

## Policy Analysis of Standard Traders in Sidoarjo District

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### Abstract

*This research is a literature study on the government policy. This study aims to discuss what efforts can be implemented by street vendors in maintaining their business in the midst of the covid-9 pandemic. The research method used in this study is a qualitative descriptive method. The type of data used in this study is qualitative data, which is categorized into two types, namely primary data and secondary data. Sources of data obtained through library research techniques (library study) which refers to sources available both online and offline such as: scientific journals, books and news sourced from trusted sources. The results of the study concluded that PKL Law Enforcement on the Main Street of Taman Pinang Housing, Sidoarjo Regency Law enforcement of street vendors on the Main Street of Taman Pinang Indah Housing was carried out by local SKPD based on applicable regional regulations. These regional regulations include Regional Regulation No. 10 of 2013, Regional Regulation No. 3 of 2016 and the Decree of the Regent of Sidoarjo No. 188/455/404.1.1.3/2017. Obstacles faced by local governments include less intensive policy implementation, less strategic relocation solutions, pressure groups, illegal street vendors who do not want to be relocated, budget constraints.*

### Keywords

street vendors; government policies; arrangement



### I. Introduction

The population of Indonesia according to the BPS in 2018 reached 270,203,917 people with a population density of 141 people per km<sup>2</sup>. This number causes Indonesia to occupy the fourth largest position in the world after the People's Republic of China, India and the United States. This population condition provides opportunities as well as challenges, if used properly it will be able to make the country victorious, on the other hand it will cause massive poverty if it is not supported by adequate education and skills from the community (Gatiningsih & Sutrisno, nd). Education and skills are the main keys in gaining social status in community life (Lubis *et al*, 2019).

Trading is a small business that is easy to run because the capital required is also small with an easy management system, so many people from the lower middle class choose to trade in order to survive. In trading there are many ways that can be done, whether it's staying in one place or trading around which is usually called a street vendor (hereinafter also referred to as "PKL").

Street vendors are often said to be informal traders or illegal traders because they tend to move around and do not have legal permits, so there are often violations related to where the street vendors trade. On the other hand, street vendors are a source of livelihood for people who do not have permanent jobs, so that in its enforcement there are often difficulties because it involves a person's survival. Street vendors tend to open businesses in strategic places, because it is from strategic places that street vendors benefit by getting a lot of customers. Whereas in strategic places it tends to cause congestion if the function

of the road is not used according to its function due to the presence of street vendors. This causes congestion and traffic to become irregular due to the presence of street vendors (Susilowati et al., 2014).

The increasing number of street vendors raises many social problems such as encouraging the rate of migration from villages to cities, giving rise to many slum settlements and high levels of urban crime. While the urban problems caused include the problem of beauty and cleanliness of the city, smooth traffic and the provision of land for business locations (Mustafa 2008). The location of street vendors in Sidoarjo Regency is spread across several places, namely Jl. Lingkar Barat, GOR Sidoarjo, Jl. Gajah Mada, Jl. Majapahit, Jl. Jenggolo, Jl. Diponegoro, Jl. Jati, Main Street for Taman Pinang Indah Housing in Sidoarjo, as well as several other roads. In 2010 there were 761 street vendors in scattered locations, while in 2013 there were 1716 street vendors in 18 locations in the form of road corridors in the Sidoarjo urban area (Suripto, 2017).

Based on data from the Sidoarjo Regency Civil Service Police Unit (hereinafter referred to as "Satpol PP") in 2016 there were 337 street vendors at the location of the Main Street of Taman Pinang Indah Sidoarjo Housing. This situation raises the problem of road functions not being used as they function, resulting in congestion and the rights of road users being disturbed. The phenomenon of the large number of street vendors selling in locations that are not intended for sales is a problem that has not been resolved until now. The large number of street vendors and the lack of places that can accommodate street vendors to sell are the main problems for the Sidoarjo Regency government in terms of city planning so that problems related to street vendors do not drag on (Fakhrusy, 2018).

Currently, public facilities as spatial planning in housing are widely used by the community as happened in the Taman Pinang Sidoarjo Housing. The main road as housing facilities and infrastructure is widely used by the surrounding community and the wider public for street vendors. The street vendors on the main road of the Taman Pinang Indah housing estate have caused traffic jams because they do not use the road according to its designation. This phenomenon can only be corrected by relocating street vendors to places that are in accordance with the designation of street vendors to sell so as not to cause traffic jams and road users can exercise their rights (Pasciana et al., 2019)

There are several previous studies that discuss the policy of street vendors. First, research by (Suripto, 2017) which discusses the resistance of street vendors in implementing policies in the Wiyung sub-district. The results of this study indicate that street vendors who are assisted by the Pemuda Pancasila organization are able to fight against the curbing/relocation carried out by the Surabaya city government. Second, research (Evita, 2013) which discusses the implementation of PKL structuring policies at the Batu Tourism Center in Batu City). The results of the study indicate that this policy has failed and is an unsuccessful implementation. This is because many new street vendors have sprung up so that BTC is empty of visitors. Third, (Trisnanto, 2015) Dicky Rahadian discussed setting up a place of business and fostering street vendors at the Krian Sidoarjo terminal. The results of the study indicate that the regulation and development are going well, it is based on the positive response of the target group to the policy. Fourth, (Kusuma, 2018) discusses the implementation of the relocation policy for street vendors in the city of Manado. The results of this study indicate that the legal basis for the city government to relocate street vendors is contrary to the law above. In addition, there was a compromise between officers and street vendors as evidenced by asking for a reward (transactional). Fifth, Muklas M Tahir and (Putra et al., 2021) discussed controlling street vendors in the city of Makassar. The results show that the Makassar city government has not been able to

find a solution to produce street vendor management policies that are humane and effective at the same time.

