

The Role of Law and Human Rights in Ensuring Social Justice and Poverty Eradication Through Social Assistance

Putu Ayu Veguita Putri Ningsih¹, Slamet Tri Wahyudi²

¹ Universitas Pembangunan Nasional Veteran Jakarta, Indonesia; putuayuveguitapn@gmail.com

² Universitas Pembangunan Nasional Veteran Jakarta, Indonesia; slamettriwahyudi@upnvj.ac.id

ARTICLE INFO

Keywords:

role;
law and human rights;
social justice;
social assistance;
poverty eradication

Article history:

Received 2025-08-20

Revised 2025-09-18

Accepted 2025-10-14

ABSTRACT

Poverty is a scourge in this country. In this case, the government uses a social assistance approach in the form of basic food supplies for the poor. This raises questions when confronted with the concept of the rule of law and human rights in relation to the state's solution in providing social assistance to them. The research method used is normative juridical with a legislative approach and a conceptual approach. The results of the study show that the state uses a social assistance approach in the form of basic food supplies as a short-term solution, ignoring the actual economic conditions. Then, the state needs to formulate concrete legislation in order to provide definite social assistance to the lower-middle class so that the presence of the state as a state based on the rule of law and human rights becomes more certain by providing long-term solutions.

This is an open access article under the [CC BY](#) license.



Corresponding Author:

Putu Ayu Veguita Putri Ningsih¹

Universitas Pembangunan Nasional Veteran Jakarta, Indonesia; putuayuveguitapn@gmail.com

1. INTRODUCTION

Poverty stands as one of the fundamental and complex issues that many developing countries, including Indonesia, still face on a massive scale (Junaidi, 2018). This issue transcends economic boundaries, developing into a multidimensional problem that permeates various aspects of social and political life. From a deeper perspective, poverty cannot only be categorized as economic failure, but also as a form of human rights violation. This is because poverty directly hinders the fulfillment of universally guaranteed basic rights. These rights include fundamental access to proper education, adequate health care, opportunities for fair employment, and the right to housing and a decent standard of living (Ramli, 2021). Consequently, efforts to eradicate poverty must be elevated from mere economic programs to ethical and legal obligations of the state.

In the context of Indonesian constitutional law, the obligation to protect the poor is explicitly stated in the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945). This principle is reinforced by Article 28H paragraph (1), which guarantees the right of every person to physical and spiritual prosperity, as the philosophical basis for the fulfillment of economic and social human rights (Jufri, 2023). Further emphasis is given by Article 34 paragraph (1), which explicitly states that the poor and neglected children are cared for by the state. These provisions collectively indicate that the protection and improvement of the living standards of the poor is the constitutional responsibility of the state (Muhshi,

2015). Thus, the role of the state in overcoming poverty is an integral part of the enforcement of human rights in Indonesia, placing the issue of poverty within the highest legal framework.

The role of human rights law is vital and central in designing anti-poverty strategies and policies in Indonesia (Efendi, 2022). Human rights law serves as a normative pillar that guides state policy to ensure social justice, not just provide temporary assistance (Nasir, Khoiriyah, Pamungkas, Hardianti, & Zildjianda, 2023). This requires comprehensive regulations, rights-based policies, and effective and accountable protection mechanisms. Human rights law encourages the state to adopt a rights-based approach in poverty eradication programs. This approach ensures that every intervention must strengthen the dignity and empower the recipients, not merely create dependency.

More than just guiding policy, human rights law also serves as an instrument of social justice, ensuring that state resources are distributed fairly and evenly. The principle of non-discrimination in human rights requires the government to implement affirmative policies that specifically target poor and vulnerable groups (Ilyasa, Zid, & Miarsyah, 2020). Through sectoral laws, such as Law No. 39 of 1999 on Human Rights, the state is bound by the obligation to fulfill basic rights regardless of background. Human rights law allows for a check and balance mechanism on social policies, whereby people can claim their rights in cases of negligence or discrimination (Asrun, 2016). Thus, human rights law serves as a catalyst that transforms constitutional promises into concrete actions to achieve equality.

Despite its solid normative foundation, in practice, the implementation of poverty eradication programs still faces a significant gap between legal norms and reality on the ground. Social assistance and empowerment programs often encounter structural and operational obstacles that hinder their effectiveness (Pakpahan, 2019). These obstacles include budget constraints that are not commensurate with the scale of the problem, as well as convoluted and inefficient bureaucracy in the distribution of aid. This problem is exacerbated by weaknesses in oversight, which opens the door to moral hazard and unequal distribution of benefits (Rumtianing, 2016). As a result of this gap, the rights of the poor have not been fully fulfilled, and the social inequality gap (Gini ratio) remains a chronic problem.

