



Criminal Policy in Social Protection in Non Cash Food Assistance Policy (BPNT) (Study of BPNT Implementation in Rembang District)

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Abstract

The asymmetry of BPNT's policies in the realm of ideas or ideas with implementation in the community leaves a narrative that the integrality between community protection policies on the one hand and criminal policies on the other is still far from the monodualism principle of a complete policy. This study aims to analyze the integrality of criminal policies contained in the community protection policy in the BPNT program, focusing on a certain implementation period in Rembang Regency. The research method used is normative juridical, both in the broad and narrow sense. The results found in this study are the BPNT Program as a community protection policy that is integrated into criminal policies (both penal and non-penal). The embodiment of criminal policy is non-penal through pre-emptive and preventive actions and punishment through means of corruption. Supervision on program implementation, which is the main criterion, failed in its duties. Thus, it opens up space for causes (criminogens) and conditions for disgraceful acts in the form of a food mafia which distorts the purpose of BPNT's usefulness for Beneficiary Families.

Keywords: *Non-Cash Food Aid; Social Policy; Criminal Policy*

Introduction

The limited meeting on the Reduction of Poverty and Economic Inequality on March 16, 2016, was a transformation point for the Rastra (Beras Sejahtera) program. Based on the results of the meeting that starting from Fiscal Year 2017 the distribution of Prosperous Rice (Rastra) was carried out through electronic coupons (E-vouchers). This policy, known as BPNT (Non-Cash Food Assistance), is an efficient distribution of social assistance to the community so that it can be received at the right target, in the right amount, at the right time, in the right quality, and in the right administration. Efficient distribution of social assistance is expected to support increased benefits for beneficiaries and contribute to increased financial inclusion.

The philosophy of this program comes from the juridical diction of “efficient”, “inclusive finance”. The principle of efficiency, precisely efficiency with justice is formulated as original intensely

in Article 33 Paragraph (4) of the 1945 Constitution. The juridical formulation is: “(4) The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, as well as by maintaining the balance of progress and the unity of the national economy”. The Constitutional Court has interpreted the article as reflected in PUMK No. 001-021-022/PUU-I/2003 concerning legal review of the 2002 Electricity Law. The result of the decision stipulates that the understanding of efficiency with justice is that the national economy is organized using the minimum possible resources to achieve the greatest prosperity that can be enjoyed equally by all people.

Thus, the limitation of fair efficiency lies in the minimum use of resources, in order to achieve maximum prosperity so that all people can enjoy it equally. In addition, the principle of fair efficiency is to compete fairly. This is in accordance with management law that the quality of output is also determined by the existence of healthy competition to compete in serving the interests of customers (service excellence), namely all the people. Meanwhile, the inclusive economic policy is a legal product derived from the 1945 Constitution in the form of Presidential Regulation No. 82 of 2016 concerning the National Strategy for Inclusive Finance. Referring to the rule of law laws and regulations, Presidential Regulation No. 82 of 2016 must be perpendicular to a higher norm, namely the principle of fair efficiency as stated in the 1945 Constitution. The definition of inclusive finance is a condition when every member of society has access to various financial services. quality formal services in a timely, smooth, and safe manner at affordable costs in accordance with the needs and abilities in order to improve the welfare of the community.

Therefore, if there is a deviation which is seen as an act that is against the law, a legal approach will be taken. There is a policy that can be used in this approach as an effort to legalize crime/deviation. Criminal policy is essentially an integral part of efforts to protect society (social defense) and in the context of efforts to achieve social welfare. Thus, the main objective of the Criminal Policy/Politics is the protection of society to achieve public welfare. Community protection in the perspective of criminal policy is described as dealing with social problems or conditions directly or indirectly that can breed crime.

