

Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives

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Abstract

The existence of vagrants and beggars as a sub-culture of poverty is a separate problem for the government and the people of Yogyakarta in general. This research was conducted to examine and analyze the effectiveness of the Yogyakarta City Government Regional Regulation No. 1 of 2014 concerning the handling of homeless and human rights beggars in the review of maqasid shari'ah and seeks to find the crucial factors that influence the effectiveness of the DIY city government regulation based on a human rights perspective. humans in the view of maqasid syari'ah. The facts in the field were collected using qualitative methods with a sociological normative juridical approach and technical analysis using analytical descriptions. The results of this study are the Role and Functions of the Social Service in tackling Homeless and Beggars in the Special Region of Yogyakarta which has been procedurally fulfilled based on the Yogyakarta Regional Regulation No. 1 of 2014, but conceptually has not been fully implemented in the DIY City Regional Regulation No. 1 of 2014. In the perspective of human rights, in terms of quantity, the regional regulation has guaranteed the fulfillment of the rights of the homeless and beggars, the implementation is in accordance with standard operational procedures in the field. According to the Maqāsid syari'ah perspective, the government's program to overcome sprawl has realized the maqāsid Syar'ah, namely the maintenance of religion (ḥifẓ dīn), reason (ḥifẓ al-aql) maintenance of the soul (ḥifẓ al-Nafs) maintenance of offspring (ḥifẓ al-Nasl) maintenance of property (ḥifẓ al-māl)

Keywords: Local Regulation, Human Rights, Maqasid Syariah

Abstrak

Keberadaan Gelandangan dan Pengemis sebagai salah satu sub-kultur kemiskinan menjadi persoalan tersendiri bagi pemerintah dan masyarakat Yogyakarta pada umumnya. Penelitian ini dilakukan untuk mengkaji dan menganalisis efektivitas Perda Pemerintahan Kota Yogyakarta No.1 tahun 2014 tentang penanganan gelandangan dan pengemis hak asasi manusia dalam tinjauan maqasid syari'ah dan berupaya menemukan faktor-faktor krusial yang mempengaruhi jalannya efektivitas perda pemerintahan kota DIY berdasarkan perspektif hak asasi manusia dalam tinjauan maqāsīd syari'ah. Fakta-fakta dilapangan dikumpulkan dengan metode kualitatif dengan pendekatan yuridis normative sosiologis dan tektin analisisnya menggunakan deskriptif analitis. Hasil penelitian dari penelitian ini adalah Peran dan Fungsi Dinas Sosial dalam menanggulangi Gelandangan dan Pengemis di Daerah Istimewa Yogyakarta secara prosedural telah terpenuhi berdasarkan Peraturan Daerah Yogyakarta No 1 Tahun 2014, Namun secara Konseptual belum sepenuhnya terimplementasi di dalam Peraturan Daerah Kota DIY No 1 Tahun 2014. Dalam Perspektif Hak Asasi Manusia, secara kuantitas, Perda telah menjamin pemenuhan hak-hak gelandangan dan pengemis, secara implementasi telah sesuai dengan standar prosedur operasional dilapangan. Menurut Perspektif Maqāsīd syari'ah program pemerintah penanggulangan Gepeng telah merealisasikan maqāsīd Syari'ah yaitu pemeliharaan agama (ḥifz dīn), akal (ḥifz al-aql) pemeliharaan jiwa (ḥifz al-Nafs) pemeliharaan keturunan (ḥifz al-Nasl) pemeliharaan harta (ḥifzu al-māl)

Kata Kunci: Peraturan Daerah, Hak Asasi Manusia, Maqasid Syariah

INTRODUCTION

Like other provinces in Indonesia, Yogyakarta Special Province or Yogyakarta also faces the problem of poverty. There are many factors that influence poverty in Yogyakarta: education, health, productivity, minimum wages, inflation, and others.¹ Several policies have been implemented but have not been able to significantly reduce the poverty rate.² The policy that empirically has a significant

¹ Khurri Niswati, 'Faktor-Faktor Yang Mempengaruhi Kemiskinan Di Daerah Istimewa Yogyakarta Tahun 2003-2011 [Factors Affecting Poverty in the Special Region of Yogyakarta in 2003-2011]', *Eko-Regional: Jurnal Pembangunan Ekonomi Wilayah* 9, no. 1 (2014): 82-89, <https://doi.org/10.20884/1.erjpe.2014.9.1.480>.

² Juli Panglima Saragih, 'Faktor Penyebab Dan Kebijakan Pemerintah Provinsi Daerah Istimewa Yogyakarta Menghapus Kemiskinan [Causes of Poverty and

impact on poverty in Yogyakarta is government spending on education and health. Thus, improving the quality of human resources is an important part of efforts to alleviate poverty in Yogyakarta.³ Poverty is an unresolved problem for the government, the world, as well as Indonesia, which has fairly high levels as a developing country. This problem is often the focus of the government during development by providing various community programs, especially in urban areas.

Complex social problems require serious cooperation between the central and local governments, including provinces and regencies or cities. It is realization of general and social welfare as the government's obligation and the nation's goals as stated in the 1945 Indonesian Constitution. The constitution mandated the state to respect, protect, fulfill, and educate its citizens.⁴ However, improper poverty handling can lead to increasingly complex social welfare problems, as indicated by the number of people with social welfare problems. The homeless and beggars are some critical social welfare problems with negative impacts, leading to the introduction of various alleviation policies by the local governments.⁵

Yogyakarta Government Policy for Eradicating Poverty]', *Jurnal Ekonomi Dan Studi Pembangunan* 6, no. 2 (2014): 139-55.

