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### Municipal Government Responsibilities of Banda Aceh on Handling Underage Beggars

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#### Abstract

States are responsible for upholding Human Rights and must ensure the safeguarding and realization of the rights of all individuals, including children. According to Article 28 B (2) of the Constitution of the Republic of Indonesia 1945, every child is constitutionally entitled to protection as they are part of a citizen who is obligated to be safeguarded by the State. The State assumes the role of guardian and bears direct responsibility for the care and upbringing of children, including underage individuals engaged in begging. The proliferation of juvenile beggars can be attributed to the government's negligence and disregard for addressing the needs of young individuals. The research conducted for this study employed the Yuridis empirical research approach. This study aims to elucidate the governmental responsibilities of the city of Banda Aceh in providing care for underage individuals engaged in begging. The

Government of Banda Aceh City must restrict and safeguard minors from engaging in begging activities to establish a favorable environment for their development. The measures implemented include the formulation of a well-defined policy, the issuance of Mayor of Banda Aceh Order No. 7 of 2018 regarding the handling of migrants, beggars, displaced persons, and social outcasts, as well as the enactment of Aceh Act No. 11 of 2013 sections 45 and 46 paragraph 1, which stipulates the responsibility of the Aceh government to establish social welfare programs aimed at enhancing the living conditions and sustainable livelihoods of middle-aged individuals and beggars. Additionally, a patrol team has been established, programs have been developed, and public awareness has been raised. The effective implementation of a small beggar is hindered by several unresolved hurdles.

**Keywords:** Responsibilities, Banda Aceh Municipal Government, Handling, Underage Beggars

#### Introduction

The State has the consequence of protecting every individual, that is, by providing legal protection to every citizen of its country. The State bears the primary responsibility for formulating all policies and using all available resources to provide the protection and realization of all citizens' rights, including children as freedom <sup>[1]</sup>.

In the implementation of Article 28 B paragraph (2) and Article 34 of UUD 1945 Act No. 35 of 2014 amended the Law No. 23 of 2002 on the Protection of the Child. In Article 20 of Act Number 23 of 2002, on the protection of the child, it was stated that "the State, the Government, the community, the exit, and the parents must maintain the child's protection" including child exploitation.

Child exploitation is the act or act of providing, exploiting, or blackmailing a child for personal gain, family, or group <sup>[2]</sup>. The exploitation of children constitutes one of the fundamental violations of the rights of the child and requires protection from the State, as set out in Article 13 of Act No. 23/2002 on the Protection of Children <sup>[3]</sup>. Child abduction on the street is a form of economic exploitation (the child loses time to play and learn), in Article 7 (2) of the Draft Law on the National Education System states that "Indonesian citizens are obliged to complete basic education for 10 years and secondary education for 3 years" <sup>[4]</sup>.

The Constitution of the Republic of Indonesia of 1945 and certain provisions of the legislation, both national and international, guaranteed the protection and realization of the rights of the child, which were subsequently enforced by the ratification of the international conventions on the Rights of the Child, i.e. ratification by the President's Decree No. (Konvensi Tentang Hak-hak anak).

The State is the guardian and the person directly responsible for the treatment and maintenance of children, including underage beggars. This regulation is essentially a constitutional right for all poor citizens and underage beggars throughout Indonesia as subjects of national rights which should be guaranteed by the State. Furthermore, Government Ordinance No. 31 of 1980 on the Abolition of the Beggar and the Beggars also establishes general provisions on the abolishment of the beggar and beggar concerning the prohibition, surveillance, and punishment for the beggars and the beggars. The beggars are those who earn their income by public requests in various ways and with reason to expect mercy from others<sup>[5]</sup>.

The State guarantees the protection of underage beggars through the Child Protection Act. Article 20 of Act No. 35 of 2014 on amendments to Law No. 23 of 2002 on Child Protection states that "the State, Government, community, family, and parents are obliged and responsible for the maintenance of child protection". The protection of children from exploitation as beggars and compulsory schoolers for 13 years is regulated in Article 13, paragraph 1, letter b, of Act No. 35 of 2014 amending Law No. 23 of 2002 on the Protection of the Child, which states that "every child as long as in the custody of the child of a parent, guardian, or other person responsible for custody is entitled to protection from treatment, including exploitation, both economic and sexual.

The Government of Aceh underage beggars have been specified in Article 7 letter (b) of the Act of Aceh No. 11 of 2013 on Social Welfare, the Government of the district or the City is authorized to organize social welfare in the territory or the local nature, including the duty of assisting the minor beggar. Then in article 46, paragraph 1, it reaffirms "The Government of Aceh and the Government of the district/city are obliged to organize social welfare to improve the life and livelihood of dignified midwives and beggars". In addition, the Order of the Mayor of Banda Aceh No. 7 Year 2018 on the handling of fugitives, beggars, displaced persons, and other social tuna in the territory of Banda Aceh City contains about the authority and responsibility of the Social Service of the Band Aceh City in dealing with the problem of fugitive and beggar. Article 5 states that arrangements for the treatment of fugitives, beggars, displaced persons, and other social tuna include procedures, roles as well as community, financing, prohibitions, and sanctions provisions. This is one of the efforts made by the Banda Aceh City Government through Social Services to deal with underage beggars.

