

Fiqh Siyasah Review of Social Welfare in Padang City: How is it Implemented

Afrikal Candra¹, Faisal Efendi², Ikhwanuddin Abdul Majid³, Nurlaila⁴

¹ STAI Balaiselasa YPPTI Pesisir Selatan, Indonesia

E-mail: afrikal.candra24@gmail.com

² STAI Balaiselasa YPPTI Pesisir Selatan, Indonesia

E-mail: faisalefendi215@gmail.com

³ International Islamic University, Malaysia

E-mail: ikhwanuddin.majid@live.iium.edu.my

⁴ STAI Balaiselasa YPPTI Pesisir Selatan, Indonesia

E-mail: nurlaila@stai-bls.ac.id

Corresponding Author: faisalefendi215@gmail.com

Received: 17 Sept 2024

Accepted: 15 Nov 2024

Published: 29 Dec 2024

Abstract: This is driven by the ongoing prevalence of social welfare issues in the city of Padang. Among the social welfare issues are the problems of street children, homeless people, beggars, street musicians, and street vendors. Regional regulation number 1 of 2012 has addressed that issue. Among the efforts made in regional regulations are preventive efforts, repressive efforts, and rehabilitation efforts. Has that been implemented to the fullest in the city of Padang, and how is it being applied. This study examines the perspective of *Fiqh Siyasah* on regional regulation number 1 of 2012 and its implementation in the city of Padang. The author uses field research. The data source consists of the primary source, the Regional Regulation No. 1 of 2012, and the secondary data is derived from a variety of literature related to the discussion in this study. The collected data was then analyzed using a content analysis approach. The results of the implementation of Regional Regulation Number 1 of 2012 are still hindered by several obstacles. Among the challenges faced are: the limited facilities and infrastructure to provide guidance for street children, homeless individuals, beggars, street musicians, and street vendors. There is still minimal allocation of funds from the local government to carry out the construction. The development carried out by the Social Service of Padang City can only address the issue of street children and has not yet been implemented effectively, resulting in many individuals who have been rehabilitated being caught in raids again.

Keywords: Fiqh Siyasah; Regional Regulations; Preventive; Repressive

Abstrak: Dilatarbelakangi oleh masih menjamurnya masalah penyandang kesejahteraan sosial di kota Padang. Diantara masalah kesejahteraan sosial yaitu masalah anak jalanan, gelandang, pengemis, pengamen dan pedagang asongan.



Peraturan daerah nomor 1 tahun 2012 telah mengatur masalah tersebut. Di antara usaha-usaha yang dilakukan dalam peraturan daerah yaitu, berupa usaha prepentif, usaha represif dan usaha rehabilitasi. Apakah hal tersebut sudah terlaksana dengan maksimal di kota Padang dan bagaimana penerapannya. bagaimana pandangan fiqh siyasah terhadap peraturan daerah nomor 1 tahun 2012 dan implementasinya di kota Padang. Adapun tujuan penelitian dalam penulisan tesis ini adalah untuk mengetahui, menganalisis dan menjelaskan secara sistematis tentang bagaimana pandangan fiqh siyasah terhadap peraturan daerah nomor 1 tahun 2012 di kota Padang. Dan mengetahui Impementasi Peraturan Daerah Nomor 1 Tahun 2012 di kota Padang. Penulis gunakan penelitian lapangan (Field research). Sumber data terdiri dari sumber primer yaitu Peraturan daerah nomor 1 tahun 2012, dan data sekunder adalah berasal dari berbagai literatur yang berkaitan dengan pembahasan dalam penelitian ini. Kemudian data yang terkumpul dianalisis dengan menggunakan pendekatan content analysis. Hasil Keterbatasan sarana dan prasarana untuk melakukan pembinaan terhadap anak jalanan, gelandang, pengemis, pengamen dan pedagang asongan. Masih minimnya alokasi dana dari pemerintahan daerah untuk melakukan pembinaan. Pembinaan yang dilakukan oleh Dinas Sosial Kota Padang hanya mampu menjangkau masalah anak jalanan saja dan masih belum bisa terlaksana secara efektif sehingga masih banyak oknum yang sudah dibina kemudian terjaring razia kembali.

Kata Kunci: Fiqh Siyasah;Peraturan Daerah; Prepentif; Represif

A. Introduction

It is pivotal for the government to be responsible for the welfare of Person with Social Welfare Problem (PMKS).¹ Therefore, greater efforts are needed to find and to investigate people living on the streets to ensure that appropriate action is taken to address this problem instead of punishing them.² This is related to legal policy with the implementation of social policy,

¹ W A Jafar, "Implementasi Nilai Nilai Fiqh Siyasah Dalam Peraturan Daerah (Perda) Syari'ah," Al Ijarah: Jurnal Pemerintahan Dan ..., 2019.

² H Najmah, Analisis Fiqh Siyasah Terhadap Implementasi Peraturan Daerah Kabupaten Pesawaran Nomor 18 Tahun 2011 Tentang Pengelolaan ... (repository.radenintan.ac.id, 2021).

including procedural law, which aims to maintain public welfare through progressive law enforcement.³

The philosophy of the adat basandi syarak, syarak basandi Kitabullah, syarak mangato adat mamakai are norms that live and develop among the people of Padang City.⁴ Islamic teachings are so strongly embedded in the culture embraced by the people of Padang City.⁵ Likewise, the consistency of society in implementing and obeying its customary rules. This can be seen in the term adat

“kaluak paku kacang balimbing tampuruang lengang lenggokan bawo manurun ka saruaso, anak dipangku kamanakan dibimbing urang kampuang dipatenggangkan, tenggang nagari jaan binaso, tenggang sarato jo adatnyo”.

Which means that in the city of Padang there is a strong sense of tradition and concern for others, where a child remains in the lap of the householder, nephews/nieces are guided and people from the same village/Nagari are looked after.

