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A JURIDICAL STUDY OF REGIONAL REGULATION NO. 4 OF 2008 CONCERNING HOW MEDAN CITY'S GOVERNMENT CONTROLS VAGRANTS AND BEGGARS

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ABSTRACT

Homelessness and begging is a social phenomenon that must be taken seriously. This phenomenon is becoming more and more concerning. Although the government has always tried to reduce the population of vagrants and beggars through curbing operations, the number of vagrants and beggars never seems to decrease and even tends to increase. This study aims to describe the problems that occur in homeless people and beggars. This study is conducted research what is qualitative as well as descriptive that aims to describe the existing phenomena connected to the problem of homeless and Medan City's beggars. Documentation, observation, and interviews are the data gathering techniques used. The findings of this study indicate that the factors that lead to vagrant and beggar are limited employment opportunities, low levels of education, economic living conditions and mental factors, lack of parental attention, promiscuity, laziness to work, environmental influences, disability. As for the obstacles faced by the government in handling vagrants and beggars in Medan City, there are internal factors and external factors.

Keywords: *Social Phenomenon, Homeless, Beggars, Local Regulation, Medan City, Environment*

INTRODUCTION

One of the problems that must be faced and cannot be avoided by the government or the Indonesian situation of poverty, which the government has failed to address and solve this problem, even though every leader of the Indonesian State constantly prioritizes eradicating poverty in addition to other tasks¹. Poverty is a negative thing from all perspectives of social

¹ Fadlika Sya'bana, "The Effectiveness of the Implementation of the Street Children's Social Welfare Program" Journal by Yakmi Aur Village, Medan Maimun Subdistrict

life.

Poverty is very close to ignorance and disobedience in all matters. Poverty can be seen as a complex social phenomenon and this causes social problems in society, including the problem of vagrants and beggars whose population continues to increase from year to year.

Homelessness and begging are caused by poverty experienced by the community, both culturally and structurally. Cultural poverty is caused by a cultural mentality that is lazy and only wants to live well without working, while structural poverty occurs because of the structure in society whose economic level makes a person poor.

Poverty is a social reality that cannot be avoided by society. Apart from being felt directly by the poor, poverty also has a negative impact on the life of mankind. This is because the chain of poverty causes other problems such as unemployment, poverty, hunger and ignorance so that to reduce the problem, not a few people solve it in a way that challenges the prevailing norms, namely by committing criminal acts.

In general, poverty alleviation to date has been very difficult for the government to overcome. For example, vagrancy and begging is one of the social facts that occur in society, and is one of the problems that the government has not been able to overcome. Whereas we clearly know that in Article 34 paragraph 1 regarding the 1945 Constitution, it says that "those in need abandoned The State looks after children". So indirectly it can be said that all those in need and all abandoned children are in principle cared for by the state, but in reality what exists in the field is that not all The state provides care for those who are in need and abandoned children².

The development program implemented by the government intends to build a prosperous, safe a stable society. This is in accordance with the principle of regional autonomy which aims to create an independent society through creativity so as to realize a prosperous society. The development carried out is to raise the people's quality of life community and can increase people's income so that their needs can be met.

Homeless people and beggars are a common sight in almost every city in Indonesia, and Medan City is no exception. A portrait that reinforces the belief that the social problems in this country are still enormous. There are many people whose fate is less fortunate, so they are forced to depend on the streets, by taking shortcuts in meeting their needs, namely by becoming homeless and begging.

Social problems are conditions that occur after an activity of change, especially changes to improve the welfare of society. As a planned change process, it is clear that the social problems that arise are not planned. Social problems that occur due to the presence of vagrants and beggars are environmental problems, population problems, security and order problems, and crime problems, which trigger the emergence of social welfare problems in the community.

² Muaz Zull, 2012, "Implementation of Regional Regulation Number 4 of 2008 concerning Handling vagrants and beggars in Medan City at the Social Welfare Service of North Sumatra Province". *Public Administration, University of Medan Area*.