**Table 1:** Numbers of Beggars

S. No	Years	Total Beggars	Underage Beggars
1	2021	113	19
2	2022	120	21
3	2023	94	36

**Sources:** Banda Aceh Social Service Data Beggars Recapitulation Report

The large number of underage beggars is due to the government's lack of attention in dealing with the underage and also the children who are displaced in Banda Aceh City. The reality that is happening today in everyday life, the social construction that is being carried out against the fugitives and the underage beggars only brings them to the social shelter, the necessity of deposit. After that, it was

removed and returned to decorate the streets, along the red lights, buses, places of worship, sightseeing, and other places of crowd. The purpose of this study is to explain the responsibility of the Banda Aceh City Government for the handling of minor beggars.

### Research Method

This type of research is Juris-empirical research, that is, a study conducting comparative studies by performing observations and local direct interviews of the research, to complement this research is also carried out bibliographic investigation such as studying several premises related to the problems studied which are secondary material in this research. The method of sampling is based on the ability to take samples in terms of time, location, and cost. As for the samples taken and the estimated portion of the population that represents the entire population, the respondents and informants are involved. This is intended to clarify the responsibility of the Banda Aceh City Government for the handling of minor beggars<sup>[6]</sup>.

### Results and Discussions

Reference is a process in which a situation is observed and then when a problem is found, a solution is made by defining a problem, reducing or eliminating or preventing it from occurring<sup>[7]</sup>. Treatment can be an attempt to prevent, confront, or overcome a situation of preventive and refreshing activity, rejection is an effort to a goal and find solutions to solving problems and problems.

Handling efforts are an ongoing and continuous effort that always exists, even if never will be a final effort. In this case, it is meant that any attempt at rejection cannot promise a presumption of certainty that the issue will not be repeated or will not raise a new issue. Nevertheless, efforts must be made to better guarantee the protection and well-being of the people. Beggar treatment is an attempt to help restore the normal life of the beggar to the family environment, help to restore the beggar's confidence in the family and community, and love of work through mental, spiritual, social, physical, skill, and resocialization guidance<sup>[8]</sup>.

The city government is responsible for ensuring the treatment of children from begging activities and creating an enabling environment for children's growth by providing adequate social services to disadvantaged families. Protecting children from begging is the responsibility of local governments to ensure the realization of children's rights and a better future for them. The protection granted to the child by the city government is a conscious effort aimed at guaranteeing, ining, and fulfilling the well-being of life under the human rights that exist at present, as outlined in Act No. 39 of 1999 on Human Rights. Every Indonesian child is a precious asset of the nation, the successor generation, and the human resource of Indonesia that will determine the future of the country and the nation.

The Government of Banda Aceh City has a clear responsibility to protect children from begging activities and create an environment that encourages their growth. The policy of the Government of Banda Aceh City on minors beggars is based on the Act of Aceh No. 11 of 2013 section 45 and 46 paragraph 1, which contains the obligation of the government of Aceh district/city to organize social welfare to improve the lives and decent livelihoods of the midwives and beggar. To minimize or eliminate minor beggars in Banda Aceh, the Banda Aceh City Government has issued a

law banning the service of beggars, especially minors, at crossings of roads and in public places. This policy is aimed at minimizing the number of beggars, especially underage, operating in the city of Banda Aceh and to increase public awareness that the act of begging is prohibited in Islam.

Decree of the Mayor of Banda Aceh No. 7 of 2018 concerning the handling of fugitives, beggars, displaced persons, and social tuna, the treatment of beggars is organized through an effort of nature:

1. Preventive efforts are organized efforts that include planning, guidance, training and education, provision of tribal assistance, supervision, and further training to various parties in connection with beggars.
2. Coercive efforts are acts of coercion in the process of social rehabilitation;
3. Rehabilitative efforts are the efforts that are organized through the efforts of placement, giving training and education, possession of the ability to reallocate among the community, surveillance, or further training so that the persons with social problems again can live dignifiedly with human dignity as citizens of RI;
4. Social reintegration efforts are processes of return to the family, and/or society so that they can perform their social functions well as society in general.

The Government of Banda Aceh City is responsible for the protection of children from begging and the creation of an enabling environment to be seen from some of the efforts made, namely<sup>[9]</sup>:

1. The Banda Aceh City Government has established a clear policy to stop begging, especially among minors. This policy is based on the Act of Aceh No. 11 of 2013 sections 45 and 46 paragraph 1, which affirms that the Government of Aceh and the District/City Authority must organize social welfare arrangements to improve the lives and decent livelihoods of midwives and beggars.
2. The Government of Banda Aceh City has formed a patrol or accession team consisting of three elements, namely, the Banda Aceh Social Service, the PP Satpol Banda Aceh, and the Polrestabes Banda Aceh. The team is tasked with monitoring and halting begging activities, as well as providing assistance and rehabilitation to suppressed beggars.
3. The Banda Aceh City Government has developed programs designed to improve the well-being of children in the city. One example is the Children's City Programme (KLA), which was introduced in 2017 and implemented nationally. The program aims to improve services, infrastructure, and programs that can provide comfort and protection for children.
4. The Banda Aceh City Government has been working to raise public awareness of the importance of child protection and the well-being of children. For example, the Banda Aceh City Government has issued a ban on serving beggars, especially minors, at street crossings and in public places.

