




Juridical Analysis of Handling Homelessness and Beggar

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Submitted: 2022-05-25

Revised: 2022-08-23

Published: 2022-10-13



Article Info

Keywords:

Handling; Homelessness;
Beggar.

Abstract

Introduction: This research analyzes how to handle homelessness and beggars in Gorontalo city either by Indonesian Criminal Code or by Regional regulation in Gorontalo city number 1 of 2018 concerning order and handling approach.

Purposes of the Research: This research aims to study and analyze the handling of the homelessness and beggars in Gorontalo City using criminal code regulations and local regulations in Gorontalo City number 1 of 2018 about order and approaching handling.

Methods of the Research: The method used in this research is the Sociological Juridicial Method The site of research was in Social and Society Empowerment Service of Gorontalo, the Municipal Police Government service of Gorontalo, the Police station of Gorontalo city, the red light crossing of Baiturrahim Mosque in Gorontalo city, the crossing road of Gelael building, the Shopping center, central market, mall of Gorontalo, and Crossing road of Bunda Hospital, and some streets in Gorontalo city.

Results of the Research: Handling process through Indonesian criminal code (KUHP) using quick investigation report, single law trial, the prosecutor is not mandatory to present/investigator can act as prosecutor in the court. Regional regulation number 1 of 2018 regulates two penalties: administrative (article 30) and criminal (article 32), preventive efforts in the form of emotional approach, coaching, making investigation report, and the last is returned to their respective place.

1. INTRODUCTION

Social problems are one of the root causes of legal issues such as poverty, hunger, and social disparities. Many social problems in big cities are homeless people and beggars. Homelessness is defined as a group of people who do not have a permanent home and are nomads, with some preferring to sleep on shop porches, markets, gardens, and other comfortable places.¹ The homelessness phenomenon is a protest utterance manifested as the picture of government disability in justice fulfillment on the mental and economic side of society.² Welfare state believes that the state has an obligation to provide its citizens

¹ Sri Kuntari et al., "Seeking The Root Of The Problems Of Beggar And Homeless". *Media Informasi Penelitian Kesejahteraan Sosial* 41, no. 1 (2107): 15-25, <https://doi.org/10.31105/mipks.v41i1>.

² Hendy Setiawan, "Fenomena Gelandangan Pengemis Sebagai Dampak Disparitas Pembangunan Kawasan Urban Dan Rural Di Daerah Istimewa Yogyakarta," *Moderat* 6, no.2 (2020): 361-375, <http://dx.doi.org/10.25157/moderat.v6i2.3218>

with a decent standard of living.³ Other factors causing the homelessness phenomenon are limited to a financial family, which causes beggars and homeless to be willing to make any attempt to improve the economy and gain benefits even though they use inappropriate ways.⁴ As it is clearly stated, the state guarantees that the poor and neglected children are cared for by the state based on Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia..

Gorontalo, one of a province in Sulawesi, has the motto Tradition rooted in Sharia, The Sharia rooted in the Quran. Even though Gorontalo is a relatively new province, the homelessness problem is starting to develop in Gorontalo, and the number is increasing during Ramadan. However, this problem is different from other cities. The root of this problem is urbanization, our main attraction and the main driver, such as what is happening in DKI Jakarta as the capital city. Its economic and industrial attraction cause villagers' interest in improving their lives in DKI Jakarta province.

Social problems in the city are dominant.⁵ This is because of urban development and an excessive level of urbanization, one of which is the emergence of homelessness and the beggar phenomenon. Previous research suggests that urbanization influences homelessness and that city attraction is combined with laziness and poverty. Nonetheless, it should be noted that there are numerous factors that are taken into account by the government in the beggar and homelessness handling so that in this case, advice and input are provided to the government that is authorized to handle homelessness and beggar problems in order to improve homelessness and beggar handling patterns through simultaneous prevention and control efforts.⁶

