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**CSR LAW REFERENCES TO THE RIGHT FAMILIES IN
 INDONESIA UNDER GOVERNMENT REGULATION**

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Abstract

The purpose and function of the Indonesian state in the form is expressly stated in the fourth paragraph of the Preamble of the 1945 Constitution of the State of the Republic of Indonesia, namely to protect all the people of Indonesia and to improve public welfare, to educate the life of the people, in the guidance of Pancasila, 1945 constitution, Unitary State of the Republic of Indonesia and Bhinneka Tunggal Ika as National Pillar. The fourth paragraph of the phrase is still a mere dream, the current condition, the rich get richer while the poor get poorer. The capability of the government is very limited, both in monetary and human resources. The principle of togetherness, kinship and mutual cooperation has diminished and begun to fade, with the emergence of individualist, liberalist, capitalist principle. The presence of a strong legal foundation for social and environmental responsibility due to the pressure of globalization, the debt of the state and other issues as the obligation of companies to participate in making a direct contribution to society will bring new hope to those untouchables in previous government aid programs, if managed well and accurately on families who deserve it. Targeted and measurable CSR program is a concrete form of effort that offers equal distribution of welfare to community while providing protection to the community to live together safely and comfortably. This paper will reveal how government, employers, and communities conduct their duties to jointly provide solutions coveted by families who need these CSR funds.

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Keywords: Corporate social responsibility, zoning, family, reward, transparent, regulation.



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1. Introduction

Business and organizations do not operate in a vacuum. Their relationship to the society and environment in which they operate is a critical factor in their ability to continue to operate effectively. It is also increasingly being used as a measure of their overall performance (Charkham, 1994).

ISO 26000 provides guidance on: (1) Governance; (2) Human rights; (3) Labour practices; (4) The environment; (5) Fair operating practices; (6) Consumer issues; (7) Community involvement and development. That make businesses and organizations can operate in a socially responsible way. This means acting in an ethical and transparent way that contributes to the health and welfare of society. ISO 26000:2010 provides guidance rather than requirements, so it cannot be certified to unlike some other well-known ISO standards. Instead, it helps clarify what social responsibility is, helps businesses and organizations translate principles into effective actions and shares best practices relating to social responsibility, globally. It is aimed at all types of organizations regardless of their activity, size or location. The standard was launched in 2010 following five years of negotiations between many different stakeholders across the world. Representatives from government, NGOs, industry, consumer groups and labour organizations around the world were involved in its development, which means it represents an international consensus. According to ISO 26,000 there are six stages that must be met in teamwork: (1) Your current picture; (2) Evaluation for the seven core subjects; (3) Engaging your stakeholders; (4) Plans for improvement; (5) Public reporting; (6) Claiming credit.

There has never been greater pressure on society to look to the future. Organizations everywhere are starting to see the importance of addressing current threats to their long-term viability and investing in a sustainable future for all. Achieving future sustainability requires a balance between the needs of the environmental, social and economic systems (Visser, 2011). There is now a societal expectation that organizations not only have a responsibility towards social and environmental welfare, but should play a positive and integral role in achieving it. Sustainable development can be defined as a form of development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This cannot be achieved by individual organizations working in silos, which is why 193 countries have pledged their support towards the 17 United Nations Sustainable Development Goals (UN SDGs) and their 169 targets. Adopted in 2015, the SDGs are a set of aspirational goals to end poverty, protect the planet and ensure prosperity for all, as part of the United Nations 2030 Agenda for Sustainable Development.

The United Nations Sustainable Development Goals: SDG 1, End poverty in all its forms everywhere; SDG 2, End hunger, achieve food security and improved nutrition, and promote sustainable agriculture; SDG 3, Ensure healthy lives and promote well-being for all at all ages; SDG 4, Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; SDG 5, Achieve gender equality and empower all women and girls; SDG 6, Ensure availability and sustainable management of water and sanitation for all; SDG 7, Ensure access to affordable, reliable, sustainable and modern energy for all; SDG 8, Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; SDG 9, Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; SDG 10, Reduce inequality within and among countries; SDG 11, Make cities and human settlements inclusive, safe, resilient and sustainable; SDG 12,

