

LAW ENFORCEMENT AGAINST THE MISUSE OF SOCIAL ASSISTANCE FUNDS FOR MSMEs IN CIREBON REGENCY IN 2020 (CASE STUDY OF WARUKAWUNG AND WANGUNHARJA VILLAGES)



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Abstract. The right to receive social assistance is an important right and can help the basic needs of the community. The significance of the importance that every citizen has the right to decent work and livelihood. Social assistance is assistance provided to people who experience social risks. The assistance provided can be in the form of goods or cash. Social assistance is assistance in the form of goods, money or services to individuals, families, groups or communities that are less fortunate. With Law number 14 of 2019 is an amendment to Law number 11 of 2009 concerning social welfare. The formulation of the problem raised by the author is about how the law enforcement process related to the misuse of social assistance funds and how to be responsible for the misuse of social assistance funds. The author's research method uses normative juridical methods, types of qualitative research, and research specifications using descriptive analysis. The data used are primary and secondary data obtained through laws and regulations and interviews with agencies related to this research, namely the Cirebon Police and the Cirebon Regency Social Service. The conclusion of the author's research is to find out the law enforcement process related to the misuse of social assistance funds along with accountability efforts for the misuse of social assistance funds.

Keywords : .Abuse of BLT, Social Assistance, Micro, Small and Medium Enterprises.

INTRODUCTION

The right to receive social assistance is an important right and can help the basic needs of the community. The significance of the importance that every citizen has the right to decent work and livelihood. Therefore, basic needs have an important meaning in life, with food, humans get a source of energy, health, and can meet the needs of themselves and their families. It is natural for people to need social assistance because it can help their lives as well as economic efforts. Social assistance is assistance provided to people who experience social risks. The assistance provided can be in the form of goods or cash. Social assistance is assistance in the form of goods, money or services to individuals, families, groups or communities that are less fortunate. With Law number 14 of 2019, it is an amendment to Law number 11 of 2009 concerning social welfare. Social assistance providers must be work units

in government agencies and regional apparatus work units. The state of Indonesia is a country based on law. Legal awareness is an important factor in the upholding of law and justice in Indonesia, because without legal awareness it is impossible to enforce law and justice. The law must always be enforced in order to achieve the ideals and objectives of the State of Indonesia where it is stated in the preamble to the 1945 Constitution the fourth paragraph, namely to form a government of the State of Indonesia that protects the entire Indonesia nation and all of Indonesia's virgins and to promote the general welfare, educate the life of the nation and participate in implementing a world order based on independence, lasting peace and social justice. One of the criminal acts that is quite phenomenal and familiar to the people of Indonesia is the crime of corruption. In a simple sense, corruption is the misappropriation or embezzlement of state or company money as a place where a person works for personal gain or that of others¹.

The abuse of direct cash assistance or BLT in Cirebon Regency also occurred in Warukawung Village, Depok District, Cirebon Regency. With a value of direct cash assistance of 1,000,000 or 1 million, then the assistance is subject to a deduction of 200,000 Known or found out after an investigation by the sub-district which then after that the person or party who is caught is immediately deprived of his rights by the sub-district and returns the remaining money. Meanwhile, if referring to Law Number 20 of 2001 concerning amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes article 2 paragraph (1) if detailed, then what is called a corruption crime is his act, enriching himself, enriching others, enriching a corporation, by unlawful means, which can harm state finances or the state economy.

From year to year, there has been an increase in corruption crimes. Based on the Transparency International Indonesia (TII) survey results, Indonesia occupies the 6th position out of 133 countries as the most corrupt country in the world. Transparency International (IT) is based in Germany, Berlin. From 2001 until now, Indonesia's corruption perception index (GPA) has remained at a low number, namely 1.9 out of a value range of 1 -10. Meanwhile, the Political and Economic Risk Consultancy (PERC) in 2005 placed Indonesia as the most corrupt group country in the Asian region. Only Bangladesh and Myanmar defeated Indonesia. Based on the

¹Sudarsono. *Legal Dictionary*, PT Rineka Cipta, Jakarta, 2007, p.231

above background, the author is interested in researching corruption cases as outlined in the title **"Law Enforcement Against the Misuse of Social Assistance Funds for MSMEs in Cirebon Regency in 2020 (Case Study of Warukawung and Wangunharja Villages)**. Therefore, the objectives of the research are 1. the law enforcement process related to the misuse of social assistance funds. 2. To analyze the responsibility for the misuse of social assistance funds.