³ Novita Ika Sari, 'Determinan Tingkat Kemiskinan Di Daerah Istimewa Yogyakarta Tahun 2007 - 2014 [Determinants of Poverty Levels in the Special Region of Yogyakarta in 2007 - 2014]', *Economics Development Analysis Journal* 7, no. 2 (2018): 128-36, <https://doi.org/10.15294/edaj.v8i2.23411>.

⁴ Mia Kusuma Fitriana, 'Peranan Politik Hukum Dalam Pembentukan Peraturan Perundang-Undangan Di Indonesia Sebagai Sarana Mewujudkan Tujuan Negara (Role of Politics in Creation of Laws and Regulations in Indonesia as the Means of Realizing the Country's Goal)', *Jurnal Legislasi Indonesia* 12, no. 2 (2015): 1-27; Johannes Suhardjana, 'Supremasi Konstitusi Adalah Tujuan Negara [The Supremacy of the Constitution Is the Goal of the State]', *Jurnal Dinamika Hukum* 10, no. 3 (2010): 253-64, <https://doi.org/10.20884/1.jdh.2010.10.3.96>.

⁵ Siti Raudah, 'Implementasi Peraturan Daerah Nomor 17 Tahun 2015 Tentang Penanggulangan Masalah Gelandangan Dan Pengemis (Gepeng) (Tstudy Kasus Di Kecamatan Amuntai Tengah Kabupaten Hulu Sungai Utara) [Implementation of

Yogyakarta City was centre for many bussiness, culture, art, and education activities in Yogyakarta Special Province. Its status as city of education and city of culture implies fast growing of urbanization which lead to a more severe problem in homelessness and poverty.⁶ The Government of Yogyakarta has also made several specific regulations to address the problem of homeless people and beggars. One of them was the Province Regulation of Yogyakarta Special Province No. 1 2014 on Countermeasures of the Homeless and Beggars or *Perda No. 1 2014*.⁷ The countermeasures of the homeless people and beggars regulated in *Perda No. 1 2014* includes various processes related to this issue. These countermeasures are through (a) preventive, (b) coercive, (c) rehabilitative, and (d) social reintegration efforts.

Several researchers have analyzed *Perda No. 1 2014* from various aspects with the results as described below. This regional regulation has a coercive strategy, in the form of criminalizing homeless people and beggars, as well as a preventive strategy that costs a lot of budget.⁸ From the aspect of criminal law, the procedure

Regional Regulation Number 17 Year 2015 on Efforts to Overcome Problems of Homeless and Beggars (Case Study in Amuntai Tengah Sub-District Hulu Sungai Utara)'], *Jurnal PubBis* 3, no. 1 (2019): 10-19; M. Zain Yaumul Akbar and Sulistyowati, 'Peran Pemerintah Kabupaten Brebes Dalam Menanggulangi Penyandang Masalah Kesejahteraan Sosial (PMKS) Pada Gelandangan Dan Pengemis (Studi Kasus Desa Grinting) [The Role of the Brebes Regency Government in Overcoming People with Social Welfare Problems on Homeless and Beggars (Case Study of Grinting Village)]', *Journal of Politic and Government Studies* 8, no. 03 (2019): 201-10.

⁶ Hendy Setiawan, 'Fenomena Gelandangan Pengemis Sebagai Dampak Disparitas Pembangunan Kawasan Urban dan Rural di Daerah Istimewa Yogyakarta [The Phenomenon of Homeless Beggars as the Impact of Disparity in Urban and Rural Development in Yogyakarta Special Province]', *Moderat: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 2 (2020): 361-75, <https://doi.org/10.25157/moderat.v6i2.3218>.

⁷ Gubernur Daerah Istimewa Yogyakarta, 'Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis' (2014).

⁸ Jayyidan Falakhi Mawaza and Zaenuddin, 'Dilema Kebijakan Penanganan Gelandangan dan Pengemis di Yogyakarta (Studi Kasus Perda DIY No. 1 Tahun 2014)

of handling homeless people and beggars is carried out as part of a broader, integralistic, and integrated policy.⁹ Coercive efforts through policing involving the Satpol PP in the last three years have not shown significant changes to the homeless and beggars.¹⁰ In general, the Rehabilitation and Preventive Strategies have been running well despite facing problems in the form of lack of human resources and lack of program innovation. In addition, community support is also lacking for the prohibition of giving money to beggars.¹¹ Other researchers have also analyzed the implementation of the rehabilitation strategy¹² and the importance of government-private synergy¹³ in overcoming social problems in Yogyakarta.

[Policy Dilemma for Handling Homeless People and Beggars in Yogyakarta (Case Study of Perda No. 1 Year 2014)], *Spirit Publik: Jurnal Administrasi Publik* 15, no. 2 (2020): 131–45, <https://doi.org/10.20961/sp.v15i2.39754>.

⁹ Mufti Khakim and Egi Purnomo Aji, 'Penegakkan Hukum Peraturan Daerah Nomor 01 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis Daerah Istimewa Yogyakarta [Law Enforcement of Regional Regulations Number 01 of 2014 Concerning the Handling of Homeless and Beggars in the Special Region of Yogyakarta]', *Jurnal Citizenship: Media Publikasi Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 1 (2021): 26–37, <https://doi.org/10.12928/citizenship.v4i1.19906>.

