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Social Assistance Recipient Program Based on Lawrence M. Friedman's Theory

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Abstract: Poverty is a multidimensional problem that has a wide impact on various aspects of people's lives. One of the government's main strategies in overcoming this problem is through the provision of social assistance (bansos). However, in its implementation, there are still social assistance recipients who are not on target, so improvements are needed in the requirements for aid recipients. This study explores social assistance receipt programs within the framework of Lawrence M. Friedman's legal system theory, which highlights three main components in the legal system: legal structure, legal substance, and legal culture. Using normative methods and conceptual approaches, this research relies on secondary data from relevant regulations, policies, and academic literature. The findings of the study reveal that although the legal structure that regulates social assistance is available formally and completely, in the sub-system of legal substance, it is necessary to determine more detailed and objective criteria for social assistance recipients so as to minimize recipients of assistance that are not on target. In addition, the legal culture shows the phenomenon of people who tend to represent themselves as poor individuals so that they deserve social assistance. Therefore, it is necessary to work together from the government and the community through changes in legal culture; mindset and habits so that they can form an effective legal structure and legal substance as an effort to alleviate poverty in Indonesia.

Keyword: Social Assistance, Poverty, Legal System.

INTRODUCTION

Poverty is a complex problem that is the main focus in the life of the state. This is due to its wide impact on various aspects of people's lives. One way to measure the level of people's welfare is through various indicators of poverty (Setiani et al., 2023). Poverty can be defined as a condition of living with low standards, where a group of individuals experience material limitations compared to the general standards that apply in society. Consequently, these conditions have a direct impact on various aspects of life, such as health, morals, and a sense of self-esteem of individuals who are classified as poor (Suparlan, 1995). A person who experiences poverty has limitations in obtaining the goods and services necessary to achieve a decent standard of living. This condition is not something that individuals who experience it

want, but rather it is the result of a situation that is difficult to avoid considering the limited resources they have (Levitan, 1980; Papilaya, 2020). Therefore, poverty is not only limited to economic problems, but also reflects broader and complex problems, including social, political, and inequality in access to various opportunities. Furthermore, poverty reflects the complex interaction between individuals and their environment in order to meet the needs of life, so efforts to deal with it require a comprehensive and integrated approach in order to provide effective and sustainable solutions (Maharani et al., 2024).

Indonesia has a public welfare policy model that is realized through various programs including public health, welfare of retirees, unemployment compensation and public housing (Dahlan & 'Irfaan, 2014). However, it turns out that until September 2024 the number of poor people in Indonesia has reached 24.06 million people (BPS, 2025). The government through various efforts continues to try to reduce the poverty rate in Indonesia, including the provision of social assistance (Saragih, 2024). According to Article 1 of the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 1 of 2019 concerning the Distribution of Social Assistance Expenditure within the Ministry of Social Affairs, it is stated that social assistance is assistance in the form of money, goods, or services to individuals, families, groups or people who are poor, underprivileged, and/or vulnerable to social risks. This social assistance is generally given periodically, not continuously, and selectively, unless there is another reason (Fadhli & Nazila, 2023). Various types of social assistance have been provided by the government, including the Family Hope Program (PKH), Non-Cash Food Assistance (BPNT), Cash Social Assistance, Direct Cash Assistance (BLT Dana Desa), National Health Insurance (JKN), Wage Subsidy Assistance (BSU), Smart Indonesia Program (PIP), and others. The central and regional governments as providers of social assistance have the responsibility to distribute in accordance with applicable rules (Pertiwi, 2020).

The condition for receiving social assistance is to be registered in the Integrated Social Welfare Data (DTKS). The eligibility requirements for a person to be registered from DTKS include housing conditions, economic conditions, and the level of burden of basic needs. In the implementation process, the social assistance provided by the government is not fully effective because there are still several reasons such as the misappropriation of social assistance funds that have been distributed for a long time, the politicization of social assistance, and the recipients of social assistance who are not on target (Ahmady, 2018; Teja, 2020; Noerkaisar, 2021). Cases of recipients of social assistance who are not on target can be caused by various factors, including the emergence of new vulnerable groups and the existence of overlap in the provision of social assistance (Wahyuni, 2021). Previous research conducted in Klaten Regency showed that areas with higher average incomes tended to have more recipients of social assistance, compared to areas with lower average incomes. This phenomenon causes more and more residents to be classified as poor in Klaten Regency, which ultimately makes the distribution of social assistance not on target (Magna et al., 2024). This is in line with what Fadillah said (2021) which revealed that the increase in the number of poor people in Indonesia is caused by policies that are not objective. The government should be able to evaluate and make improvements to the conditions for social assistance recipients, such as adding criteria based on income level, considering the average regional income as the basis for decision-making (Magna et al., 2024).

