



THE ROLE OF THE DEPARTMENT OF SOCIAL AFFAIRS IN THE IMPLEMENTATION OF REGIONAL REGULATION NUMBER 15 OF 2004 CONCERNING THE PROHIBITION OF VAGRANCY AND BEGGING IN TANJUNG BALAI CITY FROM THE PERSPECTIVE OF SIYASAH DUSTURIYAH

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ABSTRACT

This study discusses the implementation of Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging from the perspective of Siyasa Dusturiyah. The phenomenon of the increasing number of vagrants and beggars (gepeng) in Tanjung Balai City indicates a gap between the ideality of law (das sollen) and social reality (das sein). The purpose of this study is to analyze the effectiveness of the implementation of the regulation, to identify its inhibiting and supporting factors, and to assess its conformity with the principles of public benefit (maslahah) in Siyasa Dusturiyah. This research employs an empirical juridical approach with a qualitative descriptive method through interviews, observations, and document studies. The results show that the implementation of the regulation remains weak due to budget limitations, insufficient rehabilitation facilities, and lack of inter-agency coordination. Moreover, the legal substance of the regulation focuses more on control and sanctions without being balanced by rehabilitation and social empowerment policies. From the perspective of Siyasa Dusturiyah, such a policy has not fully fulfilled the principles of maslahah 'ammah and maqasid al-shariah, as it has not yet succeeded in ensuring protection, empowerment, and justice for the poor. This study concludes that the handling of vagrancy and begging should be directed toward economic empowerment, moral guidance, and social reintegration based on Islamic values so that regional social policies genuinely reflect public welfare and human dignity.

Keywords: Department of Social Affairs, Regional Regulation, Vagrancy, Begging, Siyasa Dusturiyah, Maslahah 'Ammah, Maqasid al-Shariah

1. INTRODUCTION

Instagram Indonesia is currently faced with a development paradox. On one hand, economic growth has shown stable progress; on the other hand, social inequality remains



deeply entrenched. Efforts to achieve social welfare for all citizens have not been fully realized, as the orientation of development has long emphasized physical and economic aspects rather than the social and humanitarian dimensions. National development, which has focused primarily on economic growth and infrastructure, has not yet adequately addressed the basic social needs of the people, particularly the poor, vagrants, and beggars (*gepeng*) (Maria Pratiknjo, 2023).

Data from the Central Statistics Agency (BPS) in 2024 show that the poverty rate remains at 9.36%, or approximately 25.22 million people—figures that underscore the disconnect between economic growth and equitable welfare distribution.¹ This condition reflects a gap between macroeconomic achievements and the actual welfare of society at the grassroots level (Department of Social Affairs of Tanjung Balai City Government, *Annual Report on the Handling of Social Welfare Problems (PMKS)*, 2024).

This phenomenon is particularly evident in urban areas, including Tanjung Balai City, where the persistence of *gepeng* illustrates the failure of equitable social policy. Their presence not only disrupts public order but also reveals structural issues such as inequality in access to education, employment, and basic social services.² Vagrants and beggars essentially represent a manifestation of systemic social exclusion, where poverty is not merely a result of individual laziness but rather of unequal resource distribution and the state's weak function in social protection (Department of Social Affairs of Tanjung Balai, *Annual Report*, 2024).

Constitutionally, the responsibility toward the poor is an imperative mandate. Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that “the poor and neglected children shall be cared for by the state,” while paragraph (2) emphasizes the importance of a fair and comprehensive social security system.³ Therefore, the issue of *gepeng* is not only a social concern but also a legal, moral, and constitutional one that requires substantive state involvement.

Within the framework of positive law, this constitutional mandate is elaborated in Law Number 11 of 2009 concerning Social Welfare, which emphasizes the importance of protection, empowerment, and rehabilitation for vulnerable groups (Law No. 11 of 2009 on Social Welfare). The local government, as the policy implementer, has a strategic responsibility to ensure that social policies are effective and just. In Tanjung Balai City, this commitment is embodied in Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging. However, empirically, this regulation has not shown significant effectiveness, as *gepeng* are still widely found in public spaces.

