Legal Review of Regulations Regarding Online Begging on Social Media Based on the Siyasah *Fiqh* Perspective

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Abstract. *This research aims to understand how online beggars develop on social media, find out how fiqh siyasa views online beggars on social media based on legal reviews in dealing with social problems. The method applied in this compilation is a normative-empirical approach which has descriptive-analytical characteristics, that is, it uses a method related to applying normative legal provisions (laws) to every event that occurs in society. Then an analysis of the data obtained is carried out systematically to obtain answers. Based on the research results, the government implements policies aimed at preventing and dealing with online beggars by issuing legal regulations. These policies include preventive and repressive measures. This policy is expected to prevent and reduce the development of beggars both online and offline, as well as encourage the productivity of beggars in society.*

Keywords: *Beggars; Government; Online; Regulation.*

1. Introduction

One of the events currently being widely discussed in society is online begging. A beggar is a person or group who begs by relying on the sympathy of other people, with the aim of getting money from the results of the begging. Beggars can be categorized as individuals or groups who face disturbances in social aspects or are included in groups that face problems in social welfare. Of the many beggars, some have a place to live and some are homeless. Those who don't have a place to live generally roam the streets and sleep anywhere. Begging is an activity of begging that relies on the hope of gaining sympathy from others by demeaning or showing one's shortcomings. Beggars get their income from begging in public with various methods in an effort to gain the sympathy of

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other individuals. In general, beggars are divided into two categories, first are forced beggars, namely beggars who do not have the ability to work and make begging the main way to continue their life. Second, a beggar by habit who is a beggar who begs all his life. This is because they are lazy to work and make begging as a way out.[1]They make begging as a form of work to survive, using various methods and relying on the sympathy of others, such as someone who pretends to be disabled in order to get compassion or mercy from others.

Beggars include individuals or groups who require special attention from the government. One of the reasons why there are still so many beggars in Indonesia is because it is difficult to get work. Begging is made into a job for the reason of survival. The large number of beggars can lead to high poverty rates in Indonesia. During the pandemic, social media started to become a destination for many people for activities, such as being used as a place to sell or just looking for entertainment. Social media itself is an online service that facilitates its users to carry out social interactions such as communicating, sharing content in the form of photos, videos and writing.[2]

The development of social media during the pandemic gave rise to new creations by utilizing social media as a place to beg. Some people started to abuse social media as a place to beg. Initially, social media was intended to see entertaining things and a place to interact, but over time some people started to abuse it.

2. Research Methods

This research applies a qualitative research approach. This type of research can be categorized as normative-empirical, where the emphasis is on the application of legal norms (laws) to various events related to social relations between community members.[3] This research is descriptive analytical in nature where the approach illustrates ongoing conditions and aims to obtain data about the research object after which it is analyzed using legal theory and applicable legal regulations.[4] The data collection method in this study used library research based on primary data, namely legal regulations and secondary data, namely legal literature books that function as an explanation for the primary data.[5] This data

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[1]Edi Suharto, *Membangun Masyarakat, Memberdayakan Rakyat*, (Bandung: PT. Refika Aditama, 2009), p. 12

[2]Tongkotow Liedfray, *Peran Media Sosial Dalam Mempererat Interaksi Antar Keluarga Di Desa Esandom Kecamatan Tombatu Timur Kabupaten Minahasa Tenggara,* Jurnal Ilmiah Society, Vol. 2 No. 1 (2022), p. 2-3

[3]Soerjono Soekanto & Sri Mamudji*, Penelitian Hukum Normatif: Suatu Tinjauan Singkat,* (Jakarta :Raja Grafindo Persada, 2003), p. 13.

[4]Zainuddin Ali, *Metode Penelitian Hukum,* (Jakarta : Sinar Grafika, 2009), p. 223

[5]Kornelius Benuf, Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer, Jurnal Gema Keadilan Vol. 7 No.1 (2020), p., 26

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collection originates from legal materials that can assist in this research such as laws, legal literature books on the Al-Qur'an and Hadith as well as articles and the mass media.