The development of the number of poor people and its percentage in Padang city shows a tendency to increase.⁶ The Padang city government must respond quickly to the existing problems. So far, the Padang City Government has not been able to accommodate its citizens from social problems, including the

³ r D Ayu, Implementasi Pasal 16 Peraturan Daerah Kabu Paten Pesisir Barat Nomor 03tahun 2020 Ten Tang Ketertiban Umum Dan ... (repository.radenintan.ac.id, 2023).

⁴ Y LAILA, Pelaksanaan Peraturan Daerah Provinsi Sumatera Barat Nomor 7 Tahun 2018 Tentang Nagari Dalam Pembangunan Jalan Oleh Wali Nagari Tanjung Binkung ... (repository.uin-suska.ac.id, 2023).

⁵ L J Ramadhan, Implementasi Pasal 29 Peraturan Daerah Kotawaringin Timur Nomor 5 Tahun 2018 Tentang Retribusi Daerah: Studi Pelaksanaan Retribusi Pasar Pada Pusat ... (etheses.uin-malang.ac.id, 2022).

⁶ M ERIKO, IMPLEMENTASI PASAL 45 PERATURAN DAERAH KABUPATEN PESISIR BARAT NOMOR 2 TAHUN 2016 TENTANG PENGENDALIAN PENCEMARAN DAN ... (repository.radenintan.ac.id, 2022).

problem of breadwinners on the streets.⁷ The Padang city government is responsible for what happened and also has the authority to issue policies.⁸

According to Government Regulation Number 31 of 1980 concerning the Eradication of Vagrants and Beggars, development efforts must be carried out because vagrants and beggars do not meet the standard of living of the Indonesian nation which is based on Pancasila and the 1945 Constitution, therefore development efforts need to be carried out.⁹ Those efforts aim to provide rehabilitation to street children, vagrants, beggars, buskers and street vendors so that they are able to achieve a decent standard of living, life and livelihood as Indonesian citizens..¹⁰

In 2012, the Padang City Government issued Regional Regulation Number 1 of 2012 concerning the development of street children, vagrants, beggars, buskers and street vendors.¹¹ The emergence of the regional regulation is not free from pros and

⁷ N Evi, Implementasi Peraturan Daerah Kota Metro Nomor 1 Tahun 2018 Tentang Pemanfaatan Lahan Dan Pengelolaan Sampah Rumah Tangga Perspektif Fiqh Siyasah ... (repository.radenintan.ac.id, 2022).

⁸ D N SARI, IMPLEMENTASI PERATURAN DAERAH PROVINSI RIAU NOMOR 18TAHUN 2013 TENTANG PERLINDUNGAN DAN PEMBERDAYAAN PENYANDANG ... (repository.uin-suska.ac.id, 2022).

⁹ H Rahma, IMPLEMENTASI TERHADAP PERATURAN DAERAH NO 3 TAHUN 2010 TENTANG ANAK JALANAN PERSPEKTIF FIQH SIYASAH DUSTURIYAH (Studi Pada Dinas ... (repository.radenintan.ac.id, 2023).

¹⁰ J APRIANTO, Pelaksanaan Peraturan Daerah Nomor 2 Tahun 2016 Tentang Masjid Paripurna Kota Pekanbaru Di Kecamatan Tampan Ditinjau Menurut Fiqh Siyasah (repository.uin-suska.ac.id, 2020).

¹¹ A I Muhammad, PERAN BAGIAN HUKUM TERHADAP PERENCANAAN PEMBENTUKAN PERATURAN DAERAH DALAM PERSPEKTIF FIQH SIYASAH (Studi Di Pemerintah Daerah ... (repository.radenintan.ac.id, 2023).

cons. The community that is in favor of the implementation of this regulation gives the reason that the presence of these street breadwinners sometimes disrupts the order of the road and the comfort of road users. Some even think that their presence damages the beauty and tranquility of the city.¹²

Theoretically, a public policy is seen as necessary to solve public problems and not private problems.¹³ Problems in the context of public policy mean the existence of conditions and situations that formally produce needs or dissatisfaction in society so that it is necessary to find ways to overcome them.¹⁴

Among the efforts made are preventive efforts, repressive efforts and rehabilitation efforts.¹⁵ Actions against street breadwinner that have been carried out are in the form of periodic raids and returning those whom got caught in raids to their respective hometowns. However, they always return to their place of operation. Policies in an effort to overcome the complexity of social problems are directed at follow-up efforts and handling as

¹² S Kartika, D Yolanda, and ..., "Perspektif Fiqh SiyasaH Terhadap Peran Dinas Sosial Dalam Menangani Anak Jalanan Di Kota Bandar Lampung," *As-Siyasi: Journal of ...*, 2021.

¹³ K Alfi, TINJAUAN FIKIH SIYASAH TERHADAP IMPLEMENTASI PERATURAN DAERAH KABUPATEN LAMPUNG SELATAN NOMOR 03 TAHUN 2011 TENTANG PAJAK ... (repository.radenintan.ac.id, 2024).

¹⁴ T W Chessya, TINJAUAN FIKIH SIYASAH TERHADAP IMPLEMENTASI PERATURAN DAERAH KOTA BANDAR LAMPUNG NOMOR 01 TAHUN 2020 TENTANG PERLINDUNGAN ... (repository.radenintan.ac.id, 2022).

¹⁵ A Era, TINJAUAN FIKIH SIYASAH TERHADAP PELAKSANAAN PERATURAN DAERAH (PERDA) KABUPATEN LAMPUNG UTARA NOMOR 2 TAHUN 2022 TENTANG ... (repository.radenintan.ac.id, 2024).

well as providing guidance to these breadwinners regarding awareness of the law.¹⁶

The purpose of coaching them, according to Regional Regulation Number 1 of 2012, is to improve welfare, quality, and sustainability of life. Restore social functions to achieve independence; increase social resilience of the community in preventing and handling social welfare problems; increase the ability, concern, and responsibility of the business world in organizing social welfare in an institutionalized and sustainable manner; and improve the quality of social welfare management.

