

ANALYSIS OF SOCIAL ASSISTANCE DISTRIBUTION DURING ELECTION PERIOD FROM THE PERSPECTIVE OF SOCIAL JUSTICE FOR ALL INDONESIAN PEOPLE

Sri Hartati¹, Sri Setiawati², Rubiyanto³

^{1,2,3}Fakulty of Law, University 17 August 1945 Semarang, Indonesia

¹srihartati.untag@gmail.com

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ABSTRACT; *The social assistance program (Bansos) has become the main instrument in the government's performance to alleviate poverty and ensure community welfare. However, the phenomenon of misuse of social assistance for political purposes, especially in the context of general election campaigns (Pemilu), is an issue that raises serious concerns in realizing the principles of justice, transparency, and accountability in realizing elections that are "Luber Jurdil" (Direct, Public, Secret, Honest, and Fair). The purpose of this paper is to identify and examine carefully and thoroughly the normative problems related to the misuse of social assistance programs for campaign purposes during the general election. This research uses a normative analysis method by referring to various legal sources, regulations, and related literature. To deal with this issue, this article address several policy recommendations, including strengthening legislative material regarding supervision and accountability, increasing the capacity of related institutions, as well as increasing awareness of law and political ethics among the public and political actors. So the misuse of social assistance programs for campaign purposes during general elections is a complex problem and requires comprehensive and sustainable action from various related parties to build transparent, clean, and accountable public governance.*

Keywords: *Social Assistance, Political Campaign, Fair dan Prosper*

INTRODUCTION

General elections as one of the milestones of democracy are often important moments in a country's political journey. However, in the context of elections in Indonesia, elections are also often colored by various controversies, including the phenomenon of distributing social assistance (bansos) under the guise of political interests during the election campaign season.

According to Article 1 Paragraph (26) of Law Number 10 of 2008 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, a campaign is an activity carried out by participants to convince voters by offering a vision, mission and program offered by prospective participants in the General Election.¹

One type of campaign carried out by candidate pairs or their supporting parties is the provision of social assistance to the community. Social assistance should be a concrete form of government concern for citizens in need, but if it is used for certain political interests, this not only violates the rules, but also harms the community who should be more in need of being the target of the social assistance program.

Therefore, research on the normative problems of social assistance abuse in the context of general elections is relevant to be carried out in order to understand more deeply about the impact and roots of this problem. In the midst of increasingly complex political dynamics, the use of social assistance programs (Bansos) as a tool to fulfill political interests is increasingly in the spotlight. General Elections (Pemilu), as a crucial momentum in the democratic process, often become a stage where practices of misuse of Bansos for political campaign interests are revealed.

This phenomenon raises serious questions about the integrity of the Bansos provision system, the principle of justice, and the credibility of public governance. This paper aims to investigate and critically analyze the normative problems that arise in connection with the misuse of social assistance programs for campaign interests during the general election period.

Within the framework of this analysis, we will identify various legal, ethical, and policy aspects involved in the practice of such abuse. A deep understanding of this phenomenon is becoming increasingly important given the broad and serious impacts on social justice, the integrity of democracy, and the welfare of vulnerable communities.

Therefore, this study not only aims to describe the existing problems, but also to offer a deeper understanding and policy recommendations that can be the basis for efforts to overcome and prevent the misuse of Bansos for political interests in the future.

¹ Mien Aprilia, Roosje, 'Sanksi Politisasi Bantuan Sosial Pemilihan Kepala Daerah Menurut Pasal 71 Dan Pasal 73 Undang-Undang Nomor 10 Tahun 2016', *Lex Crimen*, X.12 (2021), 110–17.

PROBLEM

What are the current regulations and procedures for distributing Social Assistance?

How is the distribution of social assistance during the Election period from the perspective of social justice for all Indonesian people?

RESEARCH METHODS

In this paper, the author uses a descriptive normative-juridical legal method, which aims to explain a problem systematically. The research approach includes a conceptual approach and a statute approach that combines primary, secondary, and non-legal legal materials. Primary legal materials consist of the fifth principle of Pancasila and relevant laws and regulations such as Permensos No. 1 of 2019, while secondary legal materials include literature such as books, scientific journal articles, and research reports in relevant legal fields.

Non-legal materials include literature such as books, scientific journal articles, research reports, and internet articles outside the legal field that complement information from primary and secondary legal materials and as additional references to analyze the problems discussed in more depth. In the process of collecting legal materials, the researcher conducted a literature study to obtain a theoretical basis by examining materials related to this research.

The concept of a circular economy and the Indonesian government's policy on waste management, in order to achieve the goal of forming equitable social assistance distribution regulations in the future. The research materials were then analyzed using a qualitative approach.

DISCUSSION

Social assistance is assistance in the form of money, goods, or services to individuals, families, groups or communities that are poor, underprivileged, and/or vulnerable to social risks.² The regulations governing the use of social assistance are actually quite clear and are regulated in related laws and regulations. However, in reality, there are still weaknesses in understanding the implementing rules which can be exploited to commit abuse.

