

**STAATSRECHT:**  
**Indonesian Constitutional Law Journal**  
**Volume 6 Nomor 1 (2022).**  
**P-ISSN: 2549-0915. E-ISSN: 2549-0923**


# 2

**A REVIEW OF SIYASAH  
FIQH ON THE  
IMPLEMENTATION OF  
REGIONAL REGULATION  
NUMBER 5 OF 2012  
TANGERANG CITY**

**Ebta Yulianto & Siti Ngainnur Rohmah**

# A REVIEW OF SIYASAH FIQH ON THE IMPLEMENTATION OF REGIONAL REGULATION NUMBER 5 OF 2012 TANGERANG CITY\*

Ebta Yulianto<sup>1</sup>, Siti Ngainnur Rohmah<sup>2</sup>  
Institut Agama Islam Al-Zaytun Indonesia (IAI AL-AZIS)

 [10.15408/siclj.v6i1.28468](https://doi.org/10.15408/siclj.v6i1.28468)



## **Abstract**

*Regardless of the size of a city, children living on the streets, the homeless, and begging have become typical aspects of city life. This issue appears to necessitate particular attention. The problems of unmanaged homelessness, street kids, and begging are also present in Tangerang. The purpose of this study was to determine the extent to which the fiqh siyasah has evaluated regional rule 5 of 2012 in Tangerang City. This inquiry utilizes library searches with a policy-centric focus. This study discovered that Law No. 11 of 2009 concerning Social Health and Law No. 13 of 2012 concerning Handling the Poor are used to implement the Tangerang City Regulation, which promotes the right to education, shelter, and work for street children, homeless persons, beggars, and buskers. Numerous aspects of Tangerang City Regulation Number 5 of 2012 are consistent with siyasa fiqh, including the obligation to protect all people regardless of race or religion, the protection of oneself, one's property, and one's family, and the emphasis on equality of rights and equality before the law. In accordance with the Siyasah fiqh principles espoused by Abdul Khalaf Wahhab and Abu A'la al-Maududi, Regional Regulation No. 5 of 2012 also seeks to preserve the human rights of each community, social justice, and legal protection for all.*

**Keywords:** *Regional Regulations; Fiqh Siyasa; Street Children*

---

\*Received on April 4, 2022, reviewed on May 25, 2022, Published on June 01, 2022.

<sup>1</sup> **Ebta Yulianto** is a student of Constitutional Law, Faculty of Sharia. Institut Agama Islam Az-Zaytun Indonesia (IAI AL-AZIS).

<sup>2</sup> **Siti Ngainnur Rohmah** is a Lecturer at the Department of Constitutional Law (Siyasah), Faculty of Sharia. Institut Agama Islam Al Zaytun Indonesia, alamat email: [siti.ngainnur@iai-alzaytun.ac.id](mailto:siti.ngainnur@iai-alzaytun.ac.id)

## A. INTRODUCTION

Problems on the road including street children, the homeless, and beggars are an integral part of life in both large and small cities. This issue appears to require particular attention. As in other cities, the metropolitan area of Tangerang experiences the problem of unmanaged street children, homeless persons, and beggars.

The city government of Tangerang recognizes that in order to remove this occurrence, a preventative approach is required, namely the implementation of road laws. Through the creation of Regional Regulation Number 5 of 2012 Tangerang City about the Treatment of Street Children, Homeless People, and Beggars, a promise has also been made. According to Article 5(1) of the Law of the Republic of Indonesia Number 11 of 2009 on Social Welfare, the implementation of social welfare is intended for individuals, families, groups, and communities. Those who are homeless and beggars are classified as socially dysfunctional or People with Social Welfare Problems (PMKS). As a rule of law governing social welfare in Indonesia, this law emphasizes the principal activities, namely the implementation of social welfare for the community, with a focus on those whose lives are not humanely appropriate and criteria for social problems of neglect, disability, remoteness, social descent, and deviation. culprits, disaster victims, or victims of violence, exploitation, and prejudice.

