

LEGAL STUDY ON THE INTEGRATED SOCIAL WELFARE DATA POLICY FOR THE EFFORT TO AN ORDERLY LEGAL ADMINISTRATION FOR SOCIAL ASSISTANCE RECIPIENTS

Dwiyani Pratamawati¹, Endang Sutrisno², Harmono³
dwiyanipra@gmail.com¹, endang.sutrisno@ugj.ac.id², harmono@ugj.ac.id³
^{1,2,3}Master of Law, Universitas Swadaya Gunung Jati, Cirebon, Indonesia



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Abstract : *A verification procedure through several institutions can increase the potential for the misuse of data or authority and inaccurate determination of social assistance recipients. Additionally, the data available is very irrelevant and not yet optimal for the needs of citizens, because the existing poverty conditions is more than the provided amount of social assistance. The purpose of this work is to study and analyze the legal aspect on the Data Terpadu Kesejahteraan Sosial Penerima Bantuan Sosial di Kabupaten Cirebon (“The Integrated Social Welfare Data Policy in Cirebon Regency”) and to know and understand the implementation of the said policy to create an orderly legal administration for the social assistance recipients in the Cirebon Regency. The method used in this research is *yuridis normative* which is research that puts the law as the base reference in the creation of legal norms. The verification process and the validation of Data Terpadu Kesejahteraan Sosial (“The Integrated Social Welfare Data Policy”) is not yet fully fitting to the guidelines and instructions of conduct set by Kementerian Sosial (“The Ministry of Social Affairs”). This is because of the regulation being technical and the unavailability of a coordination between the institutions in this issue of regional legal rule product, hence these result in an obstacle that exists in the coordination of different institutions in the Cirebon Regency.*

Keywords: Legal Study; Integrated Social Welfare Data Policy; Social Assistance

I. INTRODUCTION

Cirebon Regency is the receiving and distributing region for central government's or the Ministry of Social Affairs' social assistance, in which in this issue is the Dinas Sosial ("Social Services Agency") as the party delegated for the verification of recipient candidates' data and for the supervision of the distribution of social assistance itself. The data on the amount and names of the social assistance recipient candidates / KPM comes from the Ministry of Social Affairs which is the Data Terpadu Kesejahteraan Sosial itself.

According to Data Terpadu Kesejahteraan Sosial Kabupaten Cirebon year 2024 which is spread across 40 sub-districts, it is received that the data on poverty or those considered poor is in the numbers of 1.566.143 people or 578.778 heads of families (kepala keluarga (KK)) who are categorized as poor out of a population of 2.411.302. This becomes a question in regard to the amount of 85% Cirebon Regency citizens is considered poor. Based on this data, the Cirebon Regency Government through Social Services Agency is only capable to receive data and supervise the distribution of the social assistance mentioned. This is because the early data on Data Terpadu Kesejahteraan Sosial that originated from the Ministry of Social Affairs and the Social Services Agency does not know how the early criteria has resulted in that amount.

It is known that from year to year, the numbers of Keluarga Penerima Manfaat (KPM) (Beneficiary Families) of the social assistance increase for some sub-districts and there are indeed reductions as well. An example is Sumber sub-district with its large Data Terpadu Kesejahteraan Sosial comparable to its numbers of KPM social assistance recipients which increase every year. On the other hand, the recipients' data in Astanajapura sub-district with its large Data Terpadu Kesejahteraan Sosial is not comparable to the number of recipients which is decreasing. For an example where the Data Terpadu Kesejahteraan Sosial is small and is comparable to a decreasing numbers of social assistance recipients, it is the Pasaleman and Karangwareng sub-districts.

The source for these Data Terpadu Kesejahteraan Sosial originates from the Ministry of Social Affairs which then is distributed to the Social Services Agency of Cirebon Regency. The role of the Social Services Agency of Cirebon Regency here is to conduct verification and validation of the Data Terpadu Kesejahteraan Sosial towards the KPM social assistance, where if reports and complaints came from citizens that do not receive the social assistance. If there are KPM that usually receives but in a / some specific instances they do not receive or for citizens that have not received social assistance at all from the beginning, if they complain / report this to the Social Services Agency then this can be the material to be verified and validated to villages or sub-districts by the Social Services Agency.

