

December 9th 2016



The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



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UNISSULA PRESS

ISBN. 978-602-1145-41-8

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The Role of Law in the Poverty Reduction Strategy

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ABSTRACT

Poverty reduction strategy must be executed properly in order to run development are able to accelerate the implementation of poverty reduction programs. This study aims to analyze the legal role in poverty reduction strategy.

This study uses the method of normative legal research done by researching library materials or secondary data alone. Laws are patterns of institutionalized social behavior, exist as a social empirical variables. The data collection is done with the documentary studies and observations in order to obtain primary data and secondary data. Analysis of data using qualitative analysis inductive logic thinking.

The results showed that the law plays an important role as a foundation to set poverty reduction strategy. Implementation of legal products is still not entirely on target. The poverty rate still can not be reduced to the maximum. Poverty reduction strategies in the region must be completely in accordance with the level of needs and benchmarks that have been set by the central government. In theory the working of the law can be explained: 1) Component Structure Law, the implementation of poverty reduction has been coordinated. Secretariat of the Vice President established the National Team to Accelerate Poverty (TNP2K). At the level of government district or city, poverty alleviation legal structure led by deputy regent and cooperate with related government agencies are Bappeda and related local government offices including the Department of Education, Department of Health, Department of Public Works, Social Service Manpower and Transmigration, Department of Agriculture Plants food and Horticulture, Department of Cooperatives, SMEs and Industry, and other appropriate agencies of local government respectively. ; 2) Substance Components law, regulation on accelerated poverty reduction strategy already has a foundation of clear laws that have a strong foundation in planning strategies for the right target. But there is no regulation governing the sanction of the central government to local governments that do not run the regional poverty reduction strategy in accordance with the provisions of the central government; 3) the accuracy of regional poverty reduction target acceleration may be constrained by political factors. Regional winner of the election will get the infrastructure development that support economic growth. A poor area and is the target of poverty reduction can be marginalized because of the attitude that is more concerned with the acquisition of sound regional elections.

Keywords : development strategy, poverty reduction, the role of law on economy

A. PRELIMINARY

1. Background

Poverty is one of the most serious social problems. This problem is also a problem that is endless discussed and the problems that have long existed. To tackle poverty need to be done reviewing institutions to ensure that the strategies and

poverty reduction programs compiled to run in a coordinated fashion, are organized through synchronization, harmonization and integration of prevention poverty across sectors and stakeholders. The coordination of strategies and programs is contained in the Minister of Home Affairs Number 42 Year 2010 on Poverty Reduction Coordination Team Provincial and District / Municipal and national poverty reduction strategies and programs have been established in Presidential Decree Number 15 Year 2010 on the Acceleration of Poverty Reduction.

Poverty alleviation policy is public policy made by the government so that it becomes part of the law. On poverty reduction policies, the law has a role in providing the infrastructure that allows for the proper functioning of the economic system in order to overcome poverty. This legal infrastructure, not just a set of rules, but also includes the institutions and processes that realize the enactment of such rules in reality.

Thought Kusumaatmadja cited Sulistiyono and Rustamaji explained that "one of the functions of law is to provide pathways for development (political, economic, social and cultural)".¹ This reasoning illustrates that the law can be used as a point of development as a determinant of strategy that the government can do in order to improve the economy. Ever increasing economic is expected to make the poverty rate has declined.

The central government has established a National Team to Accelerate Poverty (TNP2K) to assist local governments in preparing the Regional Poverty Reduction Strategy Paper (PRSP). Given this TNP2K, it has prepared the Technical Instructions PRSP preparation. The local government has made a reference as the basis PRSP and PRSP preparation results will be submitted to the central government. With the above mechanism, the local government has had a basis in preparing the budget and doing development in their respective regions.