In this context, it is evident that the homeless and beggars are a group of individuals with poverty issues; therefore, the challenge of conducting social welfare activities must involve the homeless and beggars. According to Article 8 of Law Number 23 of 2002, every child has the right to receive health care and social security in accordance with their bodily, psychological, spiritual, and social requirements. Domestic violence (KDRT) is one of the causes of children living on the streets. Some street children are forced to live on the streets because the economic status of their families makes it impossible to provide perfect care for youngsters. Article 34 of the Constitution of 1945 also explicitly

says that the state will care for underprivileged and neglected children if it is related with Law Number 23 of 2002.

Discussing the function of Regional Regulation No. 5 of 2012 as an instrument for easing street problems involving street children, beggars, and homeless persons is a constitutional topic that is also debated or related to *Siyasah Fiqh*. *Fiqh Siyasah* also examines the regulation of relations between citizens and citizens, citizens and state institutions, and state institutions and state institutions, as well as internal and foreign relations of a country and between countries, in a variety of spheres of life (Iqbal, 2007: 78). The subject of *siyasa* is the laws and regulations, the organization and regulation of the benefit, the interaction between the rulers and the people, as well as the rights and responsibilities of each in attaining the goals of the state (Shiddieqy, 2012: 109).

The phenomenon of street children, homeless people, beggars, and buskers in Tangerang City and the enactment of Regional Regulation Number 5 of 2012 Tangerang City is interesting to study in a review of *siyasah fiqh* because *siyasah dusturiyah fiqh* addresses the relationship between leaders and their followers. The authors are interested in examining the implementation of guarantees for the rights of street children, homeless people, beggars, and buskers in Regional Regulation Number 5 of 2012 Tangerang City, as well as the implementation of Regional Regulation number 5 of 2012 in fostering street children, homeless people, beggars, and buskers. *Siyasah Fiqh* viewpoint street performers.

## B. METHODS

This research is included in standard legal research of the library research type (library research). There are two types of data utilized: primary data, which includes law, and secondary data, which consists of a variety of relevant literature. Data collecting approaches In this work, the author collects data through library research (library research) methodologies and

employs a descriptive method. The approach for analyzing the data was content analysis, while validating the data involved triangulation, the use of reference materials, data verification, and testing dependability.

## C. RESULTS AND DISCUSSION

### 1. State and People's Welfare

The achievement of prosperity and well-being for all Indonesians was one of the goals pursued by the nation's founders. A rejection of these objectives is a development strategy that allows only a small number of community groups to enjoy the benefits of development while marginalizing other community groups (Nuryartono, 2009: 67).

The welfare of the country and state, notably in Indonesia, is articulated in Pancasila's fifth precept, which states, "social justice for all Indonesians," and the Constitution of 1945. In addition, Article 33, paragraph 3 states that "earth and water, as well as the natural resources contained therein, will be under governmental control and utilized for the greatest prosperity of the people." Article 34 of the 1945 Constitution and the introduction to the 1945 Constitution state, "to build an Indonesian state government that protects the entire Indonesian nation and the entire Indonesian homeland, and to promote public welfare and educate the nation's life." The articulation of the state's goals as expressed in the fourth paragraph of the Preamble to the Constitution of 1945, which is intended for the phrase "promoting public welfare."

Based on the mandate of the 5th precept of Pancasila and the preamble of the 1945 Constitution and Article 33 paragraph (3) of the 1945 Constitution, the state is given the burden of responsibility for the welfare of its people. As in Azhary's opinion, at the beginning of the formation of the Indonesian state, the country that the Indonesian people wanted to form at that time was a welfare state. The welfare of the people which is the basis and goal of an independent Indonesian state in short is

social justice or social justice (Azhary, 1995: 33).

With regard to the state that must provide welfare to its people as a state goal, Isrok formulated it by mapping it into two, namely:

- a. General purpose. Realizing a just and prosperous society (res publica or public interest) of the Indonesian nation.
- b. Special purpose. Based on the fourth paragraph of the Preamble to the 1945 Constitution of the Republic of Indonesia. The goals of the Indonesian people are (Isrok, 2010): 1). Protect the entire Indonesian nation and the entire homeland of Indonesia; 2). Promote the general welfare; 3). Enrich the life of a nation; 4). Participate in carrying out world order based on freedom, eternal peace and social justice.