However, in a normal condition, the Social Services Agency always conducts verifications and validations to villages in the beginning of every month. This is to validate whether the data that has been put by the villages by the Puskesmas in this issue is compatible or not. Then, the Social Services Agency of Cirebon Regency delivers the Data Terpadu Kesejahteraan Sosial to each village from Puskesmas officials. Puskesmas officials have an important role in the field verification and validation. Therefore, after going through several stages including through village deliberations/sub-districts deliberations. The results of these deliberations have to be recorded in event report document to be sent to the Social Services Agency as a valid data.

Data Terpadu Kesejahteraan Sosial (DTKS) that is attached to the abovementioned table is the main data source or the overall master data on the receipt of social assistance in the forms of Program Sembako, PKH or other social assistance forms, even those who do not receive social assistance at all. This means that Data Terpadu Kesejahteraan Sosial is the master source which

consists of family data or every family head that has been categorized as poor citizen criteria. Thus, Data Terpadu Kesejahteraan Sosial becomes a guidance for the Ministry of Social Affairs/Social Services Agency and even other institutions in regards to the matter of social assistance based on the country's budget capability and the rules of each institution. Based on the findings and the reports from KPM that the writer of this work has encountered directly in-person while the writer was still working in the Social Services Agency, there are issues of social assistance recipients that are not on target and a deleted or lost data on people who have received the social assistance, and these have since become concerns that the writer is aware of.

An example of this problem has happened in the region of Prajawanangun Wetan Kaliwedi Sub-district Cirebon Regency in 2023. There were 400 social assistance recipients in that village that had been deleted from the Data Terpadu Kesejahteraan Sosial and this created a not conducive / fluctuation by the KPM that usually receive social assistance but during distribution the said 400 did not exist and reported this to the Social Services Agency. Finally, with the reports that exist from those citizens, the Social Services Agency of Cirebon Regency play an active role to execute visits to that region as to confirm, verify and validate the issue to the village government/Puskesmas. Puskesmas is the officers responsible for verification and validation on the level of village/sub-district and which is so vital in selecting and keeping the integrity of the data that is verified and the data that is to be inserted as the Data Terpadu Kesejahteraan Sosial. The verification procedure through some institutions can increase the potential of data or authority misuse as well as an inaccurate assignment of social assistance recipients. Moreover, the data available is very irrelevant and not yet optimal for the needs of citizens, because the existing poverty condition is more than the amount of social assistance provided. With this, the author formulates several problems to be discussed in this research, namely how is the legal aspect in the Data Terpadu Kesejahteraan Sosial in Kabupaten Cirebon policy and how is the Data Terpadu Kesejahteraan Sosial in Kabupaten Cirebon policy is to be implemented to create an effort for an orderly legal administration in Cirebon Regency.

II. RESEARCH METHOD

This research uses the paradigm positivism method. This type of research is included in doctrinal research, which is research that uses or relies on data sources in the forms of statutory regulations, court decisions, legal theories and concepts as well as the views of legal scholars, in which the results are analyzed using normative-qualitative method. This research is done with *yuridis normative (Legal Research)*. The research method used by the author is *yuridis normative*, therefore the techniques used to collect the legal sources are literature study, complemented by interview results towards the representatives of social assistance recipients and the institution involved that is the Social Services Agency of Cirebon Regency.

IV. DISCUSSION

1. Legal Study On The Data Terpadu Kesejahteraan Sosial (The Integrated Social Welfare Data Policy) To Reach An Orderly Legal Administration

The description of social security and social protection in Undang-Undang Penanganan Fakir Miskin is mentioned in Penjelasan Article (7) paragraph (2) which is defined as an effort to provide security and social protection, and a sense of safety for the poor caused by natural disasters, negative impacts of economy crisis, and social conflicts. With this, it can be seen that there is a merging of the nomenclature of social protection and security into social security and protection as an effort dedicated to provide the feeling of safety for the poor caused by natural

disasters, economic crises, and social conflicts in the Undang-Undang Penanganan Fakir Miskin. This problem is surely slightly different from the regulation concept in Undang-Undang Kesejahteraan Sosial that separates the definitions of social protection and security.