Ensure sustainable consumption and production patterns; SDG 13, Take urgent action to combat climate change and its impacts; SDG 14, Conserve and sustainably use the oceans, seas and marine resources for sustainable development; SDG 15, Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss; SDG 16, Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; SDG 17, Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

The number of islands in Indonesia according to data of the Ministry of Home Affairs of the Republic of Indonesia in 2004 is 17,504 units. 7,870 of them have names, while 9,634 have no names. Central Bureau of Statistics (BPS) reported based on data of The National SocioEconomic Survey (Susenas) 2014 and 2015, the population of Indonesia reached 254.9 million people. Meanwhile, the composition of urban or rural population shows the population of Indonesia in 2015 more in rural areas, i.e. 128.5 million people. While in large urban areas only 126.3 million people. Province is a division of Administration territory with a level below the National / State Territory and above the municipal and district administrations. Administratively, Indonesia consists of several provinces, headed by a governor. Each province is divided into several districts and cities. The division of a country like Indonesia into several Provinces is to make development more equitable and more efficient in all regions of the country of Indonesia. Based on the Minister of Home Affairs Regulation no. 56 Year 2015 About the Code and Data of Government Administration Region obtained from PUM Kemendagri, updated in 2015, Name of Province in Indonesia and its capital update in 2015, among others (Joesoef & Sutowo, 2017):

A. Province of Sumatra Island

1. Aceh Province / Nangroe Aceh Darussalam (The capital city of Banda Aceh).
2. North Sumatra Province. (The capital city of Medan).
3. West Sumatra Province. (Its capital is in Padang).
4. Riau Province (Mainland). (The capital city of Pekanbaru).
5. Riau Islands Province. (The capital of Tanjung Pinang).
6. Jambi Province. (The capital city of Jambi).
7. South Sumatra Province. (The capital of Palembang).
8. Bangka Belitung Province. (The capital is in Pangkal Pinang).
9. Bengkulu Province. (Whose capital is in Bengkulu).
10. Lampung Province. (Its capital city is Bandar Lampung).

B. Province of Java

1. DKI Jakarta Province. (The capital city of Jakarta).
2. West Java Province. (The capital city of Bandung).
3. Banten Province. (The capital city of Serang).
4. Central Java Province. (The capital city of Semarang).
5. DI Yogyakarta Province. (Its capital city is Yogyakarta).
6. East Java Province. (The capital city of Surabaya).

- C. Provinces on the islands of Bali and Nusa Tenggara
 - 1. Bali's Provincial. (Capital in Denpasar).
 - 2. West Nusa Tenggara Province. (The capital city of Mataram).
 - 3. Nusa Tenggara Timur Province. (The capital of Kupang).

- D. Province of Kalimantan Island
 - 1. West Kalimantan Province. (The capital city of Pontianak).
 - 2. Central Kalimantan Province. (Its capital is in Palangkaraya).
 - 3. South Kalimantan Province. (The capital city of Banjarmasin).
 - 4. East Kalimantan Province. (The capital city of Samarinda).
 - 5. North Kalimantan Province. (The capital of Tanjung Selor).

- E. Province of Sulawesi Island
 - 1. North Sulawesi Province. (The capital of Manado).
 - 2. West Sulawesi Province. (The capital city of Mamuju).
 - 3. Central Sulawesi Province. (Its capital is in Palu).
 - 4. Southeast Sulawesi Province. (Its capital is in Kendari).
 - 5. South Sulawesi Province. (Its capital city is Makassar).
 - 6. Gorontalo Province. (The capital of Gorontalo).

- F. Provinces in the Maluku Islands and Papua
 - 1. Maluku Province. (Its capital is in Ambon).
 - 2. North Maluku Province. (Its capital is in Ternate).
 - 3. West Papua Province. (The capital of Manokwari).
 - 4. Papua Province. (The capital city of Jayapura).

The problem of poverty is considered as one of the things that hamper the process of building a country. One of the countries that are still tied up by social problems is one of them is Indonesia (Kasali, 2017). The poverty rate at the community level is still quite high. Although by state statistics agencies, it is always stated that each year the poverty rate tends to decline.

