



Legal problems of the distribution of social assistance distribution covid-19

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Abstract

The purpose of this study is how the policy of distributing social assistance in West Aceh. The government launched a policy to accelerate social assistance as compensation for implementing PPKM. In its implementation there are still some problems that arise so that social assistance is not right on target. The effectiveness of social assistance programs is determined by the suitability of targets based on agreed rules or criteria. Problems with the distribution of social assistance are the unequal distribution of the poor and ineffective program targets. The type of research used in this study is juridical-empirical, namely research by conducting a comprehensive study by conducting direct observations and interviews at the research location. Social assistance is one of the social safety nets to ease the burden on people affected by the COVID-19 pandemic. However, the accuracy of the data has always been a major problem in the distribution of social assistance. During the COVID-19 pandemic, the need for resources for data updates is quite large. Meanwhile, many regions do not have human resources for data updating and not all local governments actively support data updating systems. Coordination between related institutions is not yet synergistic. Likewise, supervision in the distribution of social assistance is still weak, thus opening the gap for acts of corruption. The social assistance distribution system can be improved Starting from the lowest level, village government to the central level.

Keywords: COVID-19, Social Assistance

Introduction

The spread of the Covid-19 virus or popularly called the Corona virus is increasingly spreading all over the world. The impact of the spread of the virus has made Indonesia also exposed and shaken as a result. In the midst of an increasingly difficult situation and the increasingly massive movement of the virus, a comprehensive treatment is needed both from the state and especially the Regional Government (Yusrizal, 2020) ^[26].

The Covid-19 pandemic has had an impact on society so that they experience social decline during the pathogenesis of Covid-19. Due to this situation, the government issued a legal basis regarding state financial policies in overcoming the Corona Virus Disease 2019 (Covid-19) Pandemic (Marianus Mantovanny, 2020).

Firm government policies are the main key in dealing with the Covid-19 outbreak. Until now, everyone has a different view and approach regarding this global pandemic. If then the spread becomes more massive, the government must be responsible. The government has disbursed large sums of money to deal with this epidemic. It should be noted that these funds must be optimized for epidemic response. If there is fraud or misuse of the budget, it can qualify as a criminal act of corruption with a death penalty. (Muhammad Fathillah Akbar, 2020)

An important challenge to the implementation of social welfare policies is the institutionalization of social welfare services is political commitment and oversight. Other challenges include and accountability, social assistance irregularities, corruption, and lack of funding amid growing demand and emerging social welfare needs. To balance the provision of social welfare services, strategic stakeholders must not only increase their capacity to provide social welfare services but also institutionalize a sustainable social assistance distribution mechanism that ensures community welfare (Ezekiel Mbitha Mwendwa and Sammy Mwangi Wameru, 2021)

Social assistance is part of a social safety net to reduce the burden on society due to the COVID-19 pandemic. The surge in confirmed cases of COVID-19 has prompted the government to implement PPKM which was extended until August 16, 2021. Socio-economically, restrictions on mobility and socio-economic activities of the community are increasingly pressing the community's economy. Many people from the vulnerable groups of the poor have turned into new poor groups.

The Central Statistics Agency recorded the percentage of poor people in March 2021 at 10.14 percent or 27.54 million people (bps.go.id, 15 July 2021). This number is estimated to increase along with the implementation of PPKM and its extension (Dinar Wahyuni, 2021) ^[21]. The social assistance policy is expected to help communities affected by PPKM. In addition to the social assistance that has been running previously, the government also provides extra social assistance for communities affected by PPKM such as Cash Social Assistance and Rice Assistance. The need for improvement in the distribution system of social assistance, which is still facing problems, emerged along with the implementation of PPKM. Based on this background, this paper examines the problem of distributing social assistance during the PPKM period and its corrective solutions.

In relation to the distribution of Covid-19 aid in Aceh, the Ombudsman of the Aceh Representative found various problems in the distribution of social assistance in Aceh Province. In addition to the slow distribution process, the prospective recipients are also not on target. The head of the Aceh Ombudsman, Takwaddin Husin, in the online discussion "The Problem of Covid-19 Social Assistance", stated that there were problems in receiving the aid, namely multiple recipients, late distribution, and inaccurate data collection of the poor.