The forms of coaching carried out by the Padang city government are:

1. Mental development.

This is a major concern because the problem of homeless people and beggars in Padang City is a cultural factor: they have an unproductive character and feel comfortable in poverty because they can get money by begging.

2. Skills development and training

In addition to mental coaching, activities carried out so far include providing skills and training. This training is given to homeless people and beggars who want to participate.

To overcome the problem of street breadwinners, a scientific solution is needed that can encourage unemployed workers to become active, skilled, and productive people in order to be successful and useful for themselves and society. This could be such as providing job skills training or conducting research on the various potentials and abilities of the poor with their development. The aim is to help everyone to become more independent and no longer be a burden on society.

¹⁶ A Nita, TINJAUAN FIQH SIYASAH TERHADAP IMPLEMENTASI PASAL 17 AYAT (2) PERATURAN DAERAH KABUPATENEMPAT LAWANG NOMOR 8 TAHUN 2021 ... (repository.radenintan.ac.id, 2024).

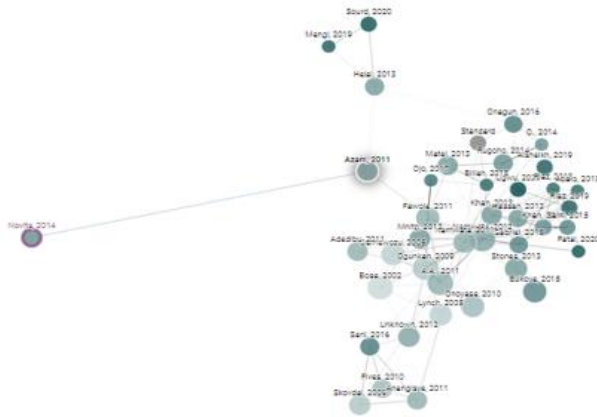
Good regional regulations are regional regulations that are able to guarantee, protect, accommodate the needs of the community and capable to overcome the obstacles encountered by the community while also being competent to support the implementation of regional government both economically and politically in accordance with the principles¹⁷ :

تصرف الإمام على الرعية منوط بالمصلحة

“The actions of the *imam* (imam or government) towards the people must be based *maslahah* (welfare)”.

Ideally, a regional regulation should be able to adapt to social dynamics so that a regional regulation can last for a long time and can become one of the central regulations that are truly embedded in every individual in society. The author wants to know how the implementation of the Padang City regional regulation is in actual fact.

The author also looks for research innovations by searching Connected Paper:



¹⁷ W Widiastuti, Tinjauan Fiqh Siyash Terhadap Implementasi Peraturan Daerah Nomor 10 Tahun 2020 Tentang Kawasan Tanpa Rokok Di Kabupaten Madiun (Studi Kasus Di MI ... (etheses.iainponorogo.ac.id, 2024).

It is found in this Connected Paper discusses the social welfare issues, namely the problem of street children, vagrants, beggars, buskers and street vendors. The author found from previous research that the City government is still in the stage of socialization regarding street children, vagrants, beggars, buskers and street vendors.

B. Method

The research method used is qualitative research,¹⁸ which aims to understand social phenomena or symptoms,¹⁹ by placing more emphasis on a complete picture of the phenomenon being studied rather than breaking it down into interrelated variable.²⁰ The goal is to find and to understand what is hidden behind phenomena that are sometimes difficult to understand comprehensively.²¹ This research uses an empirical normative approach where the first thing studied is the secondary data, which is the regulations or laws

¹⁸ I Amin et al., “The Concept of Baligh Perspective of Fiqh and Positive Law,” *Al-Istinbath: Jurnal ...*, 2022, <http://journal.iaincurup.ac.id/index.php/alistinbath/article/view/5268/0>.

¹⁹ Courtney Baron, “ProQuest Research Library,” *The Charleston Advisor* 19, no. 3 (January 1, 2018): 42–44, <https://doi.org/10.5260/chara.19.3.42>.

²⁰ Mardianton Mardianton et al., “Analisis Akuntabilitas Dan Pengelolaan Keuangan Masjid Melalui Pendekatan Fenomenologi Studi Komparatif,” *Al-Bank: Journal of Islamic Banking and Finance* 3, no. 1 (January 31, 2023): 14, <https://doi.org/10.31958/ab.v3i1.7976>.

²¹ I Amin, F Efendi, and M Mardianton, “Strategy of Padang City Baznas In Collecting Non ASN Zakat Funds,” *AL-FALAH: Journal of ...*, 2022, <http://journal.iaincurup.ac.id/index.php/alfalah/article/view/5292>.

themselves, which are then continued in the field or with the community.²²

Data sources are one of the basic and important components of research because without data there is no research.²³ The primary data in this research is data obtained from the first source, namely Padang City Regional Regulation Number I of 2012. The secondary data is primary data that has been further processed and presented by both the processor and the collector of primary data or other parties.²⁴ The secondary data in this study are books, internet, journals and other references that are relevant to the research object. The method used is descriptive analysis.²⁵ To be further analyzed using the conceptual of a statement so that the meaning contained in the statement can be clearly obtained.²⁶

²² Meng Liu et al., “DIG: A Turnkey Library for Diving into Graph Deep Learning Research,” 2021.

²³ Shuqing Li et al., “Research on the Application of Information Technology of Big Data in Chinese Digital Library,” *Library Management* 40, no. 8/9 (November 11, 2019): 518–31, <https://doi.org/10.1108/LM-04-2019-0021>.

²⁴ Ginger Tsueng et al., “Outbreak.Info Research Library: A Standardized, Searchable Platform to Discover and Explore COVID-19 Resources,” *Nature Methods* 20, no. 4 (April 23, 2023): 536–40, <https://doi.org/10.1038/s41592-023-01770-w>.