Poverty is a complex problem faced by all governments in the world. It is influenced by several factors that are related to each other. These factors include income levels, education, health, access to goods and services, geographic location, gender and environmental conditions. Poverty is a condition in which a person cannot fulfil his basic needs in order to lead a more dignified life. Therefore, poverty is obliged to be overcome, because if not contained it will be able to disrupt national development (Sachs, 2005).

The resignation of President Soeharto from his seat of 32 years has been the first step towards reform in all fields of economic, political, legal, social and cultural rights and, most importantly, the door to democracy should be opened wide in the hope that this nation will have a better future. But unfortunately the dream was not fulfilled, slowly even some of the depravity was increased

dramatically in quality and quantity. One part of the depravity is the practice of corruption, collusion and nepotism (KKN) (Jeddawi, 2011). This KKN practice is one of the acute diseases that occurred in the New Order that resulted in the economic system, politics, power and bureaucratic layers based on kinship, namely the power only spin on the limited circle of family members and close friends only (Simpson & Taylor, 2013).

Vision of the Jokowi-JK government has been formulated in the Nawacita, which has three main features: State Present, Build from the periphery, and Mental Revolution. (1) Attend the state to protect the entire Nation and provide security to all citizens; (2) Make governments not absent by building, clean, effective, democratic, and reliable Governance; (3) Building Indonesia from the periphery by strengthening the Regions and Villages in the Framework of the Unitary State; (4) Rejecting a weak State by conducting system reform and law enforcement that is free of corruption, dignity and trust; (5) Improve the quality of human life of Indonesia; (6) Improving people's productivity and competitiveness in international markets; (7) Achieve economic independence by moving the sector of the strategic sector of the domestic economy; (8) Performing a Character Revolution of the nation; (9) Reinforcing diversity and strengthening Indonesia's social restoration (Kumolo & Tim, 2017; Schwab, 2017).

Year One, the government made improvements and placement of three fundamental policies, namely: (1) Changing Consumption-based Economy to Production; (2) Right Target Subsidies, for poverty alleviation; (3) Encourage more equitable development outside of Java.

The acceleration of development in the second year, the Government continues the growth momentum that began to occur as the impact of the foundation in the first year, the Three Pillars that became the focus of acceleration of development are: (1) Acceleration of Infrastructure Development; (2) Acceleration of Human Development; (3) Acceleration of Economic Deregulation Policy. The Three Pillars of Development Acceleration are downgraded to 8 special topics: (1) International Diplomacy; (2) Tourism; (3) Papua; (4) Agrarian Reform; (5) Maritime Axis; (6) Amnesty of Taxes; (7) Village and area 3 T (outermost, leading, left behind); (8) Law Reform (Zakaria, 2017).

Five key performance indicators. These five indicators, either directly or indirectly, are related to the welfare of the people, which must be the subject and the greatest beneficiaries of Development. 1) Poverty; (2) Unemployment; (3) Inflation; (4) Economic Growth; (5) Inequality.

The growth of the Human Development Index (HDI) in 2015 is driven by educational programs that are educational, cultured, and productive as well as programs to improve the health and welfare of Indonesian families. Increased access to education distributes smart Indonesian cards, scholarships and the construction or rehabilitation of schools and study spaces. School construction and provision of teachers in 3T (outermost, leading and behind) areas in 49 districts increased 10 times.

Restructuring the Indonesian family is achieved through three main pillars: (1) Changing the perspective of health / healthy paradigm; (2) Improvement of health services; (3) Establish national health insurance. By 2016, the government continues to increase the number of national health insurance participants (JKN) and health facilities that serve and pay dues for the poorest. 168,807,302 Indonesians have become National Health Insurance participants (data: 9/9/2016), 25,654 health facilities serving JKN patients. Rp. 20 trillion in 2016 to pay health insurance contributions 40% of Indonesia's poorest people.

Agrarian reforms provide legal certainty of land ownership, prevent ecological crises, overcome conflicts, reduce poverty, and reduce economic inequality in rural areas. 7 Agrarian Reform: (1) Resolving agrarian conflicts; (2) Improve food security; (3) Improving and maintaining environmental quality; (4) Improving public access to economic resources; (5) Reducing poverty and creating jobs; (6) Creating a source of prosperity and prosperity of the people; (7) Reduced inequality of land ownership and ownership.