Gorontalo condition was different based on the early observation that most of the homeless are outside Gorontalo and the surrounding area of Gorontalo city. Beggars are primarily from outside of Gorontalo. It needs special handling so that in this discussion, the researcher will see how the handling of homelessness and beggar in Gorontalo city, especially that regulation strictly forbids homelessness and beggars. Prohibition to beg and homestead is regulated in section 504 and section 505 in criminal code (KUHP) book III about criminal violation of public order and constitution number 1 the of 2018 about public order. It needs special handling so that in this discussion, the researcher will see how the handling of homelessness and beggar in Gorontalo city, especially that regulation strictly forbids homelessness and beggars. Government regulation No. 31 the of 1980 about homelessness and beggars are controlled through preventive efforts (article 1 point 4), repressive measures (article 4 point 5), and rehabilitation efforts (article 1 point 6) considering that state that "homelessness and beggars do not fit the life norm of Indonesia according to Pancasila and Indonesian constitution (UUD 1945)" therefore it needs efforts to control and overcome. Other overcoming efforts towards homelessness and beggars are on Indonesian National Police regulations (PERKAPOLRI) No. 14, the year 2017 about

³ Terry Rangka Nugraha, "Anti-Beggar and Homeless Policy in the Context Social Welfare". Research Review Quarterly 7, No. 3 (2021) : 345-350, <https://doi.org/10.15294/lrrq.v7i3.48156>

⁴ Zainal Fadri, "Upaya Penanggulangan Gelandangan Dan Pengemis (GEPENG) Sebagai Penyandang Masalah Kesejahteraan Sosial (PMKS) Di Yogyakarta," *Komunitas* 10, no. 1 (2019): <https://doi.org/10.20414/komunitas.v10i1.1070>.

⁵ H Hendy Setiawan, " Fenomena Gelandangan Pengemis Sebagai Dampak Disparitas Pembangunan Kawasan Urban Dan Rural Di Daerah Istimewa Yogyakarta," *Moderat* 6, no.2 (2020): 361-375, <http://dx.doi.org/10.25157/moderat.v6i2.3218>.

⁶ Maryatun, et al, " Upaya Penanganan Permasalahan Gelandangan Dan Pengemis," *Sosio Informa* 8, no.1 (2020): 47-62, <https://doi.org/10.33007/inf.v8i1.2977>.

overcoming homelessness and beggars regulating preventive methods, and law enforcement in handling homelessness and beggars accompanied by supervising, controlling, preventing, and ordering.

The significant efforts handled and controlled by the government were caused by the increasing number of homelessness and beggars every year, and drastic improvement was always during Ramadan. Besides that government also has compulsory to rehabilitate the homelessness and beggars by conducting a modern democratic approach; the democratic concept approach to public policies should contain sparks of thoughts or opinions from state officials that represent the people, equally reflecting public opinions.⁷

2. METHOD

This research was field research. The research focused on the result of collecting data from a designated informant. This research used descriptive research. This research aimed to collect information about the status of the current manifestation. According to what was at the time of research, this was the manifestation condition. This research was to show the condition or state phenomenon based on information from respondents about the handling of homelessness and beggars in the community of Gorontalo city and factors affecting the handling of homelessness and beggars in Gorontalo city. The method used in this research was the empirical juridical method. The empirical juridical method analyzes the problems by combining legal materials (secondary data) and primary data obtained from the field. Besides the reference book, secondary data is the Criminal Code (KUHP) and regional regulation Gorontalo city number 1 the year 2018 about public order.

3. RESULTS AND DISCUSSION

3.1 Homelessness And Beggars Handling

Questioning handling homelessness and beggar in this discussion will be discussed from two different regulation essential points of view. It will give various controls, giving comprehensive information in solving the homelessness and beggar phenomenon in Gorontalo city.

a. Handling in Criminal Code (KUHP)

Criminal Code (KUHP) is laws regulating criminal acts materially, which is the application processed in Criminal Code procedure (KUHAP). Besides regulating criminal act included in chapter 2, the Criminal code (KUHP) include the regulation of criminal offense included in Chapter III. The term criminal act is an action prohibited by the law which is followed by the threat of sanction (sanctions) such as a specific criminal act to whoever breaks the regulations. According to Simons criminal act is an action against the law and committed by the responsible person threatened by the laws.⁸

The criminal offense referred to phenomenon of homelessness and beggar regulated in Criminal Code (KUHP) article 504 and article 505 which are: Indonesian Criminal Code KUHP article 504 stated: "Any person who begs alms in public shall, being guilty of begging, be punished by maximum light imprisonment of six weeks (1) Vagrancy

⁷ Andrea Louise Campbell, "Policy Makes Mass Politics," *Annual Review of Political Science* 15, no.8 (2012): 333-51, <https://doi.org/10.1146/annurev-polisci-012610-135202>.