It is known that the period of providing Covid-19 social assistance based on the Decree of the General for Handling the Poor Number 18/6SK/HK.02.02/4/2020 concerning Technical Guidelines for the Distribution of Cash Social Assistance in Handling the Impact of Corona Virus Disease 2019 (COVID-19) is 30 day.

The definition of social assistance according to Article 1 point 1 of the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 1 of 2019 concerning Social Assistance Expenditure within the Ministry of Social Affairs is assistance in the form of money, goods, or services to a person, family, group or community who are poor, unable and or vulnerable to social risk.

Based on Article 2 of West Aceh Regent Regulation No. 17 of 2020 concerning Technical Guidelines for the Distribution of Social Aid Social Safety Nets for the Impact of Covid-19 for Lower Middle Communities in West Aceh Regency, the purpose and objectives of social assistance are social safety nets for the impact of Covid-19 for lower-income communities. The goal is to reduce the burden on the lower middle class in terms of meeting basic needs due to the impact of Covid-19 and increasing the welfare of the recipient families as well as coping with Covid-19. Furthermore, in Article 6 it is explained that the assistance provided is in the form of cash in the amount of Rp. 250,000 (two hundred and fifty thousand rupiah) per head of family.

In terms of the criteria for the beneficiary family as stated in Article 8 of the Perbub above, first; domiciled in Aceh Barat Regency as evidenced by a valid KTP/KK/personal identity, secondly; lower-middle household families and not from Beneficiary Families (KPM), Family Hope Program (PKH) and Non Tunau Food Assistance (BPNT), recipients of Baitul Mal, TNI/Police, ASN and other government assistance.

Regarding supervision, Reporting and Complaints as stated in Article 12 of the Regulation of the West Aceh Regent Number 17 of 2020, the Social Assistance Team for the social safety net impact of Covid-19 for the lower middle class community reports the implementation of assistance to the Regent and complaints about the implementation of assistance are submitted directly to the Japeng Tikor. Covid through the Secretariat of the West Aceh District Social Service.

Article 3 Government Regulation in Lieu of Law of the Republic of Indonesia Number 1 of 2020 concerning Financial Policy for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and or in Facing Threats That Endanger the National Economy and or Financial System Stability, in the context of implementing policies in In the area of regional finance as referred to in Article 1 paragraph (4), Regional Governments are given the authority to prioritize the use of budget allocations for certain activities (refocusing), change allocations, and use Regional Revenue and Expenditure Budgets.

Takwaddin pointed out that there is potential for nepotism and conflict of interest in the selection of candidates for social assistance recipients. As a result, in several areas there were protests from residents, village officials, and regional heads. Social assistance for residents affected by COVID-19 in Aceh includes assistance for basic materials from the provincial government, assistance from the district/city government, and direct cash assistance from village funds. In addition, there is also assistance for the family of hope program and non-cash food assistance from the Ministry of Social Affairs.

One of the problems related to the distribution of Covid-19 aid is that the data collection process for prospective recipients is not transparent, causing social conflicts when they are about to be distributed. In this case in Bireun Regency, the distribution of basic goods from the provincial government was postponed because the recipients were not poor households. Non-transparent data collection and mistranslation of recipient criteria trigger new social conflicts.

The transparent process of distributing social assistance as referred to in the paragraph above is a mechanism process that has complied with the provisions contained in Article 21 of the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 1 of 2019 concerning Social Assistance Expenditure within the Ministry of Social Affairs, namely social distribution in general includes registration process, implementation of education and socialization, process of distribution and withdrawal/purchase of goods and services from the accounts of Social Assistance Recipients.

It is known that the Aceh Provincial Government distributed basic material assistance to 60,000 households. The basic ingredients are rice, sugar, cooking oil, canned fish, and instant noodles. Of the 23 regencies/cities in Aceh, the Head of the Aceh Community Empowerment and Gampong Service, Azhari Hasan said, social assistance is a social security network carried out by the government during the Covid-19 pandemic. Through social assistance, residents who have lost their income due to the pandemic are expected to still be able to live decently.

