

ABSTRAK

Praktik mengemis di Desa Panglegur, Kecamatan Tlanakan, Kabupaten Pamekasan merupakan persoalan sosial sekaligus hukum karena berkaitan dengan kemiskinan, rendahnya pendidikan, keterbatasan pekerjaan, kebiasaan turun-temurun, dan ketertiban umum. Secara hukum, larangan mengemis diatur dalam Pasal 504 dan 505 KUHP lama, sedangkan di tingkat daerah diatur dalam Peraturan Daerah Kabupaten Pamekasan Nomor 1 Tahun 2017 tentang Penyelenggaraan Ketertiban Sosial. Sementara itu, KUHP Nasional melalui Undang-Undang Nomor 1 Tahun 2023 lebih menekankan perlindungan anak dari eksploitasi dalam kegiatan meminta-minta sebagaimana Pasal 425. Penelitian ini mengkaji ketentuan Peraturan Daerah Nomor 1 Tahun 2017 dalam menangani praktik pengemis di Desa Panglegur serta efektivitas sanksi pidana dan faktor-faktor yang memengaruhinya.

Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan sosiologis. Data diperoleh melalui wawancara, observasi, dan dokumentasi dengan pihak Dinas Sosial Kabupaten Pamekasan, Satuan Polisi Pamong Praja Kabupaten Pamekasan, Polsek Tlanakan, serta pihak terkait lainnya. Data dianalisis secara deskriptif kualitatif dengan menghubungkan temuan lapangan dan ketentuan hukum yang berlaku.

Hasil penelitian menunjukkan bahwa ketentuan hukum mengenai larangan mengemis telah tersedia, tetapi penerapannya belum efektif. Sanksi pidana belum pernah diterapkan secara nyata terhadap pengemis dari Desa Panglegur. Penanganan masih terbatas pada penertiban, pendataan, surat pernyataan, asesmen, bantuan, dan pembinaan sosial. Faktor penghambat efektivitas meliputi lemahnya penerapan hukum, keterbatasan data dan sarana pembinaan, kondisi ekonomi, rendahnya pendidikan, minimnya pekerjaan, serta budaya mengemis yang mengakar.

Kata Kunci: Efektivitas Hukum, Sanksi Pidana, Mengemis, Desa Panglegur, Penegakan Hukum.

ABSTRACT

Begging practices in Panglegur Village, Tlanakan District, Pamekasan Regency constitute both a social and legal issue, as they are related to poverty, low educational levels, limited employment opportunities, hereditary habits, and public order. Legally, begging was regulated under Articles 504 and 505 of the former Criminal Code, while at the regional level it is regulated under Pamekasan Regency Regional Regulation Number 1 of 2017 concerning the Implementation of Social Order. Meanwhile, the National Criminal Code under Law Number 1 of 2023 places greater emphasis on protecting children from exploitation in begging activities, as stipulated in Article 425. This study examines the provisions of Regional Regulation Number 1 of 2017 in handling begging practices in Panglegur Village, as well as the effectiveness of criminal detention sanctions and the factors influencing their implementation.

This research uses an empirical legal research method with a sociological approach. Data were collected through interviews, observation, and documentation involving the Social Affairs Office of Pamekasan Regency, the Civil Service Police Unit of Pamekasan Regency, Tlanakan Sector Police, and other related parties. The data were analyzed descriptively and qualitatively by linking field findings with applicable legal provisions.

The results show that legal provisions prohibiting begging are available, but their implementation has not been effective. Criminal detention sanctions have never been directly imposed on beggars from Panglegur Village. The handling of begging practices remains limited to public order operations, data collection, written statements, assessments, assistance, and social guidance. The inhibiting factors include weak legal implementation, limited data and guidance facilities, economic hardship, low educational levels, limited employment opportunities, and a deeply rooted culture of begging.

Keywords: *Legal Effectiveness, Criminal Detention Sanctions, Begging, Panglegur Village, Law Enforcement.*