The lack of social facilities such as shelters, rehabilitation centers, and the limited support in terms of budget and human resources are among the main factors hindering policy implementation.⁶ Consequently, the guidance efforts undertaken are often temporary and fail to address the structural roots of poverty (Bahagia, 2020). From a sociological perspective, the existence of *gepeng* represents the manifestation of socio-economic marginalization, which deprives certain citizens of access to economic and social resources.⁷ This situation creates a development paradox: amid national economic progress, there are still groups living on the periphery of the system without adequate welfare guarantees (Suparlan, 1993).

From the perspective of *Siyasah Dusturiyah*, addressing the issue of vagrants and beggars cannot be separated from the principle of *maslahah* (public welfare), which is the

essence of the objectives of Islamic law (*maqasid al-shariah*). Imam al-Ghazali, in *Al-Mustasfa*, explains that *maslahah* encompasses the protection of five fundamental values: religion (*hifz ad-din*), life (*hifz an-nafs*), intellect (*hifz al-'aql*), lineage (*hifz an-nasl*), and property (*hifz al-mal*).⁸ Therefore, every government policy, including those addressing *gepeng*, should aim to preserve human dignity, protect fundamental rights, and realize a socially just and equitable order (Abu Hamid al-Ghazali, 1997).

As affirmed in the words of Allah SWT in *Surah Al-Hashr* [59]: 7,

كَيْ لَا يَكُونَ دُولَةً بَيْنَ الْأَغْنِيَاءِ مِنْكُمْ ۚ

“...so that wealth may not merely circulate among the rich among you.”

This verse emphasizes the importance of economic distribution and social justice, which constitute the state's responsibility toward the poor and marginalized groups. Al-Ghazali also asserted that *maslahah* which does not refer to the *maqasid al-shariah* is invalid (*muthrahat batilah*). Therefore, every program for the rehabilitation of vagrants and beggars (*gepeng*) should not be a mere administrative formality but must aim to elevate human dignity from destitution to a dignified and productive life.

The state's responsibility toward the poor is part of the mandate of leadership (*imamah*). Ibn Taymiyyah emphasized that the primary duty of a leader is *jalbul mashalih wa dar'ul mafasid*—to realize public welfare and prevent harm (Ibn Taymiyyah, 1998). Hence, government negligence in addressing the issue of *gepeng* is not only an administrative failure but also a moral neglect of the mandate of the *shariah*. Empirical reality in Tanjung Balai City shows a striking gap between *das sollen* (what ought to be according to law) and *das sein* (the reality that occurs). Data from the Department of Social Affairs in 2024 recorded only one beggar registered administratively, while field observations indicated a far greater number. This fact illustrates the weakness of the data collection system and the implementation of social policies that should favor the underprivileged.

An effective public policy should not stop at repressive actions such as raids and enforcement but must also address economic empowerment, social rehabilitation, and reintegration into community life. From the perspective of *fiqh siyasah*, the state functions not only as an enforcer of law but also as a protector and guardian of vulnerable groups (Abdul Wahhab Kallaf, 1990). Therefore, analyzing the implementation of Regional Regulation Number 15 of 2004 in Tanjung Balai City is essential to assess the extent to which the policy reflects the values of *maslahah* and the principles of *maqasid al-shariah*. The failure of social policy implementation in this context is not merely a technical or bureaucratic issue but also a moral and constitutional one (Sane'a and Agustina, 2014). Consequently, an in-depth evaluation and renewal of social policy strategies that are more humanistic, participatory, and equitable are necessary so that the state's function as a protector of the poor can be genuinely realized (Abdul Jafar Wahyu, 2018).

Based on this study, the author is interested in examining how the implementation of Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging has been carried out, what supporting and inhibiting factors affect its enforcement, and to what extent its provisions align with the perspective of *Siyasah Dusturiyah*, public welfare (*maslahah 'ammah*), and the values of *maqasid al-shariah*—



particularly in achieving a balance between firm law enforcement and the protection of the social rights of the poor in Tanjung Balai City.

