

RESEARCH ARTICLE

# Anti-Beggar and Homeless Policy in the Context Social Welfare

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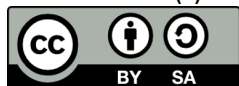
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## Abstract

The object of this research study on the problems of welfare in Indonesian society, especially in the city of Semarang. The results of the study, Semarang City itself has the Regulation No. 5 of 2014 on the Beggars and Homelesses, *Pengemis Gelandangan Orang Terlantar* (PGOT) designed Parliament with the Mayor for the usefulness of ordering Semarang city free of street children, beggars, Displaced Persons, thus the Satpol PP Unit in disciplining beggars, vagrants, and displaced persons and street children rely on the local regulation in performing their duties. After the raids and controls carried out by the Satpol PP of Semarang City, then followed up by the Central Java Provincial Social Office to rehabilitate the beggars, the tramps and the landed people not to return to the road, thus creating a comfortable urban area. Semarang City Government may be able to apply a theory of "Socialist Furnace" in realizing Semarang City which is comfortable, the furnace theory includes education stove, economic furnace and health stove. The theory can be used as a reference in dealing with the problems mentioned above.

**Keywords:** *Beggar, Homeless, PGOT, Social Welfare, Policy*

## 1. INTRODUCTION

Social welfare is a condition of the fulfillment of decent living needs for the community, to develop themselves and can carry out social functions that can be done by the government, local government and society in the form of social services which includes social rehabilitation, social

security, social empowerment and social protection Law No. 11 of 2009 article 1 and 2) (Burhan, 2013). Development of social welfare is an integral part of national development where the development of social welfare plays an active role in improving the quality of life of the Indonesian nation. This is because in principle the construction of social welfare development consists of a series of activities planned to promote the condition of human life through coordination and integration between the government, local government and society in the effort of organizing social welfare in overcoming problems of beggars and homeless (*Pengemis, Gelandangan, dan Orang terlantar* hereinafter as PGOT) becomes a framework of intact activities, comprehensive, sustainable and synergistic (Bungin, 2012), so that the social welfare of society can gradually increase. Beggar derelict man (PGOT) is a person, family, or group of people who, because of an obstacle, difficulties, or disruption, cannot perform their social functions, so that they cannot fulfill their life (physical, spiritual and social) needs adequately and reasonably (Adisasmita, 2010).

Various social welfare problems that arise in Indonesian society today include declining economic levels, deviations from norms and behavior, increasing social problems, declining health quality, and increasing crime (Boedi, 2009). Social welfare issues are motivated by the changes in people's lives in the current era of globalization, which is followed by increasing the necessities of life, the increasingly tight competition of life, the inability, and the limitations of society to adapt. These social welfare issues are one of the problems that each has a negative reciprocity. For example, the poor condition that can affect the psychological state, social circumstances, and various other problems, both on communities that directly feel it, as well as society at large (Hasanah & Husnul, 2019; Speak & Tipple, 2006).

In the concept of state prosperity or welfare state devoted entirely to the community. In a state of prosperity, the state is the only tool to prosper the people's welfare. Here the state is active in organizing the prosperity of its citizens for the benefit of all people and the state (Hidayat, 2014). Based on these statements, it can be said that the state in this case the state welfare state must play an active role in

organizing a social security effort in order to ensure the welfare and prosperity of its citizens.

## 2. METHOD

In this study the author uses the juridical empirical method, namely in analysing the problems done by combining the legal materials (which is secondary data) with the primary data obtained in the field. Approach and legal research on the science of law, but in addition it also seeks to examine the rules of law that promote society (Moleong, 2004).