The sixth United Nations (UN) Congress in 1980 in a resolution on "Crime trends and crime prevention strategies" affirmed the following: (1) the problem of crime hinders progress towards achieving an adequate quality of life for all, (2) crime prevention strategies. must be based on the elimination of the causes and conditions that give rise to crime, (3) the main causes of crime in many countries are social inequality, racial and national discrimination, low standards of living, unemployment and illiteracy (ignorance) among large sections of the population. Therefore, there is a correlation/relationship between the Social Protection Policy and the Criminal Policy. This relationship can be described as follows: Social Policy has two approaches, namely the Public Welfare Policy and the Community Protection Policy. Both are needed as an effort to achieve social welfare goals. In the sub approach, Community Protection Policy is connected with Criminal Policy. In this sub-criminal policy, there are two more approaches, namely penal (criminal) and non-penal (non-criminal). In the end, they are interrelated with the original goal, namely social welfare. Social policy in a narrow sense is interpreted as all rational efforts to achieve public welfare.

Based on the above scheme, it means that crime prevention efforts need to be taken with a policy approach. In other words, there is integration (integrality) between politics/criminal policy and politics/social policy. There is also an integration between crime prevention efforts with "penal" and "non-penal". Good expectations in accordance with the policy direction of BPNT is the dream of every decision maker, namely the government. But in reality, there is an asymmetry of policy objectives with the implementation or implementation of the BPNT program. The discrepancy between the ideals in BPNT and the implementation in the public sphere is reflected in several indicators. One of them is the government's encouragement to move the people's economic sector through the banking system in

distributing rice and eggs and the form of packaging goods (rice and eggs) in the implementation of the BPNT program has deviated from its original purpose.

A legal fact in the implementation of the BPNT program is that there is a dirty or despicable game (Food Mafia), namely there is a monopoly on the procurement of rice and eggs, which occurs in the implementation of the program at the downstream level. In addition, the facts of the incident recorded that the supplier of rice and eggs was only supplied by a single supplier, through a transaction process with the regulator (Social Service). That in the problem of distributing the supply of rice and eggs to the BPNT program, it is suspected that collusion has occurred. The state is based on law (*rechstaat*) so that the law becomes one of the means to direct the achievement of every government program. This asymmetry with the BPNT policy in the realm of ideas or ideas with implementation in the community, is interesting to study especially if there are allegations of irregularities in the perspective of criminal law policies, both penal and non-penal..

This paper aims to answer legal issues in the implementation of the BPNT program for a certain period in Rembang Regency, mainly on the issue of how the implementation of criminal policies (penal and non-penal) is integral to the community protection policy in the BPNT program? The study used in formulating solutions to the problems raised uses normative juridical methods in a broad and narrow sense. If what is seen is not only the relationship with the mere set of norms, but which especially views the importance of the social effects of the formation of norms (laws) so that the importance of the social background is seen, then this method is called the normative juridical method in a broad sense. Meanwhile, if the author discusses the juridical formulation in the provisions regarding the Non-Cash Food Aid program the approach used is normative juridical in a narrow sense. So that the whole of this article is related to the normative juridical method, both in the broad sense and in the narrow sense.

Discussion

The use of criminal policies in the protection of society, especially in the BPNT program, is structured in the following main ideas: 1. Construction of the legal basis which includes philosophical aspects, juridical aspects and sociological aspects leads to: justice, legal certainty and expediency. 2. The legal dynamics when “guarding” a policy (BPNT) moves from the philosophical to the sociological realm. The criminal law policies chosen in the BPNT escort are program signs so that they do not leave or deviate from the program's objectives. These signs are called penal (criminal) and non-penal (non-criminal) approaches. 3. Qualitative analysis, in this paper using a deductive (general to specific) and induction (specific to general) approach to thinking. Even occasionally with an adduction approach (analogy). The main discussion contains analysis and description of concepts and theories about the integrality of Social policy with Criminal Policy, Integrality of Penal and Non-Penal Criminal Policies, Basic Idea of the BPNT program as a social protection policy, Non-Penal Approach in BPNT and Penal Approach in BPNT.