The failure to implement human rights laws and anti-poverty policies directly contributes to the persistence of social inequality. When aid programs are misdirected or misused, the principle of distributive justice mandated by human rights is violated (Alfiyah, 2021). This situation shows that human rights laws have not been optimal in ensuring real protection for the poorest groups. These obstacles often arise because implementing regulations at the lower levels do not strictly elaborate on the principles of accountability, transparency, and non-discrimination mandated by the constitution (Rahmanurrajjid, 2008). This condition calls for bureaucratic reform and strengthened law enforcement to ensure that every rupiah of social assistance actually reaches those who are entitled to it.

Therefore, an in-depth and critical analysis of the role of human rights law in the context of poverty eradication is very important and relevant. This study should not only focus on the normative aspect (what should be written in the law), but must also move on to the implementative aspect (how the law actually works in the field). This analysis must highlight the extent to which technical regulations and operational policies are able to provide real and sustainable protection. The focus must be directed at identifying legal loopholes that allow for discrimination or misuse of budgets that harm the poor. It is important to evaluate whether judicial review mechanisms or human rights complaints have been effective channels for the poor to demand their violated rights.

The role of human rights law is also emphasized as a tool for control and accountability of state power and all agencies implementing anti-poverty programs (Salam, Utami, & others, 2024). Human rights law provides civil society and oversight institutions with instruments to evaluate government performance based on human rights standards. This analysis must determine the extent to which the principle of poor people's participation is accommodated in the formulation and implementation of social assistance programs. Social justice can only be realized if the state is willing to take responsibility for any failures or irregularities in poverty alleviation. This process confirms that poverty alleviation is an issue of good governance, which must comply with international and constitutional law.

Ultimately, the main objective of human rights analysis and implementation is to ensure real protection for poor communities as a fulfillment of human rights. Poverty eradication must be seen as a collective effort to uplift human dignity. This requires a paradigm shift from temporary assistance to sustainable social investment that breaks the cycle of poverty. The law must ensure that every poor citizen has access to effective complaint mechanisms and legal aid to claim their rights.

By optimizing the role of human rights law, Indonesia can take a step forward in realizing the noble ideal of social justice for all Indonesians. Human rights law serves as a bridge between constitutional promises and social reality, ensuring that government programs are directed toward the most important end result: the fulfillment of basic rights and the improvement of the welfare of the poor. This process requires strong political commitment and legal consistency to tackle poverty, not only as an economic problem, but as a top priority for the enforcement of human rights in the country.

Based on the above background, the following are the research questions for this study: 1) how is the role of law and human rights in ensuring social justice and poverty eradication through social assistance; and 2) how are the opportunities and obstacles to providing social assistance in ensuring poverty eradication in Indonesia?

2. METHODS

The type of research used in this study is a normative legal method with a legislative and conceptual approach. The normative legal method is a method that uses secondary data to analyze problems and obtain research issues (Marzuki, 2017). The legislative approach in this study uses the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2009 concerning Social Welfare, Law Number 13 of 2011 concerning the Handling of the Poor, Law 23 of 2014 concerning Regional Government, and Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 4 of 2023 concerning the Implementation of the Basic Food Program. The conceptual approach in this study uses the theory of the rule of law, the doctrine of the welfare state, and the theory of legislation (Nasution, 2008). The data analysis technique used is descriptive-qualitative.

3. FINDINGS AND DISCUSSION

The Role of Law and Human Rights in Guaranteeing Social Justice and Poverty Eradication through Social Assistance

Poverty eradication in Indonesia has a strong legal and human rights foundation, derived directly from the country's constitution. Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945) fundamentally guarantees the right of every person to live in physical and spiritual prosperity, which inherently includes freedom from extreme poverty. This constitutional mandate requires the state to take active measures to fulfill a decent standard of living for all citizens. More specifically, Article 34 paragraph (1) of the 1945 Constitution places the obligation on the state to care for the poor and neglected children. This provision is the main justification for the existence of social assistance (bansos) and social security programs carried out by the government. As a derivative, Law No. 39 of 1999 on Human Rights further emphasizes the state's obligation to fulfill basic rights, including the right to a prosperous life. Therefore, the social assistance policy is not merely an act of generosity on the part of the government, but a legal obligation that cannot be avoided. The constitution places the state in the role of the main guarantor of welfare, ensuring that economic and social human rights are fulfilled.

However, even though the constitutional and human rights law foundations are solid, their implementation must be elaborated through fair and non-discriminatory policies (Simatupang, 2021). The obligation to care for the poor requires an accountable, transparent, and targeted aid distribution system, in line with human rights principles. Failures in aid distribution, including potential corruption or abuse of authority, directly violate the constitutional rights of poor citizens. The articles in Human

Rights Law 39/1999 serve as a legal control instrument that allows citizens to demand their rights if the state fails to fulfill its obligations (Bapino, 2022). Social assistance policies must be designed to strengthen the dignity of recipients, not merely provide temporary assistance without considering sustainability. Therefore, the legal basis of human rights requires the state not only to provide assistance, but also to create conditions that enable poor families to become empowered and achieve independent welfare, as the ideal embodiment of human rights.