¹⁰ Mutiaratih Larasati Jannati and Johannes Sutoyo, 'Hasil Dan Dampak Upaya Koersif Dalam Penegakan Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis [Results and Impact of Coercive Efforts in Enforcement of Yogyakarta Special Region Regulation Number 1 of 2014 Concerning Handling Homeless and Beggars]', *Jurnal Kriminologi Indonesia* 13, no. 1 (2018), <http://journal.ui.ac.id/index.php/jki/article/view/9042>.

¹¹ Tiara Khairunnisa, Eko Priyo Purnomo, and Lubna Salsabila, 'Smart Urban Service: Upaya Rehabilitasi dan Preventif Pengemis dan Gelandangan Kota Yogyakarta [Smart Urban Service: Rehabilitation and Preventive Efforts for Beggars and Homeless in Yogyakarta City]', *Moderat: Jurnal Ilmiah Ilmu Pemerintahan* 6, no. 1 (2020): 29–42, <https://doi.org/10.25157/moderat.v6i1.3156>.

¹² Novie Purnia Putri and Munifatuz Zahro', 'Pemberdayaan Gelandangan Dan Pengemis Melalui Bimbingan Vokasi Di Balai Rehabilitasi Unit Bina Karya Yogyakarta [Empowerment of Homeless Households and Beggars Through Vocational Guidance at the Rehabilitation Center of the Bina Karya Unit, Yogyakarta]', *EMPATI: Jurnal Ilmu Kesejahteraan Sosial* 9, no. 1 (2020): 48–58, <https://doi.org/10.15408/empati.v9i1.16481>.

¹³ Zainal Fadri, 'Upaya Penanggulangan Gelandangan Dan Pengemis (Gepeng) Sebagai Penyandang Masalah Kesejahteraan Sosial (PMKS) Di Yogyakarta [Efforts to

Previous review indicates limitation of analysis of Perda 1 2014 on human rights and Islamic law perspectives. This current research was aimed to fill this gap by providing analysis based on human rights and maqasid of sharia perspectives.

METHOD

In general, this research does not use numbers and calculations so that it is included in the qualitative category.¹⁴ Furthermore, this research is included in the qualitative category because it is carried out by looking at real conditions in the field to observe phenomena and draw meaning from them.¹⁵ Data was collected using in-depth interviews and analysis of documents. Civil servants in the Yogyakarta City Government obliged to handle the implementation of Perda 1 2014 were main informants for this research. They were interviewed to explore various sides of information in the program process for the countermeasures of homeless people and beggars through the issuance of the government regulation.

RESULTS AND DISCUSSION

Characteristics of Perda 1 2014 on Homeless People and Beggars

Perda 1 2014 mandates some efforts to overcome the phenomenon of homeless people and beggars in Yogyakarta. These efforts along with its mechanism are explained below. Preventive

Manage Homeless Peopel and Beggars as Social Welfare Problems in Yogyakarta]’, *Komunitas* 10, no. 1 (2019): 1–19, <https://doi.org/10.20414/komunitas.v10i1.1070>.

¹⁴ Ian Dobinson and Francis Johns, ‘Qualitative Legal Research’, in *Research Methods for Law*, ed. Mike McConville and Wing Hong Chui (Edinburgh: Edinburgh University Press, 2007), 16–45.

¹⁵ Lisa Webley, ‘Qualitative Approaches to Empirical Legal Research’, in *The Oxford Handbook of Empirical Legal Research*, ed. Peter Cane and Herbert M. Kritzer (Oxford: Oxford University Press, 2010), 927–51, <https://doi.org/10.1093/oxfordhb/9780199542475.013.0039>.

efforts included providing facilities, improving health quality, housing amenities, education, community counseling, supplying information through billboards in public places, social guidance, and assistance.¹⁶ Coercive efforts included activities such as a) order, a proactive effort to regulate and enforce the rule of law to create order, b) outreach, proactive efforts to reach zones that are often used as homes for the homeless and beggars; c) mental development in social protection house or RPS (Rumah Perlindungan Sosial); and d) handing homeless people and beggars to court for further law process.¹⁷ Rehabilitation efforts included activities such as a) motivation and psychosocial diagnosis, b) healthcare, c) vocational training and entrepreneurship development, d) spiritual mental guidance, e) physical guidance, f) social guidance and psychosocial counseling, g) accessibility services, h) social assistance, and i) guidance on resocialization.¹⁸ Social reintegration efforts included activities such as a) coordination with the local government of origin, b) family tracing, c) submission, and d) resocialization guidance.¹⁹

The Civil Service Police Unit or Satuan Polisi Pamong Praja (abbreviated Satpol PP) was authorized to take enforcement actions. Enforcement was conducted every two months through raids at crowded points or in the city center where the homeless and beggars were easily located. Enforcement was also conducted after reports of disturbing homeless persons and beggars from supervisors or the community. In 2016, there were 171 homeless people, higher than the 150 beggars estimated. A significant increase was observed in 2017,

¹⁶ Gubernur Daerah Istimewa Yogyakarta, Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan dan Pengemis Article 8.

¹⁷ Gubernur Daerah Istimewa Yogyakarta Article 9.

¹⁸ Gubernur Daerah Istimewa Yogyakarta Article 10.