The phenomenon of social assistance recipients who are not on target and the conditions for improvement in the conditions of these recipients show the need to analyze poverty alleviation efforts that have been carried out, using the perspective of the legal system. This study will examine the poverty alleviation efforts that have been carried out, in this case social assistance recipients, using the theory of the legal system by Lawrence M. Friedman. Lawrence M. Friedman's theory of legal system is very relevant to analyze the problem of conditions for social assistance recipients, because this theory states that the legal system consists of three main elements: legal structure, legal substance, and legal culture). These three elements interact

with each other and affect the effectiveness of the legal system in achieving its goals, including in terms of providing targeted social assistance. Overall, improving the requirements for social assistance recipients not only requires changes in legal substance, but also in legal structure and legal culture. The legal structure that concerns law enforcement officials, the substance that includes the legislative apparatus, and the legal culture is a living law that is embraced in a society. Therefore, this study will refer to the discussion of the Social Assistance Recipient Program Based on Lawrence M. Friedman's Theory. With this study, it will be possible to find out the cause of the still high poverty rate in Indonesia, so that it can further present appropriate recommendations in order to support the government's efforts to reduce the poverty rate.

METHOD

The research method used in this study is normative research. Normative research is defined as research that focuses on analyzing legal sources or literature studies to solve a legal problem (Marzuki, 2019). In this study, a conceptual approach is used as the main approach. The conceptual approach is used because this research aims to explore and analyze legal principles that develop over time and how these concepts are relevant to existing problems. This approach requires researchers to relate existing legal theories to the practices and policies being analyzed, thus providing a deeper understanding of the urgency of improving the requirements for social assistance recipients.

The law enforcement theory put forward by Lawrence M. Friedman is the main basis in this study. The theory includes three main components in the legal system, namely legal structure, legal substance, and legal culture. The data used in this study is secondary data, consisting of primary and secondary legal materials. Primary legal materials include laws and regulations related to social assistance such as Law Number 13 of 2011 concerning the Handling of the Poor, government policies, and relevant legal decisions. Secondary legal materials include literature, journals, books, and scientific articles that discuss related topics (Zimmerman, 1977). This secondary data is used to explore existing theories and regulations, as well as to compare and analyze the application of law enforcement theory in terms of social assistance.

RESULTS AND DISCUSSION

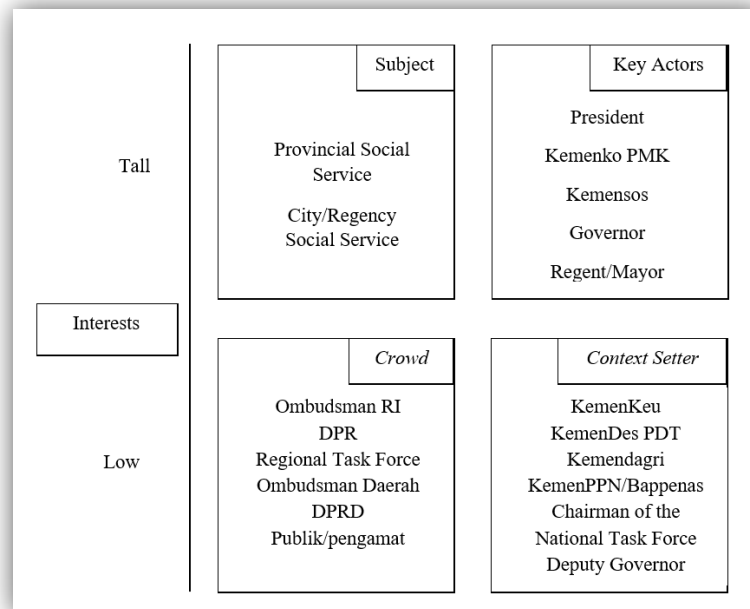
Legal Structure

Before discussing further about the analysis of the legal structure in the distribution of social assistance, it is important to understand how the legal structure in a legal system is. The legal structure includes various important elements, such as law enforcement agencies, the authority possessed by law enforcement agencies and officials, and the mechanism that regulates the application of the law itself. More details of what is meant by the legal structure are as follows:

“The structure of a system is its skeleton or framework; it is the permanent shape, the institutional body of the system, the though rigid bones that keep the process flowing within bounds... The structure of a legal system consists of elements of this kind: the number and size of courts; their jurisdiction (that is, what kind of cases they hear, and how and why); and modes of appeal from one court to another. Structure also means how the legislature is organized, how many members..., what a president can (legally) do or not do, what procedures the police department follows, and so on. Structure, in a way, is a kind of cross section of the legal system? A kind of still photograph, which freezes the action”. (Friedman, 1975)

The legal structure in the distribution of social assistance includes various institutions involved in the making and implementation of legal policies. The organizing institution has the power to make policies and regulations in order to direct and control in a legal system (Bernard, Tanya, & Simanjuntak, 2013). These institutions include the government, social apparatus, and supervisory bodies that function to ensure effective implementation. Based on the level of

power and importance, there are various categories of stakeholders, namely key actors who have great influence, context setters who have high influence even though their importance is low, subjects who have high importance but low power, and crowds who have low interest and power (Bryson et al., 2007; Reed et al., 2009). In the effort to distribute social assistance, the main actors involved are the President, the Coordinating Ministry for Human Development and Culture (Kemenko PMK), the Ministry of Social Affairs (Kemensos), as well as Governors and Regents/Mayors who have a direct role in the implementation of policies at the regional level. These stakeholders can be mapped through diagrams that illustrate the flow of relationships between one institution and another. The results of the mapping can be seen in the following image:



Source: Research Results

Figure 1. Results of Stakeholder Mapping of Social Assistance Distribution

The President continues to play the most important role in providing directions and policies regarding social assistance, for example, in giving consideration to the distribution of social assistance due to the increase in basic needs (Mangeswuri, 2024). The Coordinating Ministry for Human Development and Culture plays an important role in coordinating relevant ministries and institutions that have responsibility for the distribution of social assistance. In addition, the Coordinating Ministry for Human Development and Culture also has the authority to regulate regulations and authority in the implementation of assistance sosial (Oley, 2020). Meanwhile, the Ministry of Social Affairs has a central role in the implementation of social assistance in Indonesia. In general, the task of the Ministry of Social Affairs is to manage and supervise social assistance programs that aim to improve the welfare of the community, especially for the underprivileged. As the Ministry of Social Affairs (2021) emphasized that social welfare is one of the priorities in executive policy, considering the social problems that continue to develop in Indonesia. In exercising its authority, the Ministry of Social Affairs regulates various regulations regarding social assistance, including Regulation of the Minister of Social Affairs Number 1 of 2019 which regulates the Distribution of Social Assistance Expenditure within the Ministry of Social Affairs, Regulation of the Minister of Social Affairs Number 3 of 2021 concerning Integrated Data Management of Social Welfare (DTKS), and Regulation of the Minister of Social Affairs Number 5 of 2021 concerning the Implementation

of the Basic Food Program (Non-Cash Food Assistance). In addition, the Ministry of Social Affairs also provides technical instructions that guide the distribution of social assistance.

The legal structure that regulates social assistance in Indonesia includes various legal bases related to the distribution mechanism, beneficiaries, and responsibilities regulated in laws and regulations. One of them is Law Number 13 of 2011 concerning the Handling of the Poor which regulates efforts to distribute aid to the poor. In addition, Government Regulation No. 254/PMK.05/2015 regulates Social Assistance Expenditure in State Ministries/Institutions. In 2022, the Ministry of Social Affairs established a Task Force for the Collection of Money and Goods and the Supervision of Social Assistance Distribution involving various institutions such as the Attorney General's Office, the Supreme Court (MA), the Financial and Development Supervisory Agency (BPKP), the Ministry of Law and Human Rights (Kemenkumham), the Corruption Eradication Commission (KPK), the Financial Transaction Reporting and Analysis Center (PPATK), the Ministry of Communication and Information, and the Indonesian Police. Although many agencies are involved in the implementation of social assistance, there is still a need for stricter oversight to ensure that social assistance programs are running according to their objectives (Alba & Kurniawan, 2019).

