



Analysis of Law No. 13 of 2011 concerning Handling the Poor in Development and Distribution of Direct Cash Assistance Funds from Village Funds in Pematang Tengah Village, Tanjung Pura District, Langkat Regency, from the Perspective of Fiqh Siyasah Dusturiyah

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Abstract: The aim of this research is to find out what has been done in the village government's work plan programs, such as building houses and distributing direct cash assistance funds, whether these programs are in accordance with the law and siyasah fiqh or not. However, researchers found that the programs implemented by the Langkat district government were not in accordance with Law no. 13 of 2011, article 14. because in the village there are already houses that have been built but only a few, but for the rest the Langkat district social services government is targeting houses to be built because there are only a few houses that have not been built, therefore the district social services government has not yet directly carried out the order of Law no. 13 of 2011 article 14.

Keywords: Development and Distribution of Direct Cash Assistance from Village Funds

1. Introduction

Development is a process of change that takes place consciously, planned and sustainably with the main goal being to improve the welfare of human life or the society of a nation. (Suharyani & Djumarno, 2023), (Nugraheni, 2024) This means that development always moves from a less than ideal state or condition of life to a better one in order to achieve national or state goals. The development desired by society is essentially the fulfillment of all life's necessities. (Suaib, 2023), (Lubis, 2019) However, not all people can meet their needs. Poverty is a very serious problem in development that affects every nation. Poverty is also a major problem, especially for developing countries. Housing and settlement issues are also mentioned as one of the factors that can be used to determine poverty standards, where poor people usually live in slum areas. To date, the problem of slum settlements has increasingly become a global concern. Homes have a very important function for humans in carrying out their daily lives. (Farikhah et al., 2022), (Dulkiah, 2020).

BLT-D Policy It is part of the government's policy in overcoming sustainable poverty. The government issued Government Regulation in Lieu of Law (Perppu) Number 1 of 2020 concerning state financial policy and financial system stability in order to handle the 2019 corona virus disease pandemic (Covid-19) and/or in order to face threats that endanger the national economy and/or financial system stability, which was then enacted through Law Number 02 of 2020. After the issuance of the Perppu, derivative regulations were issued, namely the Regulation of the Minister of Finance (PMK) Number 40 of 2020 and the Regulation of the Minister of Villages (Permendesa) PDDT Number 6 of 2020, which essentially requires all Villages to budget part of their Village Funds for Village Fund Direct Cash Assistance (BLT-DD) activities. (Anam & Riyanta, 2022). Minister of Finance Regulation Number 40 of 2020 was then updated with Minister of Villages, Disadvantaged Regions and Transmigration Regulation Number 50 of 2020 and Minister of Villages, Disadvantaged Regions and Transmigration Regulation

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Received: Jul 03, 2025;

Revised: Jul 15 2025;

Accepted: Jul 21, 2025;

Published : Aug 30, 2025;



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Number 6 of 2020 was also updated with Minister of Villages Regulation Number 07 of 2020, which essentially extended the BLT-DD from the initial three months to six months, albeit with different allocations. All of this is regulated in Law Number 01 of 2020, Minister of Finance Regulations Number 40 and Number 50 of 2020 concerning Village Financial Management, and Minister of Villages, Disadvantaged Regions and Transmigration Regulations Number 06 and 07 concerning Priority Use of Village Funds. (Setiawan et al., 2022), (PANGESTU, 2022).

According to Al Imam Al Maawardi in the book *Al Ahkam Shulthonia* "the regional head has the right to finance the children of soldiers who have reached puberty without the permission of the imam (caliph) and he is not allowed to increase the salaries of junior soldiers. Except with the permission of the imam (caliph). If there is excess Kharaj money after being used to finance war troops, the regional head must return the money to the Baitul Mal (state treasury) and prepare it for public interest) the meaning of the sentence above is about BLTDD which does not have a BLTDD decree but the village head gives the money to meet the living needs of his people but the village head may not give it to the rich people in the village (Nim, 2024), (Use, nd). However, if the money is in excess, the village government is obliged to return the money to the state treasury. (Habiburrahman & Aprizon Putra, 2024).