The state's presence in providing social assistance (bansos) is a tangible manifestation of its role as a Welfare State that aims to ensure equality for all Indonesian citizens (I. Setiawan & Jesaja, 2022). Social assistance functions as an instrument of wealth redistribution to mitigate the sharp economic gap between the rich and the lower-middle class. Through the social assistance program, the state seeks to ensure that the basic needs of the most vulnerable citizens, such as food, health, and education, are met. This intervention is crucial to prevent the poor from falling into a cycle of structural poverty that is difficult to overcome. The provision of social assistance is a recognition that equal opportunities cannot be achieved without equal living conditions. Thus, the presence of the state through social assistance is an active effort to uphold the principle of social justice for all people, as stated in the constitution.

In addition to ensuring equality of conditions, the provision of social assistance by the state also functions as a vital social safety net, especially in the face of economic shocks or crises (Fadilah, 2021). The presence of the state in the form of social assistance provides protection for vulnerable communities so that they do not lose their purchasing power and fall into malnutrition. This social assistance policy is in line with Article 34 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which mandates the state to develop a social security system for all citizens (Rahmansyah, Qadri, Sakti, & Ikhsan, 2020). This social security system is the legal umbrella for social assistance programs so that they have a strong legal basis, ensuring that the rights of citizens are protected. Therefore, the presence of the state through social assistance policies is not only a political act, but also a constitutional and ethical obligation to create a just and dignified society, where no citizen is left behind.

According to the theory of the Welfare State, the state has an active role and positive intervention to overcome the social and economic problems of its citizens, which is very different from the concept of *Nachtwakerstaat* (Ridlwani, 2011). The Welfare State recognizes that poverty and economic limitations can hinder the true freedom of individuals to develop their potential (Yunus, 2018). Therefore, the provision of social assistance is a legitimate and necessary form of intervention to restore the personal living conditions of people who are struggling due to economic factors. This intervention reflects the moral and legal responsibility of the state to not only maintain order but also ensure distributive justice (Alba, 2018). Social assistance is the state's main instrument for repairing market failures that often worsen the conditions of the poorest groups (Retnaningsih, 2020). This approach views individual rights not only as civil and political rights, but also as economic, social, and cultural rights that must be fulfilled by the state.

Furthermore, state intervention through social assistance guarantees within the framework of the Welfare State aims to achieve the democratization of welfare, ensuring that state resources are used for the benefit of the majority (Roth, 2023). This policy in Indonesia has a strong foundation in the constitution and is outlined in Law Number 11 of 2009 concerning Social Welfare, which requires the central and regional governments to be responsible for the implementation of social welfare. Intervention in the form of social assistance must comply with the principle of legality, which means that it must be clearly regulated in legislation and must not be *ultra vires* (beyond authority) (Nggeboe & Ibrahim, 2022). Although this intervention enters the realm of private life, it is legally justified because it aims to fulfill basic rights that should already be guaranteed. Thus, the Welfare State justifies social assistance interventions as affirmative action to raise the dignity of the poor to a decent standard of living.

Although social assistance is crucial as a safety net, it is often criticized for being only a short-term solution that does not address the root causes of poverty (Latif & Pangestu, 2022). The community's dependence on social assistance can create a mentality of dependency rather than encouraging

independence and a work ethic. Solutions that are oriented towards sustainability and changing the mindset of the community should be prioritized over instant assistance that runs out in a short time (Tresnadipangga, Fuad, & Suartini, 2023). Charitable social assistance models tend not to significantly change the structural economic conditions of the recipients. Therefore, it is important for the state to shift its focus from simply giving fish to giving fishing rods and teaching how to fish sustainably. Social policies must be integrated with economic empowerment and skills improvement.

As an antithesis to temporary assistance, long-term solutions should focus on fundamental macroeconomic improvements and guarantees for the country's fiscal and monetary progress (Rahmansyah et al., 2020). Sustainable solutions are in line with the spirit of Article 33 of the 1945 Constitution of the Republic of Indonesia on economic development oriented towards the prosperity of the people (Tapung, Regus, Payong, Rahmat, & Jelahu, 2020). The state must invest in the creation of labor-intensive jobs, vocational training, and the strengthening of the micro, small, and medium enterprise (MSME) sector. Monetary and fiscal policies must be directed towards creating economic stability that has a direct impact on increasing the purchasing power of the lower-middle class. By providing long-term solutions, the state not only fulfills basic rights, but also carries out its constitutional obligation to promote general welfare in a sustainable manner.