1) Integrality of Social Policy with Criminal Policy

The history of using criminal policies based on positive law in the current legislation, it seems that criminal policies (especially with criminal sanctions) are not a problem in policy choices to tackle crime. In other words, the choice of criminal law policy (criminal) is part of politics or legal policy in Indonesia. The problem lies in what policy lines or approaches are most appropriate in using criminal law. Prof. Sudarto's view states that "if criminal law is to be used, it should be seen in terms of the overall relationship between criminal politics or social defense planning, which must be integral to the national development plan."

The limit or measure of the political/criminal policy is the rational arrangement or arrangement of crime control efforts by the community. While the ultimate goal of criminal policy is the protection of society to achieve the main goal which is often referred to by various terms such as: 1. Happiness of community members or residents, 2. Healthy and refreshing cultural life, 3. Community welfare, 4. Balance. Historical experience in viewing government policies has always been marked by various dirty and despicable games. Such as the food mafia, corruption, collusion and nepotism and several other deviant behaviors from parties with an interest in policy, including the BPNT program. This deviant behavior is a real threat or threat to social norms, can cause individual tensions and social tensions, and is a real or potential threat to the ongoing social order. Deviant behavior is behavior that is considered to deviate from the applicable normative rules.

In the perspective of criminal law, deviant behavior connotes crime. For this reason, there is an interconnected relationship (integration) between the Public Protection Policy and the Criminal Policy (both Penal and non-Penal). The two policies (Public and Criminal Protection) lead to the same goal, namely, the realization of social welfare. The view of Sutherland and Cressey, explains that there are 7 conditions for an act to be categorized as a crime: 1. Before an act is called a crime, there must be certain real consequences, in the form of losses. The loss caused must be a loss that is prohibited by law and clearly stated in the criminal law. 3. There must be an act that allows the action that causes the loss to occur. 4. In carrying out the act there must be a malicious intent or "mens rea". 5. There must be a relationship between behavior and "mens rea". 6. There must be a causal relationship between losses that are prohibited by law and acts committed of their own free will (without any element of coercion). 7. There must be a punishment for the act which is stipulated by law. This argument is the view that actions in a juridical sense.

2) Integrity of Penal and Non-Penal Policies

Politics or criminal policies are rational efforts to control or tackle crime, not only using "penal" means (criminal law) but can also use "non-penal" means. The main purpose of non-penal efforts is to improve certain social conditions. However, indirectly, it has a preventive effect on crime. Some examples of non-penal approaches in criminal law include: social education in an effort to develop community social responsibility, emphasis on community mental health through moral education, religion and so on. Improving the welfare of children and adolescents, patrol activities and other continuous supervision by the police and other law enforcement officers.

Seeing how strategic the position of non-penal preventive activities is, in the integration of criminal policies, failure to manage this strategic position will actually have fatal consequences for crime prevention efforts. The principle of cost and benefit applies also in this case. That is more expensive to treat (repressive measures) than to prevent (preventive). Thus, it is necessary to integrate and harmonize this non-penal preventive policy in other government policies in an effort to create social welfare.

Considering that the non-penal approach is at the forefront of efforts to suppress or reduce the potential factors for the growth of crime, integration and harmonization are the keywords for the integration of two approaches in criminal policy, namely penal and non-penal. In addition to the internal dynamics in criminal policy which consists of penal and non-penal approaches, it is also necessary to integrate and harmonize criminal policies with public protection policies, which in the end "social defense planning" can be realized.