However, in Article 14 "The government and regional governments are responsible for providing housing services." In order to reduce the poverty rate in Pematang Tengah village, the head of Pematang Tengah village has implemented programs that have been determined by the regional government, such as distributing village funds to the poor amounting to Rp. 300,000/per month. (Yanti, 2022), (Budiman, 2021). However, not only that, the village head has implemented his program as stated in Law Number 17 of 2023 concerning Health, which in Article 17 states "Health Efforts as referred to in paragraph (1) letter a are aimed at realizing the highest level of health for the community in the form of individual health efforts and community health efforts. And the Pematang Tengah village head is implementing this program in a sequential manner as stated in Article 21. Health Management as referred to in Article 17 paragraph (4) is carried out by the Central Government, Regional Government, and Village Government which is carried out in an integrated and mutually supportive manner to ensure the achievement of the highest level of health. (Yustina, 2015), (Sutikno, 2020).

However, the village head and KKN children and the local community invited people to eradicate poverty in Pematang Tengah village, such as providing basic necessities and suitable clothes for poor residents in Pematang Tengah village. (ANDIKA, nd), (Pada & MZ, nd). However, not only that, the village head said that in Pematang Tengah village there are still houses that are not suitable for habitation. The village government has submitted a proposal to the social service to carry out house renovation for the poor, but the social service stated that it felt responsible because only a few houses wanted to be renovated so that until now it has not been implemented by the social service and Social Assistance is also provided for the purpose/stimulant of Social Rehabilitation of Uninhabitable Houses (popularly called RTLH, and recently become Rutilahu) and environmental infrastructure. (Sitepu, 2016).

However, the above theory does not comply with Law Number 13 of 2011 in Article 14 because the government does not carry out the orders of the law. (Nurhasanah et al., 2023), (Mahmudah & Markus, 2022). Therefore, the researcher is interested in conducting research in this village so that the unrealized research can help the government quickly implement the construction of houses for the poor, in accordance with regional regulations governing the technical aspects passed down to the village government. Therefore, the researcher uses Islamic jurisprudence and local regulations to ensure everything is in accordance with Islamic jurisprudence and local regulations. (SIREGAR, 2024), (Ivana, 2023).

The selection of Pematang Tengah Village reflects national conditions in the implementation of Law No. 13/2011 because it illustrates common problems such as weak coordination and low realization of assistance programs. This study also integrates the values of maqashid sharia, particularly in safeguarding life and property, as the basis for justice in the distribution of assistance and construction of houses for the poor. Thus, this study emphasizes the need for policies that are not only legal-formal, but also based on substantive justice according to the principles of fiqh siyasah dusturiyah to create a fairer and more sustainable governance of village assistance.

2. Materials and Methods

The type of research used in this study is qualitative research. Qualitative research is a type of research used to examine a problem or phenomenon by analyzing the problem in depth. In qualitative research, the data collected must correspond to the actual conditions in the field without any data manipulation. Therefore, researchers must collect data by going directly into the field for a sufficient amount of time and conducting in-depth observations of conditions in the field by interacting with the surrounding community. The research method used in this study is a descriptive qualitative research method. This research method collects data by conducting research or investigations into a problem or event by interviewing parties or individuals with the aim of obtaining statements related to the phenomenon involving the party or individual. After the party or individual provides a statement regarding the phenomenon involving them, the data or information obtained from the statement is reorganized and retold in narrative form according to the chronological order of the phenomenon.

3. Results and Discussion

3.1. The Effectiveness of Law No. 13 of 2011 in Handling the Poor

The effectiveness of the implementation of Law No. 13 of 2011 in handling the poor in the perspective of Islamic economics, the analysis obtained by the author from the results of research in interviews that have been conducted, namely looking at the implementation of Law No. 13 of 2011, the rights of the poor and the five indicators of effectiveness are: understanding the program, on target, on time, achievement of goals and real changes. Overall, it shows that the effectiveness of the implementation of Law No. 13 of 2011 in handling the poor in the perspective of Islamic economics carried out by the Social Service of Langkat Regency is the "Effective" criteria. This is proven by several analyses that have been carried out on the four indicators, namely:

a. Implementation of Law No. 13 of 2011.