The central government through TNP2K have had complete data PRSP Local Government. Thus TNP2K able to provide input to the central government on the implementation of the budget allocations which are not effective for which data are available. But in reality until now there is no sanction given to local government in any form when the conditions as described above. For it needs a strong legal umbrella

¹ Adi Sulistiyono dan Muhammad Rustamaji, *Hukum Ekonomi Sebagai Panglima*, Masmedia Buana Pustaka, Sidoarjo, 2009, p. 6.

in giving sanction to local governments that do not implement appropriate development strategies for poverty reduction given the central government is needed.

2. Formulation of the problem

Based on the background of the problems outlined above, the formulation of the problem in this paper is how the legal role in poverty reduction strategy?

3. Research methods

a. Types of research

This study uses the method of normative legal research done by researching library materials or secondary data alone. In this study, researchers used the concept of law is a legal concept that the 4th, the law is the social behavior patterns of institutionalized, exist as a social empirical variables.²

b. Data analysis technique

Data analysis techniques used in this research is qualitative analysis inductive logic thinking, which provides interpretation of the facts found and interpretation of the phenomena studied. In connection with this Burhan Ashofa explains that "the inductive approach is to seek to explain and understand the general principles that apply in a public life by starting from the fact leading to the theory and not vice versa"³.

B. DISCUSSION

1. Legal structure

In the legal structure of poverty reduction strategy by the government through the law enforcement agency that is certain. From the central government State agencies that handle the acceleration of poverty reduction in Indonesia centered on the secretariat vice president of the Republic of Indonesia. The government formed a special team to help local governments to create strategies accelerating poverty reduction. National Team to Accelerate Poverty (TNP2K) is always ready to assist local governments in efforts to reduce poverty.

At the level of government district or city, poverty alleviation legal structure led by deputy regent and cooperate with related government agencies are Bapeda and related local government offices including the Department of Education, Department of Health, Department of Public Works, Social Service Manpower and

² Setiono, *Penelitian Hukum, Training Penelitian Bidang Ilmu Sosial*, UNS Press, Surakarta, 2005, p. 20

³ Burhan Ashofa, *Metode Penelitian Hukum*, Cet. Ke 3, Rineka Cipta, Jakarta, 2001, hlm. 74

Transmigration, Department of Agriculture Plants food and Horticulture, Department of Cooperatives, SMEs and Industry, and other appropriate agencies of local government respectively. Legal structure thus accelerating poverty reduction plan has been institutionalized as well. However, it should be assessed whether each institution performing the task of poverty reduction is able to create and implement development policies in accordance with the strategy undertaken by the central government.

The role of law in economic development and modernization is still debated. This debate is part of a broader debate, about the role of law in society. Legal institutions is one of the institutions / social institutions, as well as family, religion, economics, war or other.⁴ In this economic activity is precisely the law is necessary because economic resources are limited on the one hand and the limited demand or need for economic resources on the one hand that the conflict between fellow citizens in the fight over economic resources will often occur.⁵

According Satjipto Rahardjo cited Imaniyati, the law serves as protection for the benefit of man, and therefore the law should be implemented.⁶ Furthermore, Ronny Hanitidjo by combing the opinion of Talcott Parsons, the main function of law is to do the integration, which is to reduce conflict and launch a process of interaction of social interaction.⁷

Poverty will be addressed quickly if the strategy adopted is appropriate. This strategy can be precisely targeted public policies needed binding and can be used as guidelines for the implementation of economic development. Certainty of law as the foundation of economic policy has a very important role.

2. Substance Law

Purpose of the state as mandated by the constitution is achieved through the implementation of the National Long-Term Development Plan (RPJPN). One vision RPJPN 2005-2025 is "Indonesia Fair", which means that development is done from

⁴ Mulya Lubis, ed., *Peranan Hukum Dalam Perekonomian di Negara Berkembang*, Yayasan Obor Indonesia, Jakarta, 1986, p. ix

⁵ Gunarto Suhardi, *Peranan Hukum Dalam Pembangunan Ekonomi*, Universitas Atmajaya, Yogyakarta, 2002, p. 5.