The Ministry of Social Affairs (Kemensos) holds a central and strategic position as the main policy maker in matters of social assistance and social security at the national level (Susantyo et al., 2020). Kemensos is responsible for formulating beneficiary criteria, managing integrated data (Integrated Social Welfare Data/DTKS), and coordinating the distribution of various social assistance programs (Fadilah, 2021). On the other hand, local governments (Pemda) play a crucial executive role in the field, dealing directly with beneficiaries at the grassroots level. The involvement of local governments is vital in verifying data, ensuring accuracy of targets, and overcoming logistical problems in the distribution of assistance. Close cooperation between the Ministry of Social Affairs (regulator) and local governments (implementers) is the key to the success of social assistance programs in ensuring the effective presence of the state. The position of these two agencies confirms that the provision of social security is a joint effort from the central to regional levels.

The involvement of the Ministry of Social Affairs and local governments in social security is a direct implementation of the mandate of the 1945 Constitution of the Republic of Indonesia, which obliges the state to care for the poor. The roles of the Ministry of Social Affairs and local governments are specifically regulated in Law Number 13 of 2011 concerning the Handling of the Poor, which provides a legal umbrella for the division of tasks and responsibilities (Qadrini, Seppewali, & Aina, 2021). Kemensos is responsible for determining program criteria and standards, while local governments are responsible for verifying and validating data in their respective regions. Failure to coordinate between these two institutions is often a source of problems in the distribution of social assistance, such as overlapping or inaccurate data. Therefore, the position of the Ministry of Social Affairs and local governments is not only administrative in nature (Susantyo et al., 2020), but also a legal mandate to ensure that the basic rights of the poor are fulfilled through a structured social security mechanism.

The role of human rights in poverty eradication is very broad and serves as a tool to drive and control state policy. Human rights encourage the creation of affirmative policies that specifically target poor groups, such as social assistance, universal health insurance, and free education. The principle of non-discrimination in human rights ensures that the distribution of resources and assistance is carried out fairly and evenly, regardless of ethnic, religious, or group background (Putong & Wahyudi, 2022). Human rights also serve as a control tool to ensure that the state, local governments, and even the private sector comply with their social responsibilities (e.g., Corporate Social Responsibility/CSR) in overcoming poverty. Thus, human rights change the paradigm of social assistance from mere charity to the fulfillment of obligations and basic rights inherent to every individual.

Apart from being a policy driver, human rights also serve as a powerful legal instrument to suppress and combat abuses of power that exacerbate poverty. Human rights provide a legal basis for

the public to demand state accountability for corruption, misappropriation of aid, and discrimination in distribution. Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia guarantees that the protection, promotion, enforcement, and fulfillment of human rights are the responsibility of the state (Sudrajat, 2022). Therefore, when social assistance is misappropriated, the state has violated its own human rights obligations. The role of human rights is to ensure that the entire anti-poverty policy process is rights-based, placing the dignity and rights of the poor as the highest priority in the development agenda.

The most appropriate normative construct in terms of ensuring sustainable welfare for the lower-middle class is to shift from short-term solutions (instant social assistance) to long-term solutions that focus on economic independence (Fadhli & Nazila, 2023). This can be realized by providing social security in the form of easy access to labor-intensive jobs that can be created or facilitated by the government. Labor-intensive employment programs not only provide daily income, but also build infrastructure and public assets, creating added value for the community. This approach fundamentally aims to structurally improve the economy of poor families, rather than simply providing temporary consumptive assistance. With guaranteed access to employment, the poor can earn a sustainable income and regain stable purchasing power.

Normatively, guaranteeing welfare through labor-intensive work is more coherent with the state's goal of creating social justice and prosperity for the people than mere charitable assistance. Guaranteeing access to labor-intensive work is in line with Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that every citizen has the right to work and a decent livelihood. The implementation of this program must be clearly regulated in legislation (e.g., Government Regulations) as part of the government's affirmative fiscal policy. By prioritizing employment and independence, this normative construct strengthens human dignity and ensures that state intervention truly acts as a catalyst for macroeconomic improvement, while also guaranteeing the fulfillment of the right to a decent livelihood.

Opportunities and Obstacles in Providing Social Assistance to Ensure Poverty Eradication in Indonesia

The provision of social assistance (bansos) on an ongoing basis as the main solution to poverty is often considered an unwise policy choice because it is oriented towards solving immediate problems. Although it serves a vital function as a safety net, dependence on social assistance can foster short-term thinking and weaken community initiatives to seek independent sources of livelihood (Fadhli & Nazila, 2023). Consumptive social assistance tends not to create structural changes in the economic conditions of recipients, keeping them in the cycle of poverty. This dependence has the potential to reduce motivation to work and innovate among the lower-middle class (Putong & Wahyudi, 2022). The state must recognize that this charitable approach does not solve the root causes of poverty, such as low education and lack of access to capital. Therefore, social assistance should be a transitional instrument while the state builds a stronger economic foundation.

