

A Legal Analysis of the Implementation of Social Assistance Policies in Indonesia: Challenges in Data Synchronization and Law Enforcement

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Abstract: This study aims to analyze the implementation of social assistance policies in Indonesia from a legal perspective by examining the alignment between applicable legal regulations and their implementation in the field, particularly regarding the challenges of data synchronization and law enforcement mechanisms. The research method used is a normative legal approach through legislative, conceptual, and analytical methods, utilizing primary legal sources such as the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2009 on Social Welfare, and Law No. 13 of 2011 on the Handling of the Poor, supported by secondary and tertiary legal sources. The analysis was conducted qualitatively through content analysis and legal interpretation to identify the gap between legal norms (*das sollen*) and the reality of implementation (*das sein*). The research findings indicate that although social assistance policies in Indonesia have a strong constitutional and legal foundation, their implementation still faces various serious issues, such as inaccuracies in beneficiary data, regulatory disharmony between the central and local governments, weak administrative oversight, and suboptimal law enforcement regarding the misuse of social assistance. These conditions have prevented the principles of justice, legal certainty, transparency, and accountability from being fully realized. Therefore, it is necessary to strengthen regulatory harmonization, integrate the national social data system, and enhance oversight and the enforcement of both administrative and criminal laws in order to achieve social assistance policies that are more effective, targeted, fair, and accountable. This study contributes to the development of public policy law by emphasizing the importance of strengthening the legal aspects of social welfare governance in Indonesia.

Kata Kunci:

Bantuan Sosial,
Implementasi Kebijakan,
Yuridis Normatif,
Sinkronisasi Data,
Penegakan Hukum.

Abstrak: Penelitian ini bertujuan untuk menganalisis implementasi kebijakan bantuan sosial di Indonesia dalam perspektif yuridis dengan menelaah kesesuaian antara regulasi hukum yang berlaku dengan pelaksanaannya di lapangan, khususnya terkait tantangan sinkronisasi data dan mekanisme penegakan hukum. Metode penelitian yang digunakan adalah yuridis normatif melalui pendekatan perundang-undangan, konseptual, dan analitis, dengan menggunakan bahan hukum primer berupa Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Undang-Undang Nomor 11 Tahun 2009 tentang Kesejahteraan Sosial, serta Undang-Undang Nomor 13 Tahun 2011 tentang Penanganan Fakir Miskin, yang didukung oleh bahan hukum sekunder dan tersier. Analisis dilakukan secara kualitatif melalui content analysis dan interpretasi hukum guna mengidentifikasi kesenjangan antara norma hukum (*das sollen*) dan realitas implementasi (*das sein*). Hasil penelitian menunjukkan bahwa meskipun kebijakan bantuan sosial di Indonesia telah memiliki landasan konstitusional dan yuridis yang kuat, implementasinya masih menghadapi berbagai persoalan serius, seperti ketidaktepatan data penerima bantuan, disharmonisasi regulasi antara pemerintah pusat dan daerah, lemahnya pengawasan administratif, serta belum optimalnya penegakan hukum terhadap penyalahgunaan bantuan sosial. Kondisi tersebut menyebabkan prinsip keadilan, kepastian hukum, transparansi, dan akuntabilitas belum sepenuhnya terwujud. Oleh karena itu, diperlukan penguatan harmonisasi regulasi, integrasi sistem data sosial nasional, serta peningkatan pengawasan dan penegakan hukum administratif maupun pidana guna mewujudkan kebijakan bantuan sosial yang lebih efektif, tepat sasaran, adil, dan akuntabel. Penelitian ini memberikan kontribusi terhadap pengembangan hukum kebijakan publik melalui penegasan pentingnya penguatan aspek yuridis dalam tata kelola kesejahteraan sosial di Indonesia.

