

# Social Assistance Rights for Disability in Gresik Distric

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**Abstract:** The fulfillment of the disability group in Gresik Regency, East Java in the social assistance policy (social assistance) who has surrendered to receiving social assistance (social assistance) whose authority lies with the Social Service Office in Gresik Regency. In this research that was conducted in Gresik Regency, it was not only about receiving social assistance to ordinary people, but also paying attention to the policy of accepting social assistance (social assistance) to vulnerable groups of people, one of which is the community with disabilities, where people with disabilities have special needs in their lives. In this case the fulfillment of the policy in receiving social assistance (social assistance) which we held in Gresik Regency in the villages of Gluranploso and Wringinanom we used an empirical juridical research method which had a sociological approach. In this study, it can be found that there are several groups of persons with disabilities in receiving social assistance (social assistance). The disability group in receiving social assistance in the results of this research they received assistance from the Social Service (Dinas Sosial) but from the disability group in fulfilling social assistance (social assistance) in the village of gluran ploso we interviewed there were problems regarding ineligibility in the effort to cause problems that were not liquid as well as rejection of complaints from social assistance (social assistance). And when reporting on this matter, there was no response so that in resolving the problem of the complaint, the disability group was not involved until the disability group was not involved in monitoring and evaluating social assistance (social assistance).

**Keywords:** Acceptance of Social Assistance, Fulfillment of Social Assistance, Disabled Groups.

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## Introduction

Disabilities are any human being who experiences physical, mental, intellectual, and sensory limitations for a long time so in interacting with the environment there are obstacles and difficulties in adapting properly and effectively to the people around them. In terms of the disability group known However, the Komnas HAM and the Ministry of Social Affairs describe that the term disabled in the Indonesian language perspective has a negative meaning and is not following the main principles of human rights, and is also inconsistent with the nation's ancestral values which have upheld human dignity and worth.<sup>1</sup>

In the implementation of social assistance in improving the quality of life and social welfare, where the task of the regional government is to provide welfare for groups with disabilities that has been regulated in Government Regulation

Number 52 of 2019 concerning the Implementation of Social Welfare for Persons with Disabilities. From a constitutional point of view, the disabled group has the same rights to a prosperous life by obtaining work eligibility and working properly which has also been stipulated in Article 28A, Article 27 Paragraph (2), Article 28D Paragraph (2) of the 1945 Constitution which explains the basis every person has the right to work and get rewards and fair treatment, in this case, appropriate in the employment relationship.<sup>2</sup>

Disabled groups face this problem where disabilities lack access to information on the importance of rehabilitation as well as a lack of public facilities which can make it easier for disabled groups to carry out their daily activities. This disability group is also still lacking in employment. In providing the rights that are attached to the disability group, it is the obligation of the Indonesian state, where one of the principles

carried out by the rule of law is that there is a guarantee of protection for the human rights of groups with disabilities who are subject to discriminatory treatment, discriminatory actions where actions, words or actions.

Disability groups in the Gresik Regency area still need attention from the Gresik Regency Social Service, in this case, the Social Service has the authority to carry out government affairs in the social sector. The Social Service is also a government agency that is needed to carry out the tasks of the government in social welfare. In this article regarding social assistance consisting of BLT, PKH, and BPNT, the disability group in receiving social assistance has been well implemented where this social assistance is distributed directly to the location of the disability group's homes, but if this disability group is Obstacles such as social assistance that have not been disbursed by the disability group in making this complaint receive discriminatory treatment and the result is that the disability group just surrenders.

Disability is part of being human. Almost everyone will temporarily or permanently experience disability at some point in their life. Any condition that makes it more difficult for a person to engage in specific activities or enjoy equal access within a given society is referred to as a disability. Disabilities can be caused by a combination of cognitive, developmental, intellectual, mental, physical, or sensory issues. A person may be born with a disability or develop one over their lifetime. However, impairments are not binary and can present certain features depending on the individual. Historically, they have only been recognized based on a limited set of criteria. Social assistance is assistance provided to people who experience social risks. The assistance provided can be in the form of goods or cash. Provisions regarding Social Assistance in Indonesia have been regulated in Law Number 14 of 2019 concerning Social Workers. Law Number 14 of 2019 is a change to Law number 11 of 2009 concerning Social Welfare.