It is known that government social assistance aims to support the basic needs of the community in overcoming poverty and or difficult situations such as natural disasters, for that social assistance must be accountable and on target (Kamaruddin Tone, 2016) ^[24]. Assistance targets residents who have not been registered as recipients of the Family Hope Program (PKH) and Non-Cash Government Assistance (BPNT). Social assistance that will be provided in the form of rice, cooking oil, sugar, sardines, and instant noodles and rice from Bulog which is the Government Rice Reserve (CBP) in accordance with Article 1 of the Minister of Social Affairs Number 22 of 2019 concerning Procedures and Mechanisms for Distribution of Government Rice Reserves for Managing Situations Disaster Emergency and Post-Disaster Food Insecurity.

The government launched a policy to accelerate social assistance as compensation for implementing PPKM. In its implementation there are still some problems that arise so that social assistance is not right on target. The effectiveness of social assistance programs is determined by the suitability of targets based on agreed rules or criteria. Problems with the distribution of social assistance are the unequal distribution of the poor and ineffective program targets (Diana, Iin Septina, 2019) ^[20].

Various problems in the distribution of Covid-19 social assistance need to be corrected through certain steps by the government. This is done so that the problem of social assistance can be handled as well as possible so that social welfare arises for the people of West Aceh. Based on the above background, the formulation of the problem in this study is how the policy of distributing social assistance in West Aceh is.

Materials and Methods

The type of research used in this study is juridical-empirical, namely research by conducting a comprehensive study by conducting direct observations and interviews at the research location. To complete this research, a literature review was also carried out such as reviewing several laws and regulations related to the problems studied which became secondary material in this study (Joenaedi Efendi & Johnny Ibrahim, 2016) ^[3].

Results and Discussion

Problems in Distributing Social Aid during the COVID-19 Period in West Aceh District

The government launched a policy to accelerate social assistance as compensation for implementing PPKM. In its implementation there are still some problems that arise so that social assistance is not right on target. The *first* problem is that the data on recipients of social assistance is not accurate. Data inaccuracies have always been a classic problem in every distribution of social assistance. Several factors are suspected to be the cause of the inaccuracy of the data, namely not yet all Social Welfare Integrated Data (DTKS) of the Ministry of Social Affairs is integrated with the Population Identification Number (NIK) managed by the Ministry of Home Affairs. The data verification and validation process is also still weak and slow (bbc.com, 2021). Meanwhile, PPKM raises new vulnerable groups that were not previously included in the social assistance recipient database. People in this group ultimately do not receive social assistance. Another contributing factor is the overlapping social assistance programs launched by the government during the COVID-19 pandemic.

Second, supporting resources in distributing social assistance have not been able to adapt to the COVID-19 pandemic situation. The COVID-19 pandemic has created an unpredictable public health emergency. To overcome this, treatment is needed fast and precise, including in data updates, moreover PPKM causes expansion of targets social assistance recipients. Resource requirements for data updates are quite large. Meanwhile, many regions do not have human resources for data updating and not all local governments actively support data updating.

Third, the distribution of social assistance has the potential for corruption. Researchers from the Center for Anti-Corruption Studies at Gajah Mada University (Pukat UGM) stated that the provision of social assistance funds to disaster situations are vulnerable to opening up corruption gaps (Lumbanrau, 2020 in Alfredo & Azmi, 2020: 287). The large amount of social assistance funds further encourages corruption. While the system the distribution of large social assistance increasingly encourages corruption. Meanwhile, the social assistance distribution system is not yet transparent and accountable.

Fourth, supervision in the distribution of social assistance is still weak. The Financial and Development Supervisory Agency (BPKP) found a number of problems in the distribution of government social assistance spending in 2020, such as the invalid identity of the population of social assistance recipients and overlaps with social assistance sourced from the APBN, APBD, and villages. Likewise, the Ombudsman as the Public Service Supervisory Agency receives complaints reporting the impact of the COVID-19 pandemic. In the *first* stage of distribution of social assistance, the majority of public complaints were about the problem of uneven distribution of social assistance, both in terms of time, target recipients, distribution areas as well as unclear procedures and requirements for receiving assistance.