INTRODUCTION

As a nation governed by the rule of law that adheres to the principle of the welfare state, Indonesia has a constitutional obligation to ensure the fulfillment of social welfare for all its citizens, particularly the poor and vulnerable. This mandate is explicitly stated in Article 34, paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which declares that the poor and neglected children shall be cared for by the state. This provision positions social assistance not merely as an instrument of economic policy or an act of government charity, but as a legal obligation of the state to realize and social justice, as enshrined in the

principles of the rule of law and the vision of the welfare state. Thus, the implementation of social assistance must be carried out based on the principles of legality, justice, legal certainty, and accountability as part of the state's constitutional responsibility.¹

In order to carry out this constitutional mandate, the Indonesian government has established a relatively comprehensive legal framework through various regulations, including Law No. 11 of 2009 on Social Welfare, which affirms the state's responsibility for the administration of social welfare, and Law No. 13 of 2011 on the Handling of the Poor, which serves as the primary legal basis for the distribution of social assistance to the poor. In addition, the technical implementation of social assistance policies is also regulated through various government regulations, presidential regulations, and regulations issued by the Minister of Social Affairs that govern the mechanisms for distribution, data collection, verification, and oversight of social assistance programs such as the Family Hope Program (PKH), Direct Cash Assistance (BLT), and non-cash food assistance. Normatively, the existence of these regulations demonstrates that Indonesia has strong legal legitimacy in the implementation of social assistance policies.²

However, despite the existence of a multi-layered regulatory framework, the implementation of social assistance policies in Indonesia still faces various serious issues that highlight a gap between *das sollen* (what the law should be) and *das sein* (the reality of implementation). Problems such as inaccuracies in identifying aid recipients, duplicate data, exclusion errors affecting unregistered poor people, delays in distribution, lack of transparency, and the potential for abuse of authority remain major obstacles to policy implementation. One of the most critical legal issues is the suboptimal synchronization of the Integrated Social Welfare Data (DTKS), which serves as the primary basis for determining beneficiaries. In practice, there are often discrepancies in data validation between the central government through the Ministry of Social Affairs and local

¹ Nanda Salsabila et al., "Analisis Efektivitas Bantuan Sosial (Bansos) Dalam Mengatasi Kemiskinan Di Indonesia," *Journal of Macroeconomics and Social Development* 1, no. 4 (2024): 1–13. <https://doi.org/10.47134/jmsd.v1i4.317>.

² Mawardi et al., "Kebijakan Publik Pemerintah Dalam Perspektif Masalah Dan Prinsip Negara Hukum Government Public Policy from the Perspective of Masalah and the Principles of the Rule of Law," *Jurnal Kolaboratif Sains* 9, no. 1 (2026): 1451–1461, <https://doi.org/10.56338/jks.v9i1.10233>.

governments, leading to administrative disharmony and overlapping authority in the process of verifying and determining aid recipients³.

These regulatory overlaps and the lack of harmonization of authorities indicate that the issues surrounding the implementation of social assistance are not merely technical in nature, but are also closely linked to weaknesses in the country's administrative legal system. Differences in regional capacity, inconsistent data validation procedures, and weak coordination among institutions indicate that regulatory harmonization between the central and regional governments is still not functioning optimally. These conditions have the potential to create legal uncertainty, distributional injustice, and violations of the principles of good governance particularly in terms of transparency, accountability, and the effectiveness of public policy⁴.

This problem became even more apparent during the COVID-19 pandemic, when social assistance became the government's primary tool for maintaining the community's socioeconomic stability. While the government did respond quickly by expanding various social assistance programs, their implementation revealed a number of structural weaknesses, such as errors in beneficiary data, uneven distribution, weak oversight, and even cases of corruption involving social assistance funds. These cases underscore that the existence of formal regulations is insufficient unless balanced by strengthened administrative oversight and firm law enforcement. From the perspective of administrative law, this situation highlights the need for a comprehensive evaluation of the effectiveness of social assistance policies in terms of legal substance, institutional structure, and the legal culture of policy implementers⁵.

Previous studies have generally focused more on social assistance policies from the perspectives of economics and social welfare. The study by Salsabila et al. (2024), for example, focused more on the effectiveness of social assistance in reducing poverty, while Nabillah et al. (2023) emphasized the impact of the BLT

³ Wildan Rahmansyah et al., "Pemetaan Permasalahan Penyaluran Bantuan Sosial Untuk Penanganan Covid-19 Di Indonesia," *Jurnal Pajak Dan Keuangan Negara* II, no. 1 (2020): 90–102. <https://doi.org/10.31092/jpkn.v2i1.995>.