The price difference between regions has changed drastically since the implementation of the sea toll trajectory. Prices become more stable and decrease significantly when the number of routes is increased and revised as needed. Indonesian fish production has never decreased over time. What distinguishes is that nowadays fishermen's welfare is increasing because of improvements in fisheries governance. For the first time after 71 years of independence Indonesia has a policy of Marine Indonesia and the National Spatial Plan.

Declaration and Repatriation of the 9 largest countries. Indonesia is preparing the implementation of the Automatic Exchange of Information agreement with all partner countries. Up to the first period of the tax remission program, the results are among the highest in the world (97.3 trillion, achievement taxes - 0.81% of GDP, 3 times above global average, of global average GDP is only about 4%).

Revitalization and legal reform from upstream to downstream:

1. Bringing back the country to protect the entire nation and provide a sense of security to all citizens.
2. Refuse weak countries by reforming the system and law enforcement that is free of corruption, dignity and trust. Based on Presidential Instruction No. 7 of 2015 and No. 10 of 2016 on corruption prevention and eradication (PPK action) in 2016 and 2017.

2. Problem Statement

According to statistics agency data (bps.go.id) in September 2016, the number of poor (people with per capita expenditure per month below the Poverty Line) in Indonesia reached 27.76 million people (10.70 percent). The percentage of urban poor in September 2016 was 7.73 percent and 13.96 percent for the rural poor. Inequality between the poor and the rich is still happening even widened. Based on data obtained Oxfam said that the total wealth of the four richest people of Indonesia equal to 40 percent of Indonesia's poorest citizens. Admittedly, Head of Statistic Central Agency (BPS) Suhariyanto, although using different data with BPS, but happened the same phenomenon, that inequality is still a big homework (PR) for the Government and all the stakeholders (Weiss, 2014).

3. Research Questions

1. How do the Government, Employers, and Communities conduct their Duties to jointly provide solutions coveted by families who need these CSR funds fairly?
2. ISO 26,000 Programs, SDGs, and Nawacita are direct support for poverty alleviation, equitable development and opportunities for the nation's generation to have a promising future. How can good governance be right on target?

3. What is the concept of CSR program that can refer to the opportunity to enjoy the help of a company directly to families in need?

4. Purpose of the Study

³⁸ The purpose of this study is to awaken and anticipate the implementation of corporate assistance that has been well managed, not to be misused by the parties who are not responsible and entitled to give it to families who should not deserve it, so that CSR programs / assistance of companies on Ultimately will not have a profound effect on the equitable distribution and poverty of the people, because Indonesia is a super country in its natural resources, its stable season, its fertile soil, its human resources which overflow. Moreover, Indonesia embraces the development of people-based economy, based on togetherness, mutual cooperation and kinship, based on the ideology of ¹ Pancasila, the 1945 Constitution, the Unitary State of the Republic of Indonesia and the Unity of Diversity Unity (Although diverse / different but still united). Restoring the culture of manners, the shame of the Indonesian people who have been very thinning, and reminded that Indonesia is not based on capitalist, Individualist and liberalist economies.

5. Research Methods

⁵⁵ According to Soerjono Soekanto: "Research is a scientific activity based on an analysis and construction that is done in a systematic, methodological and also consistent and aims to be able to reveal the truth is as one manifestation of human desire to be able to know about what is being faced". This research is conducted so that the achievement of welfare and peace goals can be realized as soon as possible in Indonesia's homeland, as aspired when the state of Indonesia became independent. Compound people can live harmoniously and side by side.

This research is a type of field research (field research) with a qualitative approach. ⁴ Kirk and Miller define qualitative research as a particular tradition in social science that is fundamentally dependent on observation in humans both in its region and in its terminology. ¹⁶ In this research is also supported by library research (bibliography) is the source of data in the form of books or literature related to the discussion or through data sources on the internet. ²² Qualitative research is a study that produces analytical procedures that do not use statistical analysis procedures or any other quantification method. It is clear that this notion contrasts qualitative research with quantitative research by highlighting that any quantification effort should not be used in qualitative research.