Based on the results of interviews with sources regarding the implementation of Law No. 13 of 2011, it can be explained that for the implementation of Law No. 13 of 2011, the Langkat Regency Social Service has implemented the Law quite well. This is emphasized by strengthening the results of interviews which state that the process of implementing the application of Law No. 13 of 2011 in handling the poor is carried out in a planned, integrated and sustainable manner in order to fulfill the rights of the poor such as the need for clothing, food, housing, health services, education and other needs organized by the Ministry of Social Affairs or authorized by the President. Where this social service is part of the institutional structural line of the Government and the Ministry of Social Affairs, so that the implementation of the poor is part of the responsibility of the Langkat Regency Social Service. This is proven by the results of interviews found in the field at the Langkat Regency Social Service which has done it in a directed and integrated manner in accordance with Law No. 13 of 2011 that has been determined. So the results are included in the criteria "Effective."

b. Rights of the Poor

The existence of the poor is a problem in every region and even every country. The existence of the poor demands the government to act to overcome the poverty but also to fulfill the rights of the poor. Based on existing laws and regulations, there are several legal aspects that provide legitimacy to the government to fulfill the rights of the poor starting from the 1945 Constitution and even Law No. 13 of 2011 in Article 3 paragraph (1) which reads: "obtain sufficient food, clothing, and housing". As emphasized which regulates the rights of the poor and obtained from the results of the author's interview answers with sources who stated that the poor have the right to receive assistance in the form of food, clothing, housing, health services and education. This was reinforced in the results of interviews conducted by the Langkat Regency Social Service.

c. Right on target.

Based on the results of interviews obtained in the field with several informants, regarding the accuracy of determining who the targets are who will receive the program run by the Langkat Regency Social Service, namely the poor people included in the Integrated Social Welfare Data (DTKS). And in Law No. 13 of 2011 on Handling the Poor, there is an article that explains the data collection of the poor. In this study, the author specifically focuses on the regulations in Article 9 paragraph (1) where the contents of the article are: "(1) A poor person who has not been registered can actively register with the village head or village head or other similar names in his place of residence." The contents of Article 9 paragraph (1) clearly explain that poor people who have not been registered can actively register with the village head or village head or other similar names in his place of residence.

d. On time.

Based on the results of discussions with several informants regarding the timely indicators in providing social assistance to the poor. This can be seen from the ability of the Langkat Regency Social Service and contributing parties in completing tasks with adequate facilities, this is reinforced by the results of interviews obtained in the field that the timeliness in providing programs implemented by the Langkat Regency Social Service both from the perspective of the Social Service and from the perspective of the recipients. Overall, from the perspective of the Social Service and related parties receiving social assistance, it can be stated that the distribution time for routine social assistance is once every 3 months according to the regulations of the Ministry of Social Affairs. Therefore, it can be said to have been "effective" in the timeliness of distributing social assistance to the community that has been determined, agreed upon and determined by the Ministry of Social Affairs. As an indicator of the timeliness of providing social assistance to the poor.

3.2. Siyasah Dusturiyah's Perspective on the Analysis of Law No. 13 of 2011 concerning Handling of the Poor

Siyasah is a way to build human benefit by guiding them on a path that is considered to save lives. Siyasah is the science of government to control domestic and foreign duties, domestic and foreign politics as well as regarding social relations, namely regulating public life on the basis of justice and *istiqomah*.¹⁷ This research is viewed from the perspective of Siyasah Dusturiyah, where Siyasah Dusturiyah is a science that studies the relationship between people and leaders, then the relationship between institutions and other institutions in a country or society. Siyasah Dusturiyah is also known as politics based on Islam in mastering all matters relating to the implementation of sharia.¹⁸ There is a principle of *siyasa* which means: "Policies taken by leaders and their people must be based on the public interest."

This principle emphasizes that the decisions of an imam or leader must focus on the public good. A leader must be just and trustworthy in establishing state policy. Islam has provided humans with knowledge on how to build a society that adheres to Sharia law, whether in the political, economic, or social spheres. To address violations of others' rights and harm to the public, authorities in an institution are empowered to enforce the law, provide guidance to the public, and improve morality. Therefore, every holder of power or trust is obligated to be accountable for what is given to those entitled to it. If a leader in an institution deviates from what should be done, that leader has committed treason against the leadership that has been exercised.