⁴ Jihan Luhtfi Nabillah et al., "Pengaruh Program Bantuan Langsung Tunai (BLT) Dan Program Keluarga Harapan (PKH) Terhadap Kesejahteraan Sosial Masyarakat," *Jurnal Greenation Sosial Dan Politik* 1, no. 4 (2023): 140–152, <https://doi.org/https://doi.org/10.38035/jgsp.v1i4>.

⁵ Nabillah et al.

and PKH programs on community welfare. Although these studies make important contributions to understanding the socioeconomic impacts of social assistance policies, they have not yet thoroughly examined the legal issues related to regulatory synchronization, legal uncertainty, weak administrative oversight, and legal accountability in policy implementation. Meanwhile, existing legal research still tends to be limited to formal normative studies without comprehensively linking them to implementation issues on the ground. Thus, there is a significant research gap in the study of social assistance policies that position the law as the primary evaluative instrument⁶.

The novelty of this study lies in its use of a normative legal approach to evaluate the implementation of social assistance policies more comprehensively not only in terms of the legality of regulations but also in terms of data synchronization, harmonization of central and local regulations, administrative oversight, and law enforcement. This study aims to fill a gap in previous research by examining the relationship between legal norms and policy implementation practices, while also offering recommendations for strengthening regulations to create social assistance policies that are more effective, targeted, transparent, and equitable⁷.

Based on the above discussion, this study aims to analyze the implementation of social assistance policies in Indonesia from a legal perspective by examining the alignment between legal norms and policy implementation on the ground, identifying various legal obstacles that have arisen, particularly regarding data synchronization and regulatory inconsistencies, and to formulate recommendations for strengthening the legal system, institutional coordination, and law enforcement in order to achieve social assistance governance that is more accountable, effective, and in accordance with the principles of the rule of law. This study is expected to provide both theoretical and practical contributions to the development of public policy law in Indonesia, particularly in the field of social welfare.

⁶ Arnoldus Jansen Patrio Banola et al., "Efektivitas Harmonisasi Peraturan Perundang-Undangan Dalam Menghindari Tumpang Tindih Regulasi Di Indonesia," *Jurnal Riset Hukum Kenegaraan & Politik* 4, no. 1 (2025): 68–79, <https://doi.org/10.47498/constituo.v4i1.4949>

⁷ Ummi Athiq, "Kebijakan Program Bantuan Langsung Sementara Masyarakat Ditinjau Dari Konsep Negara Welfare State Policy Of Temporary Direct Aid Program Analyzed," *Jurnal IUS / Kajian Hukum Dan Keadilan* II, no. 5 (2014): 306–324. <https://doi.org/10.12345/ius.v2i5.172>.

RESEARCH METHOD

This study employs a normative legal research approach, which focuses on analyzing the positive legal norms governing social assistance policies in Indonesia, as well as their relevance to policy implementation in the field. The normative legal approach was chosen because this study aims to analyze the alignment between the legal basis of social assistance policies and the reality of their implementation, particularly in terms of data synchronization, regulatory harmonization, administrative oversight, and law enforcement. In this context, law is understood not only as a collection of written norms but also as an evaluative instrument for assessing the effectiveness of public policy based on the principles of justice, legal certainty, utility, and accountability⁸.

The approaches used in this study include the statutory approach, *the conceptual approach*, and *the analytical approach*. The statutory approach was conducted through an examination of various key regulations that form the legal basis for social assistance policies, including Article 34 of the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2009 on Social Welfare, Law No. 13 of 2011 on the Handling of the Poor, as well as various other technical regulations such as government regulations and regulations of the Minister of Social Affairs regarding the Integrated Social Welfare Data (DTKS) and the mechanisms for distributing social assistance. A conceptual approach is used to understand the concept of the welfare state, the principle of the rule of law, good governance, and administrative law as a theoretical framework for analyzing policies. Meanwhile, an analytical approach is used to examine the relationship between legal norms and implementation issues that arise in the field⁹.