As an antithesis to the dependence it creates, a more prudent policy should focus on economic empowerment and the development of productive community assets. The mindset that must be developed is one of independence and a strong work ethic as a way out of poverty, rather than waiting for the state to lend a helping hand. Social assistance can be maintained, but it must be combined with skills training programs, access to micro-business capital, and health insurance. This policy must require the active participation of recipients in self-improvement programs or other productive activities (Sa'adah, 2017). In this way, the state changes its role from a passive aid provider to an active facilitator that enables the poor to become sustainably independent, while reducing the long-term fiscal burden.

The provision of social assistance in Indonesia is supported by a solid legal framework, rooted in the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945). The main foundation is Article 34 paragraph (1) of the 1945 Constitution, which mandates that the poor and neglected children

be cared for by the state, which is the constitutional justification for social assistance. Derived from this mandate is Law Number 13 of 2011 concerning the Handling of the Poor, which regulates the mechanism for determining the criteria for the poor and the responsibilities of the central and regional governments. In addition, Law Number 40 of 2004 concerning the National Social Security System (SJSN) and Law Number 11 of 2009 concerning Social Welfare also serve as the legal umbrella governing various forms of assistance programs (Alba, 2018; Susantyo et al., 2020). All social assistance policies must refer to the Integrated Social Welfare Data (DTKS) as the official database, ensuring the principles of legality and accountability. This legal instrument ensures that social assistance is a structured state obligation, not merely a populist policy.

In addition to the legal basis, the technical and operational aspects of social assistance provision are also regulated in detail in various implementing regulations at the ministerial and regional levels (Gemiharto & Juningsih, 2021). Minister of Social Affairs regulations often detail the mechanisms for verification, validation, and distribution of assistance, including the determination of types of social assistance programs (such as the Family Hope Program/PKH and Non-Cash Food Assistance/BPNT) (Fadhli & Nazila, 2023). The use of Presidential Regulations (Perpres) and Ministerial Regulations (Permen) is crucial to ensure the flexibility and speed of social assistance program implementation, but they must still comply with the principle of *lex superior derogat legi inferiori* (higher rules override lower ones) (Susantyo et al., 2020). All of these legal instruments serve a dual purpose: to guarantee the rights of poor citizens and to limit the authority of government officials to prevent abuse (Findi, Marzidah, & Probokawuryan, 2023). With this multi-layered legal framework, it is hoped that the provision of social assistance can effectively and measurably achieve the goal of social justice.

Social assistance policies open up great opportunities for human development in Indonesia, especially for vulnerable lower-middle-class communities (Haliim, 2020). The main opportunity is to improve the quality of human resources through conditional social assistance, such as PKH, which requires children to attend school and pregnant women to have regular health checkups. This intervention can directly break the chain of intergenerational poverty by guaranteeing basic access to education and health care. Social assistance also serves as a quick economic stimulus, as the funds disbursed are immediately spent, contributing to increased money circulation at the micro level. In addition, social assistance is a means of affirmative action for the state to achieve its targets of reducing stunting and malnutrition, in line with sustainable development goals. The social assistance program also serves as an effective data cleansing tool, forcing local governments to continuously update the DTKS, thereby making poverty data more accurate.

In addition to socioeconomic benefits, social assistance also provides opportunities to improve governance and strengthen social inclusion. Modern social assistance programs, which are increasingly distributed in non-cash form through banks, improve financial literacy and inclusion among the poor. This digital distribution system also facilitates monitoring, minimizing the potential for cash misappropriation at the grassroots level. Politically, social assistance is an instrument of state legitimacy, which can strengthen public trust in a government that is serious about addressing inequality. The use of technology in the distribution of social assistance is regulated to ensure transparency and accountability, which are the main principles of Law No. 14 of 2008 on Public Information Disclosure (KIP) (Fadhli & Fahimah, 2021). By maximizing this opportunity, social assistance can be transformed from mere aid into effective long-term social investment.

The main obstacles and challenges in implementing social assistance policies are the accuracy and validity of beneficiary data in the field. Despite the existence of the Integrated Social Welfare Data (DTKS), problems of data exclusion (the poor not receiving assistance) and data inclusion (the non-poor receiving assistance) still frequently occur, reducing the effectiveness of the program. This is exacerbated by the highly fluid dynamics of poverty, where the economic status of households can change rapidly due to economic shocks. Another challenge is the inconsistency of policies and programs, which often change names or schemes, causing confusion at the regional level and among

recipients. In addition, human resource capacity at the local government level, especially field officers, is often inadequate to conduct thorough and accurate data verification.