The Government and Regional Governments are responsible for the poor according to their duties and responsibilities as mandated by the constitution that declares the poor and abandoned children are to be maintained by the state. This is also mentioned in Undang-Undang Penanganan Fakir Miskin where in Articles to 31 regulate the division of duties and authorities of the central government, provincial governments, and district/city governments in the maintenance of the poor. Moreover, there is also the regulation of duties and authorities of the Village Governments as mentioned in Article 31 paragraph (3) Undang-Undang Penanganan Fakir Miskin that is conducted in accordance to the statutory regulations. In this regard, this means to refer to Undang-Undang Number 6 Year 2014 about Villages along with its derivative regulations.

The arrangement of the division of duties and authorities of the central government and regional governments in this Undang-Undang Penanganan Fakir Miskin is surely different if seen with the regulation in Undang-Undang Kesejahteraan Sosial that does not specifically regulate the division of responsibilities and authorities of the central government, provincial governments and city/district regions on the matters of poverty alleviation, however, Article 22 Undang-Undang Kesejahteraan Sosial states that:

“The implementation of poverty alleviation as referred in Article 19 is the responsibility of the Minister.” (in this case: the Minister of Social Affairs)

The scope of the poor in Undang-Undang Penanganan Fakir Miskin includes: individuals (individuals; families; groups; and/or communities) who have no livelihood sources at all and/or have livelihood sources but no capability in fulfilling their basic needs that are suitable for their lives and/or their families. To act on the responsibilities of the state towards the poor there exists a grant of rights to the poor. These rights are explicitly mentioned in Article 3 of the Undang-Undang Penanganan Fakir Miskin.

If we refer to the forms of social security and protection that is delineated in Undang-Undang Kesejahteraan Sosial, therefore the Undang-Undang Penanganan Fakir Miskin grants social security and protection for the poor in the forms of: food and clothing assistance, which includes assistance that increases food sufficiency and diversification, as well as the sufficiency of adequate clothing; the delivery of housing services, which includes assistance to fulfill the rights of the poor on housing that is adequate and healthy; the delivery of health services, which includes the supply of health services for the basic needs of the poor; the delivery of education services, which includes the delivery of education services that fulfills the basic needs of the poor in regard to them receiving education services that are free of charge, of quality, and without gender discrimination; the delivery of access to job opportunities and entrepreneurship which is to fulfill the rights of the poor to a job and an adequate development of a business; and legal assistance which is the help given to the poor that has problems and is facing the law. From the six forms/types of these efforts, only legal aid or assistance that does not have specific articles regulating it, unlike the other five forms that are mentioned that have their own dedicated articles.

Additionally, other than these six forms, there are 2 other forms to maintain the poor mentioned in Undang-Undang Penanganan Fakir Miskin. However, these two forms, namely the effort to self-development and social services if referred to Undang-Undang Kesejahteraan

Sosial are less appropriate as forms of social protection or even social security, but they are more accurate to be part of social empowerment.

From the explanation above as well as the further examination on the implementing regulations from Undang-Undang Penanganan Fakir Miskin, it can be seen about the political direction of the law on the social security and protection that is going to be regulated. For instance, when talking about the food and clothing assistances as forms of social security and protection for the poor, thus it can be seen how this matter is translated by Permensos 20/2019 as assistance that is given in the form of non-cash food assistance (which in reality replaces the previous rice sejahtera assistance program). The Program Bantuan Pangan non tunai is aimed to reduce the expenditure burden of Keluarga Penerima Manfaat (KPM) that is realized from a non cash form every month through an electronic mechanism that is used to purchase the food materials from e-warung that collaborate with banks.

Another type of effort is the providing of housing services, as a basic need, which is also included in the social security and protection form regulated in Undang-Undang Penanganan Fakir Miskin where the party responsible for its implementation is the Minister of Social Affairs. The Ministry of Social Affairs then established Permensos Number 20 Year 2017 on Rehabilitasi Sosial Rumah Tidak Layak Huni dan Sarana Prasarana Lingkungan. There is an interesting aspect to be noted here, because when Permensos is further examined, it turns out that the providing of housing services is translated to a housing assistance as a part of social rehabilitation. However, Undang-Undang Penanganan Fakir Miskin does not discuss about social rehabilitation at all. Furthermore, this Permensos mentions Undang-Undang Penanganan Fakir Miskin as the basis of its creation.

This actually shows that there exists no synchronization and clarity in the regulations regarding social security and protection that is provided and regulated in Undang-Undang Penanganan Fakir Miskin and the rules in Undang-Undang Kesejahteraan Sosial. Undang-Undang Penanganan Fakir Miskin seems to give “variations” in regulation, different from Undang-Undang Kesejahteraan Sosial (including the use of nomenclatures such as “handling the poor” and “poor alleviation”) in the giving of social security and protection, with the receptive object of the benefits are also poor individuals. This matter clearly should be considered to prevent inefficiency in the conduct of a program that is aimed for the handling of the poor.