⁶ Neny Sri Imaniyati, 2009, *Hukum Bisnis Telaah Tentang Pelaku dan Kegiatan Ekonomi*, Graha Ilmu, Yogyakarta, p. 40.

⁷ Ronny Hanitidjo Soemitro, *Studi Hukum Dalam Masyarakat*, Alumni, Bandung, 1982, p. 10.

the people, by the people and for the people. All the people have equal opportunities in all aspects of life and no discriminatory practices in various forms.⁸

In the substantive law and the acceleration of poverty reduction strategies have had a clear legal basis. Thus the foundation used to prepare plans for poverty reduction in the region can be run using a legal umbrella for sure. The legal framework in developing the strategy are as follows:

- a. Law Number 17 Year 2007 on the National Long-Term Development Plan (RPJPN) in 2005-2025.
- b. Law Number 25 Year 2004 on National Development Planning System (SPPN)
- c. Presidential Decree No. 5 of 2010 concerning RPJMN Tanah National Medium Term Development Plan 2010-2014.
- d. Law Number 17 Year 2003 on State Finance
- e. Act No. 23 of 2014 of the Local Government
- f. Law No. 33 of 2004 on Financial Balance between the Central Government and Local Government
- g. Act No. 11 of 2005 on the ratification of the International Covenant on the Rights of Economic, Social and Cultural Rights.
- h. Presidential Regulation No. 15 Year 2010 on the Acceleration of Poverty Reduction.
- i. Presidential Instruction No. 3 of 2010 on Equitable Development Program.
- j. Minister Regulation No. 42 Year 2010 About the Poverty Reduction Coordination Team Provincial and Regency / City.
- k. Presidential Decree Number 10 Year 2011 regarding Coordination Team Enhancement and Expansion Program Pro-People.

A wide variety of legal products that have been issued by the government over the course expected to make poverty can be further suppressed. Through government policy over the expected economic growth can be improved so that poverty has declined. According to Krugman and Wells, Poverty reduction, or Poverty Alleviation, has been largely as a result of overall economic growth.⁹

⁸ Kelompok Kerja Akses terhadap Keadilan, *Strategi Nasional Akses Terhadap Keadilan*, Kementerian Negara Perencanaan Pembangunan Nasional/ Badan Perencanaan Pembangunan Nasional (BAPPENAS) Direktorat Hukum dan HAM, Jakarta, 2009, p. x

⁹ Paul Krugman, and Robin Wells, *Macroeconomics*, Worth Publishers, New York City, 2009, p. 2.

3. Culture Law

Legal culture in terms of human attitudes toward law and the legal system, beliefs, values, thoughts and hopes. Planning program to accelerate poverty reduction can not be separated from human attitude legally. The policies are taken sometimes still lack the right target for the gesture.

According to Lewis in Tadjuddin explained that poverty may arise as a result of the values and culture embraced by the poor themselves. According to him the poor in the city are not integrated with the wider community, apathy and likely to succumb to fate. Lewis concluded that these circumstances are rooted in poor condition paced environment that are likely handed down from generation to generation.¹⁰

Regional autonomy is implemented sometimes makes the acceleration of poverty reduction policies are less well targeted. Areas that need to accelerate economic growth sometimes still not received proper development facilities. Political interests still affect targeting purposes. A poor area of unspoiled proper infrastructure construction, because it is not a base constituency party winning the regional elections. This could hamper poverty alleviation area thoroughly. Less precise targets that will certainly make the numbers and severity of poverty and the poverty rate is still high in the area above the provincial and national achievement.