3) Principles, Objectives, Guidelines, BPNT rules

In the consideration section of Presidential Regulation No. 63/2017 regarding non-cash social assistance it is stated that "...is carried out efficiently..." And "...support increased benefits for

beneficiaries and contribute to increased financial inclusion". This philosophical view means two things. First, the pillars of the teacher or the main pillar that underlies the BPNT policy program, namely efficiency and financial inclusion. Both program efficiency can be measured through the 5T principles, namely Right Target, Right Quantity, Right Quality, Right Time and Right Administration. The integration of the view of efficiency (economics) with governance law (constitutional law) is reflected in the term inclusive finance. Which in essence or essence, involves public participation or access to formal financial channels (read: through the banking system) which ensures timeliness in the distribution of non-cash assistance. The main spirit of juxtaposing efficiency with financial inclusion, in the author's opinion, is the emergence of the main foundation of the BPNT program with the term fair efficiency. This principle assumes that it is called fair because of two things, namely the involvement of the majority of the community (utilitarian justice approach) and the distribution of aid distribution with an efficient principle. So economic law is the main pillar chosen in this BPNT program.

The objectives to be achieved in this program are: 1. Reducing the burden of spending on KPM through partial fulfillment of food needs; 2. Provide more balanced nutrition to KPM; 3. Improve targeting accuracy, time, quantity, price, quality, and administration; 4. Provide choice and control to KPM in meeting food needs. If we take a closer look at these four objectives, it means that BPNT, is a choice of community protection policy, which guarantees the fulfillment of part of the food for the beneficiary families (KPM). In particular, the fulfillment of balanced nutrition for KPM by fulfilling the principles of economic efficiency in the distribution of aid. Namely accuracy: Target, Quantity, Price, Time, Quality and Administration (6T) . In terms of objectives, it changed to 6T from the previous 5T (in the formulation of the policy principle) due to the addition of timeliness with the use of banking instruments (electronic money).

In addition to the principles of economic efficiency, the goal to be achieved is KPM's "freedom" in the range of choice and control when receiving assistance through transactions at E-Warong. Subsystem in distribution that functions as an agent for banks, traders and/or other parties who have collaborated with the Channeling Bank and is determined as a place to purchase Foodstuffs by KPM, namely micro, small and cooperative businesses, traditional markets, stalls, grocery stores, e-commerce. WarongKUBE, Warung Desa, Rumah Pangan Kita (RPK), Laku Pandai Agents, Digital Financial Service Agents (LKD) that sell food ingredients, or other retail businesses.

The legality of this BPNT policy, legally under the umbrella of laws and regulations (PUU): 1. Presidential Regulation of the Republic of Indonesia Number 63 of 2017 concerning Non-Cash Distribution of Social Assistance. 2. Regulation of the President of the Republic of Indonesia Number 82 of 2016 concerning the National Strategy for Financial Inclusion. 3. Regulation of the Minister of Finance of the Republic of Indonesia Number 254/PMK.05/2015 concerning Social Assistance Expenditures at State Ministries/Agencies. 4. Regulation of the Minister of Finance of the Republic of Indonesia Number 228/PMK.05/2016 concerning Amendments to Regulation of the Minister of Finance Number 254/PMK.05/2015 concerning Social Assistance Expenditure at State Ministries/Institutions. 5. Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 62 of 2018 concerning Guidelines for the National Public Service Complaint Management System. 6. Regulation of the Minister of Social Affairs Number 1 of 2018 concerning the Family Hope Program. 7. Regulation of the Minister of Social Affairs Number 11 of 2018 concerning the Distribution of Non-Cash Food Aid. 8. Regulation of the Minister of Social Affairs Number 5 of 2019 concerning Management of Integrated Social Welfare Data.

The eight PUUs are legal certainty in governance that guarantees that BPNT's policies in an effort to realize social welfare have a normative juridical framework in the applicable laws and regulations. BPNT's legal order, in general, explains that the Presidential Regulation on Non-Cash Social Assistance and Inclusive Financial Strategy is the driving norm, for derivative regulations at the Institution and or Ministry level. Given that the latest nomenclature of the social welfare domain is under the authority of

the Ministry of Social Affairs, many of these BPNT policies are regulated in the Minister of Social Affairs Regulation as a technical executor in the community. The involvement of other ministries, such as the Ministry of Finance and the Empowerment of State Apparatus is more of a cross-institutional coordination system, because financial sources come from the APBN (State money) and the need for a policy monitoring system, which has been regulated in the Regulation of the Minister for Empowerment of State Apparatus and Bureaucratic Reform Number 62 of 2018 on Guidelines for the National Public Service Complaint Management System.