For further explanation of the treatment of minor beggars, here are the results of an interview with Mr. Eddy Purnama, Lecturer of Law at Shia Kuala State University<sup>[10]</sup>:

"The responsibility of the city government as an extension of the central government's hand in the

efforts to deal with underage child beggars is not an easy thing to overcome with just that, which requires various planning to do so, such as monitoring, support, socialization, and training. The Banda Aceh City Government has undertaken measures to deal with underage beggars, including establishing policies such as Qanun, establishing child protection services, setting up a patrol team, developing programs, and raising public awareness. Thus, the Government of Banda Aceh City has demonstrated its commitment or responsibility in protecting the rights of children and improving the well-being of children. In addition, the Banda Aceh City Government needs to coordinate and cooperate with other related services to resolve the issue of street children, fugitives, and beggars in Banda Aceh".

From the above exposure, it can be concluded that the responsibilities and efforts of the Banda Aceh City Government to deal with minor beggars have been well implemented, but there are still some obstacles that hinder efforts to deal more effectively. To overcome these barriers, city governments need to make more serious and coordinated efforts, as well as broaden public participation in dealing with these social problems.

To learn more about the process of handling the Government of Banda Aceh City through Social Service, here are the results of an interview with Mother Kemala Hayati Sub Division of Social Service Banda Aceh:

"Child beggars in the town of Banda Aceh are immigrants from various areas, they don't go to school anymore because of cost constraints. They decided to end his education to earn money as beggars. Initially, they did this begging activity, which was an economic factor, long ago begging became a fixed job for them because the income they earned was huge, even above the normal public opinion. For child beggars, begging is a way of adapting to a luxurious urban environment. Activities that tend to make money easily and quickly are valued as an instant way to earn money to enrich themselves and their daily needs. The revenue of the prayer was so great, that they decided to make begging a work."

Based on the results of interviews with the Social Service of Banda Aceh City, it has not yet been fully effective in implementing the Act of Aceh No. 11 of 2013 section 45 and 46 paragraph 1 on the construction of street children, fugitives, beggars, and guards. Talking about the arrangement of minor beggars cannot be done effectively because some obstacles cannot be overcome. A beggar's execution by the Social Service is an action to prevent the beggars from spreading into the life of the community and to restore the beggar to a normal society by providing self-development to re-establish the ability to a decent standard of living. The Banda Aceh Social Service program in dealing with beggars is crucial to solving the Social Welfare Problem in Banda Aceh City.

As for some of the main obstacles and challenges faced by the Banda Aceh City Social Service, among others:

1. There is no social rehabilitation shelter available, such as a ride for captured beggars, free of charge, because the arrested beggar is only deposited after it is released,

- and then they repeat their deeds for being pressured by everyday necessities.
2. **Lack of Public Participation:** The lack of public participation in the implementation of the policy of dealing with minor beggars can hinder the efforts of the Banda Aceh City Social Service.
  3. **Internal and External Factors:** Internal factors such as budget constraints and external factors like migration from village to city as well as the culture of the community that contributes to beggars can hinder efforts to treat minors.
  4. **Co-operation and involvement of Other Parties:** Other parties such as the Pamong Praja Police Unit (Satpol PP) of Banda Aceh City and the Social Services of Aceh Province are required to improve the effectiveness of the treatment of underage beggars.
  5. **Less Comprehensive Policy:** Government policy that only prohibits beggars in public places does not cover all aspects, such as internal and external factors that impede the performance of Banda Aceh City Social Services
- Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, 2008, 20.
9. Kemala Hayati. Dinas of Social of Banda Aceh, interview, on 05 July 2024.
  10. Eddy Purnama. Constitutional Law Lecturer Universitas Syiah Kuala, interview, 19 July 2024.

### Conclusion

The responsibility of the Municipal Government of Banda Aceh for the arrangement of minors beggars. It is the responsibility of the Government of Banda Aceh City to regulate and protect children from begging activities to create an environment conducive to the growth of children. The steps that have been taken include the establishment of a clear policy, the Mayor of Banda Aceh Order No. 7 of 2018 on the treatment of migrants, beggars, displaced persons, and social tuna, and the Act of Aceh No. 11 of 2013 section 45 and 46 paragraph 1 which contains the obligation of the Government of Aceh district/city to organize social welfare arrangements to improve the lives and decent livelihoods of middle-aged and beggar, form a patrol team, develop programs, and raise public awareness. The execution of a minor beggar cannot be carried out effectively because of several obstacles that have yet to be overcome.

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