LITERATURE REVIEW

The scope of the discussion focuses on the role of law in the crime of misuse of direct cash assistance funds in Cirebon Regency. Then the law exists to guarantee human rights so that justice is created. With the theoretical foundation: -John Rawls Theory This theory cannot be separated from the concept of human beings according to whom humans are social creatures, to create a satisfying life, cooperation with the sharing of profits is needed involving all parties including those who are less fortunate. In a simple sense, law is a set of regulations or a set of norms that regulate human behavior in a society, which are made and enforced by the ruler or humans themselves such as customary law, criminal law and so on. Wherever they are, of course, there must be a rule or law that limits their behavior. For this reason, law as a system created by humans themselves is useful in limiting human behavior. Law is a component that is very closely related to society. Every behavior of the community is always monitored by the law, both written and unwritten laws. The law exists to guarantee human rights so that justice is created. Crimes that are social problems that can be prevented and overcome with consequences will be sanctioned for law violators. One of the most important legal studies is the study of criminal law. Criminal law can be formulated as a number of legal regulations that contain prohibitions or orders or imperatives that are threatened with criminal penalties (legal sanctions) for those who realize them. Criminal law is divided into 2 (two): Material criminal law, which is about instructions and descriptions of criminal acts, Formal criminal law, which is the way the state and its officials intermediary in enforcing material law. Acts that violate these rules are called criminal acts.²

²Yahya muh., *Definition of Law*, Tiara Wacana, Yogyakarta, 2020, p.2.

Material criminal law is the content or substance of criminal law, where material criminal law contains instructions and descriptions of the conditions, strafbaar feit (delic, criminal act, criminal act) of the provisions of strafbaar heid (the thing that a person can be punished) as well as the appointment of a person who can be convicted and the provisions about his crime, the material criminal law stipulates who and how that person can be punished given by the respondent.

RESEARCH METHODS

The research uses the Doctrinal Research Method (the legal concept is *law about rules/written law*)

1. **Research Approach** The researcher uses the Normative Juridical approach method, an approach that is carried out based on legal materials with regulations.
2. **Types of Research** Researchers use Qualitative Research, which is research that is descriptive and tends to explain directly according to facts in the field.
3. **Research Object** The object of the researcher's research is criminal cases in Cirebon Regency and Cirebon Police investigators in an effort to find and achieve the truth
4. **The research instrument** uses a questionnaire, contains questions and is commonly used in collecting data from respondents.
5. **Analysis of Legal Materials** a) Primary Legal Materials Namely data obtained directly at the research location through interview techniques with information sources at the Cirebon Police, villages and Cirebon Regency Social Service b) Secondary Legal Materials Namely data obtained from literature reviews, namely law books, Criminal Procedure Code books, journals and the internet relevant to the problem that the author is studying
6. **Legal Materials Collection Technique** : Interview of respondents and observations. In this case, the author conducts data collection by means of direct interviews with respondents and related parties. 3) This observation aims to select the closest location and related to the research. Such as villages and sub-districts accompanied by time and meaning given by respondents.

DISCUSSION

A. Law Enforcement Process Related to the Misuse of Social Assistance Funds

The abuse of direct cash assistance or BLT in Cirebon Regency also occurred in Warukawung Village, Depok District, Cirebon Regency. With a value of direct cash assistance of 1,000,000 or 1 million, then the assistance was deducted around Rp200,000. It was known or found out after an investigation by the sub-district which then after that the person or party who was caught was immediately deprived of his rights by the sub-district and returned the remaining aid money.