Indonesia is one of the supporters of the concept of a material legal state that also incorporates the concepts of a welfare state, as implied by the mandates in numerous Articles of the 1945 Constitution and the fifth precepts of Pancasila. Examining the provisions of the 1945 Constitution as a whole, one might conclude that Indonesia is a material legal state or a state with the notion of a welfare state, in which the state has an absolute responsibility to promote public welfare and realize social justice for all its residents (Hadiyono, 2020: 4). The final goal is not limited to the material field, but covers all aspects of life because welfare is directly related to human dignity (Marilang, 2012: 6).

When discussing the state and the welfare of the people, it is inseparable from the welfare state diction, which refers to the welfare state, i.e., the idealized notion of how a country can carry out its responsibilities in order to become a servant for its citizens and facilitate a prosperous way of life.

Based on a number of existing definitions, the essence of the term welfare state is the state's responsibility for the welfare of its citizens (Alfitri, 2012: 3). According to Thomas et al., the indicator of the wellbeing of the lower middle class is the level

of communal life characterized by a reduction in poverty, improved health, greater education levels, and increased community output. All of this reflects the rise in income of the lower middle class (Thomas, 2005: 87).

Umar Chapra views that at least four things must be provided by the Welfare State to its people, including: (Chapra, 1989: 109) a). Creating security; b). Supplying social services; c). Reducing the social costs of society; d). Controls the reproduction rate.

Indonesia agrees with the concept of a welfare state in which various existing laws compel the provision and exploitation of assistance for all Indonesians. Because "promoting general welfare" and "social justice for all Indonesian people" is a constitutional obligation to construct a social security system, it must be achieved in the form of a state assuming responsibility for guaranteeing a minimum quality of living for all of its residents.

## **2. The Meaning of Welfare in the Constitution**

The aforementioned formulation of the welfare state ideology supports general welfare, and the fifth pillar of Pancasila, "social justice for all Indonesian people," is embodied in the body of the Indonesian state constitution as a guide for national life and state administration. Article 34 of the pre-1945 Constitution stipulates that the state is responsible for the care of destitute and neglected children. After the fourth amendment, the state's role in the field of social welfare was broadened to include the development of a social security system, the empowerment of the poor, and the provision of health services and public service facilities (Alfitri, 2012: 3).

The series of articles in the 1945 Constitution for example from Article 23 paragraph (1) emphasizes the mandate of the implementation of people's welfare, namely mandating that; "The management of the government's budget and finances must be prioritized for the welfare of the people." This means

that developments in the economic, education, health, and industrial sectors must prioritize or prioritize improving the welfare of their citizens.

In addition, Article 27 paragraph 2 states, "Every person has the right to work and an acceptable standard of living." Clearly, this article is a constitutional guarantee for the employment of citizens; therefore, pursuant to Article 23 paragraph (1), the management of government budgets and finances can also be geared toward development that can absorb a large number of workers. Thus, such a policy can flourish under a constitution that is not simply a pleasure to read ([Hadiyono, 2020: 6](#)).

Article 28C of the constitution guarantees the people the right to exercise their fundamental freedoms. Article 28H further emphasizes the state's responsibility for its citizens' basic rights by declaring that everyone has the right to physical and spiritual prosperity; to have a place to live; to obtain an environment in which to live a good and healthy life; to obtain health services; and to obtain facilities and special treatment to ensure that all citizens have access to the same opportunities. Article 31 guarantees citizens the right to an education and the state the responsibility to ensure that they receive the best education possible ([Hadiyono, 2020: 7](#)).

Articles 33 and 34 of the 1945 Constitution further confirm that Article 33 mandates the following; in paragraph (1) gives the order, namely: "The economy is structured as a joint effort based on the principle of kinship" which means that the economic system of the Indonesian state is the result of joint thinking and is compiled together and is a joint effort. Based on the principle of kinship to improve the welfare of the community, all of this cannot be separated from the concept of constitutional democracy, a state of material law, so that the prosperity of the people is prioritized, not the individual. Then paragraph (1) is continued in paragraph (2) which also emphasizes the concept of the welfare state, which is to provide the following mandates; "Production branches which are



important for the state and which affect the livelihood of the people are controlled by the state" (Hadiyono, 2020: 7).