Various problems in the distribution of social assistance need to be corrected through several steps the following: first, improving the data collection system for the target recipients of social assistance. Starting from the village level through the digitization of village monographs. Village monographs can be used for the purposes of collecting data on the target recipients of social assistance. The village monograph will be linked to population data at the local government and routinely verified and validated to update the data on recipients of social assistance. Village apparatus Together with village assistants will be joined in a team that is responsible for updating data. Data updates are made more open so that they can be monitored by the public. In the future, a database that is always updated regularly can be used as a basis for formulating appropriate policies when a similar natural disaster occurs.

At the local government level, village/kelurahan data is integrated with population data that is managed by the Ministry of Home Affairs. Through the Ministry of Social's New DTKS system, all community data in it has a single identity and a NIK which is compatible with population data managed by the Ministry of Home Affairs. The verification of the eligibility of data on social assistance recipients is carried out in the first and second weeks of each month through the application of the Next Generation Social Welfare Information System (SIKS-NG). New DTKS provides access for the community to register as recipients of social assistance and report if

there are recipients who do not deserve social assistance. The data will be synchronized with the data from the local government. If there is a data discrepancy, it will be controlled and supervision by universities.

Second, the preparation of supporting resources in the distribution of social assistance. Dispensing system social assistance requires appropriate resource support during the COVID-19 pandemic. The government needs to allocate a budget for the distribution of social assistance. The budget will be allocated for the provision of human resources and facilities and infrastructure in accordance with disaster conditions. Furthermore, the social assistance distribution system also needs to be adapted to the context of a disaster so that the distribution of social assistance has a mechanism for data collection, verification, and data validation in the event of a disaster.

Third, mitigating acts of corruption. Corruption in the distribution of social assistance can be mitigated by streamlining the role of internal supervisors and activating public supervision, beginning with the disclosure of information related to social assistance programs, procurement information, and their realization. The government needs to carry out massive socialization related to social assistance policies so that the community has a full understanding starting from information on receipts, amounts, methods of obtaining, and methods of disbursing social assistance until it is accepted by the community. In addition, the government also needs to socialize the process of checking, monitoring, and reporting if the social assistance received by the community is problematic. Reporting and complaint mechanisms around social assistance made easy, effective and sustainable. Fourth, strengthen inter-institutional coordination and synergy regarding the distribution of social assistance. Governors and regents/mayors are the main actors at the local level in the distribution of social assistance. Meanwhile, the Coordinating Minister for Human Development and Culture (MenkoPKM) and the Minister for Social Affairs are key actors at the central level. The database is in the area. Regent/the mayor plays a role in data collection, verification, and validation of data from the village government to further synergize with the governor, the Ministry of Social Affairs as the operational coordinator of the distribution of social assistance, synergize with the Ministry of Home Affairs to resolve local government discipline issues in updating, validating, and verifying DTKS. Meanwhile, the Coordinating Minister for Human Development and Culture coordinates all ministries or institutions related to the distribution of social assistance. The Ombudsman plays a role in following up on public complaints, including providing suggestions for improving the distribution of social assistance to relevant agencies.

Conclusion

Social assistance is one of the social safety nets to ease the burden on people affected by the COVID-19 pandemic. However, the accuracy of the data has always been a major problem in the distribution of social assistance. During the COVID-19 pandemic, the need for resources for data updates is quite large. Meanwhile, many regions do not have human resources for data updating and not all local governments actively support data updating systems. Coordination between related institutions is not yet synergistic. Likewise, supervision in the distribution of social assistance is still weak, thus opening the gap for acts of corruption. The social assistance distribution system can be improved starting from the lowest level, village government to the central level. Support from local governments, village officials, and the community will certainly strengthen cross-institutional coordination so that the process of updating social assistance data is easier. Data updates are also made more open so that they can be monitored by the public and prevent corruption.

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