The purpose of this study is to conduct an in-depth analysis of the implementation of Articles 4 and 5 of Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging, both from the normative aspect of positive law and from the perspective of *Siyasah Dusturiyah*, in order to assess the extent to which the policy reflects the principles of social justice, public welfare, and the protection of the rights of the poor. The benefits of this research are twofold: theoretically, it contributes to the development of studies on regional law and *fiqh siyasah*; and practically, it provides input for local governments as an evaluative basis for formulating more humanistic, equitable, and *maqasid al-shariah*-oriented social policies in addressing issues such as vagrancy and begging

2. RESEARCH METHOD

This study is an empirical juridical research, which combines an examination of written legal rules specifically, Tanjung Balai City Regional Regulation Number 15 of 2004 with observation of its implementation in the social life of the community. The approach used is the juridical-sociological approach, which aims to view law in its real sense, namely, how law functions in practice within society rather than merely as a static legal text (Marzuki, 2005). In this context, the research normatively examines the content of Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging.

Data collection was carried out through three main techniques: in-depth interviews with government officials and local community members, direct observation, and document studies of regulations and reports on enforcement activities. The data were analyzed qualitatively and descriptively to explain the relationship between legal norms and social behavior, as well as to evaluate the effectiveness of the policy from the perspective of positive law and *fiqh siyasah*. This approach provides a comprehensive understanding of how the law is supposed to operate and how it is actually implemented in social reality.

3. RESULT AND ANALYSIS

Implementation of Tanjung Balai City Regional Regulation Number 15 of 2004 Concerning the Prohibition of Vagrancy and Begging

Normative Analysis of Articles 3 and 4 of Tanjung Balai City Regional Regulation Number 15 of 2004

Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging, particularly Articles 3 and 4, contains the following provisions:

Article 3

- (1) The supervision of this Regional Regulation shall be carried out in an integrated manner under the coordination of the head of the region.

- (2) In certain circumstances and when deemed necessary, the head of the region may establish an integrated supervisory team.
- (3) The technical measures for addressing vagrancy, begging, and prostitution shall be further regulated by a decision of the regional head.

Article 4

The regional government shall provide guidance to vagrants and beggars through activities that include the development of skills and other forms of expertise (Tanjung Balai City Regional Regulation No. 15 of 2004).

Normatively, Articles 3 and 4 of Tanjung Balai City Regional Regulation Number 15 of 2004 set forth provisions prohibiting any individual from engaging in vagrancy and begging within the jurisdiction of Tanjung Balai City. These provisions arise from the authority of regional autonomy as stipulated in Law Number 23 of 2014 concerning Regional Government, which grants local governments the right to regulate matters of public order and community peace. Accordingly, the norms in these articles possess legitimate legal grounding and are intended to maintain urban order, cleanliness, and comfort from activities deemed disruptive to social harmony. Legally, this regulation also carries a prohibitive nature, emphasizing prohibition and providing the legal basis for local law enforcement officers (Satpol PP) to discipline vagrants and beggars operating in public spaces (Soerjono Soekanto, 2014).

However, from a normative and justice-oriented perspective, these provisions still raise fundamental concerns. A prohibition that is repressive in nature, without being balanced by norms of social protection, rehabilitation, or empowerment, reflects an imbalance between the functions of public order and social welfare. In this regard, the norms contained in Articles 3 and 4 substantially contradict the mandate of Article 34 paragraph (1) of the 1945 Constitution, which states that “the poor and neglected children shall be cared for by the state.” This means that the state and local governments are not only authorized to maintain order but are also obligated to protect and empower economically and socially marginalized groups. The absence of provisions governing guidance or mechanisms for social rehabilitation renders this regulation partial and lacking in substantive justice (Satjipto Rahardjo, 2009).

From the standpoint of the principles of legality and clarity of norms, Articles 3 and 4 are also deemed to lack clear juridical definitions of “vagrants” and “beggars,” thereby allowing potential arbitrariness in implementation. In fact, Government Regulation Number 31 of 1980 concerning the Control of Vagrants and Beggars stipulates that handling such groups must not rely solely on enforcement actions but should also include measures of guidance, skills training, and social reintegration. By failing to refer to this national regulation, the Tanjung Balai City Regional Regulation appears administrative in nature, without positioning the issue of vagrancy and begging within a comprehensive social welfare framework (A. Hamid S. Attamimi, 1990).