The Fiqh principles put forward by Imam Al Mawardi regarding welfare:

الدنيا وسياستها الدين حراسة في النبوة لخلافة موضوعة الإمامة

The institutionalization of the Imamate, according to him, is fardhu kifayah based on the consensus of scholars. His view is also based on the historical reality of the al-Khulafa' al-Rasyidun and the caliphs after them, both from the Umayyad and Abbasids, who are symbols of the political unity of the Muslim community. This view is also in line with the principle of ushul which states *ma la muridmu al-wajib illa bihi, fahuwa wajib* (an obligation is not perfect except through means or tools, then the means or tools are also obligatory).

This means that creating and maintaining public welfare is obligatory, while the state is the instrument for achieving this welfare. Therefore, the law of establishing a state is also obligatory (fardhu kifayah). This also aligns with the principle of *amr bi syay' amr bi wasa'ilih* (the command to do something also means the command to work on its intermediaries). The state is a tool or intermediary for creating public welfare for humanity.

The Fiqh principle put forward by Ibn Taimiyah regarding justice: the concept of justice referred to by Ibn Taimiyah does not provide space for infidel leaders. In Majmu' Fatawa, he stated that justice is everything that is good.¹⁸ Justice in this context is universal, it can be accepted by various religions and ideologies. In another term, Ibn Taimiyah calls it as apparent justice, namely justice that can be known rationally, such as honesty, transparency, and so on. This means that both a Muslim and an infidel will be able to implement this type of justice.

With this justice, affairs that are only worldly in nature can be upheld. This is as explained by Ibn Taimiyah. say,:

قامت فإن... معصية يصد به لا الذي الظلم من معصية، فيها كان وإن بالعدل تقوم الدنيا يا أمور
تقوم بالعدل تقوم لم وإن الآخرة، في جزاءه المذنب يذل لم وإن قامت (الكفار من) بالعدل الدنيا يا أمور
الآخرة في يجزيه مؤمناً صادق بها كان وإن.

Meaning: Human worldly affairs will be more established with justice even though there are sinful acts in them, compared to injustice which is not accompanied by other sinful acts... If worldly matters are established with justice (by unbelievers), then they will be established even though the person who does justice will not get a reward in the hereafter. Whenever worldly matters are not established with justice, (those worldly matters) will not be established even though their owner has faith which can give him a reward in the hereafter.

This statement suggests several things. First, justice is needed to uphold world affairs. Second, justice to uphold worldly matters can be upheld by unbelievers. Third, a believer needs justice to uphold worldly matters. Fourth, a Muslim who acts fairly will be rewarded in the afterlife, while an unbeliever who acts justly will not be rewarded in the afterlife.

The Fiqh rule that explains Trust is Fiqh Siyasa Dusturiyah: Siyasa dusturiyah in Islam covers various aspects which are considered complex because of its broad scope. The principles of siyasa dusturiyah are divided into fairness and trust so that it will create benefits and justice. Justice is one of the main pillars in siyasa dusturiyah. Trust is a very commendable character. Its presence in a person indicates that happiness will be abundant forever. Individuals who have these characteristics will receive love from Allah SWT, Rasulullah SAW, and also all mankind. Furthermore, Rasulullah SAW was known among his people for his honest and trustworthy nature, even before he was appointed a prophet. This deeply embedded honesty and trustworthiness is what causes unbelievers, even though they do not adhere to Islam, to still entrust their affairs and property to the Prophet Muhammad. Realizing the importance of trust in shared life, Rasulullah SAW often gave testaments to his people to uphold this characteristic. In fact, he categorized individuals as unable to maintain.

In the word of Allah SWT Al Quran Surah An-Nisa Verse 58

سَمِيعًا كَانَ اللَّهُ إِنَّ بِهِ يَعْظُمُكُمْ نِعَمًا اللَّهُ إِنَّ بِالْعَدْلِ تَحْكُمُوا أَنَّ النَّاسَ بَيْنَ حَكْمَتِهِ وَإِذَا أَهْلَهَا إِلَى نَسَبِ الْأُمِّ تُؤَدُّوهُ أَنَّ يَأْمُرُكُمْ اللَّهُ إِنَّ صَبْرًا

Meaning: Indeed, Allah commands you to convey the trust to its owner. When you establish laws between people, you must establish them fairly. Indeed, Allah gives you the best teaching. Indeed, Allah is All-Hearing, All-Seeing. (QS. AN-NISA 58).