Therefore, there needs to be an effort to harmonize and synchronize the regulations on social security and protection in Undang-Undang Penanganan Fakir Miskin with the regulations in Undang-Undang Kesejahteraan Sosial. This is needed for the creation of a regulation that is directed in line with the effort to raise social welfare especially for the poor.

The regulations on social security and protection are spread to four Undang-Undang which are the objects analyzed and evaluated, namely: Undang-Undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial (Undang-Undang Number 11 Year 2009 on Social Welfare), Undang-Undang Nomor 13 Tahun 2011 tentang Penanganan Fakir Miskin (Undang-Undang Number 13 Year 2011 on the Handling of the Poor), Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas (Undang-Undang Number 8 Year 2017 on the Disabled), and Undang-Undang Nomor 13 Tahun 1998 tentang Kesejahteraan Lanjut Usia (Undang-Undang Number 13 Year 1998 on the Social Welfare of the Elderly). The results of the analysis and evaluation show that these four regulations do not have one thinking structure that is the same with social security and protection, thus resulting in the potential for disharmony as follows:

There is no concept of social security and protection that is identical/harmonious among those four Undang-Undang analyzed. In the Undang-Undang Kesejahteraan Sosial, Social

Protection and Security are the forms of Social Welfare. Each of these aspects then are regulated individually and contain further descriptions on the forms. In Undang-Undang Penanganan Fakir Miskin, Social Security and Protection are not separated so there is no description on how to conduct both things individually in detail as found in the Undang-Undang Kesejahteraan Sosial. In Undang-Undang Kesejahteraan Lanjut Usia, there is only social protection and no social security. In this regard, Undang-Undang Disabilitas shows conceptual similarities with Undang-Undang Kesejahteraan Sosial that divides social protection and social security to two different forms and have derivative descriptions on the implementation.

The difference in these concepts turn clearer when talking about the definitions and objectives of perjamsos. In Undang-Undang Kesejahteraan Sosial, social protection is all efforts that are aimed to prevent and handle the risks of social shocks and vulnerabilities (Article 1 number 9 Undang-Undang Kesejahteraan Sosial). In Undang-Undang Penanganan Fakir Miskin, social protection is aimed to provide a sense of security for the poor including those that are affected by natural disasters, the negative impacts of economic crises, and social conflicts (Explanation of Article 7 paragraph (2) word c Undang-Undang Penanganan Fakir Miskin), meanwhile in Undang-Undang Kesejahteraan Lanjut Usia, social protection is to assist both potential and non-potential elderly to achieve and enjoy a reasonable standard of living (Article 1 number 7 Undang-Undang Penanganan Fakir Miskin and Undang-Undang Kesejahteraan Sosial, this is the purpose of social security).

Similarly, differences in formulations and objectives are found in the definition of social security. Undang-Undang Kesejahteraan Sosial declares that social security is an institutionalized scheme to ensure that all citizens can meet their adequate basic living needs (Article 1 number 11 Undang-Undang Kesejahteraan Sosial), but in Undang-Undang Kesejahteraan Lanjut Usia this action is the purpose of social protection (Article 1 number 7 Undang-Undang Kesejahteraan Lanjut Usia).

The differences in definitions are indeed possible in legislations. However, when these differences un definitions are sourced from the absence of a uniform conceptual structure, this surely can create confusion in the implementation because the same terminologies refer to different purposes and boundaries. As an example, one program can be classified as a social protection program if seen from the lenses of Undang-Undang Kesejahteraan Sosial, but it becomes a social security program if seen from the perspective of Undang-Undang Penanganan Fakir Miskin, even though the two are programs that have the same purpose and target. Even further, this may result in the happening of overlapping data and programs that embody social protection and security which in turn result in inefficiency and budgetary inefficiencies.