3. Results and Discussion

3.1. Development of the Beggar Phenomenon on Social Media

Social media is identified as a place or digital platform that offers various facilities for interaction. Activities carried out by social media users usually include sending messages, photos, audio and videos. This is done for communication for social media users. Not only to function as a means of communication, social media also acts as a forum for providing information in the form of both writing and video.[6]Angga Prawadika Aji, Lecturer in Communication Sciences at Airlangga University, expressed his opinion that currently social media is also a means of gaining popularity and income. The users also do various ways to attract people's attention.[7]

The emergence of social media has become a new culture for Indonesian people which has made many people use social media because social media is multifunctional and makes life easier in social interaction. One of them, social media is currently used as a tool for online interaction between people in networks (online). Until January 2023 in Indonesia social media users, such as Instagram, Tiktok, Youtube, Twitter and others totaled 167 million users in Indonesia or reached 61% of the total population of Indonesia (278 million people).[8]

The large number of social media users shows significant growth in the development of social media itself. This is caused by the ease of accessing social media via smartphone. Then this development has an impact on the emergence of online job opportunities on social media, one of which is becoming a streamer on social media. The streamer himself is a person who displays videos about his daily activities directly via the internet with the aim of entertaining other social media users. The activities carried out by streamers generally are showing hobbies such as playing games, cooking, painting and other things that are currently viral.

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[6]Ahmad Setiadi, *Pemanfaatan Media Sosial Untuk Efektifitas Komunikasi,* (2016) p.2
[7]Nurcholis Ansari Lubis, Demi Cuan Rela Mandi Lumpur, Fenomena Eksploitasi Kemiskinan di TikTok, https://www.jakartanetizen.com/gaya-hidup/pr-5216513412/demi-cuan-rela-mandi-lumpur-fenomena-eksploitasi-kemiskinan-di-tiktok, accessed on 04 June 2023 at 23.12 WIB
[8]Agnes Z. Yonatan, Menilik Pengguna Media Sosial Indonesia 2017-2026, https://data.goodstats.id/statistic/agneszefanyayonatan/menilik-pengguna-media-sosial-indonesia-2017-2026, accessed on July 12 2023 at 23.19 WIB

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Apart from having a positive impact, on the other hand, social media is sometimes misused by several parties, resulting in a negative impact. One of them is the emergence of bad content, such as creating challenges that hurt someone physically and spiritually. One thing that is going viral on social media is that several groups are starting to take advantage of the live streaming feature on one of the applications. The activity they carried out during the live streaming took place by bringing up elderly people who were soaking in a tub filled with water to invite compassion from the audience so as to give gifts (gifts from the audience), another thing that some of these groups did by soaking for hours in mud puddles. Some even openly asked the audience for money on the grounds that they were in debt and not eating.

This activity is included in the category of begging which in general in Indonesian positive law is considered an illegal act. In the context of Indonesian positive law, begging activities are considered a violation of the law *(overtredingen)*, especially in the aspect of public order. The law that regulates this is stated in the Criminal Code article 504 paragraph 2 which states "anyone who begs (begs) in a public place is punished for begging, with imprisonment for six weeks". This criminal law approach is in accordance with the role of law as a tool to direct and shape behavior (law as a tool of social engineering).[9] Then beggars are further regulated in Government Regulation number 31 of 1980 concerning dealing with homeless people and beggars. This regulation refers to efforts to deal with the problem of homeless people and beggars and aims to suppress the development of homeless people and beggars in Indonesia.[10]

This encourages this group to return to a decent life and not become a burden on the community by carrying out preventive and repressive efforts.[11]In article 6 PP No. 31 of 1980 there are two main approaches in dealing with beggars. The preventive approach includes activities such as social counseling and guidance, social development, providing social assistance, efforts to expand employment opportunities, establish local settlements, and improve welfare levels. Meanwhile, the repressive approach involves steps aimed at reducing the number of beggars, both individuals and groups. The repressive effort involved two main Actions. First, carrying out raids to identify beggars and provide temporary shelter. Second, this action also involves handing them over to the authorities, which can be carried out directly by the Department of Social Affairs

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[9]Adrianus Terry Febriken, *Kebijakan Hukum Pidana Penanggulangan Gelandangan dan Pengemis di Kota Semarang,* e-journal S-1 UNDIP Vol. 5 No. 4 (2016), p. 2
[10]Government Regulation Number 31 of 1980 concerning Overcoming Homelessness and Beggars
[11]Qorina Salsabila, *Peran Dinas Sosial Dalam Menanggulangi Gelandangan dan Pengemis Di Kota Tanjung Pinang,* Jurnal JAPS Vol. 3 No. 3 (2022), p. 133

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for individuals who are still being rehabilitated, however, if there is a suspicion of a criminal act, the handling is left to the court.[12]

Online begging activities are also included in the category of offenses referred to in Article 504 paragraph 2 of the Criminal Code. However, in its development, a public place is not only defined as a physical facility, but is a facility that is a facility for gathering online such as social media.