²⁵ Milya Sari and Asmendri Asmendri, “Penelitian Kepustakaan (Library Research) Dalam Penelitian Pendidikan IPA,” *Natural Science* 6, no. 1 (June 10, 2020): 41–53, <https://doi.org/10.15548/nsc.v6i1.1555>.

²⁶ Indra Ayu Susan Mckie and Bhuvan Narayan, “Enhancing the Academic Library Experience with Chatbots: An Exploration of Research and Implications for Practice,” *Journal of the Australian Library and Information Association* 68, no. 3 (July 3, 2019): 268–77, <https://doi.org/10.1080/24750158.2019.1611694>.

C. Discussion

1. Fiqh Siyasah Theory

Fiqh in the first century of Islam has the meaning of understanding, knowing and studying religion in its entirety. This meaning was in the early days of Islam, the scope of which was still the time of the Prophet's companions. In the development of Islam, *Fiqh* has a broader explanation, that is recognizing the laws of *sharia* such as human actions and behavior that are guided by accurate evidence.²⁷ *Siyasah dusturiyah* is a *fiqh* that explains state legislation. *Siyasah dusturiyah* is also included in *fiqh siyasah*. Another name for *dusturiyah* is the constitution which contains sources of guidelines or principles of legislation in a country. This source includes the main material of legislation called material, interpretation of a law and historical sources.²⁸ The *siyasah dusturiyah fiqh* used in this research is a study of the formation of good Islamic legislation including the principles of benefit, justice, knowledge, deliberation, obligation, and the principle of non-narrowing.²⁹

Siyasah dusturiyah is a group of *fiqh siyasah* regarding state laws. The discussion includes the draft constitution regarding laws and regulations in the state and the beginning of a law. Democratic institutions are the main pillars of legislation, legislation is the making of laws. In addition to various legal concepts, there is also a relationship between citizens and the government, where citizens here have the right to be protected in a state.

²⁷ Djazuli, A. Ilmu Fiqh Penggalan, Perkembangan, dan Penerapan Hukum Islam. 13 ed. Jakarta: Kencana, 2021.

²⁸ Iqbal, Muhammad. Fiqh Siyasah Konsteksualisasi Doktrin Politik Islam. 2 ed. Jakarta: Kencana, 2016.

²⁹ Mawaddah, Astrid Zakinah. "Implementasi Asas-Asas Hukum Islam Dalam Fungsi Legislasi Di DPRD Kota Parepare." Institut Agama Islam Negeri (IAIN) Parepare, 2020.

Fiqh siyasah is a science that studies the rules in the procedures of society and state through all forms of existing legal rules. Children are a form of investment that is an indicator of the success of a nation in carrying out development. The success of child development will determine the quality of human resources in the future. Street children carry out certain activities on the streets that aim to survive. Some of the activities carried out by street children include building solidarity, carrying out economic activities, utilizing used or leftover goods, committing criminal acts, and carrying out activities that are vulnerable to sexual exploitation. Children are required to follow the orders of their parents, so conversely parents are also required to provide education to children from an early age. Because they are the generation that will hold the struggle for Islam and the caliph on earth. So, it can be concluded that the act of employing children which results in the their living needs not being met is an act of violated the obligations of parents who are required to look after and care for their children because children are a mandate entrusted by Allah to provide for them. Neglecting children is prohibited according to Islamic law, especially children who are told to work to earn a living for themselves or to meet the needs of their families. The concept of prohibiting child employment in Islam is based on the failure to fulfill the child's living needs when their life, physical and mental health are threatened, so it is prohibited. In this way, parents who do not pay serious attention to their children by not providing guidance about positive and beneficial things, means that they have deliberately committed a criminal act by plunging them into the valley of darkness.

2. Implementation of Regional Regulation Number 1 of 2012 in Padang City

Basically, many things still hinder the handling of people with social welfare problems. However, there are many priority obstacles that hinder efforts to handle PMKS in Padang City, one of which is the amount of funds allocated to handle PMKS is not

proportional to the number of social problems faced. To implement a broad social welfare development program, related groups in Padang City face obstacles due to the lack of supporting funds.

Efforts to handle PMKS often stop at a punitive-repressive approach. These efforts are limited to conducting raids to catch PMKS but are not followed up with effective coaching efforts due to the lack of adequate shelters and training for those who are caught in raids.³⁰ The problem of psychotic vagrants, for example, often cannot be resolved completely because there are no adequate medical rehabilitation facilities for psychotic vagrants. Social welfare development programs that have been developed so far are generally not effective or not optimal, because they tend to only touch on downstream problems, while the root of the problem at the upstream level is not addressed much. Some parties often consider social problems as secondary problems, which can be resolved directly or indirectly after economic development problems are resolved. In fact, governments in various regions, including legislative circles, often considered social welfare programs as unimportant programs or are being marginalized because they are considered not to generate profits or PAD for existing cities and districts. Social welfare development programs are usually not understood as significant social investments for the future of the community. In contrast, economic development programs are believed to be able to generate profits immediately.³¹

³⁰ R Hedrin, ... Perda Lampung Nomor 8 Tahun 2011 Tentang Pembentukan Peraturan Daerah Provinsi Lampung Dalam Perspektif Fiqh Siyasah ... (repository.radenintan.ac.id, 2023), <http://repository.radenintan.ac.id/30801/>.

³¹ M Harenggi, ... Peraturan Daerah No. 2 Tahun 2012 Tentang Pengelolaan Pedagang Kaki Lima Menurut Fiqh Siyasah (Studi Pasar Tugu Bandar ... (repository.radenintan.ac.id, 2019), <http://repository.radenintan.ac.id/7709/1/SKRIPSI.pdf>.