Second, the misuse of direct cash assistance or BLT in Cirebon Regency also occurred in Wangunharja Village, Jamblang District, Cirebon Regency. With a value of 700,000 direct cash assistance, then the assistance was deducted around Rp200,000. It was known or found out after an investigation by the sub-district which then after that the person or party who was caught was immediately deprived of his rights by the sub-district and was almost judged, ostracized and asked to return the remaining aid money.

From this incident, the parties or perpetrators confessed and reasoned that the funds or money taken were misused unilaterally to be used to pay personal debts. It is not yet known what personal debt made the perpetrators with the initials M (mafed) and the initials E (edwin) commit law enforcement related to abuse, for social assistance funds there are several regulations that have regulated them, namely 1. Domestic Regulation No. 39 of 2012 concerning Amendments to the Regulation of the Minister of Home Affairs No. 32 of 2012 concerning Guidelines for the Provision of Grants and Social Assistance sourced from the Regional Expenditure Budget.

With the issuance of laws and regulations related to the eradication of corruption, it still makes the perpetrators of abuse and other corruptors do not understand and feel guilty for committing criminal acts.

Other factors that affect criminal acts: Several causal factors, including: -Situation and condition factors, in the context of the covid 19 pandemic and in 2020 made the situation not good or a person's condition decreased. Finally, not a few perpetrators or individuals commit the abuse of social assistance in the Cirebon Regency area by taking advantage of the situation to carry out their actions, such as the case of abuse of direct cash assistance or BLT in Warukawung Village, Depok District and in Wangunharja Village, Jamblang District, Cirebon Regency. From the above it is explained that in launching their actions, the coordinator is very dependent on the gaps and situations first before they act. -Factors of lack of human resources / intellect

Human resources or human resources affect a person's mind and ethics, if a person's lack of ethics in life and thinking certainly makes them lazy to think, lazy to work and have no skills. Even though skills can be used to work and run micro, small and medium enterprises or MSMEs. As a result of low human resources, a person's behavior only wants instant things, for example misusing direct cash assistance or social funds.

B. Liability for Misuse of Social Assistance Funds

Legal responsibility for the perpetrator is carried out by revoking his rights as a coordinator of direct cash assistance or BLT by the sub-district and then told to return the remaining money if it can be reported to the authorities such as the Police.

In general, legal responsibility is defined as the obligation to do something or behave apologetically in a certain way. According to Hans Kelsen, the concept related to the concept of legal obligation is the concept of a person's legal responsibility (responsibility) for certain actions or a sanction if their actions are contradictory.

Why accountability is important, because responsibility can admit mistakes made. Responsibility can make a person act more carefully in doing something. The elements of responsibility include subjective elements, namely mistakes, intentionality, deeds and unlawful nature.

Main duties and functions of the Criminal Investigation Unit (Satreskrim) The main task and function of the criminal investigation unit or Satreskrim is to handle criminal cases in the jurisdiction of the Satreskrim which has become its duty and function, so it has become the responsibility of the Police of the Satreskrim section in eradicating crimes that have occurred in the community, especially in 2020 there is still a covid pandemic so that many people in the jurisdiction of Cirebon Regency are related to with Satreskrim who commit criminal acts to continue their lives by committing various criminal acts.

One of them is carried out when there is a distribution of social assistance funds for MSMEs (Micro, Small, and Medium Enterprises) where many people complain that social assistance funds or direct cash assistance are not under procedures or distribution from the government, with certain individuals among employees who use social assistance funds for MSMEs (Micro, Small and Medium Enterprises)

2. Function of Satreskrim

- Organizing coaching in carrying out investigations and investigations of criminal acts
- Provision of special protection services for victims
- Providing identification function services for both investigation and public services

- Implementation of coordination and supervision of assistant investigators both in the field of operations and investigation administration under the provisions of laws and regulations
- Implementation of supervision of investigation and investigation of criminal acts
- Collect and manage data as well as present information and programs of criminal investigation unit activities