Social problems, especially the problem of vagrants and beggars, demand a lot of attention from the government and society. So to tackle vagrants and beggars the North Sumatra Provincial Government issued Règlement Regional No. 4 of 2008 Concerning the Handling of Vagrants and Beggars, this Regional Regulation is an effort made by the Regional Government to tackle the social problems of vagrants and beggars. There are 4 (four) programs implemented in handling vagrants and beggars based on Regional Regulation No. 4 of 2008, namely: Preventive, Pre-emptive, Responsive, Rehabilitative.

The Regional Regulation of Medan City on the prohibition of vagrants and beggars, which is implemented in addressing the problem of vagrancy and begging, is an alleviation of the problem of poverty. For this reason, various ways are needed to prevent people from becoming vagrants and beggars. So the role of the government and other communities in demand and provides motivation to them how to establish a decent life. One of them is to provide solutions for them, namely by providing training, practical skills so they can reside comfortably in the midst of society and can create their independence and creativity.

Based on several explanations of vagrants and beggars above, vagrants and beggars are a condition where a person or group of people who do not have the strength to live a life such as capital, shelter and so on, thus forcing them to live a modest life. The lives of vagrants and beggars often move according to the potential sources that they expect to be the main source of livelihood, such as markets, terminals and stations. Homeless people and beggars get their livelihoods from others by begging.

The Government Regulations concerning vagrants and beggars are:

1. The Republic of Indonesia's 1945 Constitution, which specifies in Article 34 that "the poor and abandoned children shall be cared for by the state" and in Article 27 paragraph (2) that "Every citizen shall have the right to work and a livelihood worthy of humanity,".
2. In Republic of Indonesian Government Regulation No. 31 of 1980 Article 1 paragraph (1 and 2) concerning the Management of Homelessness and Begging, stipulates that:
 - a. Vagrants are individuals who don't adhere to the social conventions of proper living in their town, don't have a fixed address, don't work in a specific location, and wander the streets of their city.
 - b. Those who depend on the kindness of strangers for their livelihood by begging in public may do so for a variety of reasons.
3. Beggars are defined as those who earn money by begging in public by various means, such as busking and other reasons to seek pity from others, according to Medan City Regional Regulation No. 6/2003.
4. In the North Sumatra Provincial Regulation no. 4 of 2008 Article 1 paragraph (8 and 9) specifies that:
 - a. Homeless persons walk around in public places, live in physical conditions that are not consistent with the standards of a decent existence, and do not have a fixed address or a place of employment in a specific location.
 - b. Those who depend on the kindness of strangers for their livelihood by begging in public

do so for a variety of reasons³

Therefore, depending on the preceding provisions, The author is enthusiastic about doing research, with the title: " A Juridical Study Of Regional Regulation No. 4 Of 2008 Concerning How Medan City's Government Controls Vagrants And Beggars ".

RESEARCH METHODS

This investigation is empirical legal research, namely the application of Medan City Regional Regulation No. 4/2008 within the jurisdiction of Medan City, by the Medan City Government within 5 (five) years from 2018-2022.

Using empirical facts from human behavior, including both verbal behavior gleaned from interviews and actual behavior, empirical legal research is a type of legal research. obtained from the community.

Data analysis method is a process of categorizing, structuring, manipulating and summarizing data to obtain answers to researcher questions. To analyze the data that has been obtained through interviews, observation and documentation, the author uses qualitative descriptive techniques with the consideration that this research describes and presents data systematically, concisely and simply about " A Juridical Study Of Regional Regulation No. 4 Of 2008 Concerning How Medan City's Government Controls Vagrants And Beggars ".

RESULTS AND DISCUSSION

Definition of Homeless and Beggars

The word vagrancy comes using the word vagabond, which implies never settling down or having a permanent place to call home. The majority of homeless persons are city dwellers from villages, they seek prosperity and luck in the city, but are not supported by a sufficient level of education, specialized knowledge skills and do not have money capital.

As a result, they work odd and irregular jobs, particularly in the unorganized sector, like scavengers, buskers and beggars. According to the Ministry of Social Affairs of Indonesia a vagrant is a person who lives in a circumstance that is against the standards of normal living in the neighborhood, doesn't have a permanent home and employment there, and wanders around in public spaces.