The division of labor and planning of integrated social welfare development programs between departments is still weak, so that the results obtained by each region are on average only segmentary, partial and superficial: merely moving problems from one place to another.³²

The establishment of Padang City Regional Regulation Number 1 of 2012 is expected to reduce and regulate the number of street children, vagrants, beggars, buskers and street vendors in Padang City, given that their numbers are increasing every year. The existence of this group has an impact on the conduciveness of the Padang City environment. It is hoped that by reducing their numbers, Padang City can become a clean, tidy and more comfortable city in accordance with the slogans displayed above the gates in Padang City. However, the real conditions related to people with social welfare problems have not been fully addressed. This is indicated by the fact that vagrants and beggars are still visible, especially those roaming around the city center which is the center of the economy such as markets, shop verandas and even on pedestrian bridges and traffic lights.

The negative impact that can be caused by the presence of street children, vagrants and beggars is the dirty state of the environment. In general, they live or sleep on shop terraces, under bridges or even under trees with cardboard or old newspapers as the sleeping pad. When they move, they often leave their bed mats which end up becoming garbage that leads to cleanliness issues. In addition, their presence also causes discomfort to the wider community. For example, when they operate on pedestrian bridges or on shop terraces that allow many people to pass by so that it is quite disturbing to road users.

³² A Septo, ... Peraturan Daerah Provinsi Bengkulu Nomor 2 Tahun 2018 Terhadap Pedagang Kaki Lima Perspektif Fiqh Siyasah (Studi Kasus Di Jalan ... (repository.iainbengkulu.ac.id, 2022), <http://repository.iainbengkulu.ac.id/8618/>.

The presence of beggars is also quite disturbing to the community. Many people consider that the presence of beggars and vagrants is very disturbing to the community. Their presence can lead to an increase in crime rates. Based on these considerations, this is the reason why the wider community does not want beggars and vagrants in their environment. For example, when small children beg at traffic lights, they tend to force rather than to ask, and when the car driver does not give, these children then scratch an object, be it a nail or other sharp object, leaving stretch marks on the cars. This is sometimes not realized by car drivers, and they find out when they get out of the car.

The existence of street children, vagrants and beggars is caused by two factors, namely internal factors and external factors. Internal factors originate from individual circumstances that encourage them to live on the streets and beg. These internal factors include: poverty, family, physical disabilities, age, low skills, low education and mental attitude. While external factors include the environment, geographical location and weak handling of vagrant and beggar problems. According to the results of temporary observations, it is known that these internal and external factors are factors that cause them to become vagrants and beggars.

In order to overcome the problem of poverty in Padang City, a more in-depth study is needed from various parties, including the government and the community itself. According to the author, there are several alternatives that can be done, as follows: Pay attention to the amount of fund that will be given to the poor. To what extent can the fund meet their needs. Once the living cost has been calculated based on the normal spending that applies in the local country, next is paying attention to the synergy between the parties who will provide, both from government institutions and from private social foundations then creating the same regulatory system. Thus, all will get their rights fairly and equally. Clear data on sources of income to accurately facilitate and determine the economic conditions of the poor, will be used as a

reference by the government. A fast and practical regulatory system is needed as emergency assistance can be distributed at any time.

3. Fiqh Siyasaḥ's View on Regional Regulation Number 1 of 2012 in Padang City

The perspective of *siyasaḥ dusturiyah* regarding the principles in achieving good legislation in Islam is not implemented in the regional regulations. This principle includes the issue of *ulil amri* or executive institutions which are considered not to have been fully fulfilled, whereas based on leadership in Islam it must be able to process or fulfill every fulfillment of the rights of the community as fairly as possible.

It is inevitable that there are problems of street children, vagrants, beggars, buskers, and street vendors, especially in Padang City. Many of them are forced to survive by becoming street children, vagrants, beggars, street vendors at every traffic light or intersection due to factors such as poverty, limited employment opportunities, urbanization problems, and physical disability problems.³³

Social phenomena related to street children, vagrants, beggars, buskers and street vendors cannot be considered as a form of normality in society but must be addressed continuously and involve all components of society, both within the city government and by the community itself.³⁴

Efforts to foster vagrants, beggars, buskers, street children, and street vendors must be based on humanitarian values and

³³ L RANA, Tinjauan Fiqh Siyasaḥ Terhadap Pelaksanaan Peraturan Daerah Kabupaten Pringsewu Nomor 3 Tahun 2020 Tentang Rencana Induk ... (repository.radenintan.ac.id, 2023), <http://repository.radenintan.ac.id/30402/>.

³⁴ Y Sundana, Tinjauan Fiqh Siyasaḥ Terhadap Pelaksanaan Peraturan Daerah Kabupaten Rokan Hilir No. 06 Tahun 2017 Tentang Pengelolaan Sampah (Studi Di Dinas ... (repository.uin-suska.ac.id, 2021), <https://repository.uin-suska.ac.id/49469/>.

applicable laws and regulations, with a focus on improving the quality of human resources and their sustainable empowerment. By implementing regional autonomy policies, regions must actively participate in efforts to address social problems.³⁵

Lawrence M.F's legal system theory states that: as a legal system of the social system, law includes three components³⁶ they are: Legal substance; it is the rules, norms and real patterns of human behavior that are in the system including products produced by people who are in the legal system, including the decisions they issue or new rules that they compile. Legal structure; it is a framework, a part that remains, a part that provides a kind of form and limitation to all law enforcement agencies.³⁷ In Indonesia, the structure of the legal system includes; institutions or law enforcers such as advocates, police, prosecutors and judges. Legal culture; is the state of mind of the system and social power that determines how the law is used, avoided or misused by society.³⁸

³⁵ G Fitriyani, Tinjauan Fiqh Siyasah Terhadap Pelaksanaan Peraturan Daerah Kota Bandar Lampung Nomor 5 Tahun 2015 Tentang Pengelolaan Sampah (Studi Di Dinas ... (repository.radenintan.ac.id, 2019), <http://repository.radenintan.ac.id/7658/1/SKRIPSI.pdf>.

³⁶ R Yoga, Tinjauan Fiqh Siyasah Terhadap Pelaksanaan Peraturan Daerah Lampung Barat Nomor 15 Tahun 2013 Pasal 10 Tentang Tertib Membuang Sampah (Studi Di ... (repository.radenintan.ac.id, 2023), <http://repository.radenintan.ac.id/28623/>.