The General Guidelines for the Implementation of BPNT, version 2019 regulates several things related to program implementation systematically as follows: First, the Background Sub-Chapter consists of the main ideas of Background, Legal Basis, Definitions, Objectives, Benefits, General Principles. The two Scope Sub-chapters consist of the following main ideas: Determination of Location and Expansion Stage, Ceiling, Beneficiaries, Prosperous Family Card, Benefit Amount. The three sub-chapters of the Implementation Mechanism consist of the following main ideas: Preparation, Coordination at the Central Government Level, Preparation of KPM Data, Opening of Collective Accounts, Preparation of e-Warong, Education and Socialization, Education and Socialization Objectives, Education and Socialization Implementers, Education and Socialization Targets, Educational and Socialization Materials, Educational and Socialization Media Tools, Media Education and Socialization Forms, Education and Socialization Flow, Registration and/or Distribution of KKS, Preparation of Coordination between Regional Governments and Banks, Sending Notification Letters to Prospective Beneficiaries, Replacement of KPM, Opening of Substitute KPM Accounts, PSC Replacement Procedure, Distribution, Utilization of BPNT for Special Areas. Fourth, the Control Section consists of the following main ideas: 1. Control, Supervision, Monitoring and Evaluation, Complaints, Reporting, Sanctions. Fifth, the Institutional sub-chapter consists of the following main ideas: Institutional, 1 Control Team, Food Social Assistance Coordination Team.

In the author's opinion, this systematic BPNT general guideline is a bridge from the philosophical and juridical aspects of the program to the implementation stage through its sociological aspect. Program governance institutionally involves Ministries and Institutions related to non-cash food assistance, because basically this policy involves governance stakeholders under the coordination of the Coordinating Ministry for Human Development and Culture.

The general principles in implementing BPNT based on the 2019 Pendulum, are as follows: 1. Provide choice and control to KPM to determine the time of purchase, quantity, type, quality, price of food ingredients (rice and/or eggs) and location of e-Warong. 2. KPM is not directed at certain e-Warong and e-Warong does not package food ingredients which causes KPM to have no choice and control over the types of food ingredients; 3. E-Warong can purchase food supplies from various sources with due observance of price accuracy, quality, quantity, time, target and administration. 4. Channeling Banks are in charge of distributing aid funds to KPM accounts and are not in charge of distributing food materials to KPMs, including not placing food orders. 5. Encouraging people's retail businesses to acquire customers and increase income by serving KPM; 6. Providing access to financial services to retail businesses and to KPM; 7. The central and regional governments supervise the implementation of BPNT in accordance with general guidelines and applicable technical guidelines.

The seven principles, if simplified the way they work, look as follows: 1. There are five stakeholders who have an interest in this program. Namely KPM, community, E-Warong, Banks and the Government both Central and Regional. 2. Each stake holder can be described further regarding its work function which includes aspects of roles and objectives. First, KPM acts as BPNT recipient with the aim of receiving non-cash food items in accordance with the 6T: Right Target, Right Amount, Right Quality, Right Price, Right Time and Right Administration. Second, the community plays the role of the People's Retail Entrepreneur with the aim of obtaining customers and increasing income. Third, E-Warong acts as a provider of BPNT and an extension of the Bank with the aim of purchasing BPNT food supplies in

accordance with 6T. Fourth, the Bank plays the role of channeling BPNT funds with the aim of providing access to financial services to KPM and people's retail businesses. Fifth, the Government acts as a supervisor for the BPNT program with the aim of implementing BPNT in accordance with the General Guidelines and BPNT Technical Guidelines.