It can be said that the function of the investigation is to carry out all efforts, activities and work related to the implementation of the Police investigation function in the context of investigating criminal acts, which includes general crimes, special crimes, certain problems or social problems. As an investigator, an investigator has the authority as stipulated in article 5 paragraph 1 letter a of the Criminal Procedure Code (Criminal Procedure Code), namely receiving reports or complaints, looking for information and evidence, ordering the stoppage of a suspected person. To check identification, take other actions in accordance with the responsible law. Based on the results of the investigation, if it turns out that sufficient information and evidence are obtained for the investigation, then an investigation activity will be carried out by the investigator on an event. As an investigator, the Police are given authority as stated in article 7 paragraph 1 concerning the Criminal Procedure Code (Criminal Procedure Code) and article 16 of Law number 2 of 2002 concerning the National Police of the Republic of Indonesia. The task of investigation touches many human rights, as well as the examination of witnesses and perpetrators. In this case, it can be seen in the case above or about the abuse of direct cash assistance (BLT) that occurred, the perpetrator should have been subject to a police or legal report. However, because the case or loss caused is still minor and there is responsibility by the perpetrator, the report can be stopped in accordance with article 5 paragraph 1 letter a of the Criminal Code, which is to stop a person who is suspected of checking his or her identity. If there is no misuse of direct cash assistance, the daily basic needs of the lower middle class will be helped and the government can complete the social assistance target. However, the reality in the field or community is that there are still people who take part that is not their right, namely corrupting the assistance funds of the underprivileged community. If the assistance is distributed properly, of course a person's basic needs can be met and can help micro, small, and medium business activities. From this news or case, it must be a lesson for all of us and the government if we don't take away the rights of others from time to time, because it has a bad impact on those in need. Interview with Police AKP Anton S.IK³

3 Interview with AKP Police Anton S.IK on November 6, 2022, Cirebon Police.

According to AKP Anton as an investigator and Head of Criminal Investigation of the Cirebon Police, in 2020 there were indeed perpetrators of criminal acts or misappropriation of direct cash assistance or BLT. But it can be resolved directly in the community by its members and related parties and has not been included in the Police report. In this case, it can be seen in the case above or about the abuse of direct cash assistance (BLT) that occurred, the perpetrator should have been subject to a police or legal report.

However, because the case or loss caused is still minor and there is responsibility by the perpetrator, the report can be stopped in accordance with article 5 paragraph 1 letter a of the Criminal Code, which is to stop a suspected person. If the reported event is not necessarily a criminal act, so according to him, it is necessary to conduct an investigation by the authorized official first to determine whether the act is a criminal act or not. If a person's identity and location are known, further investigation will be carried out immediately, according to him.

In the author's opinion, regarding the arrest, it is also necessary to pay attention to whether it has met the criteria of sufficient preliminary evidence or not. According to article 1 number 10 of the Police Regulation 14/2012, a suspect is a person who, due to his actions or circumstances, based on preliminary evidence, should be suspected of being the perpetrator of a criminal act.

Initial evidence is evidence in the form of a police report and one valid piece of evidence, used to suspect that someone has committed a criminal act. That's all the analysis and interview of the author with police investigators.

This incident, it certainly makes the writer and others sad because there are still parties who take advantage of the loophole to take other people's share for themselves. In terms of rules and laws, it must be fair and there should be no mistakes, direct cash assistance and social assistance that is given to the community will help them and micro, small, and medium enterprises or MSMEs so that they can continue.

In carrying out their duties, the government, both central and regional, must look at the principles of good governance law to build a sense of trust in the community in the midst of a pandemic situation. Then, to be more precise, for community services, not the other way around, some parties abuse irresponsibly so that they commit acts of corruption in social assistance funds, especially for MSMEs in Cirebon Regency.

The author also feels that social assistance funds should be used to help the underprivileged or lower-middle class. In the field of MSMEs, especially amid a pandemic

situation, we even see and there is assistance that is not under the funds so that someone's condition has fallen, meaning that there is already a covid pandemic plus there is an improper misuse of social assistance funds.