The absence of harmony in definitions certainly impacts the differences in the scope of social protection and security in those four legislations. Undang-Undang Kesejahteraan Sosial is acted through social assistance, social advocacy, and legal aid (Article 14 paragraph (2) Undang-Undang Kesejahteraan Sosial). In Undang-Undang Kesejahteraan Lanjut Usia, social protection is different with the giving of legal aid and social aid (Article 5 Undang-Undang Kesejahteraan Lanjut Usia). Undang-Undang Kesejahteraan Lanjut Usia gives a further and wider scope, namely: a series of maintenance process, the care and fulfillment of the elderly needs, including services on physical, mental, social, health, and approach to the Divine services.

The same thing also occurs in the regulation of social security. In Undang-Undang Kesejahteraan Sosial, social security includes social welfare insurance and aid that is continuous (Article 9 paragraphs (2) and (3) Undang-Undang Kesejahteraan Sosial). However, Undang-Undang Disabilitas expands that scope which includes special aid that covers training,

counseling, temporary maintenance, or other aids that are related (Article 93 paragraphs 2 (and 3). Undang-Undang Penanganan Fakir Miskin, different from the others, provide details on the different forms of social assistance, legal assistance, education assistance and others on their own without inserting them into the forms of social protection or security.

There also exists terminologies difference from the protection recipients and social security in the four legislations analyzed. Undang-Undang Kesejahteraan Sosial for example, uses the terminology “lanjut usia terlanjut” (“abandoned elderly”) (Article 9 paragraph (2) word a Undang-Undang Kesejahteraan Sosial), meanwhile Undang-Undang Kesejahteraan Lanjut Usia uses the terminology “lanjut usia potensial” (potential elderly) and “lanjut usia tidak potensial” (“non-potential elderly”) (Article 1 paragraphs 3 and 4 Undang-Undang Kesejahteraan Lanjut Usia). Undang-Undang Kesejahteraan Sosial uses the terms “penyandang cacat fisik, catat mental, cacat fisik dan mental”) (“persons with physical disabilities, mental disabilities, physical and mental disabilities”) (Article 9 paragraph (2) word a Undang-Undang Kesejahteraan Sosial), and on the other hand Undang-Undang Disabilitas uses the term, “persons with disabilities”) (Article 1 number 1 Undang-Undang Disabilitas).

The disharmony on the regulations as explained above has the potential to create bigger problems namely overlapping and inefficiencies in the implementation of social protection and security action. The expansions of scopes that are evident in several laws and implementing rules also show the existence of a needs development that cannot be contained anymore in the old laws.

The absence of one unified perspective on social protection and security becomes a crucial issue in the implementation of regulations on the matter of social protection and security. This causes the event where each perjamsos programs run by themselves and decrease the efficiency and effectiveness of their implementation.

Reconstruction, firstly, needs to be done to harmonize the concepts of social protection and security to all involved regulations. Secondly, there needs to be a simplification of the rule to reduce the potential of disharmony. What is formerly arranged in several Undang-Undang, can be merged into one Undang-Undang Payung (umbrella act) in the future in regard to Social Welfare which then further entails the creation of special rules/further rules for perjamsos receptions subjects that are suitable with the characteristics and the needs of the mentioned group of receptions, based on the concept that is built by the umbrella act. With this, there will be a consistency in perspectives and perceptions among the law implementers regarding social protection and security. The diversity and variation of the rules can be developed to an implementation program that is given to each social protection and security recipient subject.

2. Implementing the Data Terpadu Kesejahteraan Sosial (Integrated Social Welfare Data Policy) in the Effort for an Orderly Legal Administration

Data Terpadu Kesejahteraan Sosial aims to provide a valid data so it is sufficient to realize citizens' welfare, as stated in the introduction of Undang-Undang Dasar 1945. The aim is aligned with Gustav Radbuch's theory that explains there are three aims of law, namely utility, certainty, and justice. In implementing these three aims, there needs to be the usage of priority principle. Gustav Radburch, states that there is a priority scale that needs to be implemented, where the first priority is always justice (Satjipto Rahardjo, 2021). In the context of legal approach, these three values have to become the fundamental aspect to ensure an orderly society. To achieve this order, the effective laws should be able to provide justice, utility, and legal certainty (Susmita Suharjo & Sugeng Harianto, 2022).