The legal materials used in this study consist of primary, secondary, and tertiary sources. Primary legal materials include the constitution, laws, government regulations, presidential regulations, and ministerial regulations that are directly related to social assistance policy. Secondary legal materials include scholarly journals, law books, previous research findings, academic articles, and legal doctrines relevant to the research topic. Tertiary legal materials

⁸ Nanda Dwi Rizkia and Hardi Fardiansyah, *Metode Penelitian Hukum (Normatif Dan Empiris)*, ed. Elan Jaelani, Pertama (Bandung, CV Widina Media Utama, 2023)

⁹ Nugrahana Fitria Ruhyana and Hadi Ferdiansyah, "Strategi Kebijakan Pemerintah Kabupaten Sumedang Dalam Penyaluran Bantuan Sosial Di Masa Pandemi Covid-19," *Jurnal Khazanah Intelektual* 4, no. 2 (2020): 789–804, <https://doi.org/10.37250/newkiki.v4i1.69>.

include legal dictionaries, encyclopedias, and other reference sources that support the interpretation of legal concepts and terminology¹⁰.

Data collection was conducted through library research, which involved systematically cataloging, identifying, and reviewing various relevant legal sources. The data obtained were then analyzed using content analysis, which involved examining the substance of legal norms governing social assistance and comparing them with various implementation-related facts found in the literature and previous research. In addition, this study also employed teleological interpretation to understand the purpose of establishing social assistance regulations in order to achieve social welfare and distributive justice.

Data analysis was conducted qualitatively, with an emphasis on identifying the gap between *das sollen* (legal norms) and *das sein* (implementation practices). The analysis process involved a systematic interpretation of regulations, an evaluation of policy implementation based on the principles of administrative law, and an assessment of the effectiveness of oversight and law enforcement in the delivery of social assistance. To strengthen the analysis, this study also employs Lawrence M. Friedman's legal systems theory which encompasses legal structure, legal substance, and legal culture to explain the various implementation barriers in Indonesia's social assistance policies.

Through this methodology, this study is expected to provide a comprehensive overview of the implementation of social assistance policies from a legal perspective, while also identifying regulatory and administrative weaknesses that affect the policies' effectiveness. Thus, the study's findings can serve as an academic foundation for formulating recommendations to strengthen the legal framework and governance of social assistance policies, making them more integrated, accountable, and equitable.

RESULTS AND DISCUSSION

This study was conducted through an analysis of various laws and regulations, as well as secondary data related to the implementation of social assistance policies in Indonesia. The primary focus of this study is to examine

¹⁰ Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum : Studi Eksploratif Di Indonesia," *Jurnal Sosial Politik, Pemerintahan Dan Hukum* 3, no. 3 (2024): 57-65, <https://doi.org/10.59818/jps.v3i3.1390>.

how social assistance policies which already have a strong legal basis are implemented in practice and to identify various issues that arise in the field.

Normatively speaking, social assistance policy in Indonesia has a fairly clear legal foundation. Provisions regarding the state's responsibility to care for the poor and neglected children are set forth in the 1945 Constitution of the Republic of Indonesia, specifically in Article 34. In addition, various derivative regulations such as laws in the field of social welfare, as well as government regulations and ministerial regulations have provided an operational framework for the implementation of social assistance programs. This demonstrates that, legally speaking, social assistance policies have strong legitimacy and are part of the state's obligation to achieve social welfare¹¹.

In practice, social assistance policies are implemented through various programs targeting specific community groups. These programs include Direct Cash Assistance (BLT), the Family Hope Program (PKH), and food assistance or basic food packages. These programs are designed to help the public meet their basic needs and reduce their economic burden, particularly for low-income groups. The distribution of assistance is carried out through specific mechanisms involving various government agencies, both at the central and local levels¹².

However, based on a review of various sources, the implementation of social assistance policies still faces a number of fairly complex challenges. One of the main issues frequently encountered is the misalignment of assistance recipients with the intended targets. In practice, there are still people who should be eligible to receive assistance but are not registered, while on the other hand, there are recipients who do not actually meet the criteria. This issue highlights weaknesses in the system for registering and verifying assistance recipients.