⁸ Moeljatno, *Asas-Asas Hukum Pidana* (Jakarta : Bina Aksara, 2015), p. 20.

committed by three or more persons above the age of sixteen years shall be punished by a maximum light imprisonment of six months (2).

The criteria of the beggar stated above in article 504 section (1) in KUHP are

- 1) Any person who begs for alms in public that is at the crossroad, traffic light area, market, park, shops area, restaurant, hospital, schools, and other public places,
- 2) *Shall, being guilty of begging, be punished by maximum light imprisonment of six weeks.* Punished by *imprisonment punishment* is punished to violator of the laws (book II KUHP about violation), or be fine substitution if no paid (2) KUHP. The duration of the light imprisonment shall be at least one day and at most one year (article 18 section (1) KUHP) It may be, as a legal burden, exceeded the term of one year and four months. (Article 18 section (3) KUHP) and He shall be assigned lighter labor than the person sentenced to imprisonment section (article 19 (2) KUHP).

Another case in article 505 section (2), begging committed by three or more persons above the age of sixteen years shall be punished by a maximum light imprisonment of six months . This means that if a person commits begging under 16 years old. the punishment shall not be more than three months Whereas more than three people commit begging, the punishment shall be heavier than the person committed by one person. KUHP article 505 stated that :*"Any person who roams about without means of subsistence shall, being guilty of vagrancy, be punished by a maximum light imprisonment of three months.*(1) Vagrancy committed by three or more persons above the age of six years shall be punished by maximum light imprisonment of six months (2).

The criteria of the beggar stated above in article 505 section (1) in KUHP is

- 1) *Any person who roams about without means of subsistence. Without means of subsistence* means the homelessness who roam in public, and move from one place to another, but he does not have certain means of subsistence. However, if someone roams to other places in case of a business matter or someone has livelihood, it does not include in this category.
- 2) *punished by a maximum light imprisonment of three months.* In applying the laws, equal punishment for the homeless and beggars is light imprisonment. Giving the punishment on this section is heavier than is on the section stating punishment to the beggar.⁹

Next, KUHP article 505 sections (2) stated that *Vagrancy committed by three or more persons above the age of six years should be punished by maximum light imprisonment of six months,* Which Agrees with the criminal provision in the KUHP article 504. However, the punishment in this article is more severe. Back again that in this application of the criminal provision in article 504 and article 505, which will be given to the homeless and beggars who commits a criminal act in public and is visible to the public, however, if the criminal act is not committed to the public or not visible in public, they shall not be punished by these articles.

The element of article 504 and article 505 is nearly the same. But the difference is homelessness and beggar. According to Government's regulation (PP) Number 31 of 1980. A homelessness are any persons who live not in accordance with the norms of a decent life in society, does not have means of subsistence and a fixed home, and roams in public. And

⁹ www.dilmil-manado.go.id/pengertian-pidana-kurungan-dalam-KUHP (diakses pada tanggal 9 Juli 2019 pukul 1.09 WITA).

beggar is someone who has a source of income from begging in public for various reasons, hoping for compassion from others.¹⁰

Based on the definition above, the phrase “for various reasons” define that there is no reason for begging in public even though one of the reasons is their abnormal conditions, disability, or other reasons. The constitution does not agree that the constitution does not consider any conditions when someone roams and begs in public. On the other hand, the constitution has flaws in the regulations. This means if someone in good shape (not in physical disability) begs not in public, it shall not be categorized as a beggar. It is because codified rules or laws are not immediately applied to punish the guilty. Beggars are people who earn their income by begging in public in various ways and reasons to expect mercy from others.¹¹ Furth However, laws application needs consideration of points of view and conditions. Laws not only give justice to society but also, as a rule guarantee certainty in life of society.¹²