The legal basis on the Inventory of Data Terpadu Kesejahteraan Sosial is as follows:

Table 1. Inventory of the Data Terpadu Kesejahteraan Sosial Regulation

No	Rule of Law	Description
1	Pembukaan UUD 1945 Alinea ke- 4 (The Introduction of UUD 1945 Paragraph 4)	Mengatur tentang Tujuan pembangunan Nasional Indonesia/Tujuan dibentuknya negara Kesatuan Republik salah satunya Memajukan tentang Kesejahteraan Umum (Regulates the national development aim of Indonesia/One of the purposes of the creation of Negara Kesatuan Republik is to Advance General Warfare)
2	Undang-Undang No.11 Tahun 2009 (Undang-Undang No. 11 Year 2009)	Tentang Kesejahteraan Sosial (About Social Welfare)
3	Undang-Undang No.13 Tahun 2011 (Undang-Undang No. 13 Year 2011)	Tentang Penanganan Fakir Miskin (About the Handling of the Poor)
4	Undang-Undang No.14 Tahun 2008 (Undang-Undang No.14 Year 2008)	Tentang Keterbukaan Informasi Publik (About Public Information Transparency)
5	Undang-Undang No.11 Tahun 2008 (Undang-Undang No.11 Year 2008)	Tentang Informasi dan Transaksi Elektronik (About Information and Electronic Transactions)
6	Peraturan Pemerintah No. 82 Tahun 2012 (Peraturan Pemerintah No. 82 Year 2012)	Tentang Sistem dan Transaksi Elektronik (About the System and Electronic Transactions)
7	Peraturan Pemerintah No.39 Tahun 2012 (Peraturan Pemerintah No.39 Year 2012)	Tentang Penyelenggaraan Kesejahteraan Sosial (About the Implementation of Social Welfare)
8	Peraturan Presiden No. 63 Tahun 2017 (Peraturan Presiden No. 63 Year 2017)	Tentang Penyaluran Bantuan Sosial Secara Non Tunai (About the Distribution of Non-cash Social Assistance)
9	Permensos No. 3 Tahun 2021 Tentang Pengelolaan Data Terpadu Kesejahteraan Sosial (Permensos No. 3 Year 2021 Tentang Pengelolaan Data Terpadu Kesejahteraan Sosial)	Tentang Perubahan Permensos Nomor 5 Tahun 2019, Perubahan dari Permensos Nomor 11 Tahun 2019 terus dirubah lagi menjadi (About Perubahan Permensos Number 5 Year 2019, Amendment from Permensos Number 11 Year 2019 then amended again to (...))
10	Peraturan Menteri Sosial No 4 Tahun 2023 (Peraturan Menteri Sosial No 4	Tentang Pelaksanaan Program Sembako (About the Implementation of Program Sembako)

No	Rule of Law	Description
	Year 2023)	
11	Keputusan Dirjen Pemberdayaan Sosial No 5/SK/HK.01/2/2023	Tentang Petunjuk Teknis Pelaksanaan Program Sembako (About the Technical Guidelines on the Implementation of Program Sembako)
12	Peraturan Bupati No.11 Tahun 2022 (Peraturan Bupati No.11 Year 2022)	Tentang Tugas, Fungsi dan Tata Kerja Dinas Sosial Kab. Cirebon (About the Duties, Functions, and Organizational Structure of Social Services Agency in Cirebon Agency)

Source: Processed by researcher from various sources, 2024

Based on the explanation above, it can be explained that the technical regulation on national policies on social welfare has not fully been accommodated by regulations that are technical in nature in this regard, especially concerning the legal products of regional regulations. The absence of regional regulations mentioned is the cause of a legal vacuum. Therefore, the norms that govern social welfare from social regulations sourced from national policies in the forms of Undang-Undang until the technical guidelines for the data collection of Data Terpadu Kesejahteraan Sosial and social aid distribution are of national nature and are governed by Keputusan Dirjen's Department on Sembako in the form of Petunjuk Teknis Program Sembako (Technical Guidelines on Program Sembako).

The source of Data Terpadu Kesejahteraan Sosial originates from the Ministry of Social Affairs which then is delivered to the Social Services Agency, and in this discussion, the Social Services Agency of Cirebon Regency. The role of the Cirebon Regency's Social Services Agency is to do verification and validation of Data Terpadu Kesejahteraan Sosial towards the recipients of social assistance benefits. Furthermore, Cirebon Regency's Social Services provide Data Terpadu Kesejahteraan Sosial to each village through Puskesmas officials. Puskesmas officials play a crucial role in the field verification and validation. Therefore, after going several stages among them village deliberations, the data sent to Social Affairs Agency is a valid data. Based on field findings and reports, there are KPM towards the social assistance beneficiary recipient that are not on target and deleted data on the parties who previously received the social assistance.