Vagrants people who reside in a state that is not in compliance with the community's standards for a decent existence, and do not have a fixed address, work in a specific location, or live wandering in public places. While beggars are those who make a living by begging in public and have varied justifications for hoping for sympathy from others. Vagrants are people who do not adhere to the standards of a respectable lifestyle in their community, do not have a fixed place of residence or a source of income, and live on the streets or in other public areas. Beggars are those who earn money by begging in public and have various justifications for

³ Zainal Fadri, "efforts to deal with vagrants and beggars as persons with social welfare problems (PMKS) in Yogyakarta", *Journal of Islamic Community Development*, vol.1, no.1 June 2019.

hoping for others' pity.

Characteristics of Beggars and the Homeless

The characteristics that characterize Both the homeless and beggars include:

1. Not having a place to call home. The majority of the homeless and beggars lack housing. They typically ramble around in open spaces. They reside in unsuitable places, such as shop fronts, train tracks, shacks by the river, beneath bridges, and other structures.
2. Uncertainty is a constant in life. On the streets, beggars and the homeless live and work. This situation is quite worrying because if they are sick they cannot access the community's social security, medical care, and other benefits.
3. Being a member of the poor. They are forced to scavenge for money, beg, steal, rob, and engage in other terrible behaviors since they do not have a reliable source of income that can ensure their ability to support themselves in the future.
4. Not having a respectable regular employment, such as a job selling cigarettes finder, grobak puller.
5. Constantly donning torn attire, Gepeng never dons ties or neat clothing instead favoring ragged, unclean attire..
6. Making a pretentious or slightly aggressive appeal while using phrases of sympathy.
7. Unethical, referring to the exchange of wives or husbands, cohabitation or commercialization of wives and so on.
8. Asking for money in public. such as bus or train stops, homes, or retail establishments⁴.

Factors causing the presence of vagrants and beggars

Based on the researcher's observations, there are there are various causes for the emergence of vagrants and squatters in Medan City, namely:

1. Poverty Issues

An important factor in the emergence of vagrants and beggars is poverty. A certain person or group uses the pretext that they are supporting their family by living on the streets, allowing them to utilize numerous techniques without being aware of the consequences. Homeless individuals don't care about the conventions and agreements that have been made since poverty makes them forget themselves about the regulations tied to society. Poverty is a complex and multidimensional social problem, because it involves various economic, political and socio-cultural lives and has internal and external dimensions. In Indonesia, poverty is a major and fundamental problem because it concerns the lives and livelihoods of many people.

Poverty can be seen qualitatively and quantitatively. Qualitatively, poverty is a condition in which humans do not have human dignity, or human life is not worthy of being human. Meanwhile, quantitatively, poverty is a condition in which human life is deprived, and

⁴ Chairika Nasution, Husni Thamrin. 2016 "policy implementation of the social and labor agency's coaching program for vagrants and beggars in the city of Medan". *journal of public administration science*.

the measure of poverty is determined based on economic value. If these two definitions are combined, then the limitation is that poverty is a condition in which humans live unworthy of being human because their lives are deprived⁵.

1. Education Issues

People with low levels of knowledge tend to act solely out of self-interest, without considering how their actions would be seen by others. Beggars and homeless individuals take to the sidewalks and beg because of the absence of the capacity to determine if these activities are according to the norms that have been upheld in everyday communal life, hence most homeless individuals and beggars are the offspring of either school-dropped or otherwise uneducated parents.

2. Employability Skills Issue

Displacement are the earliest steps toward the emergence of homeless people and scavengers. The movement from villages to cities demands job seekers to possess the necessary skills in order to integrate them into the workforce. Urbanites are inexperienced and lacking in abilities due to fierce rivalry, which causes them unemployable, so they decide to become homeless by begging.

3. Socio-cultural Issues

The culture and habit of laziness that has become an asset in living daily life causes a form of social value shift, in the area of work ethics, in particular. Urban beggars and the homeless who are not employed prefer to beg because they receive a guaranteed amount of money each day without the need for particular abilities. Laziness and a refusal to help homeless persons and beggars feel at ease while they go about their daily lives in a routine.