## Materials and Methods

### Study area

This research method is based on sociological, qualitative, and quantitative empirical methods by referring to journals about disability groups in social assistance in the Gresik Regency area, The research also conducted interviews with groups with disabilities in receiving social assistance in Gresik Regency. During the interview, the minutes of the interview were also taken as written data that could be needed in carrying out the research. This interview was assisted by the Inculisi Village Forum (FDI) team in Gresik Regency, Gluran Ploso village.



## Results and Discussion

### Social Assistance for Disability Group in Gresik District

Indonesia is a member country of the United Nations which has ratified the CRPD through Law Number 19 of 2011 (UU No.19/2011) on 18 October 2011. Law No.19/2011 becomes the legal basis for each regulation. related legislation to pay attention to and realize equal rights for groups with disabilities. The essence of the respect for and protection of human rights is the maintenance of the security of existence by functioning a balance

between people as a whole. Rights and obligations as well as a balance between the two. Individual interests and public interests. Efforts to respect, protect and care for human rights are duties and responsibilities shared between individuals, the government, and even the larger reporting body, namely the state. Disabled people have the same status, rights, and obligations as people outside the Disability community As part of Indonesian citizenship suitable for persons with disabilities to receive special treatment intended as protection against various types of discrimination and particularly protection against various human rights violations Such special treatment will be considered Efforts to maximize respect, encouragement, protection, and realization of universal human rights (El Muhtaj, 2008) and are also guaranteed in the provisions of Article 28 (2) of the 1945 Constitution that "Every person is free from discrimination on any basis and is entitled to protection against natural treatment discriminatory.

The state in the context of human rights must be all citizens, including persons with disabilities as rights holders of the 1945 Constitution (Right Order) Jo. Bill of Rights No. 39 of 1999 Human rights are confirmed by at least 3 state obligations to human rights, namely:

1. Respect (respect) the obligation to respect (duty to respect) is the duty of the state to maintain non-discrimination and exclusion, in the form of attitudes and actions of Persons with Disabilities, privacy and the right to work, the right to nutrition, health, education, and welfare, including the right to receive income support and social insurance maintenance.
2. Protect (Protect) the state's obligation to protect ( duty to protect) is the obligation to do nothing not only for the protection of violations against the state but also violations or actions committed by other (non-state) bodies or parties who want to do Interference with the protection of the rights of persons with disabilities. It includes safeguards the state undertakes to avoid being hindered by threats of futility, neglect or abuse, etc
3. Filling (filling). The obligation to do (obligation to fulfill) is the duty of the state to what

practical legislative, administrative, and judicial steps must be taken to uphold justice for persons with disabilities guaranteed by the constitution and laws and regulations, in this case, the state is obliged to provide various physical and non-physical facilities, especially warranty services and ongoing disability welfare Not feasible among weight classes<sup>3</sup>

The Republic of Indonesia's 1945 Constitution (1945 Constitution), which is considered to be the country's most basic legislation, governs many constitutional rights of its inhabitants, including the ability to acquire the rights to education and a good job and a means of support outlined in Article 27 paragraph (2) of the 1945 Constitution. Because both are viewed as fundamental liberties held by every individual, constitutional rights are sometimes equated with human rights (HAM). In contrast to other rights included in certain legislation, constitutional rights are distinct (statutory rights). According to Mahfud M.D., the constitution is a normative crystallization of the state's obligation to offer protection for human rights and to enact governance that is based on people's will.

The Law on Persons with Disabilities Article 2 Letter G emphasizes that the realization of the rights of people with disabilities must be founded on equality. What is meant is clarified in the article's explanation "Principle equality" refers to the ability to accommodate all people, including those with disabilities, in many systems of society and the environment, including services, activities, information, and documentation. When reading the fifth (fifth) tenet of Pancasila, says: "It is obvious that the philosophy of the Indonesian nation calls for equality for all of its people when it states, "Social justice for all the people of Indonesia." This implies that all Indonesians have the right and duty to constantly promote equality, bar none.