Paragraph three emphasizes the state's authority over and the people's benefit from "the earth and water and the natural resources contained within." Again, the state is responsible for managing and then establishing objectives for the good of its population. The communal spirit of Article 33 makes it a public benefit to regulate commodities. Yet another reminder comes in Article 34, which states that the Indonesian government is "taking care," namely of the underprivileged and neglected children in the country (paragraph 1). As a result, the state creates a social security system for all citizens and gives the power to the poor and powerless in accordance with human dignity to accomplish this goal (paragraph 2). Since the State is held accountable in this paragraph for ensuring citizens have access to adequate public service facilities, it can be argued that in this case the State is responsible not only for the provision of such services but also for the provision of public facilities that are intended for and utilized by the public (Hadiyono, 2020: 9).

Article 27 paragraph (2) of the 1945 Constitution which reads: Every citizen has the right to work and a decent living for humanity. Article 28H paragraph (3) Everyone has the right to social security that allows his full development as a dignified human being. Article 34 paragraph (1) the poor and neglected children are cared for by the state, paragraph (2) the state develops a social security system for all people and empowers the weak and incapable in accordance with human dignity, paragraph (3) the state is responsible for provision of adequate health care facilities and public service facilities.

The writer concludes from the above that constitutional guarantees for citizens to obtain jobs (Article 23 paragraph 1), the fulfillment of basic rights of citizens namely clothing, housing, food, education, health services, and obtaining facilities, and advancements in the economic, educational, health, and industrial sectors all fall under the umbrella of "welfare." and preferential treatment to provide equal access to resources and

advantages in the name of equity and fairness; and last, the guarantee of a safe and secure life in which one can grow into one's full human potential (Article 28 C).

The economy is structured as a joint effort based on the principle of kinship in order to improve the welfare of the community and the state prohibits the control of natural resources in the hands of individuals, such as monopolies, oligopolies or the existence of boiler practices concerning the management of natural resources (Articles 33 and 34 of the 1945 Constitution), fulfillment of the right to get a job and a decent living for humanity and people have the right to social security that allows their full development as a dignified human being (Article 28H paragraph (3) of the 1945 Constitution), the poor and neglected children are cared for by the state (Article 34 paragraph 1 ).

### **3. Implementation of the Guarantee of the Rights of Street Children, Homeless Persons, Beggars, and Street Performers in Regional Regulation No. 5 of 2012 Tangerang City**

Tangerang City Regional Regulation Number 5 of 2012 concerning Guidance for street children, homeless people, beggars and buskers is intended to fulfill the mandate of Article 18 Paragraph (6) of the 1945 Constitution of the Republic of Indonesia, Law Number 23 of 2002 concerning Child Protection ( State Institutions of the Republic of Indonesia of 2002 Number 109, Supplement to the State Gazette of the Republic of Indonesia of 2002 Number 4235), Law Number 11 of 2009 concerning Social Welfare, Government Regulation Number 31 of 1980 concerning Combating Homeless and Beggars (State Institutions of the Republic of Indonesia of 1980 Number 51), Government Regulation Number 38 of 2007 concerning the Division of Government Affairs between the Government, Provincial Government and Regency / City Government (State Institution of the Republic of Indonesia of 2007 Number 51), Presidential Decree Number 40 of 1983 concerning Coordination of Social Welfare of Homeless and Beggars, Regional Regulation Number

6 of 2011 concerning Public Order (Regional Gazette of Tangerang City of 2011 Number 6, Supplement to the Regional News Gazette of Tangerang City Number 1).

Before discussing the implementation of the Regional Regulation, the author will describe what exactly is the intent or purpose of the issuance of the Regional Regulation. Basically, the most basic objective is to provide guidance to street children, homeless people, beggars and buskers, and the purpose of coaching them is explained in Article 3, namely to:

- a. Provide protection and create public order and peace.
- b. Upholding human rights and dignity as citizens who must be respected.
- c. Maintain family characteristics through deliberation efforts in realizing an orderly and dignified common life.
- d. Creating fair treatment in realizing social life.
- e. Improving order in society through legal certainty that can protect citizens so that they can live calmly and peacefully.
- f. Realizing balance, harmony, harmony between individual and community interests with the interests of the nation and state.