It can be explained that although the legal structure and institutions involved in the distribution of social assistance have been regulated in detail, challenges in its implementation still remain. Dynamic social conditions require continuous evaluation and adjustment to existing policies and regulations, so it is necessary to evaluate social assistance programs periodically so that the distribution of assistance remains on target (Mangeswuri, 2024). One of the main goals of providing social assistance is to increase people's purchasing power, but this must be done very carefully so as not to cause negative impacts such as inflation (Salsabila et al., 2024). Therefore, the role of the legal structure is very important to ensure that the recipients of social assistance are the ones who really need it.

Legal Substance

Legal substance refers to the content of existing regulations or policies. Friedman mentioned that substance regulates rules or norms that should be and does not rely only on the rules in the law. As mentioned:

“The substance is composed of substantive rules and rules about how institutions should behave. By this is meant the actual rules, norm, and behavioral patterns of people inside the system ...the stress here is on living law, not just rules in law books.” (Friedman, 1975)

In 2024, the Minister of National Development Planning/Bappenas said that there are 46% of social assistance recipients who are not on target (CNN Indonesia, 2024). The Ministry of Social Affairs said that the cause of the existence of social assistance recipients who are not on target, due to the rapid change in population data, this problem is claimed to be solved through the integration of 3 (three) main databases, namely Regsosek Data (Socio-Economic Registration), P3KE (Targeting the Acceleration of Extreme Poverty Elimination), and SIAK (Population Administration Information System) (Flori, 2025). Of course, this policy will be less effective if it is not accompanied by the practice of updating social assistance recipient data every month (Magna et al., 2024) as a form of monitoring and evaluation of social assistance recipients. The condition for receiving social assistance is to enter the DTKS database. The government has set the main requirement to receive social assistance is to enter the Integrated Social Welfare Data (DTKS) database, which is managed by the government. Based on Article 3 Paragraph 2 of the Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 3 of 2021 concerning Integrated Data Management of Social Welfare, the criteria for people who can be included in the DTKS include various conditions, such as poverty, neglect, disability, remoteness, social disability, and behavioral deviations. In addition, victims of disasters, acts of violence, exploitation, and discrimination are also included in the criteria that can include a person in the DTKS, along with other criteria set by the Minister of Social Affairs.

However, this regulation does not specify a limit on family income as one of the conditions for receiving social assistance. On the contrary, this regulation emphasizes more on the proposal process that can be done through village deliberations, proposals from the Ministry of Social Affairs, and independent registration through applications.

Based on legal substance, which emphasizes that the substance of law is not only a substantive rule but also how institutions should behave (Rafif & Adhliyati, 2023). In this case, the primary regulation serves as the legal basis that regulates the standard of conduct, which imposes obligations on the parties involved. These primary regulations define the actions that must be taken by the subject of law by establishing certain obligations that must be fulfilled (Magna & Nadhifah, 2024). Therefore, the renewal of requirements is crucial to be implemented considering that there will be periodic and maximum updates and updates of DTKS data. Of course, this will help institutions in monitoring and evaluating social assistance recipients.

In the type of PKH social assistance, the Ministry of Social Affairs has regulated more specifically regarding the criteria for Beneficiary Families (KPM), the amount of assistance provided, as well as the rights and obligations for KPM and PKH companions through the Regulation of the Minister of Social Affairs Number 1 of 2018 concerning the Family Hope Program. However, there is still the fact that some poor families do not receive social assistance because they are not registered in the existing database (Kemit, 2024). This is due to limited access issues, especially in remote areas, as well as a lack of adequate information for people who are entitled to receive assistance. As a result, their social rights cannot be fulfilled optimally. In remote areas, only a small number of villages can carry out the correct procedures in terms of identifying and registering beneficiaries in DTKS (Wahyudi, Sondakh, & Permatasari, 2024). To overcome this problem, budgeting is needed for social assistance data collection in remote areas. By formulating regulations on budgets that are more objective and targeted, social assistance policies can be more targeted to those who really need them, without any misalignment or overlap between beneficiaries who should be in need.