Therefore, from a normative perspective, Articles 3 and 4 of Tanjung Balai City Regional Regulation Number 15 of 2004 are legally valid and serve to maintain public order. Nonetheless, substantively, they need to be revised or supplemented with provisions affirming the local government’s responsibility to provide protection, guidance, and social empowerment for vagrants and beggars. This analysis indicates that regional regulations should not merely emphasize prohibitions but must also balance the



interests of public order with the fulfillment of citizens' social rights, thus reflecting the principle of *lex humanior* a law that not only regulates but also humanizes (Mahfud MD, 2012).

Juridical Problems in the Implementation of Articles 4 and 5 of Tanjung Balai City Regional Regulation Number 15 of 2004

Articles 4 and 5 of Tanjung Balai City Regional Regulation Number 15 of 2004 establish a prohibition for any person to become a vagrant or beggar and regulate sanctions for those who violate these provisions. The main purpose of this norm is to maintain public order, city aesthetics, and community comfort. However, in its implementation, various juridical problems have arisen, rooted in the aspects of legal substance, structure, and culture as stated by Lawrence M. Friedman in his theory of the legal system. The problems that emerge include:

- A. Disharmony between legal norms and higher regulations as well as the principle of social justice

Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms that the poor and neglected children shall be cared for by the state, and Law Number 11 of 2009 concerning Social Welfare classifies vagrants and beggars as groups entitled to protection and social empowerment. The provisions in this Regional Regulation emphasize only the aspect of prohibition and enforcement (prohibitive norm) without including stipulations on guidance, rehabilitation, or social reintegration as mandated by Government Regulation Number 31 of 1980 concerning the Control of Vagrants and Beggars. As a result, a vertical disharmony occurs normatively, which may weaken the legal legitimacy of the Regulation's implementation because it contradicts the hierarchy of legislation as stipulated in Law Number 12 of 2011 in conjunction with Law Number 13 of 2022 concerning the Formation of Legislation (Maria Farida Indrati, 2007).

- B. Unclear mechanisms of law enforcement and social guidance leading to legal uncertainty

From the aspect of legal structure, the implementation of Articles 4 and 5 is often not supported by a clear legal framework regarding enforcement mechanisms and post-enforcement rehabilitation. The enforcement authority is delegated to the Civil Service Police Unit (Satpol PP), which in practice tends to prioritize repressive approaches such as raids and evictions, without coordination with the Department of Social Affairs as the competent institution for social guidance. This creates juridical problems in the form of legal uncertainty due to the absence of clear delineation of authority among agencies and the lack of established legal procedures in addressing violations of the Regulation. Moreover, the sanctions stipulated in Article 5 do not yet fulfill the principles of proportionality and due process of law, as their application often bypasses proper judicial mechanisms. This condition contradicts the principle of legality (*nullum crimen sine lege, nulla poena sine lege*) and the principle of human rights protection in the enforcement of regional administrative law (Philipus M. Hadjon, 2007).

C. Weak integration between legal and social policy approaches due to low legal awareness and poor inter-agency coordination

From the perspective of legal culture, the implementation of Articles 4 and 5 also faces challenges stemming from low legal awareness among the public and limited understanding among officials regarding social legal principles. For some members of the community, begging is still perceived as a form of adaptation to economic and social pressures rather than a legal violation. Conversely, local authorities often view repressive action as a quick solution without considering the underlying socio-economic causes. Consequently, the enforcement of this Regional Regulation tends to be symbolic rather than a substantive solution to poverty and social deprivation. This situation shows that legal norms have not been effectively internalized within the legal consciousness of both the community