One of the law enforcement officers who have the authority to enforce the rules contained in the Criminal Code (KUHP) is the police apparatus, in this case, the Gorontalo City Police. Based on the information provided by the informants at the Gorontalo City Police, especially the Criminal Investigation Unit, for criminal cases in the form of crimes committed by homelessness and beggars, there have been no cases officially handled by the Gorontalo City Police. What is meant officially here is handling through Article 504 and Article 505 of the Criminal Code. If homelessness and beggars commit criminal acts that can disturb the community, then the steps are processed under applicable rules and laws. The occurrence of criminal acts can be known by themselves, by reporting, being caught red-handed, or through public complaints. The criminal justice process that will be enforced is also under the Criminal Procedure Code (KUHAP) system. The phenomenon of homelessness and beggars is categorized as a criminal act of violating public order. In the settlement process using a quick examination procedure, the procedure is judged by a single judge at the first level. The public prosecutor is not required to be present. The point is that investigators can act as public prosecutors in court.

b. Handling in Gorontalo City Regional Regulation Number 1 of 2018 concerning Public Order

The handling of the homelessness and beggars is carried out by the Social Service by involving the civil service police of Gorontalo City as a manifestation of the implementation of Regional Regulation Number 1 of 2018 concerning Public Order is because based on general provisions both in terms of concepts, theories, and international conventions emphasize that the enforcement of neglected human rights, including the homelessness and beggars, is the responsibility and duty of the government.¹³ Because of Judicial and

¹⁰ Pengertian gelandangan dan pengemis dalam Peraturan Kepala kepolisian Republik Indonesia Nomor 14 Tahun 2007 tentang “ Penanganan Gelandangan dan Pengemis ”, 2014.

¹¹ i Putu Yunika Sulistyawati et al, “ The Effectiveness of Homelessness and Beggars Handling Related to the Badung Regency Regulation Number 7 of 2016 Concerning Public Order and Peace of the Community” Journal of Sustainable Development Science “ Vol 2, No. 2 (2020) : 53-59, <https://doi.org/10.46650/jsds.2.2.1016.53-59>

¹² Sri Warjiati, *Memahami Dasar Ilmu Hukum. Konsep Dasar Ilmu Hukum.* (Jakarta: Kencana, 2018), p.29.

¹³ Ahmad Syafii Rahman et al, “Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives,” *Millah* 21, no.1, (2021): 23-54, <https://doi.org/10.20885/millah.vol21.iss1.art2>.

administrative control fully forms a mechanism to protect the state and society from legal actions, decisions, and actions of officials and public officials.¹⁴

In order to realize social order, the state establishes and ratifies laws and regulations to regulate society. These regulations have legal sanctions that are coercive. This means that if the act is violated, then the perpetrator of the violation can be punished. The type of punishment imposed also depends on the type of regulation being broken because, in principle, every law contains a coercive nature that must be obeyed. If not, it will be penalized for the offense to realize an orderly, peaceful, comfortable, clean, and beautiful community life. Gorontalo city government has established and ratified Regional Regulation Number 1 of 2018 concerning Public Order. This regional regulation contains many regulations, especially regarding homelessness people and beggars. Rules in prohibitions on homelessness people and beggars are contained in Article 23 letters (a) and (b).

Article 23 Everyone is prohibited from:

- 1) Earning income by begging, singing and/or the like on the road, in transportation, residential homes, offices, and public places. Or
- 2) Collecting beggars, buskers, or street children to be used by asking for or singing to withdraw their income.¹⁵

Regional regulations are complementary to the Criminal Code. The Criminal Code restricts vagrancy and begging carried out in public places and Regional Regulation Number 1 of 2018 prohibits vagrancy and begging in public places and certain places such as residences. Then there are sanctions against homelessness and beggars as contained in Article 30 section (1), (2), and (3) concerning Administrative Sanctions and Article 32 concerning Criminal Provisions paragraphs (1), (2), and (3) Regional Regulation Number 1 of 2018 concerning Public Order, namely:

Article 30 regulates:

- 1) Any person who violates the provisions of Article 4 paragraph (2), Article 6 section (4), Article 8 section (1) and section (2), Article 10 section (1), Article 14 section (3), Article 16 section (2), Article 17, Article 18, Article 20 section (1) and section (2), Article 23, Article 24 paragraph (2), shall be subject to administrative sanctions.
- 2) The administrative sanctions, as referred to in paragraph (1), are in the form of:
 - a) Verbal warning
 - b) Written warning
 - c) Temporary suspension of activities;
 - d) Permanent cessation of activities;
 - e) Temporary revocation of permits;
 - f) Foreclosure; and/or
 - g) closing/dismantling
- 3) A mayor's regulation shall regulate further provisions regarding the implementation of administrative sanctions as referred to in section (2).¹⁶

¹⁴ Oleg M. Yaroshenko et al, "Features of Remote Work in Ukraine and the European Union: Comparative Legal Aspect," *Hasanuddin Law Review* 7, no. 3 (2021): 113-122, <http://dx.doi.org/10.20956/halrev.v7i3.3218>.

¹⁵ Peraturan Daerah Kota Gorontalo Nomor 1 Tahun 2018 tentang ketertiban Umum, h. 14.

¹⁶ <https://peraturan.bpk.go.id/home/details/85412/perda-kota-gorontalo-no-1-tahun-2018> (diakses pada tanggal 1 Juli 2019 pukul 11.23 WITA).

Article 32 regulates:

- 1) Anyone who violates the provisions referred to in Article 23 shall be sentenced to a maximum imprisonment of 3 (three) months and/or a maximum fine of Rp. 5,000,000.00 (five million rupiah).
- 2) The criminal act, referred to in section, (1) is a violation.
- 3) As mention in section (1), the fine is state revenue.¹⁷

In the explanation of the article, the sanctions that have been stipulated in this regional regulation are almost the same as the sanctions contained in the criminal code of law. The difference is, in regional regulations, there are administrative sanctions which are the embodiment of preventive efforts before the imposition of criminal sanctions (repressive efforts). The criminal provisions do not only include imprisonment but also fines.

Not only economic conditions, laziness to work, not wanting to find work, and not being able to take advantage of the resources around are the main factors that influence someone to become a homelessness person and beggar. The government has also taken preventive measures against the phenomenon of the homeless and beggars through controlling and fostering. Which, in this case, involves the Social Service of Gorontalo City and satpol PP of Gorontalo City. Control is carried out by giving verbal warnings, transporting homelessness and beggars to be brought to the office, and giving guidance. After that, they are returned to their respective addresses. Control is one of the efforts that must be made to the homeless and beggars, especially those who often carry out their activities at crossroads or in places where motorists pass by. Control maintains the safety and convenience of the rider. Also, it maintains the safety of the homelessness and beggars, not only in traffic light areas but also in all places. This provision is based on a summary of explanations from several law enforcement officers who became the author's informants in the study and had the authority to deal with the problem of homelessness and beggars in Gorontalo City.

The social service handles the homelessness and beggars by involving the Gorontalo City Satpol PP as the implementer of Regional Regulation Number 1 of 2018 concerning Public Order. Rules regarding the prohibition against homelessness and beggars are contained in Article 23 concerning Beggars, Singers, and Street Children. Regional regulation Number 1 of 2018, two sanctions can be charged to perpetrators of criminal acts violating Article 23, namely Administrative Sanctions (Article 30) and Criminal Provisions (Article 32). This Regional Regulation is a complement to the Criminal Code. Regional regulations are complementary to the Criminal Code. The difference is that the Criminal Code restricts vagrancy and begging carried out in public places and Regional regulation Number 1 of 2018 prohibits vagrancy and begging in public and certain places such as residences. Social Service and the Gorontalo City. Social service and Satpol PP of Gorontalo city carried out some preventive efforts in handling the homeless and beggars, emotionally approaching, transporting them to the office, collecting data, coaching, making the official report, and finally returning to their respective residences. Nevertheless, the government's efforts have not been optimal with these preventive measures.

