from relatives. Now which Muslim country does not use conventional bangs. So personally avoid usury, but in the context of the big (state) it enters the dlarurat.

The state collects funds and then invests them. For me, investment does not have to go to Islamic banks, for example through a profit-sharing system even without a murabahah contract, it is also halal. Even though the name is not sharia, it is still halal. Except for those that are clearly haram production, for example, liquor factories, to nightlife venues, etc. In East Java, there is income from various sectors (haram) that will not be allocated to places of worship. The point is to look at the investment object, even though it is not managed by Islamic banks

At the BPJS office, a socialization or campaign is made "by participating in bpjs, you also help others", so this is already the intention of almsgiving. Instead of campaigning for the gambling side of profit for yourself. This keeps the alms paid for example not worth what they get.

# The strategic role of MUI, NU, Muhammadiyah, NW, and Salafi scholars in the diffusion and innovation of employment social security products.

## The role of Ulama strategy

Ulama have a role not limited to religious ritual issues, giving fatwas and praying alone, but ulama also have a significant role in various areas of life, including politics, economy, social, culture, education, and so on. Ulama also holds the key in addition to being a spiritual leader in society and also functions as an opinion leader who influences the views and behavior of the organization. With a wide range of religious knowledge, ulama have the capacity to provide strong influence and direction, especially to Indonesian society who have the character of "following the fatwa of ulama".

The role of Ulama as opinion leaders strengthens their position as respected moral and ethical decision-makers. In the context of organizational behavior, scholars can provide a view rooted in religious values, provide ethical guidelines in decision-making, and form an organizational culture that reflects religious principles. Therefore, the presence of ulama as opinion leaders in an organization not only provides a spiritual dimension, but also provides a strong moral foundation to guide behavior and decisions within the scope of the organization.

At the historical level, it is evident that the role of ulama cannot be limited only to the religious dimension, but is very broad in line with the comprehensive teachings of Islam. Ulama are not only guardians of religious teachings, but also as leaders of opinion because they have extensive religious knowledge and their fatwas are the handle of their followers.

The position of ulama in shaping public opinion on employment social security organized by the government through BPJS Employment is very important in shaping the order of life in society, nation, and state. They not only play a formal role, but also informally as leaders who are heard, respected, appreciated, and followed by the messages conveyed in daily life. Therefore, understanding the role of ulama holistically by BPJS Employment is one of the keys to the implementation of the employment social security program.

Apart from being a religious expert who has charisma, Ulama (Kyai) can act as a cultural intermediary or cultural broker. In this case, kiai functions as a link between the values that exist in the employment social security program and religious teachings, making it a unifier in society and its environment.

Ulama (Kiai) also has a careful ability to read the minds of his followers. As a cultural broker in the eyes of society, a scholar is a symbol of revelation who is able to explain complex theological issues in a way that suits their understanding and conscience. They (ulama) are able to play an important role in maintaining cultural and religious harmony, thus strengthening their position as a unifier in society.

BPJS Employment can build synergy with ulama in order to carry out marketing strategies through strengthening the motivation of the importance of becoming a social security participant in society. By showing the importance of participating in social security along with the halal postulates of employment social security, it is hoped that it will motivate participation towards spiritual and social revival.

The stages that must be carried out by BPJS Ketenagakerjaan are first to collaborate and function ulama as motivators by providing spiritual inspiration to

their people. With in-depth religious knowledge, scholars are expected to be able to stimulate the desire of the people to get closer to the values of truth, humanity, unity, and social justice. This spiritual motivation is a driving force to improve the quality of an individual's spiritual life, guiding them in living their daily lives with full awareness of moral values.

The second stage is to function ulama as agents of social change. Ulama have the ability to absorb and understand the social realities faced by society. Through wisdom and social sensitivity, scholars are able to convey motivating messages to contribute to solving social problems. For example, clerics can invite their people to be involved in humanitarian programs, support education, or even participate in poverty alleviation efforts.

The third stage is to collaborate with ulama as a motivator that encourages active participation in community development. Ulama can provide moral and ethical encouragement to engage in economic development, education, and social welfare. By inviting their people to play an active role, ulama create the spirit of mutual cooperation and social responsibility needed to achieve mutual progress through sermons, da'wah, and religious lectures.

Using clerics as part of an "advertising" strategy is a smart approach to harness their influence and authority in communication with the public. An advertising campaign involving scholars who have high credibility and authority can be built based on effective communication theory by understanding the target audience conducted by previous research, applying the principles of persuasion theory to build a convincing message. The credibility of ulama scholars can be increased through two main factors: competence (religious knowledge) and integrity (honesty and consistency). Involving clerics in voicing certain messages can help set the agenda and ensure that the issue gets greater attention from the public.

Using appropriate communication models and creativity and engagement of ulama in conveying messages. Applying consistency of the message with the religious values and teachings held by the ulama, and disseminating it through the right channels according to the target audience.

By combining these principles of communication theory, advertising strategies involving scholars can be a powerful means of achieving communicative and persuasive goals in influencing public opinion and behavior.

#### **CONCLUSION**

The conclusion of this study shows that Islamic religious views on employment social security products, such as BPJS Ketenagakerjaan, can be considered halal even though they are not labeled sharia. Most of the principles applied in the five social security products have met the goals of maqosidu assyariah, including the protection of religion, soul, intellect, heredity, and property. However, the main challenge lies in the management of investments that are not fully Shariah, where 70% of funds are invested in non-Sharia instruments.

To overcome this problem, it is recommended to remanage investments so that at least 51% of funds are invested in sharia. In addition, the importance of the involvement of ulama in marketing and membership strategies is also emphasized, so that the social security program can be more accepted by the community. The concept of Maqasid al-Syariah plays an important role in the development of the

principles of fair and sustainable social security, with the aim of protecting people's lives and welfare.

The principles of maqosidu assyariah, such as hifdzul addin and hifdzul annafs, emphasize the importance of individual awareness in participating in social security. In addition, the protection of workers' families and the transparent management of funds without usury and prohibited practices are also key to ensuring the halalness of social security products. This is in line with human values and the principle of mutual cooperation that should be held in the social security program.

Finally, employment social security is expected to meet the needs of all individuals, by paying attention to the rights and obligations of workers, including protection from risks and benefits of halal investment. Thus, social security not only serves as economic protection, but also as an instrument to build unity and prevent extremism in society.

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