The second significant challenge is the issue of logistics, distribution mechanisms, and potential moral hazard in the social assistance distribution process. The distribution of social assistance in remote areas is often hampered by poor infrastructure and high transportation costs, resulting in delays or reductions in the amount of assistance. The potential for misuse of funds and corrupt practices by individuals at the bureaucratic level, although strictly prohibited, remains a serious threat to the integrity of the program (A. Setiawan, 2021). This challenge is directly related to the Corruption Eradication Law (Tipikor Law). In addition, the politicization of social assistance, where aid is linked to practical political interests, undermines the principles of fairness and non-discrimination. This reduces the legitimacy of social assistance as a constitutional right and turns it into a mere political commodity.

The third challenge focuses on the long-term impact and fiscal sustainability of massive social assistance programs. The state budget allocated for social assistance is enormous and continues to increase, raising concerns about the sustainable fiscal burden and the potential sacrifice of investment in other productive sectors (Hastuti, 2018). The community's dependence on social assistance also poses a psychological and social challenge that is difficult to change, hindering empowerment efforts. These challenges require the state to seriously consider exit or transition strategies for social assistance recipients so that they can become independent. Success indicators are needed that focus not only on the number of recipients, but also on a measurable reduction in absolute poverty and an increase in income.

A comprehensive solution for social assistance policy requires total reconstruction and restructuring with a focus on accountability, transparency, and recipient independence. The government must prioritize real-time, single data integration that is verified periodically, involving the use of technology (Big Data and Artificial Intelligence). The social assistance scheme must be changed to a stricter conditional social assistance scheme (such as an enhanced Conditional Cash Transfer), which requires recipients to participate in vocational training or productivity improvement programs. This approach must be accompanied by a clear graduation program, whereby recipients who have achieved a certain level of welfare must be gradually removed from the list of recipients. This reform aims to make social assistance a stepping stone to independence, rather than a static crutch.

Another crucial aspect of restructuring is the total avoidance of social assistance policies in practical political activities in order to maintain the integrity of the program. Legislation is needed that explicitly provides for severe criminal penalties for public officials or politicians who use or link social assistance with political campaigns, as this violates the principles of non-discrimination and social justice. The distribution of social assistance must be entrusted entirely to non-political or professional institutions, such as state-owned banks or PT Pos Indonesia, to minimize political interference. Independent supervisory bodies, such as the Corruption Eradication Commission (KPK) and the Ombudsman, must be given greater authority to oversee the entire social assistance distribution chain. By severing the ties between social assistance and practical politics, this policy can once again function as a purely and fairly constitutional instrument.

4. CONCLUSION

Social assistance policy in Indonesia is firmly rooted in the legal basis and human rights, making it a constitutional obligation of the state as a manifestation of the Welfare State, not merely an act of generosity. This foundation is confirmed by Article 28H paragraph (1) and Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which obliges the state to guarantee welfare and care for the poor. Social assistance functions as an instrument of wealth redistribution and a vital social safety net to mitigate economic inequality, ensure the fulfillment of basic rights, and prevent vulnerable communities from falling into structural poverty. The implementation of social assistance is supported by multiple legal instruments, including the Law on Handling the Poor and the Law on Social Security,

with the Ministry of Social Affairs (Kemensos) and local governments (Pemda) as the main implementers responsible for ensuring accountable, transparent, and rights-based distribution, in line with human rights principles.

Although legally strong, social assistance policies face major challenges because they are often seen as short-term solutions that foster dependency and do not address the root causes of poverty. The main obstacles to implementation include data accuracy (inclusion and exclusion issues), distribution logistics in remote areas, and the potential for abuse of authority and politicization of social assistance, which directly violates the principle of human rights justice. To achieve sustainable welfare, it is necessary to reconstruct and restructure social assistance into a long-term solution oriented towards economic independence, rather than consumptive assistance. Comprehensive solutions include converting social assistance schemes into strictly conditional ones that encourage productivity, implementing clear graduation programs, and completely avoiding the use of social assistance in practical political activities through explicit legal sanctions, while prioritizing easy access to labor-intensive jobs in accordance with Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