In dealing with problems or problems with online beggars, the Minister of Social Affairs issued a policy in the form of Minister of Social Affairs Circular No. 2 of 2023 concerning regulations on exploitation activities or begging practices involving individuals, the elderly, children and other people with disabilities or elderly groups. The circular states that governors, mayors or regents throughout Indonesia are encouraged to take preventive steps against begging activities carried out both offline and online via social media, which involve the exploitation of the elderly, children and people with disabilities. If such activities are discovered, they are encouraged to report them to the Indonesian National Police or follow up through the Civil Service Police unit.

3.2. Online Begging Based on the Siyasah *Fiqh* Perspective

Fiqh siyasa is the science that examines all matters relating to the governance of the people and the state in the form of legal regulations, arrangements and decisions made by the authorities taking into account the principles of the teachings of the Shari'ah with the aim of achieving the benefit of the people.[13]Ibnu Khaldun stated that siyasah is also known as government and politics where siyasah is a step of action that brings humans to benefit and avoids harm.

According to Abdul Wahhab Khalaf, *Fiqh* Siyasah has three objects of study, namely:

1. *Siyasah Dusturiyah*, the object of this study examines the material regulated in a country's constitution covering fundamental aspects such as the form of government, the structure of state institutions, and the rights and obligations attached to citizens.

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[12]Mevilia Taryo A Dewi, *Pola penanganan Gelandangan dan Pengemis Di Kota Singaraja, Buleleng, Bali,* e-jurnal Pendidikan Sosiologi Universitas Pendidikan Ganesha, Vol. 2 No. 1 (2020), p.372

[13]Sharia Lecturer at IAIN Bengkulu, *Fiqh Siyasah Dalam Perspektif Al-Qur'an dan Al-Hadist*, jurnal pemerintahan dan politik Islam, Vol.3 No.1 (2018), p. 20

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2. *Siyasah Maliyyah,* the object of this study examines the sources of state revenue and the process of managing and distributing state assets.

3. *Siyasah Kharijiyyah*, the object of this study examines international relations or politics.

The legal review of beggars is a *siyasah dusturiyah* study, because this study discusses the formation of a law or legal product formulated by an authorized institution in accordance with Islamic teachings. In a country beggars can be detrimental to various parties, for example in a begging country it can add to the burden on the state budget, then in the community, it can damage the view because beggars tend to sleep in random places.

In *fiqh* siyasah, the government's duty is to prevent the emergence of injustice. maintain and protect human rights. One way to do this is by making laws. The law functions to regulate the problems faced with the aim of achieving benefit in order to return the rights of a citizen, for example to get welfare, where what the government needs to do is to raise funds from legal sources and give them to those who are entitled or by establishing institutions. to solve the problem of beggars.

The law of begging according to Muhammadiyah scholars is haram, because a person is tantamount to abandoning his obligation to always make efforts to Allah SWT, unless the person is in a situation of necessity. According to the scholars, what is meant by forced circumstances is that someone is blind, paralyzed and so weak that begging becomes the only way to meet their living needs.[14] The following hadith also explains the prohibition of begging, namely:

"The Prophet SAW said, whoever begs even though he has enough for him, in fact he is only increasing the embers of the Hell of Jahannam. the friends ask what sufficiency is what does not allow begging? Rasulullah SAW replied: that is enough for lunch and dinner ". (HR. Abu Dawud)

The hadith above explains that if a person feels sufficient or can still meet his needs then he is not allowed to beg. Begging can cause disease in society, the motivating factor for a person to beg is the emergence of a feeling of laziness at work so that he makes begging a way to earn money. Begging also makes a person *kufr* for the favors given.

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[14] Ilham, Hukum Mengemis dan Meminta-minta Dalam Islam, https://muhammadiyah.or.id/hukum-mengemis-dan-meminta-minta-dalam-islam, accessed on June 8, 2023 at 23.02 WIB

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Later in its development, begging was not only done directly, but also via digital platforms or online. Beggars take advantage of social media as a medium for begging by using various ways to attract the attention of others without thinking that the actions they take have the potential to threaten their own safety or that of others. Like soaking in a mud puddle, soaking in a tub filled with water for hours. They do this to attract attention in order to get gifts that can be exchanged for money. Basically begging that is done both in person and online is legally prohibited in Islam. If it is related to its legal origin, it is the same as begging in general, it's just that it uses a different medium.[15]However, there are several factors that make it permissible for someone to beg, namely when in an urgent emergency to maintain the welfare of their life. The emergency situation referred to is as described in the hadith described in Muslim history describing the Prophet's meeting with Qabisah, where the Prophet said:

"... In fact, begging is not lawful except for one of three groups: someone who is responsible for another person, then it is permissible for him to beg until he fulfills the responsibility, then he stops begging, someone who has a disaster that destroys his wealth his goods, it is permissible for him to beg until he gets enough for his living, someone who is in need, until three wise men among them testify".... (Narrated by Muslim, Abu Dawud, Ibn Khuzaimah, and Ibn Hibban).[16]

Begging in Islam is permitted if the three groups do it because a person is in an emergency or has a physical disability such as blindness or paralysis. So to meet their needs there is no other way than begging. Begging is permissible with conditions and things that can cancel it, namely:

First, if he has paid off debts, fines or peace money for someone he is responsible for, then he is no longer allowed to beg. Second, if a person is suffering from a calamity that loses his property so that there is nothing left of that person's assets, then he is allowed to beg until his needs are met again. Third, someone who has nothing but he is already begging, then he uses the money he earns as capital to work.[17]However, the permissibility of begging can be canceled when their needs are met and they have a job. This invalidates the permissibility of begging.

This is based on the Prophet's way of dealing with and dealing with beggars. The Prophet gave an example in dealing with beggars, namely by giving two dirhams to the beggar, then one dirham to give to his family and another dirham to use as

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[15]Afandi, Apa Hukum Mengemis Online di TikTok, https://muhammadiyah.or.id/apa-hukum-mengemis-online-di-tiktok/, accessed on July 31, 2023 at 23.17 WIB
[16]Ardiansyah, *Konsep Hadis Tentang Meminta-minta,* Journal of Hadith Studies, Vol. 1 No. 2 (2017), p. 80
[17]Muhammad bin Ismail Al-Amir Ash-Shan'ani, *Subulus Salam – Syarah Bulughul Maram Jilid.2*, (Jakarta: Darus Sunnah Press, 2013), p. 92

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business capital. This was done by the Prophet to encourage and motivate Muslims to be productive and not depend on begging.

Islam also regulates to prevent beggars as in surah Al-Baqarah verse 273 namely:

لِلْفُقَرَآءِ الَّذِيْنَ اُحْصِرُوْا فِيْ سَبِيْلِ اللّٰهِ لَا يَسْتَطِيْعُوْنَ ضَرْبًا فِى الْاَرْضِۖ يَحْسَبُهُمُ الْجَاهِلُ اَغْنِيَآءَ مِنَ التَّعَفُّفِۚ تَعْرِفُهُمْ بِسِيْمٰهُمْۚ لَا يَسْـَٔلُوْنَ النَّاسَ اِلْحَافًاۗوَمَا تُنْفِقُوْا مِنْ خَيْرٍ فَاِنَّ اللّٰهَ بِهٖ عَلِيْمٌ ۔

Meaning: "(what you spend) is for poor people who are hindered (his efforts because of jihad) in the way of Allah, so he who can not try on earth (other people) who do not know, thinks that they are rich people because you take care of yourself (from begging). You (Muhammad) know them from their characteristics, they do not ask others by force. Whatever good treasure you spend, indeed Allah is all-knowing."

In surah Al-Baqarah verse 273 above, it is explained that by spending we can help others not to beg, by recognizing them with signs that they are in need of something. In general, they don't want to beg if they have to beg, so they don't do it forcefully. Sayyid Qutb also believes that a believer must have a feeling and awareness within himself that the property he has has some rights for the poor. This awareness also keeps us from being stingy and greedy, having these feelings creates a sense of compassion for others. Charity is also a solution to prevent someone from becoming a beggar.[18]

4. Conclusion

Beggars based on the perspective of *fiqh siayah* are categorized as objects of study on *siyasah dusturiyah*, because on *siyasah dusturiyah* it examines the formation of laws and legal products that are in accordance with Islamic teachings as the goal of achieving the benefit of the ummah and rejecting harm. Basically the law of begging is prohibited because begging makes a person feel lazy to work and makes a person become *kufr*. There are three groups who are allowed to beg, but with the condition that if their needs are met then they are no longer allowed to beg. Islam also regulates to prevent someone from begging, we need self-awareness for us as neighbors to donate or help someone who is in need so as to prevent him from begging.

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[18]Sayyid Quthb, *Tafsir Fīdzilalil Qur'ān jilid 12*, (Jakarta: Gema Insani, 2013), p. 25

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