What is meant by this word is that Allah has ordered leaders on this earth to be honest or trustworthy in carrying out their duties and being fair for the benefit of the people, so if the government carries out this order directly, the government will be said to be fair.

كُنْتُمْ إِنْ وَالرَّسُولِ اللَّهُ إِلَى فَرَدُّهُ شَيْءٍ فِي تَنَازَعْتُمْ فَإِنْ مِنْكُمْ الْأَمْرُ وَأُولَى وَالرَّسَدُ وَأَطِيعُوا اللَّهَ أَطِيعُوا اللَّهَ أَمْنُوا الَّذِينَ يَأْتِيهَا تَأْوِيلًا وَأَحْسَنَ خَيْرَ ذَلِكَ الْآخِرِ وَالْيَوْمِ بِاللَّهِ تَوَكَّلُونَ

Meaning: O you who believe, obey Allah and obey the Messenger (Prophet Muhammad) and the ululamri (holders of authority) among you. If you differ in opinion about something, return it to Allah (the Qur'an) and the Messenger (sunnah) if you believe in Allah and the Last Day. That is better (for you) and the consequences are better (in this world and in the hereafter). (QS. AN-NISA 59).

The Islamic system of governance encompasses various aspects considered complex due to its broad scope, including the relationship between leaders and their subjects, state institutions, and so on. The principles of the Islamic system are divided into justice and trustworthiness, thus creating both welfare and justice. Justice is a key pillar of the Islamic system. Ibn Taimiyah emphasized that justice must be upheld in every aspect of government and social life, as he referred to Surah An-Nisa: 58, which commands that laws be enforced fairly and trustworthy. Ibn Taimiyah stated that justice is not only external but also internal. External justice encompasses practical aspects such as regulations, honesty in life, and fair treatment of everyone. Meanwhile, internal justice is a fundamental principle that must be upheld by every individual and society. Ibn Taimiyah also emphasized that leaders must convey trusts to those entitled to them, not based on primordial ties or personal interests. Then referring to QS. An-Nisa: 59, when a power holder does not exercise his power in a way that is considered correct, not trustworthy, not fair, then this is a betrayal of the leader towards the community because it is considered to harm the community which is considered immoral.

Therefore, the distribution mechanism for the uninhabitable housing program is relevant to Islamic teachings, especially to siyasa dusturiyah fiqh. The uninhabitable housing program has several objectives, including providing assistance to houses that have been deemed unfit for habitation because they are deemed to threaten the security and comfort of the community in their residence, public awareness of the benefits experienced when distributing assistance for uninhabitable housing, as well as fulfilling the rights that have been realized by Cileunyi Kulon village officials in the distribution of

the aid program, as well as other benefits to the community and government institutions. Of course, all the objectives contained in the distribution mechanism for the uninhabitable housing assistance program using *siyasah dusturiyah* are very relevant, and the failure of this uninhabitable housing assistance program will certainly cause problems for the community.

4. Conclusions

Therefore, the results of this study suggest that the central and regional governments must quickly address the housing issue in accordance with Law No. 13 of 2011 Article 14. Furthermore, the regional government must participate in addressing this issue by submitting a housing construction proposal to the Langkat Regency Social Service. Furthermore, the regional government must provide its program from the central government regarding BLT DD to be distributed according to the criteria of the poor community. The operational recommendations proposed in this study emphasize the need to develop detailed and implementable SOP-based technical guidelines for data collection, distribution, and evaluation of village cash transfers so that they run transparently, accountably, and on target. The formulation of suggestions also considers bureaucratic obstacles, the dynamics of budget politics, and the relationship between the central and local governments by encouraging the strengthening of village institutions through training and continuous supervision. In addition, this research offers an alternative to fairer and more sustainable aid distribution governance by integrating the principles of *fiqh siyasah dusturiyah*, such as justice, trustworthiness, and public good as a normative and operational basis to improve the effectiveness of social policies based on substantive justice.

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