Empirical aspect is on the context or not the application of the rules that govern the problems that arise in this study, which is about the planning of the development of flats in Rejomulyo, East Semarang. According to J. Supranto said that empirical juridical research is a qualitative study that is based on primary data, data obtained directly from the object. In empirical juridical research which then at the beginning is secondary data, to then be done with data to the primary data, or to the community. A study has begun, if one tries to solve a problem, systematically with certain methods and techniques, namely the scientific one (Moleong, 2007). Research Law is a scientific activity, conducted based on methods, systematics, and certain thoughts, which have the purpose to study one or more specific legal phenomena, by analyzing them. Qualitative research that can be obtained or studied is the thinking, meaning, human perspective on the symptoms that became the focus of research. Qualitative research uses qualitative methods of observation, interview, or document review. This qualitative method is used because of some of the first considerations, adjusting qualitative research methods more easily when faced with plural reality. Second, this method directly presents the nature of the relationship between researchers and informants. Third, this method is more sensitive and more adaptable to much sharpening of the shared influence on the value patterns encountered. Interviews were used to obtain information about things that were not obtained through observation (Ashshofa, 2013).

Interview methods have a variety of forms, including structured interviews and unstructured interviews. Structured interviews are interviewing whose interviewers set their own issues and questions to ask. The interview

format used can vary and the format is called the interview protocol. The interview protocol can also be open. These questions are pre-arranged and are based on problems in the research design. The basic points of the question are arranged in a highly structured way.

Unstructured interviews are different interviews with structured ones. Such interviews are used to find non-standard information or single information. Questions are usually not arranged first but adapted to the unique circumstances and characteristics of the respondents (Moleong, 2007). This interview is held directly to the relevant parties and the competent parties to obtain the data required by the author. Where the questions will be asked in the interview based on interview guidelines that have been prepared previously by the researchers. But sometimes researchers also use unstructured interviews to adapt to informants.

To validate (*trustworthiness*) data required data inspection techniques. "The technique of data validity or commonly called data validity is based on four criteria of trust, training, dependency, and certainty" (Moleong, 2007). "The technique of triangulation is a technique of checking the validity of data that utilizes something else beyond that data for checking purposes or as a comparison against that data" (Muhammad, 2009). Triangulation used in this research is triangulation with source. Triangulation with sources is to compare and check both the confidence of an information obtained through different tools and times in qualitative methods. Utilizing other observers for the need to re-check the degree of data confidence of the use of observers will help reduce bias in data collection (Moleong 2010).

### 3. RESULT AND DISCUSSION

#### A. Welfare State in the Anti-Beggar and Homeless Policy

Welfare state or welfare state is a state whose government guarantees the implementation of people's welfare. In realizing the welfare of its people, it should be based on the five pillars of the state, namely: Democracy (Democracy), Rule of Law, Human Rights Protection, Social Justice and anti-discrimination. Midgley (1997) says that the concept of a welfare state is used to declare a state whose government provides broad social services to its citizens.

This concept states the ideal to compare with the reality encountered in a particular country. So, a country can be judged on how much social service is provided to its citizens. The main characteristic of welfare state is the emergence of the government's obligation to realize the general welfare for its citizens (Ridwan, 2006).

Welfare state believes that the state has an obligation to provide its citizens with a decent standard of living. Because each country has different standards, which deal directly with the state capability limit. The important value that the welfare state brings is the reduction of the gap between rich and poor by distributing money from the rich to the poor. The distribution of profits regulated by this State is one way of doing so by placing the workers and employers in a balanced, equitable and equal way (Rahardjo, 1987; Fernando & Purnaweni, 2019; Sulistyawati & Kusumawardhani, 2020).

In the welfare state, solutions to social welfare problems, such as poverty, unemployment, inequality, and neglect are not done through short-term, partial social projects. Instead, it is managed in an integrated manner by social security programs, such as social services, social rehabilitation, as well as various education, health, old age, and unemployment benefits (Ramadhani, 2021; Bharoto, Indrayanti, & Nursahidin, 2020). If the mirror of the Pancasila and the Constitution of the Republic of Indonesia, then it is proper that Indonesia implements the welfare state, especially in the autonomous period of region like this time. Each region has the authority to process the existing natural resources and government, which of course is a strategic means to better prospering the people in the area. But it again requires a shared commitment and a common point of view to achieve prosperity. In addition, there are still many obstacles that exist is also something that must be addressed first (Urip, 2012).