Legal Culture

Legal culture is an element in the legal system as values, ideas or expectations. Legal culture tends to be interpreted as patterns formed in society that can directly reflect how the law works, so that by observing the legal culture that is formed, it will be identified how the legal system works in certain dimensions (Al Kautsar & Muhammad, 2022). The concept of legal culture reflects the pattern of community interaction with the existing legal system, both in the form of acceptance, rejection, and abuse. Lawrence Friedman pointed out that:

“The legal culture, system their beliefs, values, ideas and expectation. Legal culture refers, then, to those parts of general culture customs, opinions ways of doing and thinking that bend social forces toward from the law and in particular ways. ...in other word, is the climate of social thought and social force which determines how law is used, avoided, or abused.” (Friedman, 1975)

In relation to social assistance, there is a phenomenon called the poor mentality. The term poverty mentality refers to the mindset and attitude of individuals who feel limited in financial aspects and have difficulty getting out of the circle of helplessness. This phenomenon often leads to negative thoughts that can hinder a person from improving their quality of life (Wahyuningsih et al., 2024). According to the Head of the Center for Social Development Studies (SODEC) of the Department of Social Development and Welfare of FISIPOL UGM, Dr. Hempri Suyatna, S.Sos., M.Si., the poor mentality of the community is one of the main factors that cause social assistance not to be on target (Gloria, 2021). For example, there are thousands of State Civil Apparatus (ASN) who are indicated to receive various types of social assistance that should be intended for people who are more in need (Gloria, 2021). In fact, ideally, social assistance aims to overcome poverty, social rehabilitation, social protection,

social empowerment, and disaster management (Alba & Kurniawan, 2019). So broadly speaking, if it is able to reduce people who have a poor mentality, it will be able to have a significant impact in reducing the poverty rate in Indonesia. Individuals who have a vulnerable mindset are often trapped in their comfort zone because they think they don't have the opportunity to improve their standard of living like other societies (Khotimah & Safitri, 2024). Therefore, comprehensive education is needed to the public about the principle of justice in the distribution of social assistance. One of the strategic steps that can be taken is to provide a clearer understanding of the criteria for receiving assistance, distribution mechanisms, and benefits obtained in the long term. In addition, for beneficiaries who have experienced improved economic conditions, they should voluntarily opt out of the social assistance recipient scheme, a process known as self-graduation (Lestari & Talkah, 2020). Independent graduation has also been carried out by the Patuk Gunungkidul community who voluntarily resigned as recipients of the Family Hope Program (PKH) (UNU Jogja, 2024). This shows that the phenomenon of poor mentality can be overcome with a socio-cultural approach, so that the legal culture subsystem in a legal system is fulfilled to reduce the poverty rate in Indonesia.

Legal culture is closely related to the level of legal awareness in society. People with high legal awareness tend to have a good legal culture, so that they are able to change the mindset related to the law that has been developing (Agustiar, 2022). The poor mentality in the context of social assistance recipients shows how people actually compete to display and represent themselves as poor people (Aminah, 2021). So, this is a form of community interaction with the law that is actually deviated, thus making poverty alleviation programs even more untargeted. Therefore, an approach that prioritizes social values and norms is needed to encourage people to graduate independently to create a more transparent and fair legal system. If the legal culture in the community increasingly supports awareness and concern for social justice, then the identification of aid recipients can be carried out more accurately, so that the distribution of social assistance becomes more targeted and effective.

CONCLUSION

Based on Lawrence M. Friedman's theory of the legal system, it was found that aspects of the legal structure have been well available through related institutions that cooperate in the process of distributing social assistance. However, in the sub-system of legal substance, more specific regulatory changes are still needed, especially in setting more detailed and objective criteria for social assistance recipients to minimize the number of social assistance recipients who are not on target. In addition, in the legal culture sub-system, there is a phenomenon of poor mentality, that there are people who tend to present themselves as poor individuals so that they deserve social assistance. So, there needs to be a change in legal culture; The mindset and habits of people with poor mentality to become a society that is able to graduate themselves, will be able to form a more effective legal structure and legal substance as an effort to realize welfare for the poor and poverty alleviation in Indonesia.

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