If we look at the case of the Minister of Social Affairs Juliari Batubara who in 2019-2020 was caught taking a profit of 10 thousand rupiah per head of family receiving social assistance funds, what we know is that if multiplied by the entire population of Indonesia or Jakarta Province who received the social assistance funds, the funds taken will be quite large, it can be up to billions of rupiah. This is what makes the main example of the author's research. In Indonesia, even though the act is wrong and the amount of loss is only 10 thousand rupiah per head of family, the impact is felt greatly on all Indonesia people.

Judging from the center, it has been abused or corrupted. It can be seen that there has been a misuse of social assistance funds for the wider community. How can order be carried out and pay attention to ethics, the implementation of good policies, it is clear that it has not been fulfilled.

Then discipline and good and correct supervision are the main keys in the distribution of social assistance. So that the assistance can reach those in need according to the criteria without any cuts.

In this case, what has happened in Indonesia for a long time and many years ago these kinds of things are what we should avoid, negative things like this that should be used as a lesson for all of us, that we should never take other people's rights or money that is not ours, that is not ours that is not part of ourselves. Because no matter how small the aid money is, believe that there are a lot of people who deserve the money, so don't be too or feel less like a government or coordinator because it is not in accordance with norms and ethics.

The general principles of good and correct governance (AAUPB) that should be applied in the implementation of services include: -the principle of legal certainty, this principle of certainty is a principle in the state of law that prioritizes the foundation of regulatory provisions, propriety, certainty and fairness in every policy. The principle of legal certainty has an aspect: the formal legal aspect is to imply that both burdensome and beneficial government decisions must be prepared with good words. So that interested parties have the right to know exactly what the meaning of the decision is.

Principle of usefulness

This principle of benefit is a principle that must be considered in a balanced manner such as: a. The interests of one individual with another b. The interests of individuals with

society c. The interests of community members and foreign communities d. The interests of community groups with each other e. The interests of the government and the community f. The interests of the current generation with the new generation g. The interests of humans with their ecosystems

The principle of impartiality,

This principle is a principle that obliges government bodies or officials to make decisions or actions by considering the interests of the parties as a whole.

Principles of meticulousness

The principle of meticulousness or the principle of careful action, this principle of meticulousness requires that a decision or action must be based on complete information and documents to support the legality of its determination and implementation so that the decision or action concerned is carefully prepared. This principle aims to ensure that government administration activities do not cause losses to citizens. -The principle of public interest, this principle of interest is a principle that prioritizes the welfare and common good in an aspirational, selective accommodating way. The principle of public interest or the principle of public interest implementation basically requires the government in carrying out its duties to prioritize the public interest, namely interests that include aspects of people's lives.

Principles of service

The principle of good service, this principle of service, is the principle of providing timely service, clear procedures and costs. In accordance with service standards and provisions of laws and regulations.

Basics of balance

This principle requires that there be a balance between the punishment of office and the negligence of an employee. In addition, there needs to be clear criteria regarding the types of violations or forgetfulness committed by a person so that if forgetfulness or negligence is committed by a different person, they can be subject to the same sanctions.

Motivation basics

The principle of motivation for every decision, this principle requires that every government decision must have sufficient reason or motivation as a basis for issuing decisions. By observing clearly, clearly, correctly and objectively.

In carrying out their duties, the coordinator should be aware that we coexist with others socially, it is not good to take other people's rights, look at them as recipients of social

assistance for MSMEs who have been waiting for a long time and the results are not in accordance with the criteria for assistance funds from the government.

In allocating social assistance funds for MSMEs, in particular, there must be good supervision and distribution of social assistance funds so that there are no violations and misunderstandings between the government and aid recipients such as residents of Warukawung and Wangunharja villages.

If there is a problem and there is a lack of information from the coordinator on the distribution of the social assistance funds to the recipients, then the community is disappointed when asking for responsibility for the treatment because it has been waiting for a long time and registering for the social assistance funds to be disbursed. However, when it is liquid or falls, the results are not as expected. So we or the aid distribution parties should be well aware of the importance of the needs of others and the residents of Warukawung and Wangunharja villages, especially for the recipients of social assistance funds for MSMEs.