For example, weak supervision of the use of social assistance or lack of transparency in reports on the distribution of social assistance in the field, thus creating loopholes for practices that are not in accordance with the rules. Misappropriation in the distribution of social assistance for campaign purposes can include various forms of unethical and detrimental practices.

Social assistance is usually distributed to individuals or groups who do not actually meet the criteria for social assistance recipients, but are given in return for political support or votes in the campaign. Parties involved in the distribution of social assistance direct recipients of social assistance to provide political support to certain

² Inas Sofia Latif and Ilham Aji Pangestu, 'Problematika Penyalahgunaan Bantuan Sosial Pada Masa Pandemi', *Justisi*, 8.2 (2022), 95–107 <<https://doi.org/10.33506/js.v8i2.1612>>.

candidates as a condition or reward for the assistance received.

Social assistance programs are diverted or misused for political campaign purposes, for example to finance campaign events, purchase campaign attributes, or pay campaign support teams. Not infrequently, social assistance recipient data is manipulated to include fake names or identities in order to increase political support for certain candidates. Social assistance recipients are threatened or manipulated to provide political support to certain candidates with the threat that the assistance will be revoked if they do not comply with the request.

Social assistance recipients are forced or pressured directly to participate in campaign events or support certain candidates as a condition for continuing to receive assistance. All of these forms of misappropriation are contrary to the principles of democracy and can harm society as a whole by manipulating the democratic process and directing public funds for narrow political interests.

Efforts to prevent and take action against this kind of misappropriation are important to maintain the integrity of the democratic system and social justice. In addition, the role of political and bureaucratic actors in the management of social assistance is also an important discussion that needs to be considered in examining this problem.

Procedures for Distribution and Use of Social Assistance

The Minister of Social Affairs Regulation states that social assistance is an expenditure in the form of money transfers, goods or services provided by the government to the poor or disadvantaged in order to protect the community from possible social risks, improve the economy and/or community welfare. The mechanism and provisions for the distribution of social assistance (bansos) have been included in the Minister of Social Affairs Regulation No. 1 of 2019 which regulates the procedures for the distribution and use of social assistance so that it is in accordance with its original purpose, namely to help people in need.

Through this regulation, the government has established provisions that must be adhered to to ensure that social assistance is distributed transparently, efficiently, and on target. Therefore, misappropriation of the social assistance program clearly violates the Minister of Social Affairs Regulation No. 1 of 2019 because the following actions are very vulnerable to being misused for the benefit of certain individuals or groups.

For example, social assistance that should be used to help the poor or disaster victims is actually used for political, personal, or business interests. Thus, misuse of social assistance not only violates ethical and moral values, but also contradicts the laws and regulations that have been set by the government, including the Regulation of the Minister of Social Affairs No. 1 of 2019.

Therefore, law enforcement against misuse of social assistance is very important to ensure compliance with the rules and fairness in the distribution of social assistance to people in need. Misuse of social assistance can also harm society at large. which should be used to help those in need is instead used for certain political interests, resulting in inequality in the distribution of social assistance. In addition, this practice of misuse can also threaten the integrity of the general election itself, because it can influence people's political decisions.

Exploitation Of Poverty

Misappropriation of social assistance (bansos) often triggers corruption, because it offers opportunities for dishonest parties to exploit the system for personal or political gain. Social assistance programs often involve large sums of money from the government budget. This misuse offers opportunities for individuals or groups to gain financial gain dishonestly, for example by falsifying reports or diverting it for personal gain.

Many social assistance programs may lack adequate oversight or transparency mechanisms. This creates loopholes for dishonest people to carry out fraudulent practices without being detected. Lack of transparency can also allow falsification of data or reports to be hidden. Public distrust of the law also has an impact on public distrust of law enforcement institutions and the government.³ In some cases, politicians or government officials can put pressure on officers responsible for distributing social assistance to commit fraud for political gain.

This can include falsifying data or violating procedures to create a positive image or gain political support. Abuse in the distribution of social assistance often involves several levels in the distribution chain, where each level has the opportunity to exploit the system. For example, from central to regional officials, each level can engage in corruption or data falsification for personal gain.

For areas with high poverty rates or weak government infrastructure, corruption and data falsification are often easier to commit because people may lack access to information, effective oversight institutions, or legal resources to combat such crimes. The lack of strong law enforcement against perpetrators of social assistance misuse can encourage corrupt behavior. If the risk of punishment is low, individuals or groups involved may feel that they can do so without significant consequences.

Thus, the combination of these factors often creates an environment where corruption in the distribution of social assistance can become commonplace or even considered part of the accepted practice in the system. Poverty is the inability to meet basic needs such as food, clothing, housing, education and health. Poverty can be caused by limited access to education and employment.⁴

In campaign strategies, poverty as a focus or tool to gain political support can exploit people's dependence on social assistance or other welfare programs. This can create an imbalanced relationship between voters and politicians, where voters feel compelled to support a particular politician because of their dependence on such assistance. Politicians often use poverty as a platform to create a positive image for themselves, seen as leaders who care and are sensitive to social issues.