¹⁹ Gubernur Daerah Istimewa Yogyakarta Article 13.

as 235 homeless and 170 beggars were recorded, while 2020 documented a decrease to 197 and 147, respectively.²⁰

Countermeasure Procedures

An essential step in implementing this policy was following an appropriate procedure to achieve the expected goals. Office of Social Services cannot employ arbitrary policies that conflict with its field or procedure. Hence, the section must adhere to the procedures outlined in the government's regulation, which include 1) controlling, raiding, or outreaching to the homeless and beggars, synergized with supervisions by agencies or community elements. 2) Implementing social and mental rehabilitation by experts or practitioners that are members of guidance, social-mental, religious, citizenship, as well as physical and vocational health teams. 3) Conducting orientation and technical guidance to Assessment Camp officers. 4) Performing mental, social, and vocational rehabilitation continuously through a team of experts/practitioners, as well as 5) tracing and returning homeless persons and/or beggars outside Yogyakarta, 6) making referrals, and 7) repatriating such people to their areas of origin.²¹

The procedure for the countermeasures of the homeless and beggars, involving the initial stage, control, shelter at the Assessment Camp, and identification. Homeless and beggar children are separated and placed in appropriate camps for children, while non-psychotic groups, street communities (e.g., punk children), and psychotic groups are referred to mental hospitals (RSJ). After receiving initial rehabilitation, further social rehabilitative and capacity-building processes are administered. The guidance flow is

²⁰ Baried, Interview with Chief of Section of Social Rehabilitation for Socially Impaired and Drug Victims, 12 February 2020.

²¹ Ismi, Interview with Office of Social Services, 13 February 2020.

the process or stage of performing duties based on the procedures contained in Government Regulation Number 36 of 2017 concerning SOPs for Countermeasures of the Homeless and Beggars.²²

The implementation of field realization comprises stages and procedures that correspond with the avoidance of unexpected technical errors. Rehabilitation is the initial stage performed at the assessment camp before repatriation and has entailed non-psychotic homeless and beggars as participants. About 136 homeless and beggars have received coaching, and 186 were referred to a mental hospital. The initial rehabilitation for coaching at the assessment camp involves 1) the development of interest in talent by psychologists, 2) hypnotherapy by a psychologist, 3) healthcare for psychotics by medical personnel, 4) physical training by practitioners, and 5) mental-based coaching by psychologists.²³

Socialization

An important aspect at this stage is determining the policy to be implemented. Socialization determines the ability to increase the program's success, according to the goals and objectives. The countermeasures of the homeless and beggars in Yogyakarta are inseparable from the performance of local government agencies in performing their duties. The Office of Social Service uses various methods, such as electronic, print, and social media, as well as making signs at several busy intersections. Also, direct socialization is performed by informing the public of the importance of the policies established through Perda 1 2014 regarding the homeless and beggars. One of such important points is the refusal to give them

²² Ismi.

²³ Ismi.

money and the prohibition of homelessness and begging as professions.²⁴

Fulfillment of the Rights

The government is responsible for performing its political and democratic duties transparently and in a participatory manner. Consequently, three priority tasks must be fulfilled by the government in making policies, namely 1) ensuring individual and community security, 2) managing effective work programs that can satisfy public needs, and 3) fulfilling the goals of macroeconomic and social needs, according to the community's expectations. Generally, the government is built from various concepts based on responsibility, sense of worth, full participation, transparency (openness), effectiveness, and human rights. From a concept, it works at the micro (national), medium (regional), and macro (international) levels, involving a dialogical relationship through which specific principles are developed and implemented.²⁵

The laws that suit social needs should be approached and analyzed as a social phenomenon, necessitating the study and placement of legal phenomena according to sociological analysis in its social context.²⁶ Hence, the ideal concept for forming Regional Regulation Number 1 of 2014, which can fulfill the basic rights of homeless people and beggars, is seen from the philosophical, juridical, and sociological aspects. Therefore, the strategic efforts implemented to alleviate poverty can at least become the full power

²⁴ Baried, Interview with Chief of Section of Social Rehabilitation for Socially Impaired and Drug Victims.

²⁵ Baried.

²⁶ Khudzaifah Dimiyati and Kelik Wardiono, 'Dinamika Pemikiran Hukum: Orientasi Dan Karakteristik Pemikiran Expertise Hukum Indonesia [The Dynamics of Legal Thought: Orientation and Characteristics of Indonesian Legal Expertise Thought]', *Jurnal Ilmu Hukum* 8, no. 2 (September 2005): 133–51.

of the executive institution or regional government in implementing the next regulation. However, these efforts were not implemented properly due to several challenges and obstacles in the program.

Analysis of Perda 1 2014 Effectiveness

Two important factors in *Maqāṣid ash-Syārī'ah* (achieving benefit) are used as the basic framework to measure the effectiveness of the Yogyakarta City Government Regional Regulation Number 1 of 2014 regarding the homeless and beggars. The first considered as positive side is implemented by maintaining activities that support the achievement of benefits. Conversely, the second acknowledged as negative aspect is performed by rejecting and avoiding all *maḥṣadah* (damage, destruction, or bad consequences that befall a person/group due to acts of law violations). *Maqāṣid ash-Syārī'ah* is used as a guide or analysis of the effectiveness of this regulation, which should be one of the programs and efforts to focus on the basic needs of the homeless and beggars. Therefore, analyzing the *Maqāṣid ash-Syārī'ah* approach aims to determine the effectiveness of the policy in the counter measuring the homeless and beggars in terms of human rights and according to their basic needs.

The Yogyakarta City Government Regional Regulation Number 1 of 2014 concerning Countermeasures of Homeless and Beggars was formed by considering that a) tackling the homeless and beggars is necessary to ensure they uphold the values of justice, order, and benefit, according to Pancasila and the 1945 Indonesian Constitution, and become dignified Yogyakarta citizens. b) Homeless people and beggars are social phenomena that endanger themselves, others, and public order, allowing them to become targets of exploitation and violence. c) The homeless and beggars are citizens that possess the same rights and obligations and deserve similar attention, hence comprehensive, integrated, directed, and sustainable

countermeasures are necessary by involving various government and non-government elements to ensure they obtain decent lives.