## **B. Beggar, Bummer and Displaced Persons Policy**

Beggars are people who earn money by begging in public in various ways and reasons to expect the mercy of others (Patton, 1987). Begging is also a social problem that is also rooted in poverty. While the term homeless comes from the word homeless, which means always wandering or

never have a permanent residence. In general, homeless people are urban origin who come from the village and try their fate and fortune in the city, but not supported by enough level of education, expertise of knowledge of specialization and do not have money capital. As a result, they work odd jobs and are not fixed, especially in the informal sector. And the abandoned person is someone who for some reason his parents neglect his duty or certain causes, so that his needs cannot be met properly, spiritually, physically, and socially.

Some people usually consider that the group as lazy and unemployed, unmotivated, accepting of fate and imposing behaviour patterns that are considered unsuitable according to the public are, do not have the spirit of hard work, do not have attention to various problems which is related to the improvement effort and has no sense of self-respect and honour (Huda, 2009).

The PGOT category is a social problem that cannot be avoided in society, especially in urban areas. The social problems of homeless and beggars are the accumulation and interaction of various problems such as poverty, education, the lack of work skills, environmental, socio-cultural, health and others (Suharto, 2009).

### C. Social Problem and The Policy

What is meant by social problems is a condition that is born from a state of society that is not ideal, or the definition of social problems is the incompatibility of elements of society that can endanger the lives of social groups (Matsumoto, 2003). Social problem is a condition that can arise from the state of society is less or not ideal, meaning that if there is a need in society that is not evenly fulfilled then social problems will always be in the life.

Social problems in people's lives are very much but there are 4 (four) main factors that cause social problems, such as the following (Soetomo, 2008):

#### 1) Economic Factors

Problems in the economy are usually unemployment, poverty, and others. In this case, the government should be responsible for the problem because the government does not provide the field for the community. If the community is experiencing this problem will result in very vulnerable members of the



community to commit criminal acts and economic shortage can be used as an excuse or justification in doing such actions. Economic factors can also be used as a reference for whether a country and economic factor can affect social problems on the psychological and biological aspects of society.

2) Cultural Factors

This factor means that the growing culture in society will have a role that can trigger the emergence of social problems. For example, such as marriage at an early age, marriage-divorce, juvenile delinquency, and others or as our country is currently being constantly entered foreign culture. This factor should receive serious attention because culture in a country can reflect the customs of its people. By studying or deepening religious education may be able to prevent, awaken or filter incoming foreign culture.

3) Biological Factors

Next is a biological factor, this factor can lead to the emergence of social problems such as quarantine nutrition, infectious diseases, and others. This is due to the lack of proper health facilities and can occur also due to inadequate economic and educational conditions of the community. So, most of the biological conditions of the community are susceptible to disease, for the solution may be at this time by improving health facilities and providing knowledge to every member of the community about prevention as well as providing knowledge about the importance of healthy lifestyles and the importance of maintaining environmental cleanliness.

4) Psychological Factors

In addition to the above factors there are also psychological factors, such problems can arise if the psychological community is very weak. Psychological factors can also arise if the heavy burden of life that is felt by the community, especially those in urban areas, the work that accumulates so stressful and can cause emotional outburst that will trigger conflicts among community members.

As for some ways to overcome social problems, which are as follows (Soetomo, 2008):

- 1) Can improve the quality and equity of education.

- 2) Can raise social awareness.
- 3) Can provide many jobs.
- 4) Can improve the distribution of development or public facilities.
- 5) Be able to socialize social norms and social values.
- 6) Can provide strict social sanctions for those who violate, and others.

#### **D. Circumstances of Beggars and Homeless (PGOT) in Semarang City and The Policy**

Semarang city is the capital of Central Java province, which is considered more advanced than the other areas around Semarang City. The reason is making Semarang City become a destination city for the PGOT, both the original PGOT Semarang City and PGOT are deliberately imported from outside the city by a network to earn income from begging even some who claim to beg for forced.