The Social Service carries out the functions of administering government affairs and public services in the fields of social rehabilitation and social protection

¹⁷ Peraturan Daerah Kota Gorontalo Nomor 1 Tahun 2018 tentang *Ketertiban Umum*, h. 16.

guarantees, social empowerment and handling the poor.¹⁸ The handling of homelessness and beggars at the Gorontalo City Social and Community Empowerment Service, who were caught in a raid in 2018 were 29 people, 2 homelessness while 27 beggars. Meanwhile, in the last 6 (six) months of 2019 (January – June), there were 17 people, two homelessness, and 15 beggars. The following table can prove this:

Table 1.
Total of Homelessness and beggars
In Social and Community Empowerment Service

No.	Years	Kinds		Total
		Homelessness	Beggars	
1.	2018	2	27	29
2.	2019	2	15	17

Source : *Social and Community Empowerment Service in Gorontalo city of 2019*

Based on table 3, shows the phenomenon of homelessness and beggars mainly occurred in 2018 with a total of 29 people, and in 2019 there were 17 people. There was a drastic decrease in the number of beggars in 2019, meaning that the number of the homelessness remained, but the number of beggars decreased. Therefore, to optimize handling efforts, firmness is needed in enforcing the rules. Preventive efforts only apply to homelessness and beggars who are raided once. The homeless and beggars who are raided more than once must be given repressive effort to apply criminal penalties contained in Regional Regulation Number 1 of 2018 concerning Public Order, Article 32 sections (1) and (2). If an action has been given following the regional regulation but still performs the same act, the government must submit it to the police for further handling using Article 504 and Article 505 of the Criminal Code to create a beautiful, orderly, clean city from the homeless and beggars.

3.2 Factors Influencing Efforts to Handle Homelessness and Beggars.

Factors influencing efforts to handle homelessness and beggars consist of inhibiting factors and supporting factors. These two factors can partially influence each other, including:

a) Inhibiting factors of handling homelessness and beggars

There are some inhibiting factors, which is :

- 1) Facilities and infrastructure (damaged operational cars and unavailability of halfway houses as shelters).
- 2) Moral and human values. Human values are values regarding human dignity everyone has high human values and wants people to have attitudes and behave like humans.¹⁹ The point of view of human values has always been an obstacle in carrying out enforcement. Deep compassion causes us a bit difficult to act decisively in enforcing the rules.
- 3) Internal factors of Homelessness and beggars

¹⁸ Sri Sudiarti et al, "Analysis of the Role of Social Services in Handling Homeless Beggars (GEPENG) in Medan City (Case Study of Medan City Social Service" *Jurnal Ekonomi Manajemen Akuntansi dan Keuangan* 3, No. 3 (2022) : 861-866, <https://doi.org/10.53697/emak.v3i3.610>

¹⁹ <http://www.enprints.uny.ac.id/nilai-kemanusiaan.html> (diakses pada tanggal 15 Juli 2019 pukul 00.55 WITA).

In addition to the inhibiting factors originating from the government, there are also inhibiting factors originating from the object of handling, namely the homeless and beggars. The inhibiting factors in the handling process include:

- 1) Economic conditions led to the level of welfare that later became the antithesis of poverty,²⁰ thus causing the sprawl phenomenon in Gorontalo City.
 - 2) The inability to work (physical disability) of some homelessness and beggars in Gorontalo City also exposes their shortcomings in terms of physical so that for them, there is no more effort to get a job with their physical limitations.
 - 3) Homelessness and beggars in Gorontalo City have low education (formal and non-formal), so they cannot compete in getting decent jobs. This certainly affects the overall human development index, which builds the mindset that people are an essential asset of a country so development must consider the environment that allows its inhabitants to enjoy long, healthy, and creative lives.²¹
 - 4) The narrowness of employment ultimately results in unemployment. The narrowness of job opportunities is generally from the number of the workforce or job seekers which is not relevant or compared to the number of available jobs. However, in fact, the lack of job opportunities is the main problem in creating unemployment. but is there any ability or skill from suitable individuals to fill the job, so the need for skills and abilities is needed for each individual to get a job.
 - 5) Lazy to work is a social psychological factor (lazy to work) is also the cause of someone becoming a beggar. This socio-psychological condition hampers the family's economy so that they are unable to meet the basic needs of life properly. There is an inability to use the time for positive and valuable things, the inability to utilize the potential and available resources, making it difficult to follow changes to move forward.
 - 6) Children's requests which are the impact of parental love for children, require parents to do anything so that children can be happy and all their needs can be fulfilled. This is also one of the factors driving someone to become a beggar, especially parents who are elderly and live below the poverty line who want to make their children happy.
 - 7) Parental Education Not only homelessness and elderly beggars. Some children drop out of school and prefer to be beggars to help their parents for various reasons. There is a desire from oneself, and their parents order some.
 - 8) A depressed state of mind. The pressure from the people around, especially families or children, can encourage someone (especially parents) to take actions that sometimes violate the norms and customs that exist in a particular area.
 - 9) Abandoned by a child is a condition that tends to benefit a person so that he can have everything, often blinds the eyes of the heart and makes a person forget his identity, and sometimes acts beyond common sense. One of them is neglecting their elderly parents to certain places so they are unable to return home
- b) Supporting factors on the handling of beggars and homelessness in Gorontalo city