REKAPITULASI PENYANDANG MASALAH KESEJAHTERAAN SOSIAL
KOTA TANJUNGBALAI TAHUN 2024

NO	JENIS PMKS	KECAMATAN															JUMLAH		GRAND				
		TB. UTARA			TB. SELATAN			DATUK BANDAR			ST. RASO			DTK. B. TIMUR						TELUK NIBUNG			
		LK	PR	JLH	LK	PR	JLH	LK	PR	JLH	LK	PR	JLH	LK	PR	JLH	LK	PR	JLH	LK	PR	JLH	TOTAL
1	ANAK BALITA TERLANTAR (ABT)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2	ANAK TERLANTAR (AT)	1	-	1	4	1	5	4	-	4	1	-	1	-	-	1	-	1	11	1	11	1	12
3	ANAK BERHADAPAN DENGAN HUKUM (ABDH)	2	2	4	1	1	2	8	4	12	5	5	10	3	4	7	6	3	9	25	19	44	
4	ANAK JALANAN (AJ)	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	
5	ANAK DENGAN KEDISABILITASAN (ADK)	5	4	9	10	8	18	10	5	15	19	17	36	16	20	36	6	11	17	56	65	131	
6	ANAK KORBAN TINDAK KEKERASAN ATAU DIPERLAKUKAN SALAH (AKTK)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
7	ANAK MEMERLUKAN PERLINDUNGAN KHUSUS (AMPK)	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1	
8	LANJUT USIA TERLANTAR (LUT)	61	130	191	25	20	45	17	40	57	35	66	101	55	72	127	13	49	62	206	377	583	
9	PENYANDANG DISABILIITAS (PD)	21	25	46	20	20	40	86	48	134	76	42	118	92	63	155	68	60	128	363	258	621	
10	TUNA SUSILA (TS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
11	GELANDANGAN (GLD)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
12	PENGEMIS (PNG)	-	-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	1	-	1	
13	PEMULUNG (PMLG)	-	1	1	4	-	4	12	10	22	-	-	-	3	-	3	-	-	-	19	11	30	
14	KELOMPOK MINORITAS (KM)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
15	BEKAS WARGA BINAAN LEMBAGA PEMASYARAKATAN (BIWB/LF)	-	-	-	13	-	13	5	-	5	-	-	1	-	1	-	-	-	19	-	-	19	
16	ORANG DENGAN HIV/AIDS (ODHA)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
17	KORBAN PENYALAH-GUNAAN NAPZA (NAPZA)	-	-	-	7	-	7	-	-	1	-	1	10	-	10	-	-	-	18	-	-	18	
18	KORBAN TRAFFICKING (TRAF)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
19	KORBAN TINDAK KEKERASAN (KTK)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
20	PEKERJA MIGRAN BERMASALAH SOSIAL (PMBS)	-	-	-	1	-	1	-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	
21	KORBAN BENCANA ALAM (KBA)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
22	KORBAN BENCANA SOSIAL (KBS)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	32	
23	PEREMPUAN/JANDA RAWAN SOSIAL EKONOMI (PRSE)	-	130	130	-	33	33	-	36	36	-	74	74	-	231	231	-	198	198	-	702	702	
24	FAKIR MISKIN/KEL FAKIR MISKIN (FM)	437	2.043	2.480	222	898	1.120	564	2.586	3.150	698	2.615	3.313	646	2.809	3.455	1.127	4.259	5.386	3.694	15.210	18.904	
25	KELUARGA BERMASALAH SOSIAL PSIKOLOGIS (KBSP)	-	-	-	5	2	7	1	1	2	-	-	-	3	-	3	1	-	1	10	3	13	
26	KOMUNITAS ADAT TERPENCIL (KAT)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Jumlah		527	2.335	2.862	313	984	1.297	707	2.731	3.438	835	2.819	3.654	829	3.199	4.028	1.222	4.580	5.802	4.433	16.648	21.113	

Catatan :

* Sumber Data PMKS Tahun 2023 sebanyak 20.597

Penyandang Disabilitas Tahun 2023 sebanyak 105

20.492

* Pemutakhiran data Penyandang Disabilitas Tahun 2024 sebanyak 621 orang



and law enforcers, thereby creating a gap between law in the book and law in action (Soetandyo Wignjosebroto, 2002).



Factors Supporting and Inhibiting the Implementation of Articles 4 and 5 of Tanjung Balai City Regional Regulation Number 15 of 2004

The implementation of Articles 4 and 5 of Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging demonstrates complex and diverse social dynamics. Some members of the community have expressed positive support, such as Mrs. Tiwi, a resident of Tanjung Balai City, who believes that this policy has succeeded in creating a more orderly, safe, and clean urban environment (Personal interview, Tanjung Balai City, 2025). For urban residents, particularly those living in areas of economic activity such as markets and public spaces, the presence of vagrants and beggars is often perceived as a disruption to public comfort and city aesthetics. Therefore, the government's policy of maintaining order is regarded as an appropriate measure consistent with the goal of ensuring public order and enhancing the city's image. This support also stems from the perception that begging activities have shifted from being driven purely by economic necessity to becoming organized practices that tend toward exploitation.