However, in many cases, the real motivation may be more about power and achieving political goals than a real effort to address poverty. Campaigns that offer social assistance or financial incentives to poor groups as part of their political strategy can be seen as a form of "vote buying."

³ Darson Lokbere, A. A. Sagung Laksmi Dewi, and Luh Putu Suryani, 'Pertanggungjawaban Pi Terhadap Pelaku Pada Kegiatan Bantuan Sosial Covid 19', *Jurnal Analogi Hukum*, Vol.3.3 (2021), 300–304 <<https://www.ejournal.warmadewa.ac.id/index.php/analogihukum/article/view/4529>>.

⁴ Jupri Jupri and others, 'Desa Anti Politik Uang (Money Politik) Sebagai Strategi Antisipasi Pilkada Curang Tahun 2024 Provinsi Gorontalo', *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya*, 9.4 (2023), 1185 <<https://doi.org/10.32884/ideas.v9i4.1508>>.

This not only undermines the integrity of democracy, but also manipulates the basic needs of individuals for political gain. Exploiting poverty in political campaigns often creates only temporary or cosmetic solutions to deeper problems. Politicians may offer social assistance or other programs as a quick fix to gain support, without actually addressing the root causes of poverty.

The results of the study show that misuse in the distribution of social assistance for campaign purposes during the general election period involves various normative problems, including violations of the principle of distributive justice, abuse of authority by the authorities, and declining public trust in the integrity and effectiveness of the government.

Factors influencing this misuse include the lack of effective supervision, the politicization of the bureaucracy, and low legal awareness and political ethics among political and bureaucratic actors.

Denying the Fifth Principle of Pancasila

Max Weber is famous for his theory of social action. Weber saw that individual actions can be said to be social actions if the actions can affect others.⁵ So in this problem, social assistance that should be intended for people in need is instead used for certain political interests. This clearly has an influence that can increase the social gap between those who have access to and those who do not have access to the assistance.

As a result, the misuse of social assistance can create social injustice by providing certain benefits to certain groups or individuals while ignoring the interests and needs of others. This is contrary to the value of justice which emphasizes the need to provide equal and fair treatment to all Indonesian people without exception.

The fifth principle of Pancasila which reads "Social Justice for All Indonesian People" emphasizes the importance of creating social justice among all Indonesian people. This means that every citizen has the same rights and obligations in the eyes of the law and society. There should be no discrimination or unfair inequality in opportunities, rights, or treatment among members of society. The fifth principle emphasizes that social justice must be enjoyed by all Indonesian citizens without exception.

No particular group may receive unfair treatment or dominate other groups. This meaning reflects a commitment to creating a just and equitable society, where every individual has equal rights and obligations regardless of ethnicity, religion, race, and class (SARA).

Social justice is expected to produce conditions in which the basic needs of all citizens can be met, so that a decent life is created for all Indonesian people. Misappropriation of social assistance for political interests can also damage the integrity of democracy by manipulating the political process and general elections.

⁵ Ira Ardila and others, 'Penyalahgunaan Kekuasaan Dalam Tindakan Korupsi Bantuan Sosial Oleh Pejabat Publik Perspektif Max Weber', *Jurnal Ilmiah Ilmu Sosial Dan Ilmu Politik*, 13.2 (2023), 222–34.

This can disrupt the democratic process that should run fairly and harm the political rights of citizens. Therefore, misappropriation of social assistance is a violation of the Fifth Principle of Pancasila because it violates the principles of social justice, equality, and social solidarity which are fundamental values in building a just and prosperous society.

CONCLUSION

Misuse of social assistance programs for campaign purposes during general elections is a complex problem and requires comprehensive and sustainable action from various related parties to build transparent, clean and accountable public governance. Therefore, several policy recommendations are suggested, including strengthening the monitoring and accountability mechanisms, increasing the capacity of related institutions, and increasing legal awareness and political ethics among the community and political actors. To overcome this problem, concrete steps are needed. Strengthening supervision and transparency in the use of social assistance is very crucial. Then, strict law enforcement against anyone who misuses social assistance must also be carried out to create a deterrent effect and eradicate similar practices in the future. In addition, providing education on the importance of legal awareness and political ethics among the community and politicians also needs to be improved so that all parties understand the importance of maintaining integrity and justice in general elections. Misuse of social assistance for political interests is a serious violation of the principles of democracy and public welfare. Therefore, concrete steps are needed to prevent and prosecute these abusive practices. Strengthening supervision, strict law enforcement against perpetrators of abuse, and increasing legal awareness and political ethics among the public and politicians are steps that need to be taken. Thus, it is hoped that social assistance can truly be beneficial for those in need, while maintaining the integrity of the general election as a real manifestation of quality democracy.

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