In addition to the factors that inhibit the handling process, there are also supporting factors in dealing with the homeless and beggars, namely joint control efforts that are sometimes carried out by the Social Service Government, Satpol PP, Police, and State Soldiers (TNI).

²⁰ Tegar Rismanuar Nuryitmawan, "Comparative Study Of Poverty In Indonesia: Multidimensional Poverty And Monetary Poverty," *JJET* 1, no.1 (2016): 29-36, <https://doi.org/10.20473/jiet.v1i1.1847>

²¹ Lorenzo Fiamonti, *Problem Domestik Bruto (Terjemahan Lita Soerjadinata (Tangerang Selatan: Marjin Kiri, 2017), p. 127.*

4. CONCLUSION

Handling Homelessness and Beggars in Gorontalo City: a. the regulation of the Criminal Code (KUHP), namely the prohibition of vagrancy and begging as regulated in Article 504 and Article 505 of the Criminal Code. If the act is carried out in a public place and shown in public Then, the act cannot be charged with using these two Articles. The element of article 504 and article 505 is nearly the same, but the difference is the homeless and beggars the phenomenon of homelessness and beggars are categorized as a crime of violating public order. Hence, the settlement process uses a quick examination procedure whose procedure is judged by a single judge at the first level. The public prosecutor is not required to be present so that investigators can act as public prosecutors in court, b. The social service handles the homelessness and beggars by involving the Gorontalo City Satpol PP as the implementer of Regional Regulation Number 1 of 2018 concerning Public Order. Rules regarding the prohibition against the homeless and beggars are contained in Article 23 concerning Beggars, Singers, and Street Children. Regional regulation Number 1 of 2018, two sanctions can be charged to perpetrators of criminal acts violating Article 23, namely Administrative Sanctions (Article 30) and Criminal Provisions (Article 32). This Regional Regulation is a complement to the Criminal Code. Regional regulations are complementary to the Criminal Code. The difference is that the Criminal Code restricts vagrancy and begging carried out in public places and Regional Regulation Number 1 of 2018 prohibits vagrancy and begging in public places and certain places such as residences. Social Service and the Gorontalo City. Social service and Satpol PP of Gorontalo city carried out some preventive efforts in handling the homelessness and beggars, emotionally approaching, transporting them to the office, collecting data, coaching, making the official report, and finally returning to their respective residences. However, the government's efforts have not been optimal because they only apply to the homeless and beggars who are caught in one raid. The homeless and beggars who are raided more than once must be given repressive measures to apply criminal penalties as contained in Regional Regulation Number 1 2018 concerning Public Order, Article 32 section (1) and (2). If an action has been given following the regional regulation but still performs the same act, the government must submit it to the police for further handling using Article 504 and Article 505 of the Criminal Code, c. Two factors influence the handling of the homeless and beggars in Gorontalo City, namely: 1). Inhibiting factors in handling the homeless and beggars inhibiting factors in the handling process, Facilities and Infrastructure (Operational Cars and Shelters), Consideration of Human Values, 2). Internal factors that come from homelessness and beggars: Economic conditions, inability to work (physical disability), low education (formal and non-formal), and limited employment opportunities

REFERENCES

Journal Article

- Campbell, Andrea Louise. " Policy Makes Mass Politics." *Annual Review of Political Science* 15, no.8 (2012): 333–51. <https://doi.org/10.1146/annurev-polisci-012610-135202>.
- Fadri, Zainal. "Upaya Penanggulangan Gelandangan Dan Pengemis (GEPENG) Sebagai Penyandang Masalah Kesejahteraan Sosial (PMKS) Di Yogyakarta." *Komunitas* 10, no. 1 (2019): 1-19, <https://doi.org/10.20414/komunitas.v10i1.1070>.