The realization of the six goals of fostering street children, homeless people, beggars, and buskers certainly requires an implementation system. The series of implementations in order to realize the intended goals are:

- a. Empowerment activities are carried out for families of street children, homeless and beggar families, families of buskers and families of ex-leprosy intended as an effort to carry out activities to improve social welfare (Article 6). The Tangerang City Government realizes that the root of the emergence of this series of problems is that it starts from an unhealthy family, so the family is the first part to be repaired. The empowerment activities as referred to in Article 6 paragraph (1) are carried out through: 1). Household-based skills training; 2). Entrepreneurship training; 3). Provision of productive economic venture capital assistance (UEP); 4). Establishment of a joint

business group (KUBE); 5). Development of joint business groups (KUBE).

- b. Provide additional guidance to street children, homeless persons, beggars, buskers, ex-leprosy patients, and families who have received assistance on prevention, further development, and sustained social rehabilitation (Article 9). Follow-up guidance is needed so that there are no programs that stop or there are obstacles that cause coaching not to run optimally.

The regulation also outlines various steps to provide rights in the form of welfare through fostering the right to education, shelter and skills training.

#### **4. The instruments in the Tangerang City Regional Regulation Number 5 of 2012 concerning the Guidance of Street Children, Homeless, Beggars and Singers from the Siyasaah Fiqh Perspective**

Suharsimi Arikunto stated that: "instruments are tools that are chosen and used by researchers in their activities to collect data so that these activities become systematic and facilitated by them." An evaluation tool or instrument is something that can be used to make it easier for someone to carry out tasks or achieve goals more effectively and efficiently (Arikunto, 2010: 43). If the context of "instruments in the Tangerang city regulation number 5 of 2012 concerning the development of street children, homeless people, beggars, and buskers from the perspective of siyasah fiqh" is "instruments in the Tangerang city regulation number 5 of 2012 concerning the development of street children, homeless people, beggars, and buskers from the perspective of siyasah fiqh," then the instrument in question is a tool to achieve the objectives of the Tang

The realization or non-realization of an existing regulation is largely affected by the government's role, whether at the national, regional, or municipal level. As a result, the author concludes that the instrument used to implement Tangerang city

regulation number 5 of 2012 regarding fostering street children, homeless people, beggars, and buskers is the Tangerang City government itself, which has a function that includes running, regulating, and organizing the government in accordance with Law Number 32 of 2004.

The instrument in the Tangerang City Regulation Number 5 of 2012 Concerning the Guidance of Street Children, Homeless, Beggars, and Singers from the Siyasah Fiqh Perspective, which in this case is the Tangerang City government, if it is associated with the Siyasah fiqh perspective, will not be separated from the discussion of the head of government in implementing the law with the goal of resolving community issues.

The word *siyasah*, which is derived from *sasa*, implies to regulate, manage, and govern, as well as government, politics, and policymaking. This linguistic concept suggests that the objective of *siyasa* is to govern, administer, and formulate policy regarding a political matter in order to cover anything. *Siyasah* has multiple connotations in Arabic, including regulating, managing, governing, leading, formulating policy, government, and politics. Terminologically, *siyasah* in oral al-Arabic *siyasah* means to control or direct anything by bringing it to its advantage (Andiko, 2014).

*Siyasah fiqh* principles of governance require the government to follow Islamic law. Islamic law-compliant governance processes include the leader's duty and authority for the physical, material, and psychological good of his people (mentally spiritual). It's fiqh-compliant. Establish *kulliyah* in government to get *syara*'s benefits (Rahman, 1986). The criteria are "to carry out their responsibilities while exercising their authority for the good of their people." This is in accordance with the Tangerang City Regulation instrument, which mandates that the Tangerang City government and all of its employees carry out and implement the Regional Regulation, taking into account its benefits for addressing the issues of street children, homeless people, beggars, and buskers.