Responsibility for the misuse of social assistance funds must require serious attention and responsibility. After all, it is clear that the act is deviant and can be subject to law if violated, because it has losses for others.

CONCLUSION AND SUGGESTION

A. CONCLUSION

Based on some of the explanations and results of the research above, this study can be formulated with the following conclusions:

1. That is, the mode of deviation in social assistance funds can be done in various ways, such as being a distributor or coordinator of social assistance. There is no monitoring and evaluation of the provision of social assistance
2. Social assistance funds are managed by employees without accountability and not according to the criteria. The reporting and program are not orderly, the recipient only knows the final results and receipts and does not meet the criteria. The truth and information provide a sense of trust starting from the recipient and the distributor/coordinator

B. SUGGESTIONS

1. To the community, especially in Cirebon Regency, it is better to continue to pay attention and be wise in receiving direct cash assistance or BLT or other assistance

assistance. Then find out the source of information about the distribution of social assistance funds.

2. In the allocation of social assistance funds, there must be supervision of its distribution so that there are no misunderstandings and misuse of social assistance funds. Responsibility for the misuse of social assistance funds must be with law enforcement or clear sanctions, because this act violates the rules and there are losses.

BIBLIOGRAPHY

Books:

- Agus Sardjono, Yetty Komalasari Dewi, Mli Rosewitha Irawaty, Mli Togi Pangaribuan, S.H., Llm. Introduction to Commercial Law. Rajawali Higher Education Book Division
- Barda Nawawi Arief, Criminal Law policy. Kencana Prenada Media Group. Evi Hartanti, S.H. Corruption Crime. Sinar Grafika
- Chazawi, Adami. 2005. Material and Formal Criminal Law of Corruption in IndonesiaMalang: Bayumedia Publishing, 2005.
- Hamzah Andi. 1991. Corruption in Indonesia: Problems and Solutions, Jakarta: Gramedia Pustaka Utama, p. 9
- Hans Kalsen, General Theory of Law and State, Pt. Raja Grafindo Persada Bandung:2006
- Ishak, Arep, Henri Tanjung. Human Resource Management. (Jakarta: Pt. Gramedia Widia Sarana. 2002)
- Mardani, Actual Legal Potpourri. Publisher of Ghalia Indonesia Ciawi, Bogor
- Mustofa, Muhammad, 2013. Research Methodology (Third Edition) Kencana Jakarta
- Moeljatno, 2021. Criminal Code (KUHP) New Edition Pt.Bumi Aksara: East Jakarta. 20
- Ravena Dey, 2017. Criminal Policy, Kencana (Prenadamedia Group Division) : Jakarta
- Yahya, Muh 2020. Juridical Review of Social Assistance Corruption Crimes for Fiscal Year 2015 in Gowa Regency. Sunarti Euis, 2021. Indonesian Family Resilience During the Covid-19 Pandemic, Pt.Publisher Ipb Press :Bogor
- Moh. Hatta, Kapita Selekt Reform of Criminal Law and Yogyakarta Penal System
- Council, Essentials of Knowledge of Indonesia Trade Law Sinar Grafika
- Imam Ghazali, Quantitative and Qualitative Research Design

Titik Sartika Partomo. Kencana Cooperative Economy (Division One Media Group) Jakarta

Sartika Partomo Point. Abd. Rachman Soejoedono Small/Medium Scale Economy and Cooperatives

Laws and Regulations:

E. Zaenal Arifin, S. Amran Tasai. Carefully speak Indonesia, for universities of the Ministry of Education and Culture of the Republic of Indonesia. 1995.

Great Dictionary of Indonesian Language. Jakarta: Balai Pustaka, H 527

Other Resources:

<https://tribatanews-polrescirebon.com>

<http://repositori.uinalauddin.ac.id/18278/1/Muhyahya>

<https://suaracirebon.com/202..Bonsalurkan-Blt-Bbm-Via-Pos>