In addition, another issue that frequently arises is delays in the distribution of aid. In some cases, aid does not reach the community on time, so the policy's goal of providing rapid social protection cannot be fully achieved. These delays can be caused by various factors, such as administrative hurdles, a

¹¹ Afgha Okza Eiranda et al., "Makna Welfare State Ditinjau Dari Implementasi Pasal 34 Ayat (1) Undang-Undang Dasar 1945," *HUKUM IUS QUIA IUSTUM* 31, no. November (2024): 560–584, <https://doi.org/10.20885/iustum.vol31.iss3.art4>.

¹² Khoirun Nisak and Abdul Latib, "Efektivitas Program Bantuan Langsung Tunai (BLT) Di Desa Bedadung Kecamatan Pakusari Kabupaten Jember," *Formula : Jurnal Administrasi Publik* 1, no. 1 (2024) : 65–78, <https://ejurnal.uij.ac.id/index.php/fml/article/view/2965>.

lack of coordination among agencies, and technical obstacles in the distribution process.

Issues of transparency and accountability are also a concern in the implementation of social assistance policies. The lack of transparency regarding the mechanisms for distributing assistance and data on recipients often raises suspicion among the public. This situation can erode public trust in the government. In addition, a weak oversight system also creates opportunities for the abuse of authority in the distribution of social assistance¹³.

The research findings also indicate that the data systems used in the distribution of social assistance are not yet fully integrated. The data on assistance recipients used by various agencies is often inconsistent, leading to discrepancies in information that result in misallocation of assistance. This indicates that data management remains one of the main challenges in the implementation of social assistance policies in Indonesia¹⁴.

On the other hand, the role of local governments in implementing social assistance policies is also crucial. In some cases, differences in the capacity and readiness of local governments to manage social assistance programs have led to disparities in policy implementation across various regions. This indicates that policy decentralization also requires a strong support system to ensure that policy implementation proceeds evenly¹⁵.

Overall, the results of this study indicate that although social assistance policies in Indonesia have a strong legal basis and clear objectives, their implementation still faces various obstacles that hinder the policies' effectiveness. These problems are not only technical in nature but also relate to legal, institutional, and governance aspects.

Legal Analysis of the Legal Basis for Social Assistance Policies

Legally speaking, social assistance policies in Indonesia have a strong and multi-layered legal basis. Article 34, paragraph (1) of the 1945 Constitution of the

¹³ Rahmansyah et al., "Pemetaan Permasalahan Penyaluran Bantuan."

¹⁴ Rahmadi Agus, Rizqi Elmuna Hidayah, and Ary Yudha Nugroho, "Pengembangan Platform Web Untuk Monitoring Dan Evaluasi Data Bantuan Sosial Berbasis Teknologi Informasi," *Jurnal Ilmiah : JSSSI* 3, no. 2 (2025): 59–66, <http://jurnal.unpad.ac.id/manajemen-komunikasi>.

¹⁵ Ilham Gemiharto and Elfira Rosa Juningsih, "Komunikasi Pemerintahan Dalam Implementasi Kebijakan Bantuan," *Jurnal Manajemen Komunikasi* 6, no. 1 (2021): 1–22, <http://jurnal.unpad.ac.id/manajemen-komunikasi>.

Republic of Indonesia stipulates that the poor and destitute, as well as neglected children, shall be cared for by the state. This constitutional norm indicates that the state has a legal obligation to ensure the social welfare of its people as part of the principles of the welfare state and social justice. Thus, social assistance is a manifestation of the state's constitutional responsibility, not merely an administrative policy.

This legal basis is reinforced by Law No. 11 of 2009 on Social Welfare, which governs the state's responsibilities in the administration of social welfare, as well as Law No. 13 of 2011 on the Handling of the Poor, which specifically regulates the protection of the poor through social assistance programs. These regulations are further supported by various technical policies, including government regulations and regulations issued by the Minister of Social Affairs that govern the mechanisms for distribution, data collection, and oversight of social assistance through the Integrated Social Welfare Data System (DTKS)¹⁶.