In handling PGOT in Semarang City, there are some regulations and policies (umbrella law) that overshadow the government to move. In essence, in Indonesia the prohibition of begging or wagging is regulated in No. 732 of 1915 Section 504 and Section 505 of the Criminal Code (KUHP) Book 3 on Criminal Offenses. Other regulations include Government Regulation No. 31/1980 on the Prevention of Homeless and Beggar, and Regulation of the Chief of Police of the Republic of Indonesia Number 14 Year 2007 on the Handling of Homeless and Beggars. Perkapolri 14/2007, among others, regulates the prevention and law enforcement in dealing with homeless and beggars (Adrian, 2008).

The city of Semarang itself has the regulation No. 5 of 2014 on the handling of street children and beggars, tramps, and displaced persons (PGOT) designed by the DPRD with the Mayor to bring order to Semarang city, in line with the Satpol PP Police Unit in disciplining beggars, and displaced persons and street children rely on the local regulation in performing their duties. After the raid and control of Satpol PP of Semarang City, the Central Java Provincial Social Service to rehabilitate the begging, homeless and neglected people to rely on the regulation does not return to the road, thus creating a comfortable city area.

Social problem is a problem of city government given by central government. Semarang City Government has



issued several policies regarding the handling of beggars, homeless and displaced people and street children, there are policies that can be implemented and some that cannot be implemented either by the government or by the community. This is due to the supporting factors and the policy impediments.

Beggars, vagrants and displaced persons and street children are vulnerable to poverty, the provincial government should also increase the provision of operational funds to special institutions for sub-beggars, sub-homeless, displaced sub-people and street sub-children in order to be able to focus on solving the problems.

Semarang City Government needs to cooperate with non-governmental organizations to handling beggars, homeless people, displaced people, and street children by providing counselling, training and skills that can be used to make money. As well as the city government should give a socialization for parents should not exploit children to sing or work too long on the streets and pay attention to the social development of children and the development of education (Soekanto, 2014).

Semarang City Government may be able to apply a theory of "*Socialist Furnace*" in realizing Semarang City, which is comfortable, the furnace theory includes education stove, economic furnace, and health stove. The theory can be used as a reference in dealing with the problems mentioned above.

From year-to-year Semarang City Government has been trying to discipline PGOT in Semarang City. The control done by Satpol PP in accordance with the authority that has been regulated in Local Regulation No. 5 of 2014 is very helpful Semarang City government to realize the order and comfort of Semarang City residents. According to Section Head of Satpol PP Satpol PP Action and Implementation Section stated that the order and comfort that formed on the control done by Satpol PP did not last long, because not long after the raid by Satpol PP, the PGOT in Semarang City reappeared. What is more astonishing is that the PGOT who returned was the PGOT with the old face who had been caught by the Satpol PP raid. It makes wonder Satpol PP, why it can happen?

The faces of the old PGOTs who returned to the streets after being caught raiding by Satpol PP, were very

unfortunate. Because the control done by Satpol PP has been done maximally, but from the social institution that is given full authority to handle PGOT after the raid conducted by Satpol PP. In this case raises the question: what happens in social institutions, after the Satpol PP handed over to the orphanage? The social institution does not solve it maximally, because only certain PGOT and who need special handling such as rehabilitation that is accommodated in the social home? But other PGOT that do not need special handling by Social Institution is released. Treat from the Social Institution because of the lack of funds and insufficient capacity of social institutions to maintain PGOT that has been disciplined and caught by raids Satpol PP. This is what makes PGOT with old faces re-show themselves in the streets of Semarang. The stages made Satpol PP before sending the PGOT to the social home is accommodated in temporary shelter. Then the Satpol PP call or contact the social institution first, after the approval of the orphanage, the PGOT is taken to the orphanage to undergo the identification (Hasni, 2008), selection and assessment of the orphanage. For those who pass the three stages, it can stay in the orphanage for 1 year or depending on the development of the PGOT.