Policies, laws, and regulations in counter measuring the homeless and beggars are contained in Articles 504 and 505 of the Criminal Code concerning Acts of Violation of Public Order. They are also present in Government Regulation Number 31 of 1980, strengthened by the Yogyakarta City Government Regional Regulation concerning Countermeasures of the Homeless and Beggars as part of a more operational policy that constitutes the legal basis for protection, social rehabilitation, and empowerment.

Several principles are used to countermeasure the homeless and beggars, namely a) Respect for dignity, self-respect, and self-esteem by avoiding arbitrary actions that degrade human dignity. b) Non-discrimination by providing equal treatment based on gender, age, physical and mental condition, regional origin, ethnicity, religion, race, sexual, and political orientation. c) Non-violence by conducting these efforts humanely, promoting dialogue, motivation, and persuasion, and avoiding the use of violent means that endanger the safety of the homeless, beggars, other community members, and officials. d) Providing protection and shelter to these vulnerable groups. e) Realizing their welfare through the fulfillment of basic needs and other social services, and g) Empowerment by emphasizing efforts to develop their potentials, strengths, families, and environment, as well as advocacy actions to obtain their rights as citizens.²⁷

Human Rights Overview of Perda 1 2014

Table 1 described implementation of human rights concepts on Perda 1 2014. The data in the table showed that Perda 1 2014 has met

²⁷ Gubernur Daerah Istimewa Yogyakarta, Peraturan Daerah Daerah Istimewa Yogyakarta Nomor 1 Tahun 2014 Tentang Penanganan Gelandangan dan Pengemis.

20, or 83%, of the 24 human rights parameters. Some points that were still unregulated such as social welfare insurance for the poor, community involvement in supervising the activities of social welfare providers, increasing institutional capacity and human resources in social welfare, and preserving the values of heroism, pioneering, and solidarity.

Table 1 Implementation of the Human Rights Concept in Yogyakarta City Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars

<i>Human Rights Concept</i>	<i>Integrating Human Rights Values in Regional Legal Products in the social sector/containing policies on:</i>	<i>Perda 1 2014</i>
A. Availability Everyone has the right to social security, including insurance. The government is obliged to provide facilities and infrastructure to fulfill these social rights	Provision of social security, rehabilitation, empowerment, and protection programs.	Article 7, Article 10
	Provision of social institutions, rehabilitation, education, training, and welfare centers, as well as shelter and social protection houses.	Article 8
	The provision of poverty reduction programs, including a) self-potential development, b) food and clothing assistance, c) housing services, d) health services, e) educational services, f) access to employment and business opportunities, g) legal aid, and/or h) social services.	Article 8
	Provision of government units/agencies that handle social assistance and	Article 8 Paragraph (2) to Paragraph (6), Article 9 Paragraph

	security.	(3), Article 10 Paragraph (5), Article 12 Paragraph (2), Article 16, Article 18 Paragraph (3)
	Provision of quality human resources in the social welfare field, including social welfare and professional workers, social volunteers, and social instructors.	Article 8, Article 10
	Budget allocation for the implementation of social welfare.	Article 20
B. Accessibility 1) Economic Access Fulfillment of economically affordable social rights for low-income people	Distribution of aid to the poor, abandoned children, and other vulnerable groups.	Article 10 paragraph (1)
	Assisting the businesses of the poor, including the ease of licensing.	Article 8 paragraph (2)
2). Physical Access Provision of access for the fulfilling the rights of vulnerable groups	Social welfare insurance for the underprivileged.	-
	Poverty reduction program.	Article 10
	Social security program for vulnerable groups.	Article 10
	Provision of empowerment and skill improvement programs for vulnerable groups/people with social problems.	Article 8 paragraph (10)
3). Access to information and public participation Everyone has the right to seek, obtain, own, store, process, and convey	Provision of opportunities for the community to play a role in implementing social welfare.	Article 18
	Provision of community roles in organizing and supervising the handling of	Article 18

information by using all available means to fulfill their social rights	persons with social welfare.	
	Participation of the community (including vulnerable groups) in the formulation, implementation, and supervision of policies related to social issues.	Article 15, Article 18
	Participation of the community in supervising the activities of actors in implementing social welfare.	-
C. Obligation to Respect The government allows the community to fulfill their social rights independently by respecting religious, cultural, and customary values	Allowing the community to organize social welfare, including the formation of associations.	Article 18 paragraph (2)
	Provision of encouragement and facilities for the community and business world to implement social responsibility.	Article 19
	Increasing institutional capacity and human resources in the social welfare field.	-
	Preserving heroism, pioneering, and solidarity values.	-
	Allowing the community to provide financial support for social welfare.	Article 18 paragraph (1) letter c
D. Obligation to Protect The government is obliged to protect the community in the fulfillment of social welfare rights	Preventing and handling social impacts on society.	Article 1 number 1
	Social rehabilitation for people who experience social dysfunction.	Article 10
	Provision of social protection for vulnerable people, such as assistance, advocates, and legal aid.	Article 10

Problems in regional legal products, especially regulations that are suspected of containing human rights violations, should be dealt with using a more serious mechanism as well. Since regional autonomy was implemented, problematic regional regulations have grown worse than ever before. As a result, services were not excellent, illegal levies (extortion) occur, and corruption was commonplace. Other problems also involved regional income during autonomy era.²⁸ Therefore, the central government took the initiative to solve this problem by canceling problematic regional regulations throughout Indonesia.²⁹ This initiative was considered important to maintain supremacy of law³⁰ and central government function to control local governments.³¹

Generally, concepts, theories, and international conventions show that upholding the human rights of abandoned people, including the homeless and beggars, is the government's responsibility. Therefore, this problem is normatively charged to the government as the holder of the state's constitution mandate. The state has always been the stronger party because it possesses

²⁸ Maria Rosarie Harni Triastuti, 'Optimalisasi Pendapatan Daerah Di Era Otonomi Dan Munculnya Perda-Perda Bermasalah [Optimizing Regional Revenue in the Era of Autonomy and the Emergence of Troubled Regional Regulations]', *Jurnal Administrasi Publik* 5, no. 2 (2008), <https://journal.unpar.ac.id/index.php/JAP/article/view/1565>.