However, not a few members of the community have expressed critical responses to the policy. Based on personal interviews, several community groups believe that the prohibitions contained in Articles 4 and 5 emphasize repressive measures rather than social solutions, as enforcement is carried out without being accompanied by programs for rehabilitation, vocational training, or economic empowerment for the homeless and beggars (Personal interview, Tanjung Balai City, 2025). For critically minded groups, including religious leaders, academics, and social activists, the policy has not fully reflected humanitarian values and social justice as mandated by Pancasila and Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which asserts that the poor and neglected children shall be cared for by the state. Law enforcement actions carried out without an empathetic approach are considered to risk violating the basic rights of the poor, as they are treated as offenders of public order rather than as legal subjects entitled to social protection.

Meanwhile, some members of the public take a neutral or adaptive stance toward this policy. They accept the government's regulation as a legitimate exercise of local authority that must be obeyed, but they do not fully understand the juridical and social rationale behind it. On the other hand, for the impoverished groups directly affected, the policy evokes anxiety, fear, and social stigma, as their existence is viewed as a problem of order rather than one of welfare. Overall, the public response to the prohibition of vagrancy and begging in Tanjung Balai City can be described as ambivalent: formally, citizens support the government's efforts to uphold urban order, but substantively, they question the justice and effectiveness of the policy (Franz Magnis-Suseno, 1994).

The Tanjung Balai City Government considers that the implementation of these provisions is supported by several factors, including a clear legal foundation. The existence of Regional Regulation No. 15 of 2004 provides a legitimate legal basis for local authorities, particularly the Civil Service Police Unit (Satpol PP) and the Department of Social Affairs, to enforce order against vagrancy and begging activities within the city. This regulation also aligns with the general objectives of Law No. 23 of 2014 on Regional Government concerning public order and community tranquility. Institutional support and inter-agency coordination also play an important role. According to Mr. Sukri, S.H., a

staff member at the Satpol PP Office, “The Tanjung Balai Regional Government has established coordination among regional agencies such as Satpol PP, the Department of Social Affairs, and local administrative officials, all of which actively participate in enforcement and post-rehabilitation programs, serving as significant driving factors.” The government also carries out regular joint operations for enforcement and social guidance programs.

Social support from the community has further strengthened the policy. The public’s awareness in reporting begging activities in public spaces and their desire to maintain city order and cleanliness contribute to the social legitimacy of the regulation. In addition, social organizations and religious institutions assisting in social rehabilitation or aid distribution have helped the government reduce the number of vagrants and beggars. Moreover, the existence of social and economic development programs initiated by the local government, such as vocational training, social assistance, and family empowerment, has aimed to reduce people’s dependence on begging activities.

Nevertheless, in practice, the government faces several complex obstacles. One of the main challenges is budget and facility limitations. There is insufficient allocation of funds for the rehabilitation and empowerment of the homeless and beggars. The local government does not yet have adequate shelters or social rehabilitation centers to accommodate and train these individuals on a sustainable basis. Weak inter-sectoral coordination also hampers implementation. Enforcement of the regulation requires synergy among the Department of Social Affairs, Satpol PP, the police, and other relevant agencies. However, in practice, overlapping authority—particularly in post-enforcement handling often occurs, thereby reducing the effectiveness of sanctions and social rehabilitation.

Another obstacle lies in the low level of legal awareness and the socio-economic conditions of the community. Many offenders come from impoverished groups without stable employment. For them, begging is a survival strategy rather than a legal violation. This structural poverty renders enforcement-based approaches ineffective without continuous economic empowerment programs. The weakness of legal substance also remains a significant issue. The provisions in Articles 4 and 5 emphasize prohibition and sanctions but are not balanced by implementing regulations that clearly stipulate mechanisms for rehabilitation, training, and empowerment. Consequently, enforcement in practice often creates legal uncertainty and a repressive impression.