Everyone has the right to be free from discrimination on any grounds and is entitled to protection against discrimination, according to Article 28I, paragraph 2, of the 1945 Constitution. This clause can serve as a constitutional foundation for achieving equality of opportunity, which is

currently a problem for people with disabilities. This article can always serve as the foundation for the rules and regulations that fall under it, giving people with disabilities the opportunity to achieve equality.<sup>4</sup>

Deep implementation fulfillment of group rights disabilities in the social welfare sector (social security) in the District Gresik with the help of the program supports the fulfillment of rights for groups with disabilities, namely the PKH, BLT, and BPNT. PKH is a conditional social assistance program for Poor Families who are designated as PKH beneficiary families. As an effort to accelerate poverty alleviation, since 2007 the Government of Indonesia has implemented PKH. The Social Protection Program, which is also known internationally as Conditional Cash Transfers, has proven to be quite successful in overcoming poverty faced in these countries, especially the problem of chronic poverty. Direct Cash Assistance or abbreviated as BLT is a government assistance program that provides cash or other assistance to those in need, both conditional and conditional, the government provides BBM Direct Cash Assistance (BLT) to protect the purchasing power of the poor due to pressure from various global price increases. With the BLT BBM, it is hoped that it can ease the burden on the community in meeting their daily needs. BPNT or Non-Cash Food Assistance is a government program in providing social assistance to the poor to help the welfare of their lives, especially in the form of staple foods. This year the BPNT disbursement was carried out in two types. Direct disbursement of cash and non-cash. BPNT is social assistance that is provided non-cash so that it is not misused by Beneficiary Families.

Disability groups are also included as vulnerable groups in the criteria for receiving social assistance, the disability group in social assistance does not have any obstacles in the distribution of social assistance in the form of PKH, BLT, and BPNT. In the Gresik Regency area, the social service pays great attention to the disability group, especially in the social assistance that is distributed, in one of the interviews with the social service in the Gresik Regency area which is quite concerned that the disability group in the social assistance provided is sometimes misused by the

families of the group. disability. In this case, social services are very concerned that social assistance received by vulnerable groups is not being used according to the needs of vulnerable groups. Social services in interviews related to social assistance issues intended for vulnerable groups also hope that social assistance provided by disabled groups can be used according to vulnerable groups.

Social acceptance or acceptance, namely acceptance or recognition individual in a social group or in society. Public is a group of people who share a culture and language same. Society consists of several types of people who have roles or their respective functions, as well as taking care of each other not to hurt each other. Especially in accepting other people's shortcomings, of course different from the others, will get the pros and cons of society as a whole wide. Thus the community must also be able to open up or open up relations with others with all the conditions it has. For that in The village needs to be called an open society or what is often called the term inclusive society. Namely a society that is open, universal and friendly to all people without exception, regardless of ethnicity, religion, race, ideology and physical. In inclusive villages, people with disabilities and non-disabilities can meet and interact with each other in their own unique way. In interacting also cannot avoid with individuals who have characteristics with a very prominent difference. So acceptance Society is the acceptance and recognition of individuals in social groups and society regardless of physical appearance, ethnicity, nation and others. So they who have special needs or disabilities can be accepted in society in a fair and friendly manner, so that every member of society can exercise their rights and fulfill their obligations without coercion, resulting in social interaction society is going well.<sup>5</sup>

In interviews with the disturbed group, there was discriminatory treatment when the disturbed group made complaints related to social assistance that had not been disbursed such as BLT. Discrimination received by groups with disabilities includes verbal handling and complaints from groups with disorders that are not directed at complaints related to social assistance that have not been distributed. The nuisance group is also not

included in village meetings regarding social assistance issues, which has an impact on the nuisance group being unable to express their problems in complaining about social assistance, in this case the nuisance group does not get full access to social assistance issues.

### Conclusion

PKH, BLT and BPNT beneficiaries said they hoped to continue receiving assistance. Vulnerable groups who did not receive assistance hoped to receive assistance. However, they stated that if they did not receive assistance, they hoped that food prices would drop. Vulnerable groups hope to be involved in data collection in order to know their position in the poverty data. It is hoped that the distribution and disbursement of BLT will have special actions for vulnerable groups. It is hoped that there will be a complaint room in the village or the closest and transparent one or nine if the complaint is being processed. The sub-district really hopes that there will be a clear operational guideline regarding the duties of the TKSK and their role so that fraud does not occur due to conflicts of interest among the officers.

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