²⁹ Leo Agustino, 'Pembatalan 3.143 Peraturan Daerah: Satu Analisis Singkat [Cancellation of 3,143 Regional Regulations: One Brief Analysis]', *CosmoGov: Jurnal Ilmu Pemerintahan* 3, no. 1 (29 April 2017): 14-35, <https://doi.org/10.24198/cosmogov.v3i1.12405>.

³⁰ Aristo Evandy A. Barlian, 'Konsistensi Pembentukan Peraturan Daerah Berdasarkan Hierarki Perundang-Undangan Dalam Prespektif Politik Hukum [Consistency of the Formation of Regional Regulations Based on the Hierarchy of Legislation in the Perspective of Political Law]', *Fiat Justisia: Jurnal Ilmu Hukum* 10, no. 4 (2016): 605-22, <https://doi.org/10.25041/fiatjustisia.v10no4.801>.

³¹ Ni'matul Huda, 'Pengawasan Pusat Terhadap Daerah (Kajian Terhadap Peraturan Daerah "Bermasalah") [Central Supervision of the Regions (Study of "Problematic" Regional Regulations)]', *Jurnal Hukum IUS QUIA IUSTUM* 10, no. 23 (2003): 28-45, <https://doi.org/10.20885/iustum.vol10.iss23.art2>.

authority and power, while the community is in a weaker position. This inherent authority and power in the state result in its placement as a holder of obligations.³²

In the modern democratic concept approach, public policies should contain sparks of thoughts or opinions from state officials that represent the people, alongside equally reflect public opinions.³³ Hence, every public policy must be oriented towards the people's interests. The formulation of government obligations was part of the effort to enforce economic and social rights, as well as emphasize the enforcement of civil and economic rights.³⁴ This mean that everyone, including the homeless and beggars, was entitled to obtain and fulfill their basic human rights. Therefore, every policy and regulation in Perda 1 2014 should be fostered as part of the respect for universal human rights.

Maqasid Syari'ah Perspective of Perda 1 2014

The effectiveness of the Yogyakarta City Government Regional Regulation Number 1 of 2014 in overcoming the homeless and beggars was analyzed based on the *Maqāṣid ash-Syari'ah* measurement. This sub-discussion describes the implementation of the regulation according to this concept:

³² Virgayani Fattah, 'Hak Asasi Manusia Sebagai Jus Cogens Dan Kaitannya Dengan Hak Atas Pendidikan [Human Rights as Jus Cogens and Its Relation to the Right to Education]', *Yuridika* 32, no. 2 (5 May 2017): 355-78, <https://doi.org/10.20473/ydk.v32i2.4775>.

³³ Andrea Louise Campbell, 'Policy Makes Mass Politics', *Annual Review of Political Science* 15 (8 March 2012): 333-51, <https://doi.org/10.1146/annurev-polisci-012610-135202>; Matthew A. Baum and Philip B.K. Potter, 'The Relationships Between Mass Media, Public Opinion, and Foreign Policy: Toward a Theoretical Synthesis', *Annual Review of Political Science* 11 (7 November 2007): 39-65, <https://doi.org/10.1146/annurev.polisci.11.060406.214132>.

³⁴ Ifdhal Kasim and Johanes da Masenus Arus, *Hak Ekonomi, Sosial, Budaya: Esai-Esai Pilihan: Buku 2 [Economic, Social, Cultural Rights: Selected Essays: Book 2]* (Jakarta: Institute for Community Studies and Advocacy, 2001), 213-14.

The Implementation of *Maqāṣid ash-Syarī'ah* in the Preventive Dimension

Table of the research results of the *Maqāṣid ash-Syarī'ah* implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on Preventive Dimensions by the Yogyakarta Social Service

<i>Maqāṣid ash-Syarī'ah</i> Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (<i>ḥifz dīn</i>)	The implementation of social service programs at Assessment Camps, such as studies (preaching) and joint tadarus (recitation of the Al-Quran in a group). Also, equal rights to receive training, availability of prayer rooms, and praying in rehabilitation homes to prevent their return to their homeless and begging professions.	The implementation of regional regulations in Assessment Camps and rehabilitation homes has complied with the procedures mandated by the Homeless and Beggars Regional Regulation.
Soul Guard (<i>ḥifz al nafs</i>)	The implementation of the regional regulation by the Social Service involves providing social assistance to the homeless and beggars. This includes basic needs such as staple food, clothing, temporary shelter, health care, and medicines. Health guidance from the Public Health Center is conducted once a week to impart	The implementation of regional regulations based on the results above shows that some of the obstacles encountered during the preventive efforts have been