REFERENCES

- Alba, A. (2018). Kebijakan pemberian bantuan sosial bagi keluarga miskin. *Asia-Pacific Journal Of Public Policy*, 4(1), 72–89.
- Alfiyah, N. (2021). Pertanggungjawaban Pidana Pelaku Korupsi Bantuan Sosial di Masa Kedaruratan Pandemi Covid-19. *Jurnal Education and Development*, 9(2), 378–382.
- Asrun, A. M. (2016). Hak Asasi Manusia Dalam Kerangka Negara Hukum: Catatan Perjuangan di Mahkamah Konstitusi. *Jurnal Cita Hukum*, 4(1).
- Bapino, S. R. (2022). Perlindungan Hak Asasi Mantan Narapidana Terhadap Stigma Negatif Masyarakat Ditinjau Dari UU No. 39 Tahun 1999 Tentang Hak Asasi Manusia. *Lex Administratum*, 10(5).
- Efendi, M. F. (2022). Perbandingan Hukum Internasional Dan Nasional Tentang Hak Asasi Manusia. *Yurispruden: Jurnal Fakultas Hukum Universitas Islam Malang*, 5(2), 227–245.
- Fadhli, K., & Fahimah, D. A. N. (2021). Pengaruh Pendapatan, Pendidikan, Dan Gaya Hidup Terhadap Kesejahteraan Keluarga Penerima Manfaat (Kpm) Bantuan Sosial Covid-19. *Jurnal Education and Development*, 9(3), 118–124.
- Fadhli, K., & Nazila, L. R. (2023). Pengaruh Bantuan Sosial Bpnt Dan Pkh Terhadap Efektivitas Penanggulangan Kemiskinan. *Jurnal Education and Development*, 11(2), 196–202.
- Fadilah, R. (2021). Bantuan sosial sembako dan bantuan sosial tunai. *Jurnal El-Thawalib*, 2(3), 167–179.
- Findi, M., Marzidah, M., & Probokawuryan, M. (2023). Ekonomi Politik Kebijakan Bantuan Sosial Terhadap Tingkat Kesejahteraan Masyarakat Indonesia. *Policy Brief Pertanian, Kelautan, Dan Biosains Tropika*, 5(3), 739–742.
- Gemiharto, I., & Juningsih, E. R. (2021). Komunikasi pemerintahan dalam implementasi kebijakan Bantuan Sosial Tunai di kabupaten Bandung. *Jurnal Manajemen Komunikasi*, 6(1), 1.
- Haliim, W. (2020). Problematika Kebijakan Dana Hibah dan Bantuan Sosial Sumber APBD: Relasi Korupsi Terhadap Kekuasaan Kepemimpinan, dan Perilaku Elit: Relasi Korupsi Terhadap Kekuasaan, Kepemimpinan, Dan Perilaku Elit. *Inovasi*, 17(1), 39–53.
- Hastuti, P. (2018). Desentralisasi fiskal dan stabilitas politik dalam kerangka pelaksanaan otonomi daerah di indonesia. *SIMPOSIUM NASIONAL KEUANGAN NEGARA: Kementerian Keuangan RI Tahun 2018*, 784–799.
- Ilyasa, F., Zid, M., & Miarsyah, M. (2020). Pengaruh eksploitasi sumber daya alam perairan terhadap kemiskinan pada masyarakat nelayan. *Jurnal Ilmiah Pendidikan Lingkungan Dan Pembangunan*, 21(01), 43–58.
- Jufri, M. (2023). *Hukum dan Hak Asasi Manusia*. Jakarta: Rajawali Pers.
- Junaidi, J. (2018). *Korupsi, pertumbuhan ekonomi dan kemiskinan di Indonesia*. 3(1), 71–79. Retrieved from