Although the regulatory framework for social assistance is substantively adequate, policy implementation still reveals a gap between what should be and what actually is. From the perspective of Lawrence M. Friedman's theory of legal systems the effectiveness of a policy depends not only on legal substance but is also influenced by legal structure and legal culture. Therefore, even though legal norms have been firmly established, the implementation of social assistance still requires institutional coordination and a supportive legal culture so that constitutional objectives can be effectively achieved.

Alignment of Implementation with Legal Principles

In practice, social assistance policies in Indonesia are normatively aimed at achieving distributive justice, legal certainty, and social benefit. However, reality shows that the implementation of social assistance programs still faces various obstacles that affect their effectiveness. From the perspective of justice, misalignment in identifying aid recipients still frequently occurs due to inaccurate recipient data, duplicate entries, and exclusion errors affecting poor people who should be receiving assistance. This situation contradicts the principle of social justice, which is the primary objective of the policy.

¹⁶ Naila Bursyavika et al., "Analisis Yuridis Penggunaan Ktp Dalam Pemberian Bantuan Sosial Menurut Peraturan Perundang – Undangan Yang Berlaku," *Jurnal Riset Multidisiplin Edukasi 2*, no. 12 (2025): 1277–1290, <https://journal.hasbaedukasi.co.id/index.php/jurmie>.

From the perspective of legal certainty, the implementation of social assistance is also marked by a lack of coordination between the central government and local governments. Inconsistent validation of the DTKS, differences in local administrative procedures, and overlapping authorities in data verification indicate that regulatory harmonization has not yet been fully achieved. These conditions create legal uncertainty and have the potential to hinder the effective distribution of assistance. Furthermore, from the perspective of legal utility, social assistance should serve as a social protection instrument capable of improving public welfare. However, if distribution fails to reach the intended beneficiaries and oversight is weak, then this objective of social utility will not be fully achieved¹⁷.

Legal Issues in the Implementation of Social Assistance

One of the main challenges in implementing social assistance is the lack of synchronization of national data through the DTKS. In practice, discrepancies often arise between data held by the central government and local governments, leading to overlapping administrative regulations and inaccuracies in distribution. This problem highlights weaknesses in the legal framework, particularly regarding institutional coordination. A lack of transparency also limits public participation in policy oversight. Furthermore, weak administrative oversight is a key factor affecting policy implementation. From the perspective of Administrative Law, oversight is a crucial instrument for ensuring that public policies are implemented in accordance with the principles of legality, accountability, and good governance.

However, in practice, oversight of social assistance distribution still faces various weaknesses, both internal and external. This weak oversight creates opportunities for maladministration, abuse of authority, data manipulation, and even criminal acts of corruption involving social assistance. Therefore, strengthening administrative oversight must be accompanied by the imposition of strict administrative sanctions against officials who violate procedures, as well as the enforcement of criminal law in cases of misuse that result in financial losses to the state. A lack of transparency in the distribution of social assistance is also

¹⁷ Agnes Betresia et al., "Korupsi Bantuan Sosial Covid-19: Analisis Implementasi Etika Normatif Pejabat Di Indonesia," *Jurnal Ilmu Administrasi Publik* 3, no. 2 (2021): 138–154. <https://doi.org/10.14710/dialogue.v3i2.13126>.

a serious issue. The principles of good governance require openness of information, public participation, and accountability. When information regarding aid recipients and distribution mechanisms is not sufficiently transparent, the potential for irregularities increases¹⁸.

Case Study on the Implementation of Social Assistance During the COVID-19 Pandemic

The COVID-19 pandemic has posed a major test of the effectiveness of social assistance policies in Indonesia. In this crisis, the government expanded various social assistance programs as a form of social protection for affected communities. Normatively, this policy represents the fulfillment of the state's constitutional responsibility. However, in its implementation, various problems have arisen, such as discrepancies in beneficiary data, delayed distribution, weak coordination among agencies, and cases of corruption involving social assistance funds. These conditions demonstrate that rushing through policies without the support of a robust administrative legal system and oversight can give rise to new legal problems. From a legal perspective, the pandemic underscores that the of an emergency situation does not absolve the state of its obligation to uphold the principles of legality, transparency, and accountability.