The study of this paper will use the utility theory of "greatest happiness for the greatest number", pioneered by Jeremy Bentham, supported by R. Edward Freeman in his theory, "A Stakeholder theory of the Modern Corporation", the theory of stakeholders ⁴² is based on two principles that balance the rights of complainants to corporations with the consequences of corporate form. The First, the principle of corporate securities, ¹² states that "The Company and its managers are responsible for the effects of their actions on others". The second principle, namely the principle of corporate rights, states that "The Company and its managers do not violate the legitimate rights of others to determine their own future". ⁴¹ This principle is derived from the Deontological theory of Immanuel Kant (1724-1804) based on the principle of respect for the people that people should be treated as goals and never just as a means.

According to Kant an act is good, if due to obligation (categorical imperative), which obliges just, independent of any conditions. Managing a company to improve the standard of living and employees' welfare as a primary stakeholder is a righteous act and an obligation of every company because it is supposed to be the way the company is run. And if this concept is linked to justice, then it is fair that management in managing the company is concerned with improving the living standards and welfare of employees and the surrounding community as stakeholders. John Rawls argues that the situation of society should be such that the highest profits generated possible for the small classes and for everyone are given equal opportunities in their lives (Rawls, 2011). The set of theoretical frameworks as above is deemed relevant to be used as an analyst blade in the research of this paper.

6. Findings

1. The implementation of Good Governance, Good Government, Clean Governance and Government by synergizing between system and management especially in the formation of human development is a successful start. Ten principles of Good Governance that on progress are: (1) Accountability; (2) Supervision; (3) Responsiveness; (4) Professionalism; (5) Efficiency and Effectiveness; (6) Transparency; (7) Equality; (8) Future Insights; (9) Participation; (10) Law Enforcement (Lukviarman, 2016; Pies & Koslowski, 2011; Radyati, 2014; Rudito & Famiola, 2013).
2. The above improvements will have an enormous impact on Good Corporate Governance; Good Corporate Governance (GCG) is a set of harmonious relationships between business management, directors, commissioners, shareholders, agents, and other stakeholders. GCG as a process and structure applied in running the company, with the main purpose of increasing shareholder value in the long term, while still paying attention to the interests of other stakeholders. Good governance of GCG is the key to the success of the CSR program and is the hope of families in desperate need and away from the touch of government programs. CSR programs do not speak only to a legal obligation but more than that is a moral as the people of Indonesia who adhere to the principles of togetherness, mutual cooperation and kinship. Governance Improvement becomes crucial and can be done together, either top-down or bottom-up (Sheridan & Kendall, 1992; Tricker, 2012.)
3. "In everyday life, the practice of mental revolution is to become a man of integrity, willing to work hard, and have a spirit of mutual cooperation". "The Mental Revolution is a movement to galvanize Indonesian human beings into a new man, who is white hearted, steel-bound, eagle-eagled spirit, flame-burning spirit." This is the idea of a mental revolution first initiated by President Soekarno on the Independence Day celebration of 17 August 1956, and today the Indonesian people must cultivate it again through education to the younger generation of the nation, early on.