The incident took place in Prajawinangun Wetan village, Kaliwedi District, Cirebon Regency in 2023. The amount of 400 citizens who were recipients of social assistance in that village are deleted from the Data Terpadu Kesejahteraan Sosial by the Puskesmas Officials (Pusat Kesejahteraan Sosial) of that village, which caused a non-conductive situation between the citizens. The Social Services Agency of Cirebon Regency plays an active role in executing visits to the region to conduct the verification and validation.

If seen from the incident explained above, surely citizens will assume that the data collection done by Puskesmas officials are not according to the procedures and criteria that fit with the applicable rules. The village authority, specifically on the field data collection must thoroughly understand the criteria to propose data terpadu kesejahteraan sosial and do a strict verification to minimalize invalid data problems. An urban administrative/village unit do not

execute inspections directly, because the task is assigned to Rukun Tetangga. However, the data collected by Rukun Tetangga are not on target mostly and lots of them are invalid.

Upon examining the case above, surely citizens will assume that the field data collection is not optimal yet and thus this can incite conflicting opinions from them. The Village Authority, on field data collection specifically, must thoroughly understand the criteria of proposing for data kesejahteraan sosial and conduct a strict verification to minimize invalid data problems. Villages do not do direct inspection, because the field data collection task is assigned to RT. However, data that is collected by RT, as proved by the table abovementioned are mostly not on target and there are lots of invalid data. This issue can be proved by the table abovementioned which refers to data terpadu kesejahteraan sosial. The theory used in this research is the legal purpose theory (teori tujuan hukum). Gustav Radbruch explains that there are three aims of law, namely utility, certainty, and justice. The implementation of these aims must use the priority principle (Sonny Pungus, 2017).

In realizing justice that is based on the theory of legal purpose proposed by Gustav Radbruch, the Social Services Agency in this regard is tasked to manage data to do verification and data validation from sub-districts that have been certified. Other than villages/sub-districts (kelurahan) and RT, there are also officials from (kecamatan) that act as coordinators of the villages/sub-districts (kelurahan) that coordinate the proposal process of those data from the villages/sub-districts (kelurahan). The job of kecamatan is to oversee and certify the field implementation. Supervision and guidance in the field is needed so that the data proposal process is running in adherence to the criteria set in Permensos Number 3 Year 2021.

Justice can be prioritized and in turn sacrifices the utility for broader society. Gustav Radbruch explains a priority scale that must be followed, where justice is always first priority, then utility, and last is legal certainty. Law runs its functions as a means to conserve the human interests within society. Law has a target to be achieved, that is to divide rights and obligations among individuals in society. Law also grants authority and regulates the resolve of legal issues as well as the preservation of legal certainty (Randy Ferdiansyah, 2011).

In addition to playing an active role in managing data, the Social Services Agency of Cirebon Regency also do supervision and evaluation of events. According to Keputusan Direktorat Jenderal Pemberdayaan Sosial Nomor 11/5/SK/HK.01/2/2023 Tentang Petunjuk Teknis Pelaksanaan Program Sembako which states that supervision and evaluation is done so that the implementation of the distribution program is on target, in time and in the correct amount.

Being on target means to ensure the distribution of program sembako to be so by way of verification with KPM data that is sourced from Data Terpadu Kesejahteraan Sosial. Not only to be on target, to be in time is also essential in the program sembako distribution. In time means to make sure that the program can be implemented in every distribution period or in adherence to the government policy. Meanwhile, in the correct amount is to ensure that the data given matches the data received, whether that is from KPM or the citizens itself.

Confusion on the social assistance recipients data also occurred in Jungjang Wetan Village Kecamatan Arjawaninangun Cirebon Regency, where there happens a discrepancy of data registered in data terpadu kesejahteraan sosial and the total of all social assistance recipients. The mismatch started when the Social Services Agency of Cirebon Regency received data to be verified in the field by the relevant team. The verification procedure through several institutions can increase the potential of budget or authority misuse and the inaccurate assignment of social

assistance recipients. Additionally, from the available data above, it can be seen that it is very irrelevant to the needs of the citizens, because of the prevalent existing poverty conditions.