While the social institutions themselves, provide narratives about the provision of skills and maintenance of the PGOT who has been entrusted to the orphanage. But the orphanage does not deny if there are PGOT elements who are currently in the orphanage, some do not follow the skills provided by the orphanage correctly and earnestly. But many PGOTs are happy to receive the program and do it seriously, because according to their previous job is very embarrassing and uncomfortable if always raided by the Satpol PP. The PGOT undertakes a program provided by a social institution for approximately 6 (six) months.

In the case of PGOT there is a conflict between human rights and law enforcement. Where, they try to stay alive by begging or begging for mercy to those who are capable. However, the process or the way used by the PGOT is very disturbing the order and comfort and governance of Semarang city.

### **E. State Responsibility for the Protection and Maintenance of PGOT**

The concept of Welfare State or the State of Welfare in the State of Indonesia, when viewed from the 1945 Constitution of the State of the Republic of Indonesia, Indonesia can already be said to use the concept of Welfare State, because in the 1945 Constitution has explained how the State participates in economic activities, social and activities others who support the creation of prosperity for its citizens. Evidence that the State of Indonesia uses the Welfare State Concept in the administration of its country, can not only be seen from the content of the 1945 Constitution only, but also in the 5th principle of Pancasila which reads: "*social justice for all Indonesian people*". Judging from the content of the 1945 Constitution and Pancasila, especially in the fifth precept, that means Indonesia has the goal to achieve prosperity for all citizens. In addition, the establishment of the 1945 Constitution aims as a foothold Welfare State for Indonesia.

Much deeper, perhaps one can argue that in the 1945 Constitution there is a provision in article 28I verse (4) which is also the result of the second amendment, which states that the protection, promotion, enforcement, and fulfilment of human rights is the responsibility of the state, especially the government. Under article 28I paragraph (4) it is apparent that the protection, promotion, enforcement, and fulfilment of the rights formulated as human rights in the 1945 Constitution are the responsibility of the state and especially the government. However, without any special provision requiring the government to take concrete steps to uphold and realize the various rights already mentioned in the 1945 Constitution, its embodiment will remain floating.

In addition to article 28H, other articles related to the government's obligations to meet the welfare of the community are also formulated with very floating. This can be seen in chapters 31 (on education) and 34 (on social security and health care). If the constitution-makers seriously want the various rights to be realized in the life of the state in Indonesia, it will be more real if the formulation of the right is accompanied by the formulation of "obligations" that must be done by the government.

By accompanying the formulation of obligations to be carried out by the government or other parties deemed

obliged to make it happen, then the people can make demands if the obligations are not implemented. However, with the formulation stipulated in the positive sentence solely, the capable people who are homeless cannot demand the implementation, maintenance, and protection of the government.

So, the state must provide social security for every citizen. In fact, many thinkers and state practices that embrace the welfare state system view that the role of the state in providing welfare services of its citizens must include the life of the people, so it is perceived as well as efforts to protect and maintenance PGOT. This provision already written in the Constitution of the Republic of Indonesia Year 1945 precisely in Article 34 Paragraph (1) has been explained that the State's responsibility of the poor and neglected children is to maintain it, not least with PGOT. The State should maintain PGOT in accordance with its responsibilities. The state should provide protection and maintenance to the PGOT. Protection for PGOT by the State one of the ways is with the protection in social institutions, which ensures the PGOT will avoid the public waste raid conducted by the government through Satpol PP in accordance with its authority, to discipline and provide comfort for all people in the country.

In the case of the maintenance and maintenance of beggars, tramps, neglected people and street children adhering to the 1945 Constitution article 28H verse 2 with the first to establish a special home for some people categorized as PGOT, the second in the activity in the orphanage a skill training so that after coming out of the orphanage can have skill and can develop himself so as not to return to the road. The State of Indonesia undertakes a long-term plan to reduce PGOT, in each province, district or city on the president's instruction and continued by the social minister instructing each regional head to draft a regulation on the handling of PGOT through the Local Regulation, City Regulation to address the problem, the heads of regional heads in synergy with the social service which later in the implementation of social service regulation in collaboration with the Civil Service Police Unit.