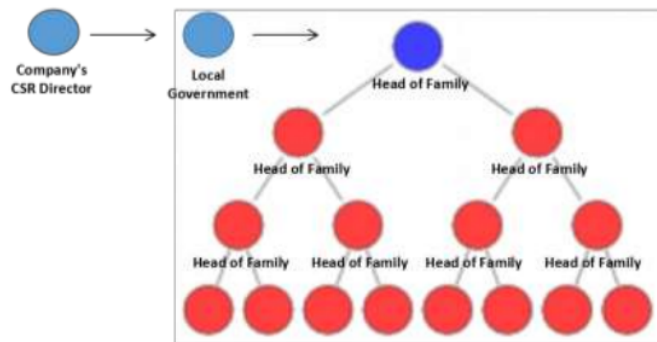


Figure 01. The Marathon Distribution of CSR Programme



Figure 02. The Right Target of CSR Zoning

Table 01. CSR Regulation in Indonesia

NO	Regulation	Article	Information
1	Law No.19 of 2003 on State-Owned Enterprises (Undang-Undang No. 19 Tahun 2003 Tentang BUNM)	Article 88 paragraph 1	SOEs can set aside some of its net profit for the purposes of Small Business / Cooperative Development as well as Community Development around SOEs.
1.1	Regulation of the Minister of State Owned Enterprise. PER-05 / MBU / 2007(Undang-Undang No. 19 Tahun 2003 Tentang BUNM)	Article 2 paragraph 1	Public and Private Limited Companies must implement the Program Partnership and Community Development Program by meeting the provisions stipulated in this Regulation.
1.2	Copy of Regulation of the Minister of SOE No. PER-08 / MBU / 2013 concerning the Fourth Amendment of the Regulation of the Minister of State-Owned Enterprises No. PER-05 / MBU / 2007 Pursuant to Copy of Regulation of Minister of SOE No.PER-20 / MBU / 2012(Undang-Undang No.19 Tahun 2003 Tentang BUNM).	Article 9 paragraph 1 (a) and 2 (a)	The Partnership Program funds are sourced from the company's budget, which is calculated as a cost, a maximum of 2% of the previous year's net income, and for BUMNs that do not earn a profit, the amount is set regardless of a certain percentage of net income. The Environmental Development Program Fund is sourced from the company's budget which is calculated as cost, a maximum of 2% of the previous year's net income and ...
2	Law No. 25 Year 2007 About Investment (Undang-	Article 15 (b)	Each Capital Market is obliged to carry

	50 Undang No. 25 Tahun 2007 Tentang Penanaman Modal).		out corporate social responsibility.
		Article 16 (d)	Each Capital Market is responsible for preserving the environment.
		Article 17	Investments that seek 30-renewable natural resources shall allocate funds gradually for the recovery of sites that meet environmental feasibility standards, whose implementation is regulated in accordance with the laws and regulations.
3	21 Law No. 22 of 2001 on Oil and Natural Gas (Undang-Undang No. 22 Tahun 2001 Tentang Minyak dan Gas Bumi).	Article 11 paragraph 3 (p)	The cooperation contracts as meant in paragraph (1) shall contain at least the provisions of the main provisions, namely: the development of the community and the guarantee of the rights of indigenous peoples.
4	46 44 No.13 Year 2011 on the Handling of Poor (Undang-Undang No. 13 Tahun 2011 Tentang Penanganan Fakir Miskin).	Article 36	Sources of funding in the handling of the poor, including: (c). Funds set aside from the company. Funds set as 37 from the Company's companies as referred to in paragraph (1) letter (c) shall be used for the handling of the poor.
		Article 41	The community participates in the implementation and supervision of the handling of the poor. Participation as referred to in paragraph (1) shall be conducted by: (a) Business Entity, (j) Business Actor. Business actors as referred to in paragraph (2) letter (j) participate in providing funds for community development as the embodiment of social responsibility for the handling of the poor.
5	49 Law no. 4 18 ear 2007 About Limited Liability Company (Undang-Undang No. 40 Tahun 2007 Tentang Perseroan Terbatas).	Article 74 paragraph (1)	The Company which carries out its business activities in the field and / or related to natural resources is obliged to carry out social and environmental 5 responsibility.
5.1	15 Government Regulation no. 47 Year 2012 on Corporate Social Responsibility and Environment Limited Company (Undang-Undang No. 40 Tahun 2007 Tentang Perseroan Terbatas).	Article 4 paragraph (1)	Social and environmental responsibilities are carried out by the Board of Directors based on the Company's annual work plan after obtaining approval from the Board of Commissioners or the GMS in accordance with the Company's articles of association, unless otherwise provided 43 the laws and regulations.
6	52 Law no. 39 ear 2009 About Mineral and Coal Mining (Undang-Undang No. 4 Tahun 2009 Tentang Pertambangan Mineral dan Batubara).	Article 95	Holders of Mining Business Licenses and Special Mining Business Licenses shall: (d) undertake the development and empowerment of local communities, and (e) comply with the tolerance limits of environmental carrying capacity.
7	10 Law no. 11 Year 2009 About Social Welfare (Undang-Undang No. 11 Tahun 2009 Tentang Kesejahteraan Sosial).	Article 3	The implementation of social welfare aims to: (d) improve the ability, awareness and social responsibility of the business world in the implementation of social welfare in an institutional and sustainable manner.
		Article 25	The Government's responsibility in carrying out social welfare includes: (e) encouraging and facilitating the community and the business world in carrying out social responsibility.