- Kuntari, Sri, Eny Hikmawati Sri Kuntari et al., " Seeking The Root Of The Problems Of Beggar And Homelessness." *Media Informasi Penelitian Kesejahteraan Sosial* 41, no. 1 (2107): 15-25, <https://doi.org/10.31105/mipks.v41i1>.
- Maryatun, Santoso Tri Raharjo, Budi Muhammad Taftazani." Upaya Penanganan Permasalahan Gelandangan Dan Pengemisi." *Sosio Informa* 8, no.1 (2020): 47-62, <https://doi.org/10.33007/inf.v8i1.2977>.
- Nuryitnawan, Tegar Rismanuar. "Comparative Study Of Poverty In Indonesia: Multidimensional Poverty And Monetary Poverty." *JJET* 1, no. 1 (2016): 29-36. <https://doi.org/10.20473/jiet.v1i1.1847>.
- Putu, i Yunika Sulistyawati et al, " The Effectiveness of Homelessness and Beggars Handling Related to the Badung Regency Regulation Number 7 of 2016 Concerning Public Order and Peace of the Community" *Journal of Sustainable Development Science* " Vol 2, No. 2 (2020) : 53-59, <https://doi.org/10.46650/jsds.2.2.1016.53-59>
- Rangga, Terry Nugraha, "Anti-Beggar and Homeless Policy in the Context Social Welfare". *Research Review Quarterly* 7, No. 3 (2021): 345-350, <https://doi.org/10.15294/lrrq.v7i3.48156>
- Setiawan, Hendy." Fenomena Gelandangan Pengemis Sebagai Dampak Disparitas Pembangunan Kawasan Urban Dan Rural Di Daerah Istimewa Yogyakarta." *Moderat* 6, no. 2 (2020): 361-375, <http://dx.doi.org/10.25157/moderat.v6i2.3218> .
- Sudiarti, Sri et al, "Analysis of the Role of Social Services in Handling Homeless Beggars (GEPENG) in Medan City (Case Study of Medan City Social Service" *Jurnal Ekonomi Manajemen Akuntansi dan Keuangan* 3, No. 3 (2022) : 861-866, <https://doi.org/10.53697/emak.v3i3.610>
- Syafii, Ahmad, Amir Mu'allim Syafii Rahman, "Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives." *Millah* 21, no. 1, (2021): 23-54, <https://doi.org/10.20885/millah.vol21.iss1.art2>.
- Yaroshenko, Oleg M, Nataliia O. Melnychuk , Sergiy V. Moroz , Olena O. Havrylov4 , Yelyzaveta P. Yaryhina. "Features of Remote Work in Ukraine and the European Union: Comparative Legal Aspect. " *Hasanuddin Law Review* 7, no. 3 (2021): 113-122. <http://dx.doi.org/10.20956/halrev.v7i3.3218>.

Book

- Fiaramonti, Lorenzo. *Problem Domestik Bruto (Terjemahan Lita Soerjadinata*. Tangerang Selatan: Marjin Kiri, 2017. Moeljatno, *Asas-Asas Hukum Pidana*. Jakarta: Bina Aksara, 2015.
- Tim Redaksi Certe Posse. *Kitab Undang Undang Hukum Pidana dan Kitab Undang Undang Hukum Acara Pidana (KUHP & KUHP)*. Yogyakarta: Certe Posse, 2015.
- Warjiati, Sri. *Memahami Dasar Ilmu Hukum. Konsep Dasar Ilmu Hukum*. Jakarta: Kencana, 2018.

Thesis, Web Page, and Others

<https://peraturan.bpk.go.id/home/details/85412/perda-kota-gorontalo-no-1-tahun-2018>.

<http://www.enprints.uny.ac.id/nilai-kemanusiaan.html>