³⁷ F Bahar, A Alimuddin, and A Mustafa, "Tinjauan Fiqh Siyasah Terhadap Pengelolaan Pasar Tradisional Minasa Maupa Kabupaten Gowa," ... Siyasah Syar' ..., 2022, <https://journal3.uin-alauddin.ac.id/index.php/siyasatuna/article/view/23711>.

³⁸ V T Hafifah, ... Dalam Mengawasi Penggunaan Trotoar Menurut Peraturan Daerah No. 9 Tahun 2016 Tentang Penyelenggaraan Lalu Lintas Angkutan Jalan Dan Fiqh Siyasah (repository.uinsu.ac.id, 2021), <http://repository.uinsu.ac.id/id/eprint/12901>.

All parts of the system above influence each other, so the law can be seen in real life. Because law is a culture of society, studying law means considering the strength of other systems.³⁹

Legal system theory investigates the application of legal substance, legal structure, and legal culture. Poverty is a complex problem because it covers many aspects of human life, such as social, cultural, economic, discipline, and environmental security.⁴⁰

The existence of Regional Regulation Number 1 of 2012 in Padang City is basically a formal effort made by the government in maintaining security and comfort for every member of its society. The existence of the Regional Regulation also mandates several related parties who are given the authority to regulate and provide training and guidance for people who have social welfare problems.⁴¹ This effort is a form of implementation of the basic concept of "hifz ummah" carried out by the state, because the state has an obligation to provide welfare for all its citizens. The form of "hifz ummah" contained in this Regional Regulation is aimed at both parties.⁴²

³⁹ M S RUSNI, ... Fiqh Siyasah Terhadap Implementasi Wewenang Badan Permusyawaratan Desa Menurut Peraturan Daerah Empat Lawang Nomor 2 ... (repository.radenintan.ac.id, 2022), <http://repository.radenintan.ac.id/21095/>.

⁴⁰ S Ryki, ... Fiqh Siyasah Terhadap Pelaksanaan Fungsi Legislasi Dewan Perwakilan Rakyat Daerah Dalam Pembuatan Peraturan Daerah (Studi ... (repository.radenintan.ac.id, 2021), <http://repository.radenintan.ac.id/15083/>.

⁴¹ Z Amaluddin and E Saputra, "... Peraturan Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Dalam Sistem Pembuatan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun ...," Al-Sulthaniyah, 2021, <http://journal.iaisambas.ac.id/index.php/al-sulthaniyah/article/view/387>.

⁴² S Murni and E Elimartati, "... Peraturan Daerah Kabupaten Padang Pariaman Nomor 11 Tahun 2018 Tentang Ketenteraman Dan Ketertiban Umum Perspektif Siyasah Dusturiyah (Studi Kasus ...," Jurnal Integrasi Ilmu Syari 'Ah, 2021, <https://garuda.kemdikbud.go.id/documents/detail/2937461>.

The implementation of Social Welfare is not in accordance with what contained in the *siyasah dusturiyah*. The perspective of *siyasah dusturiyah* regarding *Al-sulthah altanfidziyyah*, in the matter of *ulil amri* or executive institutions which are considered not to have fulfilled it completely, while based on leadership in Islam it must be able to process or fulfill every fulfillment of the rights of the community as fairly as possible, in implementing the Regional Regulation on the Implementation of Social Welfare.

In the *fiqh* of *siyasah dusturiyah*, the regulation is not in accordance with what contained in *siyasah dusturiyah*, because it does not reflect good Islamic laws and regulations. The regional regulation has many shortcomings both from the regulations, leaders and the community itself.

First, to members of society who feel uncomfortable with the high number of people with social welfare problems which are closely related to the high crime rate. Efforts to regulate people who have social welfare problems are a form of action to provide a sense of security and comfort for members of society. Second, the existence of government policy in this Regional Regulation to conduct mental development and skills training for people with social welfare problems is a form of effort to realize the government's responsibility towards them. The state is responsible for all its citizens. Overall, the existence of Regional Regulation Number 1 of 2012 is in accordance with the basic concept of *maqashid syari'ah* in Islamic studies.

D. Conclusion

According to the study of *fiqh siyasah dusturiyah*, the formulated legislation must have a basis or basis for enactment. The formulation of the legislation is a guarantee of the basic human rights of every member of society and equality before the law, without differentiating social stratification, wealth, education and religion. The guarantee of community rights is a common goal in creating social justice in society. The Padang City Regional Regulation is in accordance with applicable laws and regulations

and is in line with Islamic law in maintaining community rights (hifzh ummah). Efforts to implement the Regional Regulation must involve several agencies or other related parties. The implementation of Regional Regulation Number 1 of 2012 is still hampered by several obstacles. One of them is the limited facilities and infrastructure to provide guidance to street children, vagrants, beggars, buskers and street vendors. Another obstacle is the minimal allocation of funds from the regional government to provide life skill coaching. The coaching carried out by the Padang City Social Service is only able to reach the problem of street children and has not yet been implemented effectively so that many individuals who have been coached are then caught in raids again.

References

- Alfi, K. *Tinjauan Fikih Siyasah Terhadap Implementasi Peraturan Daerah Kabupaten Lampung Selatan Nomor 03 Tahun 2011 Tentang Pajak ...* repository.radenintan.ac.id, 2024.
<http://repository.radenintan.ac.id/33053/>.
- Amaluddin, Z, and E Saputra. "... *Peraturan Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Dalam Sistem Pembuatan Perundang-Undangan Menurut Undang-Undang Nomor 12 Tahun ...*" *Al-Sulthaniyah*, 2021.
<http://journal.iaisambas.ac.id/index.php/al-sulthaniyah/article/view/387>.
- Amin, I, F Efendi, and M Mardianton. "*Strategy Of Padang City Baznas In Collecting Non Asn Zakat Funds.*" *AL-FALAH: Journal of ...*, 2022.
<http://journal.iaincurup.ac.id/index.php/alfalah/article/view/5292>.
- Amin, I, L Lendrawati, F Efendi, and ... "The Concept of Baligh Perspective of Fiqh and Positive Law." *Al-Istinbath: Jurnal ...*, 2022.
<http://journal.iaincurup.ac.id/index.php/alistinbath/article/view/5268/0>.
- APRIANTO, J. *Pelaksanaan Peraturan Daerah Nomor 2 Tahun 2016 Tentang Masjid Pariwisata Kota Pekanbaru Di Kecamatan Tampan Ditinjau Menurut Fiqh Siyasah.* repository.uin-suska.ac.id, 2020.