8	Ministerial Decree No. 6 Year 2016 on Corporate Social Responsibility in the Implementation of Social Welfare.	Article 1 paragraph 1	In this Ministerial Decree is meant by: Corporate social responsibility is the commitment and effort of business entities to play a role in the implementation of social welfare.
		Article 1 paragraph 6	Forum of social responsibility of business entity in the implementation of social welfare hereinafter referred to as forum is an institution / vehicle initiated by elements of society, business entity, and / or college and in facilitation of government aimed at optimizing the implementation of the role of business entity in the implementation of social welfare.
9	Regulation of Social Affairs No. 13 of 2012 on the Forum of Business Responsibility in the Implementation of Social Welfare.	Article 1	In this Regulation: Forum of social responsibility of the business world in the implementation of social welfare is an institution / vehicle initiated by elements of society, business, and universities and facilitated by the government aimed at optimizing the implementation of the role of the business world in the implementation of social welfare.
		Article 2	The social responsibility of the business world is the commitment and effort of the business world in carrying out its social responsibility in participating in helping the handling of social problems.
9.1	Social Affairs Decree No.185 / HUK / 2016 Concerning Social Responsibility Forum of Business Entities in the implementation of social welfare.		
10	Local regulatory regulations published related to social and environmental responsibility (CSR).		

7. Regulation of Social Affairs No. 13 of 2012 on the Forum of Business Responsibility in the Implementation of Social Welfare. Article 5 (2) In optimizing the social responsibility of the business world as referred to in paragraph (1), the forum shall: appeal to the business world to set aside its social responsibility funds to be channelled to those with social welfare issues; It should be emphasized that the words "appeal" and "CSR as obligations" provide an ambiguous understanding.
8. Article 6 (2) Implementation of social welfare as referred to in paragraph (1) by prioritizing on those who have an unfit humanitarian life and having criteria of social problem: a. poverty; B. Neglect; C. Disability; D. Remoteness; E. Social disabilities and behavioural aberrations; F. Disaster victims; And / or g. Victims of violence, exploitation and discrimination. It should only focus on families who have an unfit life in humanity and below the poverty line.
9. Article 8 to carry out the duties and functions of the Forum Social Responsibility the Business World has an organ consisting of elements of the Trustees, Supervisors, and Executives. Should be further simplified into: The Company is required to provide the CSR Board of Directors.
10. Article 16 Establishment of organ and stewardship of Forum of Social Responsibility World Business for the first time done by: a. Minister of Social Affairs for national level; And b. Provincial governor. Should be involved all stakeholders in order to achieve the concept of Good Governance.
11. CHAPTER VIII FUNDING. Article 21 (1) Funding for the administration and operation of the Forum for Social Responsibility of the World Business to perform its duties and functions shall originate from: a. State Revenue and Expenditure Budget for the National Business Social

Responsibility Forum at national level; And b. The State Revenue and Expenditure Budget and the provincial revenue and expenditure budget for the provincial Business Social Responsibility Forum; it should be emphasized that: If this is a corporate liability, then let the company manage the funds and not the other party. Paragraph (2) In addition to funding sources as referred to in paragraph (1) may also originate from other sources that are legitimate and non-binding in accordance with the provisions of legislation. This should not be necessary due to being out of focus.