The amount of public that has the right to receive social assistance is a lot, however the limited data collection that is conducted by the Social Services Agency towards the social assistance recipients is very limited. This surely produces a non-conductive situation among the citizens when they receive it. This is proved by how the citizens who died still exist in the social assistance recipients data, and those citizens who already have experienced a change in their economic conditions. Social Services Agency imposes a deadline on the officer in charge of the village data collection regarding this issue, and so the officer finally replaces the names from the groups mentioned to the names of the new social assistance receptions according to the data owned by the Regional Government of the Cirebon Regency. Based on the matter abovementioned, it can be concluded that to minimize the happenings of data confusion during reporting, there needs to be cohesion, cooperation and positive contribution that are constructive, transparent, as well as on target in accordance with the applicable rules. Generally, there is a similarity in the politics of law regulating social protection and security in Undang-Undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial, Undang-Undang Nomor 13 Tahun 2011 tentang Penanganan Fakir Miskin, Undang-Undang Nomor 8 Tahun 2016 tentang Penyandang Disabilitas, and Undang-Undang Nomor 13 Tahun 1998 tentang Kesejahteraan Lanjut Usia. The similarity in the politics of the law among the four laws mentioned above is that all of them are based on the preamble of Undang-Undang Dasar 1945 that aims to protect all Indonesian citizens and advance public welfare.

Nevertheless, after further examination, there is a difference in the law's politics from what can be seen in how the four laws build concept system on social protection and security suitable with the recipients who are the targets of those laws. Undang-Undang Kesejahteraan Sosial is a law with the broadest scope of regulation and regulates the social protection and security individually towards a very broad number of recipients target. Meanwhile, Undang-Undang Perlindungan Fakir Miskin focuses on the poor as the recipients and develops various forms of social protection and security by itself that are different from what is included in Undang-Undang Kesejahteraan Sosial. Therefore, despite the fact that these four laws are driven by the same spirit on social protection and security, the built implementation direction has variations that are different enough from one to another. This shows that there has not been a one unified politics of law among those four laws in regard to the issue of social protection and security.

IV. CONCLUSION

In its implementation, the verification and validation processes of Data Terpadu Kesejahteraan Sosial has not yet fully in adherence to the guidance and instructions for the implementation that has been set by the Ministry of Social Affairs. This is due to the technical regulations and the coordination between institutions on this matter that relates to a regional rule legal product is not yet available, therefore there is an obstacle to the coordination of several institutions in Cirebon Regency. The implementation of the Data Terpadu Kesejahteraan Sosial program in Cirebon Regency starts from the proposal process of Data Terpadu Kesejahteraan Sosial based on the Permensos No. 3 Year 2021 about Pengelolaan Data Terpadu Kesejahteraan Sosial. To analyze the management of Data Terpadu Kesejahteraan Sosial in Social Services Agency of Cirebon Regency, there needs to be some factors namely functions of public policy management, including planning, organizing, implementing to events evaluation. However, in the perspective of a legal administration, the said program is not yet in its optimal orderly

capacity. This is proved by the existence of data that have not been verified and validated, as well as late inputs and limited budget.

REFERENCES

- Ferdiansyah, Randy. 2011. Tujuan Hukum Menurut Gustav Radbruch, <http://hukumindo.com/2011/11/artikel-politik-hukum-tujuan-hukum.html>, diakses tanggal 16 Januari 2017
- Satjipto Rahardjo. 2021. Ilmu Hukum. PT Citra Aditya Bakti. Bandung.
- Sonny Pungus. 2010. Teori Tujuan Hukum, <http://sonny-tobelo.com/2010/10/teori-tujuan-hukum-gustav-radbruch-dan.html>, diakses pada tanggal 16 Januari 2017
- Susmita Suharjo. 2022. “Analisa Proses Penetapan Hukum Kasus Tindak Korupsi Djoko Soegiarto Tjandra,” Jurnal Sosiologi Nusantara 8, no. 2: 258, <https://doi.org/10.33369/jsn.8.2.253-264>
- Undang-Undang Nomor 13 Tahun 2011 Tentang Penanganan Fakir Miskin
Pasal 24 – Pasal 31 Undang-Undang Kesejahteraan Sosial
Pasal 1 Angka 1 jo. Pasal 6 Undang-Undang Penanganan Fakir Miskin
Pasal 13 sampai dengan Pasal 17 Undang-Undang Nomor 13 Tahun 2011 Tentang Penanganan Fakir Miskin