	knowledge about the importance of maintaining cleanliness and health.	performed according to procedures.
Mind guard (<i>hifz al 'aql</i>)	The program to maintain common sense is realized by administering activities to homeless people and beggars that enable them to think creatively and have useful skills for their future provisions.	The implementation corresponds with the procedures set by the regulation.
Descendants Guard (<i>hifz al nasl</i>)	The regulation program is to conduct outreach activities for the homeless and beggars by providing new insights to motivate them to leave their profession.	The implementation is consistent with the procedures set by the regulation.
Property Guard (<i>hifz al māl</i>)	The homeless and beggars caught in raids will be accommodated at Panti Karya Assessment Camp, Yogyakarta. They will receive housing facilities during the rehabilitation period, including a room, three meals a day, and two isolation rooms. The isolation room is specially meant for inmates in emotionally unfavorable conditions to ensure they are unable to hurt other inmates.	The Social Service program has been implemented according to the procedures established by the Regional Regulation on Countermeasures of the Homeless and Beggars.
<p>Preventive Efforts Research Results: The results above show some obstacles encountered in implementing the preventive efforts for the homeless and beggars, and their lack of enthusiasm requires innovations.</p>		

The Implementation of Maqāṣid ash-Syarī'ah in the Coercive Dimension

Table of the research results of the Maqāṣid ash-Syarī'ah implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on the Coercive Dimension by the Yogyakarta Social Service

<i>Maqāṣid ash-Syarī'ah</i> Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (<i>ḥifẓ dīn</i>)	The implementation of the regional regulations by the Yogyakarta Social Service with the Civil Service Police Unit involves enforcement. This is to enforce the law and regulate the homeless and beggars to create order.	The program is less than optimal in raiding homeless people and beggars, resulting in frequent leaks.
Soul Guard (<i>ḥifẓ al nafs</i>)	Officers take proactive action in outreach to areas where the homeless and beggars live and operate. Outreach is an initial contact and a process of building trust with them. It also protects them from unfavorable situations and conditions and ensures their safety.	The implementation is consistent with the procedures set by the regulation.
Mind guard (<i>ḥifẓ al 'aql</i>)	This activity provides psychological and mental guidance to change mindsets, attitudes, and pro-social actions, based on the standards of legal and social norms that apply in society. It is the most important part of elevating their confidence and high spirits.	The implementation is according to the procedures set by the regulation.
Descendants Guard (<i>ḥifẓ al</i>	It incorporates targets into the community to allow them to have	The implementation

<i>nasl</i>)	reasonable and worthy positions and roles as citizens.	follows the procedures set by the regulation.
Property Guard (<i>ḥifẓ al māl</i>)	This activity educates the homeless and beggars with work knowledge and skills and forms the necessary attitudes for target adjustment.	The implementation is in accordance with the procedures set by the regulation.

The Implementation of *Maqāṣid ash-Syarī'ah* in Social Rehabilitation Dimension

Table of research results from the *Maqāṣid asy-Syarī'ah* implementation in Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars based on the Social Rehabilitation dimension by the Yogyakarta Social Service

<i>Maqāṣid ash-Syarī'ah</i> Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (<i>ḥifẓ dīn</i>)	There are numerous homeless people and beggars in the Social Service. Meanwhile, these activities include mental and spiritual guidance, such as performing the Maghrib prayer in congregations at mosques and reading the Qur'an under the guidance of a companion officer.	The implementation follows the procedures set by the regulation.
Soul Guard (<i>ḥifẓ al nafs</i>)	Care and treatment for the homeless and beggars are provided at the Assessment Camp to guard, protect, and encourage them to perform their social functions. Generally, the	The Assessment Camp stated difficulties due to the lack of understanding

	homeless and beggars come in sick, hence the Empowerment Team's new task is caring for them. The homeless and beggars below five years old also receive care and treatment as long as their parents attend training.	of the conditions by psychological experts.
Mind guard (<i>hifz al 'aql</i>)	The implementation involves vocational training to provide skills to homeless people and beggars and enable them to live independently or productively.	The implementation is in accordance with the procedures set by the regulation.
Descendants Guard (<i>hifz al nasl</i>)	The accessibility and social assistance services are referred to entail providing facilities for homeless people and beggars to realize equal rights and opportunities in all aspects of life. Also, those who experience social shocks and vulnerabilities are aided.	The implementation is consistent with the procedures set by the regulation.
Property Guard (<i>hifz al māl</i>)	Follow-up guidance is an activity to strengthen the independence of homeless people and beggars after receiving social rehabilitation services. Those who feel able to return to their origin are given further guidance training to determine their abilities and skills and are sent home.	Sweeping and monitoring were performed in several places by the Social Service, consisting of rehabilitation staff and social workers, and the Civil Service Police Unit. After being accommodated

		and identified by age, the productive homeless persons and beggars are rehabilitated and given free non-formal education and facilities to restore proper social standing and decent work.
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Based on the targets, social rehabilitation of the homeless and beggars is expected to help the healing process at various sites. This is because humans comprise a single component consisting of mental, physical, environmental, social, cultural aspects, and various other elements. Therefore, social rehabilitation is performed to restore damaged souls with certain targets according to the patient's physical and mental state.

The Implementation of *Maqāṣid ash-Syarī'ah* in the Social Reintegration Dimension

Social reintegration is a process of readjustment of several different elements into one unit. It is a process of re-establishing new norms and values for adapting to homeless people and beggars in social environments. This effort includes various guidance.