Efforts to Improve Social Assistance Policy from a Legal Perspective

To strengthen the implementation of social assistance policies in Indonesia, a comprehensive reform is needed that addresses various aspects of the legal system. A crucial first step is to harmonize regulations to strengthen the synchronization of rules between the central and local governments, thereby avoiding the overlapping of authorities that has long hindered program efficiency. In line with this regulatory restructuring, improvements to the Integrated Social Welfare Data (DTKS) must be directed toward the development of a national data system that is integrated in *real time* across ministries, agencies, and local governments to minimize the risk of misallocation of assistance.

On the other hand, the strengthening of administrative oversight must also be optimized by combining internal bureaucratic oversight mechanisms, external oversight from independent institutions, and the creation of ample

¹⁸ JI Prof et al., "Analisis Implementasi Program Bantuan Sosial Penanganan Pandemi Covid-19 Di Indonesia Menggunakan Perspektif Multilevel Governance," *Jurnal Kesejahteraan Sosial* 7, no. 03 (2021): 185–202, <https://doi.org/10.33007/inf.v7i3.2663>.

opportunities for active public participation. In the event of irregularities, law enforcement must be carried out consistently and without favoritism, whether through the imposition of strict administrative sanctions on negligent officials or criminal sanctions against those who misuse social assistance budget allocations. All of these structural efforts must ultimately lead to the strengthening of a culture of lawfulness by eroding a corrupt mentality, enhancing the integrity of government officials in the field, and internalizing the principles of *good governance* at every stage of social welfare distribution¹⁹.

Summary of the Discussion

Based on a legal analysis, the main issues with social assistance policies in Indonesia do not lie in weak formal regulations, but rather in inconsistent implementation, suboptimal data synchronization, weak administrative oversight, and inadequate law enforcement. Therefore, the strengthening of social assistance policies must be carried out comprehensively through reforms in legal substance, institutional structure, and legal culture, as explained in the legal systems theory of Lawrence M. Friedman. With such strengthening, the implementation of social assistance policies is expected to realize the state's constitutional objectives more effectively, fairly, transparently, and accountably²⁰.

CONCLUSION

This study concludes that, from a normative perspective, the implementation of social assistance policies in Indonesia has a solid legal foundation through Article 34 of the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2009 on Social Welfare, and Law No. 13 of 2011 on the Handling of the Poor. This regulatory framework affirms that social assistance is a manifestation of the state's constitutional obligation to realize the concept of *the welfare state* through distributive justice. However, at the empirical level, a significant gap was found between legal norms (*das sollen*) and the reality of implementation (*das sein*). Various legal and administrative obstacles such as inaccuracies in beneficiary data due to poor synchronization of the DTKS,

¹⁹ Salsabila et al., "Analisis Efektivitas Bantuan Sosial."

²⁰ Dyah Purbaningrum and Hendri Hermawan Adinugraha, "Transformasi Kebijakan Publik : Menyiasati Ketidakpastian Sasaran Di Desa Pringsurat untuk Kesejahteraan Masyarakat Yang Lebih Baik," *Jurnal Pembangunan dan Kebijakan Publik* 15, no. 02 (2023): 31-44, <https://doi.org/10.36624/jpkp.v15i2.116>.

regulatory disharmony between central and local governments, overlapping jurisdictions, and suboptimal law enforcement against the misuse of social assistance have resulted in the failure to fully uphold the principles of justice, legal certainty, transparency, and accountability.

Through the lens of Lawrence M. Friedman's legal systems theory, the shortcomings in implementation do not stem solely from the substance of the laws themselves, but are also influenced by weaknesses in the legal structure and the legal culture of society and the bureaucracy. Therefore, strengthening social assistance policies must be achieved through comprehensive reforms. As a strategic step forward, there is a need for harmonization of regulations across all levels of government, integration of an accurate national social data system, strengthening of administrative oversight based on the principles of *good governance*, and firm enforcement of both administrative and criminal laws against all forms of violations. By strengthening the governance and legal aspects of these public policies, the distribution of social assistance is expected to become more effective and targeted, and to help achieve the constitutional goal of fair and sustainable social welfare in Indonesia.

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