7. Conclusion

1. Review Indonesia's situation as an archipelagic country, so the implementation of CSR program should be returned to the authority of each company, because they are the actor (Weybrecht, 2014; Widjaja & Pritama, 2008).
2. The amount of CSR project expenditure can be reported into company's annual tax return (Radyati, 2014; Untung, 2014; Urip 2014).
3. The Government has the task of providing convenience to entrepreneurs in developing and establishing companies, and surely, automatically will cover the area that needs employment.
4. The establishment of educational sites based on the interests of human resources companies should be prioritized and this can be done together between the people in academics, government and companies.
5. CSR Program Assistance can be done by looking at basic family life needs, consisting of: (1) Grandparents, by giving the task of preserving the surrounding environment; (2) Father, by launching partnership program related to livestock and agriculture as part of company's agricultural entrepreneurship; (3) Mother, with programs related to culture, cuisine and handicrafts; (4) Children, by providing compulsory education; the main reason is the family members must actively spent their time wisely.
6. The program of consciousness and moral as a responsible nation's people needs to be strongly encouraged.
7. Proper moral and ethical education in early childhood is a great solution to improve/resuscitate the character of their troubled parents and this will have an effect on GG, CG, GCG and will spawn a decent, dignified and integrity Indonesian society.
8. CSR fund recipients are directly related to the company in which they are domiciled.

References

- Charkham, J. (1994). *Keeping good company*. New York: Oxford University Press Inc.
- Jeddawi, M. (2011). *Negara hukum, good governance, dan korupsi di daerah*. Yogyakarta: Penerbit Total Media.
- Joesoef, D. & Sutowo, P. (2017). *Nilai ke-Indonesiaan*. Jakarta: PT. Kompas Media Nusantara.
- Kasali, R. (2017). *Disruption*. Jakarta: PT Gramedia Pustaka Utama.
- Kumolo, T. & Tim. (2017). *Nawa cita untuk kesejahteraan rakyat Indonesia*. Jakarta: PT. Kompas Media Nusantara.
- Lukviarman, N. (2016). *Corporate governance menuju penguatan konseptual dan implementasi di Indonesia*. Solo: PT Era Adicitra Intermedia.

- Pies, I. & Koslowski, P. (2011). *Corporate citizenship and new governance*. Library of Congress Control Number: 2011933233.
- Radyati, N. (2014). *Sustainable business and corporate social responsibility*. Jakarta: CECT Trisakti University Indonesia.
- Rawls, J. (2011). *Teori keadilan, dasar-dasar filsafat politik untuk mewujudkan kesejahteraan sosial dalam negara*. Yogyakarta: Penerbit Pustaka Pelajar.
- Rudito, B., & Famiola, M. (2013). *Corporate social responsibility*. Bandung: Rekayasa Sains.
- Sachs, J. (2005). *The end of poverty*. London: Penguin Group.
- Schwab, K. (2017). *The fourth industrial revolution*. Great Britain: Clays Ltd, St Ives plc
- Sheridan, T., & Kendall, N. (1992). *Corporate governance*. Jakarta: Percetakan PT Gramedia.
- Simpson, J., & Taylor, J. (2013). *Corporate governance, ethics, and CSR*. United States: Kogan Page Limited.
- Tricker, B. (2012). *Corporate governance principles, policies and practices*. Hampshire: Ashford Colour Press Ltd.
- Undang-Undang No. 11 Tahun 2009 Tentang Kesejahteraan Sosial.*
- Undang-Undang No. 25 Tahun 2007 Tentang Penanaman Modal*
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- Untung, B. (2014). *CSR dalam dunia bisnis*. Yogyakarta: CV Andi Offset.
- Urip, S. (2014). *Strategi CSR tanggung jawab sosial perusahaan*. Tangerang: Literati Imprint dari Penerbit Lentera Hati.
- Visser, W. (2011). *The age of responsibility CSR 2.0 and the new DNA of business*. United Kingdom: John Wiley & Sons Ltd.
- Weiss, J. W. (2014). *Business ethics, a stakeholder and issues management approach*. San Francisco: Berrett Koehler Publishers, Inc.
- Weybrecht, G. (2014). *The sustainable MBA a business buide to sustainability*. United Kingdom: John Wiley & Sons, Ltd.
- Widjaja, G., & Pratama, Y. A. (2008). *Risiko hukum & bisnis perusahaan tanpa CSR*. Jakarta: Forum Sahabat.
- Zakaria, H. G. (2017). *5 Pilar revolusi mental untuk aparaturnegara*. Jakarta: PT Elex Media Komputindo.

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