- <https://doi.org/10.23917/reaksi.v3i1.5609>
- Latif, I. S., & Pangestu, I. A. (2022). Problematika Penyalahgunaan Bantuan Sosial Pada Masa Pandemi. *Justisi*, 8(2), 95–107.
- Marzuki, P. M. (2017). *Penelitian Hukum: Edisi Revisi*. Prenada Media.
- Muhshi, A. (2015). *Teologi Konstitusi: Hukum Hak Asasi Manusia atas Kebebasan Beragama*. LKIS Pelangi Aksara.
- Nasir, M., Khoiriyah, E., Pamungkas, B. P., Hardianti, I., & Zildjianda, R. (2023). Kedudukan Hukum dalam Mewujudkan Keadilan dan Kesejahteraan di Indonesia. *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam*, 5(1), 241–254.
- Nasution, B. J. (2008). *Metode Penelitian Ilmu Hukum, Mandar Maju, Cetakan kesatu*. Bandung.
- Nggeboe, F., & Ibrahim, I. (2022). Penegakan Sanksi Pidana Terhadap Pelaku Penyebaran Pornografi. *Legalitas: Jurnal Hukum*, 14(1), 115–121.
- Pakpahan, Z. A. (2019). Pelaksanaan pemilihan umum serentak pada pemilihan presiden dan wakil presiden, anggota dpr, anggota dpd, dan anggota dprd sebagai implementasi pelaksanaan sistem demokrasi pancasila. *Jurnal Sosial Ekonomi Dan Humaniora*, 5(2), 161–185.
- Putong, L. B., & Wahyudi, K. E. (2022). Implementasi Program Bantuan Sosial Tunai Pada Umkm. *Jurnal Kebijakan Publik*, 13(4), 338–345.
- Qadrini, L., Seppewali, A., & Aina, A. (2021). Decision tree dan adaboost pada klasifikasi penerima program bantuan sosial. *Jurnal Inovasi Penelitian*, 2(7), 1959–1966.
- Rahmansyah, W., Qadri, R. A., Sakti, R. T. S. R. A., & Ikhsan, S. (2020). Pemetaan permasalahan penyaluran bantuan sosial untuk penanganan Covid-19 di Indonesia. *Jurnal Pajak Dan Keuangan Negara (PKN)*, 2(1), 90–102.
- Rahmanurrasjid, A. (2008). *Akuntabilitas dan transparansi dalam pertanggungjawaban pemerintah daerah Untuk mewujudkan pemerintahan yang baik di daerah (Studi di Kabupaten Kebumen)*. Program Pascasarjana Universitas Diponegoro.
- Ramli, M. (2021). *Politik hukum pengelolaan zakat di indonesia (studi tentang zakat untuk mengentaskan kemiskinan)*. Yogyakarta: Universitas Islam Indonesia.
- Retnaningsih, H. (2020). Bantuan sosial bagi pekerja di tengah pandemi Covid-19: Sebuah analisis terhadap kebijakan sosial pemerintah. *Aspirasi: Jurnal Masalah-Masalah Sosial*, 11(2), 215–227.
- Ridlwan, Z. (2011). Negara Hukum Indonesia Kebalikan Nachtwachterstaat. *Fiat Justisia: Jurnal Ilmu Hukum*, 5(2).
- Roth, B. (2023). The welfare state between juridification and commodification: how the Frankfurt School gave up on economic democracy. *European Law Open*, 2(2), 386–404.
- Rumtaning, I. (2016). Kota layak anak dalam perspektif perlindungan anak. *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan*, 27(1).
- Sa'adah, N. (2017). Kebijakan pengampunan pajak (tax amnesty) berdasarkan keadilan yang mendukung iklim investasi Indonesia. *Masalah-Masalah Hukum*, 46(2), 182–189.
- Salam, M., Utami, S., & others. (2024). H, Hak asasi manusia Transformasi Hukum tentang Hak Asasi Manusia ditinjau dari sejarah: Untuk menghargai perjuangan penegakkan Hak Asasi Manusia dan untuk menjaga martabat manusia sebagai makhluk yang mempunyai keistimewaan. *Jurnal Penelitian Dan Pengabdian*, 1(2), 191–201.
- Setiawan, A. (2021). Analisis Yuridis terhadap Penataan Struktur Organisasi Kementerian dalam Rangka Peningkatan Reformasi Birokrasi. *Supremasi Hukum: Jurnal Kajian Ilmu Hukum*, 10(2), 117–142.
- Setiawan, I., & Jesaja, C. P. (2022). Analisis Perilaku Korupsi Aparatur Pemerintah Di Indonesia (Studi pada Pengelolaan Bantuan Sosial Di Era Pandemi Covid-19). *Jurnal Media Birokrasi*, 33–50.
- Simatupang, T. H. (2021). Hak Asasi Manusia dan Perlindungan Kekayaan Intelektual dalam Perspektif Negara Hukum. *Jurnal Ham*, 12(1), 111–122.
- Sudrajat, S. A. (2022). Hak Asasi Manusia (HAM) Sebagai Bentuk Kebijakan Politik Dalam Pelaksanaan Perlindungan. *Definisi: Jurnal Agama Dan Sosial Humaniora*, 1(1), 17–28.

- Susantyo, B., Nainggolan, T., Rahman, A., Erwinsyah, R. G., Irmayani, N. R., Habibullah, H., ... Arifin, J. (2020). *Bantuan Sosial Tunai Kementerian Sosial Bagi Keluarga Terdampak Covid-19*. Pusat Penelitian dan Pengembangan Kesejahteraan Sosial.
- Tapung, M. M., Regus, M., Payong, M. R., Rahmat, S. T., & Jelahu, F. M. (2020). Bantuan sosial dan pendidikan kesehatan bagi masyarakat pesisir yang terdampak sosial-ekonomi selama patogenesis Covid-19 di Manggarai. *Transformasi: Jurnal Pengabdian Masyarakat*, 16(1), 12–26.
- Tresnadipangga, B., Fuad, F., & Suartini, S. (2023). Harmonisasi Peraturan Perundang-Undangan dalam Pelaksanaan Bantuan Sosial di Republik Indonesia. *Binamulia Hukum*, 12(1), 213–226.
- Yunus, N. R. (2018). Aktualisasi Welfare State Terhadap Kehidupan Bernegara Dalam Dimensi Keislaman dan Keindonesiaan. *Mizan: Journal of Islamic Law*, 3(2).