In principle, the legal norms to be achieved in the BPNT policy are formulated in a juridical diction as follows: "If there is a violation of the implementation of BPNT, in accordance with Law 23 of 2014 concerning Regional Government where the region is required to be guided by the Norms, Standards, Procedures, and Criteria. (NSPK) which has been determined by the central government. This law was later revealed to be Government Regulation Number 48 of 2016 article (3) and Government Regulation Number 12 of 2017 concerning the guidance and supervision of the administration of provincial and district/city governments. -laws, government policies, and General Principles of Good Governance (AUBP). If it is reported and found that the implementation is not in accordance with the established rules, administrative sanctions or other sanctions will be imposed in accordance with applicable regulations. If there is a violation committed by the BPNT Implementing Personnel, it will be followed up in accordance with the applicable rules and Decree. If there is a violation by the e-warong, the channeling bank has the right to revoke its BPNT distribution permit and report it to the local government". This is an entry point for Law Enforcement Officials (APH) in overseeing the BPNT program. So it can be said that the BPNT policy system is intact in responding to the trial and error of the previous non-cash assistance policy, with the assumption that the implementation of BPNT must meet good governance.

4) Non-penal: Preemptive and Preventive

The non-penal criminal policy, as described earlier, is a strategic aspect in the means of protecting the community in tackling crime. Deviations in the context of the sociology of policy always appear in line with the adaptation of changes in human culture in the face of opportunities in the economic dimension (abdominal affairs). Since ancient times, social phenomena have always arisen that narrate the potential for disruption of social order due to elements of power, moral hazard and other sociological variables that come into play in a government policy. Non-penal criminal policy is a strategic factor because this approach is the foremost in suppressing or minimizing crime in a social context. The activity of detaining or suppressing potential crime, so that it remains in the area of potential social costs is cheaper than repression through a penal approach.

Within the limitations of governance or policy management, because the nature of the potential for crime is not important and urgent, we often ignore this non-penal strategic aspect. Just because there is no pressure that endangers social order, we tend to ignore the potential danger. The identification of potential irregularities or crimes or dirty games in the BPNT policy can be described as follows: 1. Excessive areas of authority, 2. Conflict of interest, 3. Discretion of supervisory officials, 4. Monopolistic practices, 5. Weak accountability

An explanation of each area that is prone to causing criminal disturbances or known as criminogenic correlative factors. Namely various events or conditions that become the seeds of crime. For example, the economic crisis, inequality in welfare, poverty or unemployment. Preemptive activities emphasize more on how the correlative criminogen factors remain hidden in potency. Meanwhile, preventive activities prevent the seeds of crime from becoming a factual threat to social order. Both types of approaches (pre-emptive and preventive) are non-penal approaches that are effective when compared to the penal approach which will be discussed later by the author.

The correlative factor of criminogen originating from excess power is related to the second source, namely conflict of interest. In the BPNT policy system, it involves stakeholders as described in the previous discussion. If the conditions for this deviation gap are not anticipated the risks will open up a

dirty game room in BPNT policy. Basically, preemptive activities need to be carried out simultaneously with preventive activities. This is intended as a continuous effort, how the policy program does not deviate from its original purpose. In essence, the non-penal approach as a criminal policy option, the problem is not in the choice of policy but in "who" runs it. For this reason, it is necessary to carry out a preemptive and preventive approach simultaneously (simultaneously).

The third correlative criminogenic factor is related to the discretion of officials downstream of the program. The nature of the policy program which at the philosophical and juridical levels (textual level) is good requires adjustments if it is to be applied at the contextual level. So discretion is important with clear guidelines and does not deviate from the spirit of the policy program at the textual level. The fourth source, namely monopolistic practices in the procurement structure, or access to resources in the BPNT Program is an accumulation of the first to third sources. So that with a smarter approach and effectiveness that precedes efficiency, it is hoped that the four criminogen correlative factor gaps can be tightly closed.