4. Issues with self-esteem

Most beggars and the homeless sacrifice their pride in order to benefit themselves. Even though they appear to have a strong body and no flaws when viewed with the unaided eye, they do not hesitate to extend their hands to others. The standards of decency and decorum are not important to homeless persons or beggars in their behavior, and it is not uncommon for them to do tricks for greater profits.

5. The Issue of Accepting Fate

Homeless persons and beggars seem to defend their attitude of remaining indolent without making any effort to improve their way of existence by their attitude of resignation to an unjust fate. Homeless persons and beggars continue to beg rather than innovate because they have a lethargic mindset, but they nevertheless make a sizable money from their activities.

6. The freedom and pleasure of the vagabond life

The freedom that is used as an ideal (even though it is only a legend that need not be maintained) creates some destitute individuals and beggars are hesitant to alter their day-to-day behavioural patterns. Many empowerment projects, from the public and commercial sectors, have failed as a result of this resistance to change. Homeless persons and beggars

⁵ Adon Nasrullah Jamaludin, 2016, "the basics of social pathology" volume 1. cv library setia, Bandung.

choose to live in freedom because doing so will increase their revenue rather than requiring them to take part in empowerment programs and therapy.

Countermeasures against vagrancy and begging

Overcoming homelessness and begging is the responsibility of various parties and various groups. The rise of vagrants and beggars shows that the handling of vagrants and beggars has not been implemented optimally. It is the responsibility of both the public and commercial sectors to find a solution to the *gepeng* issue, so that the handling of various groups can be united in a big vision, namely the eradication of vagrants and beggars for the sake of creating peace in community life.

Handling vagrants and beggars can be done as follows:

1. Home Approach

In handling with the orphanage model, homeless people and beggars will be provided with a residence with complete facilities and infrastructure, which is inhabited by several families. The orphanage approach aims to create good communication between one party and the other, especially the issue of motivation to immediately rise from a vagrant life so that it is hoped that there will be a willingness from *gepeng* to change together. Togetherness in the orphanage and balanced with the skills provided make *gepeng* master certain skills that will be useful and can be developed as capital skills in opening businesses and employment opportunities.

2. Social Lodge Environment (Lipansos)

The social hut environment is a form of handling vagrants and beggars that prioritizes a system of living together in a social environment as befits the life of society in general. The life built in the lipansos system is similar to the orphanage approach model, except that the scope of lipansos is wider. The lipansos environment is like a social environment in the community, so it is expected that Beggars and the homeless try to live in keeping with the rules and values adopted by certain communities.

3. *Transit Home*

Transit home is a place for handling vagrants and beggars that is temporary before getting permanent housing in the place provided. *Transit home* is only a transition from street life or vagrancy to life *transit home* is a place for handling vagrants and beggars that is temporary before getting permanent housing in the place provided.

4. Community Settlement

Settlement is a form of handling vagrants and beggars by providing permanent housing in certain locations. The placement of *gepeng* in a community relationship system is carried out when they are really ready to live side by side with the community, of course, with the provisions and skills that have been obtained during previous empowerment, either in the form of counseling in the orphanage, or a form of increasing the quality of self-confidence in lipansos.

5. Transmigration

Transmigration is the last way to deal with vagrants and beggars, especially in Medan

City and generally on the island of Java. The transmigration system can be applied in tackling vagrants and beggars, by sending them out of the region and even out of the island, so that population density and high labor competition are no longer a scourge for everyone.

Gepeng who have been moved to rural areas or even returned to their home villages are given counseling and understanding of the contribution and motivation of businesses that can be done in the village, so that the thought of staying and transmigration is the last way to tackle vagrancy and begging, especially in Medan City and generally on the island of Java.

In overcoming vagrancy and begging, the transmigration system can be applied, namely by sending the spongers to other regions and even outside the island, so that population density and high labor competition are no longer a scourge for everyone. Gepeng who have been moved to rural areas or even returned to their home villages are given counseling and understanding of the contribution and motivation of businesses that can be carried out in the village, so that the thought of living and settling in the city as a vagrant is no longer the only way to fulfill their daily needs⁶

Tackling homelessness and begging can be done by one of the methods above, or even by combining several methods. Combining several methods shows several stages to tackle homeless and beggars, so that it is expected to be a comprehensive model in tackling homeless and beggars, so that it does not disturb the community in living life.