The allocation of APBN funds for the maintenance of PGOT is urgently needed. APBN funds for the maintenance of PGOT is very necessary considering that Social House, as

a facility to maintain PGOT so as not to disturb public order and the public need funding to maintain PGOT, as it is clearly visible is the funds for routine consumption of PGOT residing in it. In addition to consumption, APBN funds are needed as an improvement or renovation of the Social Home to enlarge the orphanage, so that the Social House's capacity to accommodate, provide protection and maintain more PGOT, so as not to cause cases of PGOT sorting or PGOT screening that requires special handling only accommodated or freed as happened in Semarang City. Here the role of the state in planning the prosperity of its people is seen by the above-mentioned actions. So, it is not excessive if our country is called as a country to become a welfare state.

#### 4. CONCLUSION

The city of Semarang, which is the capital of Central Java province, is considered more advanced than other surrounding areas, the reason that makes the city of Semarang become the goal of PGOT, whether it comes from the city of Semarang, or from outside Semarang city. This condition makes PGOT in Semarang City increased every year. The factors that make the PGOT still pursue the profession are the economic factors, family and environmental factors, physical ability factors. The city of Semarang itself has the regulation No. 5 of 2014 on the handling of street children and beggars, tramps, and displaced persons (PGOT) designed by the DPRD with the Mayor to bring order to Semarang city, in line with the Satpol PP Police Unit in disciplining beggars, and displaced persons and street children rely on the local regulation in performing their duties. After raid and controlling by Satpol PP Semarang City, then followed up by Social Service of Central Java Province to rehabilitate so that beggar, vagrant, and homeless people do not return to the road, so that created a comfortable city area. Semarang City Government may be able to apply a theory of "Socialist Furnace" in realizing Semarang City, which is comfortable, the furnace theory includes education stove, economic furnace, and health stove. The theory can be used as a reference in dealing with the problems mentioned above. The concept of Welfare State or State of Welfare in the State of Indonesia can be seen

from the Constitution of the State of the Republic of Indonesia Year 1945, because in the 1945 Constitution has been explained that how the State participates in economic activities, social and other activities that support the creation of welfare for its citizens. It is also found in the 5th principle of Pancasila which reads: "social justice for all Indonesian people". In the 1945 Constitution of the State of the Republic of Indonesia, precisely in Article 34 Paragraph (1) has been explained that the State's responsibility to the poor and neglected children is to maintain it, not least with PGOT. The State should maintain PGOT in accordance with its responsibilities. In the case of the maintenance and maintenance of beggars, tramps, neglected people and street children adhering to the 1945 Constitution article 28H verse 2 with the first to establish a special home for some people categorized as PGOT, the second in the activity in the orphanage a skill training so that after coming out of the orphanage can have skill and can develop himself so as not to return to the road. The existence of APBN budget allocation is also very needed for the maintenance of PGOT, given that Social House, as a facility to maintain PGOT so as not to disturb the order and the people need the supply of funds to maintain PGOT, as is clearly visible is the funds for routine consumption of PGOT residing in it, as well as for repair or renovation of the Orphanage to enlarge the orphanage, so that the Social House's capacity to accommodate, provide more protection and maintenance of PGOT, so that no PGOT-sorting or PGOT selection cases require special handling that can be accommodated or released as is the case in Semarang City. State of Indonesia as a State that has implemented the concept of Welfare State or welfare state in the implementation of the country, then the State should pay attention to the welfare of its people. No exception is also in the handling of PGOT. The State or in this case the central government has authorized the local government to take care of the welfare of its people, should pay more attention to the PGOT problem, especially in relation to its protection and maintenance, so that PGOT does not continue to disturb the order and the comfort and the management of the city.

## 5. DECLARATION OF CONFLICTING INTERESTS



The Author declares that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

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