According to Sukri, S.H., Head of the Social Rehabilitation Division of the Tanjung Balai City Department of Social Affairs, the number of individuals rehabilitated due to vagrancy and begging activities has shown a declining trend. He explained that this figure has not increased significantly because most of those apprehended during enforcement operations come from outside the Tanjung Balai area. This situation limits social rehabilitation efforts, as handling individuals who are not local residents requires inter-regional coordination. Therefore, the rehabilitation programs in Tanjung Balai City focus primarily on empowering local residents genuinely in need of social assistance, while for non-residents, the government tends to conduct registration and repatriation to their place of origin through cooperation with the social services of other districts or cities.

Another inhibiting factor is culture and population migration. The geographical position of Tanjung Balai City as a strategic port city encourages high rates of urbanization. Migrants from other regions who fail to secure employment often become new vagrants



or beggars, thereby increasing the government's burden in monitoring and enforcement (Interview with Sukri, S.H., Head of Social Rehabilitation Division, Department of Social Affairs, Tanjung Balai City, 2025).

Review of Siyasah Dusturiyah on the Implementation of the Regional Regulation of Tanjung Balai City Number 15 of 2004 Concerning the Prohibition of Vagrancy and Begging

In fiqh siyasah, which constitutes an essential part of Islamic intellectual heritage, the discussion revolves around the principles of governance framed within the values of sharia. From the perspective of siyasah dusturiyah, the local government's policy in implementing Articles 3 and 4 of the Regional Regulation of Tanjung Balai City Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging must be analyzed based on the principle of *maslahah 'ammah* (public interest) and *maqasid al-shariah*. In the administration of government, the principle of *maslahah* is closely related to the concept of *siyasah dusturiyah*, as both are oriented toward achieving public welfare (*maslahah 'ammah*). As an Islamic constitutional political concept, *siyasah dusturiyah* regulates the relationship between rulers and citizens on the basis of justice and social responsibility. In this regard, *maslahah* serves as the moral and normative foundation for every public policy. Every governmental decision must aim at ensuring the benefit and welfare of society, rather than serving the interests of particular groups. Thus, *siyasah dusturiyah* provides the constitutional framework for the application of the *maslahah* principle, while *maslahah* itself embodies the spirit and objective of *siyasah*.

From the perspective of *maqasid al-shariah*, this regional regulation upholds the five fundamental objectives of sharia, particularly *hifz al-nafs* (the protection of life) and *hifz al-mal* (the protection of property), by safeguarding citizens from unworthy living conditions and promoting economic self-reliance. The policy represents the responsibility of the local government in regulating social life for the sake of the common good, in accordance with the principle *taṣarruf al-imām 'ala ar-ra'īyyah manūṭun bi al-maṣlaḥah* (the actions of a ruler toward his people must be based on public interest). Therefore, this regulation embodies the implementation of Islamic values in public policy grounded in justice and social welfare.

a. The Principle of *Maslahah 'Ammah* (Public Welfare)

Imam al-Ghazali asserts that *maslahah* encompasses all that brings benefit and prevents harm in the life of the community. In his work *al-Mustasfa*, he explains that *maslahah* serves as the basis for the validity of public policy as long as it does not contradict *nash syar'i* (revealed texts). The responsibility of a leader lies in realizing *maslahah 'ammah* (public welfare) and social justice for all citizens (Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law*, 2008). In fiqh siyasah, the primary duty of the government (*ulil amri*) is not merely to discipline society through regulation and prohibition, but to ensure the fulfillment of citizens' fundamental rights, particularly for those who are weak and underprivileged. This principle is consistent with the *qaidah fihiyyah* (legal maxim):

تَصَرَّفُ الْإِمَامُ عَلَى الرِّعْيَةِ مَنْوُطٌ بِالْمَصْلَحَةِ

That every policy enacted by those in authority must be grounded in the *maslahah* (welfare) of the people. Accordingly, the policy prohibiting vagrancy and begging can only be justified within the framework of *fiqh siyasah* if it is accompanied by efforts to protect, guide, and socially empower these individuals as part of the state's responsibility toward its citizens