The next form of non-penal approach is layered supervision and control in an effort to strengthen accountability for program implementation. Evaluation reporting and monitoring is a strategic milestone in maintaining the policy system. Transparency and openness to public complaints are vital efforts that are "cheap" rather than increasing the number of supervisors. As is law in the relationship between ecosystems in the social world, for those who feel their "sense of justice" has been colonized, a response will arise to fight against this injustice. If the non-penal approach that has been described previously can be effective in overseeing the BPNT policy program, it is also necessary to choose an alternative approach that is still non-penal based in the form of administrative actions to employees or program supervisors who are indicated to be playing dirty games. For example, demotion and position, mutation and even dismissal from the State Civil Apparatus. However, for violators of the program for the community outside the ASN, it is necessary to take further actions that are penal in nature (through criminal law).

5) Penalty: Corruption Crime

The next criminal policy effort is a penal approach or using the means of criminal law. Why is this effort a policy choice in overseeing the BPNT program? Because previous experiences have shown that the criminal approach is still an effective policy alternative. For example, the misuse of subsidized fertilizers and other cases that use 'State money'. The penal policy approach has legal substance available through the Corruption Eradication Act. In addition, the modus operandi of crimes against food subsidies is fraud or embezzlement. These criminal acts can be subject to articles compiled in the Criminal Code (KUHP).

Basically a penal approach, in positive law the current set of laws and regulations is sufficient to ensnare perpetrators of criminal acts. For example, the Law on the Eradication of Corruption, Law No. 31/1999 in conjunction with Law No. 20/2001 which stipulates the elements in a corruption offense. These include bribery, extortion, harming state finances, embezzlement in office, fraudulent acts, conflicts of interest in circumstances, and gratuities. In one of the legal events related to the deviation of the BPNT program, the author obtained the following data. Witness examination and collection of evidence and information (Pulbaket) collected qualitative data as follows:

- a. *"I know about the BPNT program, because apart from being the Village Head, I am also the Chairperson of the Village Head Association, as well as the administrator of the PABDESI (Indonesian Village Government Apparatus Association) Central Java DPD as Deputy Chair,..."*
- b. *"Actually, e-Warong is free to take rice or egg suppliers from anywhere, but for R, until September 2019 for BPNT rice supplied by PEPADI and BPNT eggs I and Mrs W who supply it."*

The data above indicates that there is a conflict of interest between the supervisory function and the food supply function. So that the next immunization (negative impression) occurs, namely the monopoly of the supply line to E-Warong. In principle, it contradicts or deviates from the provisions of the fair efficiency principle. With the argument that the unilateral/single control of the food supply line, negates the principle of equality to other parties for healthy competition between suppliers. Data from the experience of fair business competition is always against monopolistic practices. Technically juridical, the criminal law approach goes through a process that leads to the fulfillment of the principle of legality and the principle of culpability. The principle of legality stipulates that "only" criminal acts have formulated (written) provisions (formal truth). Meanwhile, the principle of culpability: "no crime without error" stipulates that the perpetrator's actions must be proven guilty or against the law. Thus the penal approach that needs to be used as a reference is the legal fact of the existence of a crime (Legality Principle) and criminal liability or error (Culpability Principle). So that the criminal policy through the penal approach is complete and complete because it reviews the whole principle which is better known as monodualism or the principle of balance.

Conclusion

The BPNT program as a community protection policy is integrated into criminal policies (both penal and non-penal). This relationship can be found rationally that the two policies lead to the same goal, namely social protection. Integrity also occurs in penal and non-penal policies. Based on current legal practice, criminal policy is not a controversial choice for debate, the problem of criminal policy does not lie in the substance of the criminal law, but lies in whether the policy holder is absolute or not. The BPNT program as an embodiment of social protection policies, contains criminal policies, namely non-penal through pre-emptive and preventive actions and punishment through means of corruption.

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