The handling of vagrants and beggars based on Regional Regulation of Medan City, North Sumatra Province Number 4 of 2008 Article 1 Paragraph (11-14), namely:

- a. Preventive is the activity of carrying out guidance to the community so that they understand and want to prevent the occurrence of a violation of the law by providing understanding or counseling to the community.
- b. Preventive is a systematic effort to prevent vagrancy and begging from occurring.
- c. Responsive is a systematic effort to eliminate and prevent the spread of vagrancy and begging in the community.

Rehabilitative is a systematic effort to build (grow) the ability of vagrants and beggars to live in accordance with human dignity.

No society, everywhere, is static, which makes it possible for legislation to operate as a social engineering instrument. Society changes, yet some cultures change quickly while others change more slowly.

As you adjust to the changes, the law performs engineering tasks, acting as a social engineer., as a tool to change society to a common goal. This shows that law as social engineering is indispensable on the verge of changing society, especially in conditions of progress that demand the need for relatively rapid changes. The role of law in social engineering is frequently referred to as a tool of engineering, which in theory is a legal function that may be used to change particular social patterns, both in the sense of making a habit more deeply ingrained and more accepted. adhered to, as well as in other forms of change.

⁶ ojs.unud.ac.id/index.php/piramida/article/viewFile accessed on April 6, 2021.

The existence of as social engineering, law reflects the function of the use of law of protecting citizens from all forms of threats and harmful actions.⁷

1. Legal Effectiveness

Legal effectiveness is the conformity between what is regulated in the implementation of the law. It can also be due to public compliance with the law because of the compelling one of the laws. enacted by authorized authorities occasionally not abstractions of values in society. If so, then the law is ineffective, unworkable, or even in certain cases civil disobedience is published. In the reality of community life, the application of law is often ineffective, so this discourse becomes an interesting discussion to be discussed in the perspective of legal effectiveness.

2. The question of legal efficacy is closely related to the question of application, implementation and application of regional regulations 6 of 2003 in handling vagrants and beggars in Medan City in society in order to achieve legal objectives.

According to Soerjono Soekanto, the following elements are directly related to legal efficacy⁷.

- a. Attempts to ingrain law in society, including the employment of people, instruments, organizations, and acknowledging and abiding by the law.
- b. People's reactions are based on the dominant evaluative system. As a result, individuals may reject or oppose the law out of fear of law enforcement, follow the law merely out of fear for their friends, or respect the law because it upholds their moral principles.
- c. The length or shortness of the time during which investment efforts are made and results are anticipated constitutes the term of legal investment..

Thus it can be explained that the effectiveness of regional regulations is measured by a target set in the regional regulation, which has been achieved in accordance with what was determined earlier. Local regulations must also be in accordance with an understanding or legal awareness of the community, must be in accordance with the laws that live in the community, and must have a basis or purpose for formation that is regulated previously and or stipulated in regulations that are higher in their authority.

CONCLUSIONS

Based on the results of this research on Juridical Study Regulation Regionally No. 4 Of 2008 On The Handling Of Vagrants And Beggars By The Government Of Medan City, it can be concluded as follows;

1. How street children are treated, vagrants, and beggars carried out by the Medan City Social Service. Based on the law of Regional Regulation Number for Medan City 4 of 2008. Handling efforts are carried out through counseling, coaching, skills training, providing business capital and rehabilitation through institutions.

⁷ Ashadi L. Diab, "the role of law as social control, social engineering and social welfare". *Journal of Al-'Adl*. Vol. 7 No.2, July 2014

2. The obstacles faced by managing social issues in Medan City vagrants and beggars include human resources (HR) of the Social Service in Medan, facilities and infrastructure owned, mobility of street children, vagrants, and beggars. then the absence of a Mayor's Regulation which is the elaboration of Regional Regulation Number 4 of 2008 so that its implementation is not effective and directed and public awareness that still gives money and goods to street children, vagrants and beggars.

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