## 5. The implementation of Tangerang Regional Regulation Number 5 of 2012 in Guiding Street Children, Homeless, Beggars, and Singers from the Perspective of Fiqh Siyash

Tangerang City is a city that cannot be separated from problems regarding street children, homeless people, beggars and buskers. Based on the table of the number of People with Social Welfare Problems (PMKS) by Type and District in Tangerang City in 2021, it is known:

District	Homeless child	Street children	Prostitutes	Beggar	Homeless	Abandoned Toddler
Cileduk	10	3	0	0	1	6
Larangan	85	0	0	2	3	10
Karagtengah	19	2	5	0	15	15
Cipondoh	56	0	0	0	0	12
Pinang	7	0	0	8	1	6
Tangerang	82	11	1	6	9	17
Karawaci	44	2	4	0	3	17
Cibodas	20	4	0	1	1	0
Jatiuwung	17	7	0	1	6	4
Periuk	34	6	1	4	1	63
Neglasari	18	8	0	1	0	9
Batuceper	20	2	0	1	1	3
benda	84	4	4	3	1	17
Kota tangerang	496	49	15	27	42	179
2014	497	49	0	36	41	167
2013	756	109	0	85	27	285

The high number of street children, homeless people, beggars and buskers as in the data above shows the need for a real effort by the Tangerang City government to eradicate it. Then a regional regulation was issued, namely the Tangerang City Regional Regulation Number 5 of 2012 concerning the

Guidance of street children, homeless people, beggars and buskers which is expected to be an instrument to alleviate these social problems.

The implementation of the Tangerang City Region Number 5 of 2012 concerning the Guidance of street children, homeless people, beggars, and buskers, when associated with *siyasah fiqh*, has met the criteria as required by Imam Ibn Abidin regarding the purpose of *siyasah fiqh*, which is to realize the benefit of humans by showing them a path that can save them in this world and the next (Syariati, 1989: 125). Local rules in this state provide numerous program items for humans, such as fulfilling the inherent rights of street children, homeless persons, beggars, and street children buskers. Local regulations distinguish and guide street children, homeless persons, beggars, and street children buskers to improve social welfare. If it's to better the human rights and lives of street children, the homeless, beggars, and street performers, then it fulfills the same purpose as *siyasah fiqh*, which is to save in this world and the next.

According to Abu A'la al-Maududi in his book *Tadwin al-Dustur al-Islami*, the conception of Islamic government is obliged to protect all citizens regardless of race or religion, which includes protection of self, property and family (Al-Maududi, 1972: 132). In addition, equality of rights or equality before the law is highly upheld, equality before the law. In relation to equality before the law, Muhammad Husain Haekal stated that equality is the pattern of Islam and therefore it is the essence of its sovereignty. Marcel A. Boisard said the same thing: "the highest human quality is freedom in equality" (Alim, 2010: 65). Then the equation is reaffirmed by the text of the Koran, that "humans are one people", because all humans come from Adam and Eve. This is a universal bond of brotherhood that Boisard calls theocentric (god-centered) brotherhood. So *ukhuwah Islamiyyah* or brotherhood in Islam includes *ukhuwah wathaniyah* brotherhood of fellow countrymen, as well as *ukhuwah insaniyyah* and *ukhuwah basyariyyah*, brotherhood

of mankind.

The concept of Islamic social justice is a modern concept, in Islamic terminology justice is the antithesis of tyranny and arbitrariness, not with passive meaning alone, or eliminating tyranny (arbitrariness). However, it also means active which is reflected in: universal Islamic moderation, which is modern and impartial, tends to be sideways. He also did not isolate himself from the two. Justice in Islam is a mandatory provision and one of the vital elements of social and human life. It is a provision that must be determined by Allah SWT for all humans without exception. The right to own in social life is subject to the benefit of the people and society, and Islam has given full recognition of individual rights. The granting of rights has the main purpose of allowing and providing a way for the talents possessed by each human being according to each by a work body, it can develop properly and naturally. Thus, constructive concurrency arises.

Islam maintains a balance in the relationship between God and man; similarly, Islam attempts to build a balance in the relationship between humans in order to safeguard it from the negative effects of excessive economic acts. This is why Islam seeks justice in all facet of human life, not just one.

Abdul Khalaf Wahab's view in his book entitled *al-Siyasah al-Syar'iyyah*, the principles laid down in Islam in the formulation of this constitution are the guarantee of the human rights of every member of society and the equality of all people before the law, regardless of social stratification, wealth, education, and religion. This view is also in accordance with the intent of the ratification of Regional Regulation No. 5 of 2012 Tangerang City which views street children, homeless people, beggars and buskers must be given protection and guidance. Because they have human rights that are no different from other communities.