- <http://repository.uin-suska.ac.id/27897/>.
- AYU, R D. *Implementasi Pasal 16 Peraturan Daerah Kabu Paten Pesisir Barat Nomor 03 tahun 2020 Ten Tang Ketertiban Umum Dan* repository.radenintan.ac.id, 2023. <http://repository.radenintan.ac.id/29344/>.
- Bahar, F, A Alimuddin, and A Mustafa. “*Tinjauan Fiqh Siyasab Terhadap Pengelolaan Pasar Tradisional Minasa Maupa Kabupaten Gowa.*” ... *siyasab syar’ ...*, 2022. <https://journal3.uin-alauddin.ac.id/index.php/siyasatuna/article/view/23711>.
- Baron, Courtney. “ProQuest Research Library.” *The Charleston Advisor* 19, no. 3 (January 1, 2018): 42–44. <https://doi.org/10.5260/chara.19.3.42>.
- Chessya, T W. *Tinjauan Fikih Siyasab Terhadap Implementasi Peraturan Daerah Kota Bandar Lampung Nomor 01 Tabun 2020 Tentang Perlindungan* repository.radenintan.ac.id, 2022. <http://repository.radenintan.ac.id/20015/>.
- Era, A. *Tinjauan Fikih Siyasab Terhadap Pelaksanaan Peraturan Daerah (Perda) Kabupaten Lampung Utara Nomor 2 Tahun 2022 Tentang* repository.radenintan.ac.id, 2024. <http://repository.radenintan.ac.id/33110/>.
- ERIKO, M. *Implementasi Pasal 45 Peraturan Daerah Kabupaten Pesisir Barat Nomor 2 Tabun 2016 Tentang Pengendalian Pencemaran Dan* repository.radenintan.ac.id, 2022. <http://repository.radenintan.ac.id/17957/>.
- Evi, N. *Implementasi Peraturan Daerah Kota Metro Nomor 1 Tabun 2018 Tentang Pemanfaatan Laban Dan Pengelolaan Sampah Rumah Tangga Perspektif Fiqh Siyasab* repository.radenintan.ac.id, 2022. <http://repository.radenintan.ac.id/18290/>.
- Fitriyani, G. *Tinjauan Fiqh Siyasab Terhadap Pelaksanaan Peraturan Daerah Kota Bandar Lampung Nomor 5 Tabun 2015 Tentang Pengelolaan Sampah (Studi Di Dinas* repository.radenintan.ac.id, 2019. <http://repository.radenintan.ac.id/7658/1/SKRIPSI.pdf>.
- Hafifah, V T. ... *Dalam Mengawasi Penggunaan Trotoar Menurut Peraturan Daerah No. 9 Tabun 2016 Tentang Penyelenggaraan Lalu Lintas Angkutan Jalan Dan Fiqh Siyasab.* repository.uinsu.ac.id, 2021. <http://repository.uinsu.ac.id/id/eprint/12901>.
- Harenggi, M. ... *peraturan daerah no. 2 tabun 2012 tentang pengelolaan pedagang kaki lima menurut fiqh siyasab (studi pasar tugu bandar*

- repository.radenintan.ac.id, 2019.
<http://repository.radenintan.ac.id/7709/1/SKRIPSI.pdf>.
- Hedrin, R. ... *Perda Lampung Nomor 8 Tahun 2011 Tentang Pembentukan Peraturan Daerah Provinsi Lampung Dalam Perspektif Fiqh Siyasah* repository.radenintan.ac.id, 2023.
<http://repository.radenintan.ac.id/30801/>.
- Jafar, W A. “Implementasi Nilai Nilai Fiqh Siyasah Dalam Peraturan Daerah (Perda) Syari’ah.” *Al Imarah: Jurnal Pemerintahan Dan ...*, 2019.
<https://ejournal.uinfasbengkulu.ac.id/index.php/alimarah/article/view/2169>.
- Kartika, S, D Yolanda, and ... “Perspektif Fiqh Siyasah Terhadap Peran Dinas Sosial Dalam Menangani Anak Jalanan Di Kota Bandar Lampung.” *As-Siyasi: Journal of ...*, 2021.
<https://ejournal.radenintan.ac.id/index.php/assiyasi/article/view/11006>.
- LAILA, Y. *Pelaksanaan Peraturan Daerah Provinsi Sumatera Barat Nomor 7 Tahun 2018 Tentang Nagari Dalam Pembangunan Jalan Oleh Wali Nagari Tanjung Bingkang* repository.uin-suska.ac.id, 2023. <https://repository.uin-suska.ac.id/72614/>.
- Li, Shuqing, Zhiyuan Hao, Li Ding, and Xia Xu. “Research on the Application of Information Technology of Big Data in Chinese Digital Library.” *Library Management* 40, no. 8/9 (November 11, 2019): 518–31. <https://doi.org/10.1108/LM-04-2019-0021>.
- Liu, Meng, Youzhi Luo, Limei Wang, Yaochen Xie, Haonan Yuan, Shurui Gui, Zhao Xu, et al. “DIG: A Turnkey Library for Diving into Graph Deep Learning Research,” 2021.
- Mardianton, Mardianton, Hanifa Suwita, Ira Sumarni, and Faisal Efendi. “Analisis Akuntabilitas Dan Pengelolaan Keuangan Masjid Melalui Pendekatan Fenomenologi Studi Komparatif.” *Al-Bank: Journal of Islamic Banking and Finance* 3, no. 1 (January 31, 2023): 14. <https://doi.org/10.31958/ab.v3i1.7976>.
- Mckie, Indra Ayu Susan, and Bhuvu Narayan. “Enhancing the Academic Library Experience with Chatbots: An Exploration of Research and Implications for Practice.” *Journal of the Australian Library and Information Association* 68, no. 3 (July 3, 2019): 268–77. <https://doi.org/10.1080/24750158.2019.1611694>.
- Muhammad, A I. *Peran Bagian Hukum Terhadap Perencanaan Pembentukan Peraturan Daerah Dalam Perspektif Fiqh Siyasah*