As an example of direct cash assistance (BLT) and Direct Aid Society meantime (BLSM). People who are entitled to it does not receive an allocation, whereas those who are considered "rich" actually get it. The impact, often leading to physical tension between society and the authorities. In Ngawi regency government, the BLT and BLSM carried out the data collection by requesting data from each of the RT in order to submit the data on poor people who are eligible for such assistance. But when liquid funds, which got a BLT and BLSM still a long citizen data. This shows that the poverty reduction strategy based data has not been able to run well and still needs to reform.

According to Chambers in Nurhadi, explaining that the poverty trap is composed of five elements, namely poverty itself, physical weakness, isolation or alienation, the vulnerability or vulnerability, and powerlessness. Of the five elements, vulnerability, powerlessness dn by Chambers should receive major attention. Vulnerability is a "cog poverty" which led to poor families increasingly mired in

¹⁰ Tadjuddin Noer Effendi, *Sumber Daya Manusia, Peluang Kerja Dan Kemiskinan*, Tiara Wacana, Yogyakarta, 1993, p. 218

poverty. Powerlessness makes poor families easily deceived and oppressed by those who need power. Powerlessness often resulted in the diversion of aid for the poor to a class on it that should not be entitled to a subsidy.¹¹

C. CONCLUSION AND SUGGESTION

1. Conclusion

Based on the description that has been stated above, it can be concluded that the law plays an important role as a foundation to set poverty reduction strategy. However, the implementation of legal products is still not entirely on target. The impact of poverty level still can not be reduced to the maximum. Poverty reduction strategies in the region must be completely in accordance with the level of needs and benchmarks that have been set by the central government. This can be reviewed through the analysis as follows:

- a. In the legal structure, the implementation of poverty reduction has been coordinated. Secretariat of the Vice President established the National Team to Accelerate Poverty (TNP2K) is always ready to assist local governments in efforts to reduce poverty. At the level of government district or city, poverty alleviation legal structure led by deputy regent and cooperate with related government agencies are Bapeda and related local government offices including the Department of Education, Department of Health, Department of Public Works, Social Service Manpower and Transmigration, Department of Agriculture Plants food and Horticulture, Department of Cooperatives, SMEs and Industry, and other appropriate agencies of local government respectively.
- b. In the substantive law and the regulation on acceleration strategy of poverty alleviation own foundation legislation clearly so that it has a strong foundation in planning strategies for the right target. But there is no regulation governing the sanction of the central government to the local governments that are not running a poverty reduction strategy area in accordance with the provisions of the central government.
- c. In the culture of law, targeting accuracy accelerating regional poverty reduction can be constrained to political factors. Regional winner of the election will get the infrastructure development that support economic growth. A poor area and is the

¹¹ Nurhadi, *Mengembangkan Jaminan Sosial Mengentaskan Kemiskinan*, Media Wacana, Yogyakarta, 2007, p. 31.

target of poverty reduction can be marginalized because of the attitude that is more concerned with the acquisition of sound regional elections.

2. Suggestion

Suggestions can be submitted in writing this paper are as follows:

- a. Planning a poverty reduction strategy had been launched by the central government. However, to manage the implementation of poverty reduction strategies on local governments needs definite legal regulations issued in the form of regulations and decisions of the president so that in the planning of accelerating poverty reduction will be more on target. Economic development based on strong legal basis will make poverty alleviation goals can be achieved with good.
- b. Poverty reduction strategy will be able to go right through public policies that *pro-poor budget* or budgeting pro-poor. TNP2K knowable through the application of priority development interventions that can be performed by each local government. Based on these data, the targets of the budget in the area can be distributed in areas with higher poverty urgency. Goal of poverty reduction is right based on data accurate regional economy will create a poverty reduction strategy has potential for success is higher.
- c. Poverty reduction strategy areas that have been prepared will find the area that became the target of development. For the Coordinating Team for Poverty Provincial and District / Municipal need to clarify the existing conditions for which data are obtained and objectives and development strategies to tackle poverty on the representatives of the people in poor areas of the so the regional poverty reduction strategy plan will be pursued by the representatives of the people of the area are still poor.

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