b. The Principle of *Maqasid al-Shariah*

From the perspective of *Maqasid al-Shariah*, the policy prohibiting vagrancy and begging as stipulated in Articles 3 and 4 of Tanjung Balai City Regional Regulation Number 15 of 2004 must be assessed based on the fundamental objectives of Islamic law, namely the protection of religion (*hifz ad-din*), life (*hifz an-nafs*), intellect (*hifz al-'aql*), lineage (*hifz an-nasl*), and property (*hifz al-mal*). The essence of *maqasid al-shariah* lies in realizing public welfare (*jalb al-masalih*) and preventing harm (*dar' al-mafasid*), so every public policy, including regional regulations, must generate social benefit without creating injustice or suffering for certain groups, especially the marginalized. In this context, the prohibition of vagrancy and begging inherently contains an element of *maslahah*, as it aims to maintain public order, protect citizens from social exploitation, and create a clean and safe urban environment. These objectives align with the *maqasid* of *hifz an-nafs* (protection of life) and *hifz al-mal* (protection of property), as they prevent society from potential crimes, fraud, or the misuse of begging activities that often occur in public spaces (Abu Hamid al-Ghazali, 1997).

However, if the policy is implemented solely through a repressive and administrative legal approach without being balanced by socially just and equitable measures, its implementation may contradict the principle of *maslahah mursalah*, which constitutes the spirit of *maqasid al-shariah*. In Islam, poverty is not a disgrace to be hidden or suppressed, but a condition that demands the social responsibility of both the state and society (M. Kadri, 2022).

Allah SWT states in Surah At-Taubah verse 60:

إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغُرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Based on this verse, *zakat* is designated for the poor, the needy, and those who require assistance. The verse indicates that the existence of the poor is an integral part of the social structure that must be protected and empowered, not merely controlled. Therefore, from the perspective of *maqasid al-shariah*, the policy prohibiting vagrancy and begging can only be considered consistent with the values of the *Sharia* if it is accompanied by programs that fulfill *hifz an-nafs* (protection of life) through economic empowerment, *hifz al-mal* (protection of property) through skills training and decent employment, and *hifz ad-din* (protection of religion) through moral and spiritual education, so that the poor do not lose their hope and human dignity.

Maqasid al-shariah also emphasizes the principles of social justice (*al-'adl al-ijtima'i*) and compassion (*rahmah*) as the foundation of public policy. If the enforcement of Articles 3 and 4 is carried out in ways that cause further suffering to the disadvantaged, then such a policy no longer brings *maslahah* (benefit), but instead creates *mafsadah* (social harm) (R. Ramadhan, 2019). Within the *maqasid*



framework, local governments as wali al-amr (those in authority) have the obligation to balance between tahqiq al-maslahah (realizing public benefit) and raf' al-mafsadah (removing harm). This means that the control of vagrants and beggars may be conducted for the sake of public order, but it must be accompanied by policies of social rehabilitation, job creation, vocational training, and basic livelihood guarantees. Such an approach aligns with the maqasid of the dharuriyyat (primary necessities) level, as it concerns the preservation of life and human survival.

Thus, according to the perspective of maqasid al-shariah, the implementation of Articles 3 and 4 of the Tanjung Balai City Regional Regulation Number 15 of 2004 can be categorized as a policy that holds potential maslahah in maintaining social order but also carries the risk of mafsadah if not balanced with humane and equitable social policies. Therefore, maqasid al-shariah directs that every prohibitive policy affecting the poor must be implemented with the principles of ta'adul (balance), ihsan (benevolence), and rahmah (compassion), rather than solely through punitive measures. When such a policy is accompanied by genuine efforts to guide, empower, and improve the welfare of vagrants and beggars, its implementation becomes not only legitimate under positive law but also aligned with the values of social justice and universal welfare that represent the ultimate purpose of Islamic law.

4. CONCLUSION

The implementation of Articles 3 and 4 of the Tanjung Balai City Regional Regulation Number 15 of 2004 concerning the Prohibition of Vagrancy and Begging has been carried out as an effort to maintain urban order; however, it has not yet fully reflected social justice and humanitarian values. From the perspective of siyasah dusturiyah and maqasid al-shariah, this policy should not be merely repressive but rather oriented toward public welfare by emphasizing aspects of guidance, empowerment, and protection for the poor. Therefore, the local government needs to balance law enforcement with social responsibility so that this policy truly embodies the objectives of the Sharia and the constitutional mandate to achieve prosperity and justice for all members of society.

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