Tangerang City Regulation Number 5 of 2012 promotes social justice, equal rights, and protection for all, in accordance with *siyasah fiqh*. Because Tangerang City Regulation Number 5 of 2012 meets *siyasah fiqh* requirements, efforts are made to



promote and restore the status of street children, homeless people, beggars, and buskers, who are often undervalued or bullied, by providing facilities and teaching skills so they can become useful members of society and no longer live on the streets.

#### **D. CONCLUSION**

The implementation of guarantees for the rights of street children, homeless people, beggars, and buskers in Regional Regulation Number 5 of 2012 Tangerang City is implemented through Law no. 11 of 2009 concerning Social Health, Law no. 13 of 2012 concerning Handling the Poor, as well as the Tangerang City Regulation concerning the Guidance of street children, homeless people, beggars, and buskers, which later through the Regional Regulation contains various steps to provide for the protection of these individuals' rights.

The content of Perda Perda No. 5 of 2012 is consistent with the principle and goal of siyasah fiqh, which is required to protect all people regardless of race or religion, including protection of self, property, family, equality of rights, and equality before the community law. In accordance with the principles of Siyasah fiqh as interpreted by Abdul Khalaf Wahhab and Abu A'la al-Maududi, Regional Regulation No. 5 of 2012 also seeks to safeguard the human rights of every community, social fairness, and legal protection for everyone.

#### **REFERENCES:**

- Al-Maududi, Abu A'la. 1972. *Tadwin Al-Dustur Al-Islami, 1972, Diterjemahkan Oleh Abdullah Suhaeli*. Jakarta: Sinar Hdaya.
- Alfitri. 2012. "Ideologi Welfare State Dalam Dasar Negara Indonesia: Analisis Putusan Mahkamah Konstitusi Terkait Sistem Jaminan Sosial Nasional." *Jurnal Konstitusi* 9, no. 3. 450–471.
- Alim, Muhammad. 2010. *Asas-Asas Negara Hukum Modern*.

Yogyakarta: LKIS.

- Andiko, Toha. 2014. "Pemberdayaan Qawaid Fiqhiyyah Dalam Penyelesaian Masalah Masalah Fikih Siyasah Modern." *Al-Adalah* 7, no. 1.
- Arikunto, Suharsimi. 2010. *Prosedur Penelitian Suatu Pendekatan Praktik*. Edisi Revi. Jakarta: Rienika Cipta.
- Azhary. 1995. *Negara Hukum Indonesia: Analisis Yuridis Normatif Tentang Unsur- Unsurnya*. Jakarta: UI -Press.
- Chapra, Umer. 1989. "Islam and Econommic Development." *International Institute of Islamic Thought and Islamic Research Institute*.
- Hadiyono. 2020. "Indonesia Dalam Menjawab Konsep Negara Welfare State Dan Tantangannya." *Jurnal Hukum Politik dan Kekuasaan* 1, No. 1: 23–33.
- Iqbal, Muhammad. 2007. *Fiqh Siyasah*. Jakarta: Gaya Media Pratama.
- Isrok. 2010. *Ilmu Negara Berjalan Dalam Dunia Abstrak*. Malang: UB Press.
- Marilang. 2012. "Ideologi Welfare State Konstitusi: Hak Menguasai Negara Atas Barang Tambang." *Jurnal Konstitusi* 9, no. 2. 260–286.
- Nuryartono, Nunung. 2009. "Kesenjangan Ekonomi Sosial Dan Kemiskinan", *Ekonomi Konstitusi: Haluan Baru Kebangkitan Ekonomi Indonesia*. Jakarta: Soegeng Sarjadi Syndicate.
- Peraturan Daerah Kota Tangerang Nomor 5 tahun 2012 Tentang Pembinaan Anak Jalanan, Gelandangan, Pengemis Dan Pengamen.
- Rahman, Asmuni A. 1986. *Metode Penerapan Hukum Islam*. Jakarta: PT. Bulan Bintang.
- Shiddieqy, Tengku Muhammad Hasbi Ash. 2012. *Asas-Asas Hukum Tata Negara Menurut Syariah Islam*. Yogyakarta: Matahari Masa.
- Syariati, Ali. 1989. *Imamah Dan Umamah, Terj. Afif Muhammad*. Bandung: Mizan.
- Thomas. 2005. *Annuities and Individual Welfare*.