- (Studi Di Pemerintah Daerah repository.radenintan.ac.id, 2023. <http://repository.radenintan.ac.id/28572/>).
- Murni, S, and E Elimartati. "... Peraturan Daerah Kabupaten Padang Pariaman Nomor 11 Tahun 2018 Tentang Ketenteraman Dan Ketertiban Umum Perspektif Siyasah Dusturiyah (Studi Kasus" *Jurnal Integrasi Ilmu Syari 'Ah*, 2021. <https://garuda.kemdikbud.go.id/documents/detail/2937461>.
- NAJMAH, H. *Analisis Fiqh Siyasah Terhadap Implementasi Peraturan Daerah Kabupaten Pesawaran Nomor 18 Tahun 2011 Tentang Pengelolaan* repository.radenintan.ac.id, 2021. <http://repository.radenintan.ac.id/13298/>.
- Nita, A. *Tinjauan Fiqh Siyasah Terhadap Implementasi Pasal 17 Ayat (2) Peraturan Daerah Kabupatenempat Lawang Nomor 8 Tahun 2021* repository.radenintan.ac.id, 2024. <http://repository.radenintan.ac.id/33569/>.
- Rahma, H. *Implementasi Terhadap Peraturan Daerah No 3 Tahun 2010 Tentang Anak Jalanan Perspektif Fiqih Siyasah Dusturiyah (Studi Pada Dinas* repository.radenintan.ac.id, 2023. <http://repository.radenintan.ac.id/31712/>.
- Ramadhan, L J. *Implementasi Pasal 29 Peraturan Daerah Kotawaringin Timur Nomor 5 Tahun 2018 Tentang Retribusi Daerah: Studi Pelaksanaan Retribusi Pasar Pada Pusat* ettheses.uin-malang.ac.id, 2022. <http://etheses.uin-malang.ac.id/41075/>.
- RANA, L. *Tinjauan Fiqh Siyasah Terhadap Pelaksanaan Peraturan Daerah Kabupaten Pringsewu Nomor 3 Tahun 2020 Tentang Rencana Induk* repository.radenintan.ac.id, 2023. <http://repository.radenintan.ac.id/30402/>.
- RUSNI, M S. ... *Fiqh Siyasah Terhadap Implementasi Wewenang Badan Permusyawaratan Desa Menurut Peraturan Daerah Empat Lawang Nomor 2* repository.radenintan.ac.id, 2022. <http://repository.radenintan.ac.id/21095/>.
- Ryki, S. ... *Fiqh Siyasah Terhadap Pelaksanaan Fungsi Legislasi Dewan Perwakilan Rakyat Daerah Dalam Pembuatan Peraturan Daerah (Studi* repository.radenintan.ac.id, 2021. <http://repository.radenintan.ac.id/15083/>.
- SARI, D N. *Implementasi Peraturan Daerah Provinsi Riau Nomor 18 tahun 2013 Tentang Perlindungan Dan Pemberdayaan Penyandang* repository.uin-suska.ac.id, 2022. <https://repository.uin-suska.ac.id/60031/>.

- Sari, Milya, and Asmendri Asmendri. "Penelitian Kepustakaan (Library Research) Dalam Penelitian Pendidikan IPA." *Natural Science* 6, no. 1 (June 10, 2020): 41–53. <https://doi.org/10.15548/nsc.v6i1.1555>.
- Septo, A. ... *Peraturan Daerah Provinsi Bengkulu Nomor 2 Tahun 2018 Terhadap Pedagang Kaki Lima Perspektif Fiqh Siyasah (Studi Kasus Di Jalan repository.iainbengkulu.ac.id, 2022. http://repository.iainbengkulu.ac.id/8618/.*
- Sundana, Y. *Tinjauan Fiqh Siyasah Terhadap Pelaksanaan Peraturan Daerah Kabupaten Rokan Hilir No. 06 Tahun 2017 Tentang Pengelolaan Sampah (Studi Di Dinas repository.uin-suska.ac.id, 2021. https://repository.uin-suska.ac.id/49469/.*
- Tsueng, Ginger, Julia L. Mullen, Manar Alkuzweny, Marco Cano, Benjamin Rush, Emily Haag, Jason Lin, et al. "Outbreak.Info Research Library: A Standardized, Searchable Platform to Discover and Explore COVID-19 Resources." *Nature Methods* 20, no. 4 (April 23, 2023): 536–40. <https://doi.org/10.1038/s41592-023-01770-w>.
- Widiastuti, W. *Tinjauan Fiqh Siyasah Terhadap Implementasi Peraturan Daerah Nomor 10 Tahun 2020 Tentang Kawasan Tanpa Rokok Di Kabupaten Madiun (Studi Kasus Di MI etheses.iainponorogo.ac.id, 2024. http://etheses.iainponorogo.ac.id/id/eprint/28260.*
- Yoga, R. *Tinjauan Fiqh Siyasah Terhadap Pelaksanaan Peraturan Daerah Lampung Barat Nomor 15 Tahun 2013 Pasal 10 Tentang Tertib Membuang Sampah (Studi Di repository.radenintan.ac.id, 2023. http://repository.radenintan.ac.id/28623/.*