Table of research results of the *Maqāṣid ash-Syarī'ah* implementation in Regional Regulation Number 1 of 2014 concerning

Countermeasures of the homeless and beggars based on the dimensions of social reintegration by the Yogyakarta Social Service

<i>Maqāsid ash-Syari'ah</i> Capacity and Measurement	Implementation of Regional Regulation Number 1 of 2014	Result
Religious Guard (<i>ḥifẓ dīn</i>)	The Social Service performs resocialization guidance to prepare the homeless and beggars to guard and practice their religion in peace.	The implementation of the Social Service Program is in accordance with the procedures set by the regulation
Soul Guard (<i>ḥifẓ al nafs</i>)	This guidance aims to enable homeless people and beggars to protect themselves from risks on the streets and develop their economy, as guaranteed by the government.	The implementation is in accordance with the procedures set by the regulation.
Mind guard (<i>ḥifẓ al 'aql</i>)	The program aims to prepare the homeless and beggars to develop quality in the education field for themselves and their future generations.	The implementation is consistent with the procedures set by the regulation.
Descendants Guard (<i>ḥifẓ al nasl</i>)	The guidance aims to prepare homeless people and beggars that are willing and able to socialize and adapt to their families and social environments to ensure they can perform their social functions.	The implementation is in accordance with the procedures set by the regulation.
Property Guard (<i>ḥifẓ al</i>	The Social Service aims to ensure the homeless and beggars are	The implementation

<i>māl</i>)	willing and able to work properly and correctly.	is consistent with the procedures set by the regulation.
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The implementation of *Maqāṣid ash-Syarī'ah* in a more specific scope, as an indicator of the effectiveness of the Yogyakarta Social Service regional regulations in achieving the associated goals and objectives, are according to Islamic principles. Therefore, each *Maqāṣid ash-Syarī'ah* indicator, as the basis for assessing the implementation of the Social Service program, shows that the preventive, coercive, rehabilitation and social reintegration efforts agree with the principles of human benefit.

The objectives of Islamic law (*Maqāṣid ash-Syarī'ah*) regarding the effectiveness of the Yogyakarta Regional Regulation Number 1 of 2014 implementation are described below:

Table of System Approach on the Implementation of Articles of Regional Regulations

No	<i>Maqāṣid ash-Syarī'ah</i> Classification	Articles in Regional Regulation Number 1 of 2014	<i>Maqāṣid asy-Syarī'ah</i>	Features of the <i>Maqāṣid ash-Syarī'ah</i> System
1	Religious Guard (<i>ḥifẓ dīn</i>)	Spiritual mental guidance (Article 10).	<i>maqāṣid al 'āmmah</i>	Nature Cognitive Purposefulness
2	Soul Guard (<i>ḥifẓ al nafs</i>)	a) improvement in health status (article 8 letter b), in cases of mental disorders, psychiatric	<i>maqāṣid al 'āmmah</i>	Openness Purposefulness

		rehabilitation is performed, and c) care and treatment (article 10).		
3	Mind Guard (<i>ḥifẓ al 'aql</i>)	a) mental-spiritual guidance (Article 10 letter d), and b) education improvement (article 8 letter d).	<i>Maqāṣid asy-Syarī'ah 'Ammah</i>	Interrelated Purposefulness
4	Descendants Guard (<i>ḥifẓ al nasl</i>)	a) returning the homeless and beggars to a life of dignity (article 3), and b) public outreach and education (article 8 letter f).	<i>Maqāṣid asy-Syarī'ah 'āmmah</i>	Interrelated Purposefulness
5	Property Guard (<i>ḥifẓ al māl</i>)	Providing forms of social assistance (article 8).	<i>Maqāṣid asy-Syarī'ah 'āmmah</i>	Nature Cognitive Interrelated Wholeness Purposefulness

In performing *ijtihad* (a genuine effort) to manage various situations, the benefit must be made a top priority, as it is the main goal of the Shari'a (*Maqāṣid ash-syarī'ah*).³⁵ It is one of the main strategies of the Shari'a general principles (*Maqāṣid ammah*) in various cases and conditions. Shari'a also has a concept of a level of flexibility that details the Qur'an in each of its explanations, provisions, and material. Therefore, it has a role in benefiting society, as other norms and values will not be fulfilled, supposing some parts are missing.

³⁵ Amir Mu'allim and Yusdani, *Konfigurasi Pemikiran Hukum Islam* (Yogyakarta: UII Press, 2001), 134.

CONCLUSION

The role and function of the Social Service in countermeasures of the homeless and beggars in Yogyakarta have been procedurally fulfilled based on the Regional Regulation Number 1 of 2014. However, most of the regulations on the Regional Government initiative listed in the Proledga are not accompanied by an inventory list of problems, the academic texts, and public participation, especially from NGO groups. These regional regulations are still like previous laws or regulations that were used as references or those in other places. Although the regulations that guarantee the fulfillment of these rights are consistent with standard operating procedures, the Regional Regulation Number 1 of 2014 concerning Countermeasures of the Homeless and Beggars does not fully reflect the principles of human rights. The implementation in the field uses a preventive, coercive, rehabilitation, and social reintegration approach.

Furthermore, the implementation and implications of government programs for homeless and beggars have realized *Maqāsid Syarī'ah*. This includes the maintenance of religion (*ḥifẓ ad-Dīn*) through support for religious activities and development at Assessment Camps, alongside reason (*ḥifẓ al-' Aql*) through access to education and changes in mental and economic patterns. Also, it has realized the maintenance of the soul (*ḥifẓ an-Nās*) through continuous access to health, alongside offspring (*ḥifẓ an-Nasl*) by safeguarding health and safety through access to mental education, which affects their children, and the maintenance of property (*ḥifẓ al-Māl*) through social assistance and security.

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