The rise of street vendors selling on the main road of Taman Pinang Sidoarjo Housing is a polemic because there are people who support and reject the existence of street vendors on the main road of Taman Pinang Sidoarjo Housing. Especially now that a community has emerged that accommodates street vendors so that they can sell on the main road of Taman Pinang Sdoarjo Housing. This association consists of people who support the existence of these traders because they think that the traders do not violate the rules, while the people who refuse are also adamant because they think that the use of roads used by traders violates the law. This has now become a complex and serious problem that has led to several meetings between the people who support and reject it, mediated by the district apparatus. There have even been several riots which have also attracted attention and become news in the mass media. Based on the above background, the researcher feels the need to conduct research on government policies regarding the arrangement of street vendors (Pratama, 2020).

## **II. Research Method**

The research method used in this research is using qualitative research methods with the type of research included in the scope of empirical legal research. This research is a type of empirical legal research that examines from the side of administrative and criminal law enforcement in Perda No. 3 of 2016. This empirical legal research consists of research on legal identification (unwritten) and research on legal effectiveness (Soerjono Soekanto: 1986). Based on the purpose of this empirical legal research, it is included in the Problem-Identification research which looks for problems related to the subject under study. The problem-identification will then be continued with prescriptive research and evaluative research that will describe problems related to law enforcement against violations of Articles 20 and 21 of Regional Regulation No. 3 of 2016 which were carried out by street vendors in Sidoarjo Regency who occupied the Jalan Pinang public housing area as a trading location.

This research was conducted in Sidoarjo Regency, East Java Province. More precisely, this research will be carried out in related agencies related to the problem being studied. The related services in question are the Civil Service Police Unit, the Public Works Cipta Karya and Spatial Planning Service, the Cooperatives, UKM, Industry, Trade and Energy Mineral Resources Office and the PKL Association which occupies a trading location in the Taman Pinang Housing area, Sidoarjo Regency.

The qualitative research method that uses empirical legal research uses two types of data, the data are primary data and secondary data. Primary data and secondary data in this study are data obtained directly from the first source, namely the behavior of citizens through research (Soerjono Soekanto: 1986). Primary data in this study were obtained directly by interviewing informants, in this case were interviews with the Public Works Cipta Karya and Spatial Planning, Civil Service Police Unit, Cooperatives, SMEs, Industry, Trade and Energy Mineral Resources and PKL Associations. which occupies a trading location in the Taman Pinang Housing area, Sidoarjo Regency. Secondary data includes official documents, books, research results in the form of reports, diaries, and so on. In this paper, secondary data were obtained from literature studies, journals, reports and laws and regulations relating to law enforcement and law enforcement against violations of local regulations committed by street vendors.

### III. Results and Discussion

#### 3.1 Street Vendors Taman Pinang Sidoarjo

Street vendors are individuals or groups who carry out economic activities by selling in public spaces such as pedestrian areas/pavements, road shoulders, parks, squares, fields and so on. Identical street vendors use tools that can be dismantled or moved in a short time and use places for public purposes that do not belong to them.

Taman Pinang housing, which incidentally is the central area of Sidoarjo Regency, makes this area a strategic area for the economy. Benefited from the layout of the Taman Pinang residential area so that it is included as a reference for street vendors selling.

Referring to the historical area of the betel nut plantation with all its advantages, this area is very interesting for several economic actors. At first, there were only a few street vendors, then it grew to a number of street vendors who were registered by the government at 341 street vendors, while there were still more than 500 street vendors who had not been registered. With so many sellers in the area, a number of problems arise.

**Table 1.** Number of Street Vendors Based on Trade Classification

No	Production	Amount
01	Wet food	171
02	Clothes	61
03	Service provider	21
04	Souvenir	81
Total		341

The table above shows that street vendors in Taman Pinang Sidoarjo are growing rapidly. There are 171 wet food traders, 61 clothing traders, 20 service providers in the service area, and 87 souvenir traders.

Public space is a gathering place for city residents to carry out activities that can strengthen bonds as a community (Carr 1995). Public space here has many types which include roads, sidewalks, public parks, markets, playing fields, seaside/rivers, green open spaces (RTH) and other spaces. Therefore, public space must be open, accessible to anyone, regardless of the social status of its citizens. Thus, the city's public space does not favor the interests of certain groups (Sumarwanto, nd).

This public space must be easy to recognize by visitors and users of the public space. The clarity of the arrangement of activities and places will build the bond between users and the public space. So that public spaces can carry out their functions properly, namely providing comfort and a place to play for city residents. Nevertheless, it is not uncommon for public spaces such as Car Free Day (CFD) to be used by some people to convey public opinion, both verbally and in writing, such as campaigns, speeches, and sharing theatrical forms.

#### 3.2 Government Policy on Structuring Street Vendors

The phenomenon of the proliferation of street vendors in Taman Pinang shows that the Sidoarjo Regency Government needs to organize street vendors considering that the increase in the number of street vendors in the area has had an impact on disrupting the smooth flow of traffic, aesthetics and cleanliness as well as the function of regional infrastructure. In addition, PKL activities are one of the people's economic businesses that are engaged in the informal sector trade business, it is necessary to empower them to

improve and develop their business. The policies issued by the government in the effort to regulate street vendors are stated as follows:

- a. Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 41 of 2012 concerning Guidelines for Structuring and Empowering Street Vendors (hereinafter referred to as Permendagri No. 41 of 2012) which contains the arrangement of PKL data collection of street vendors, registration of street vendors, determination of the location of street vendors, empowerment of street vendors, and guidance and supervision. Permendagri No. 41 of 2012 is expected to be a reference for local governments in making their legal products regarding the arrangement and empowerment of street vendors to be more organized and structured.
- b. Article 32 letter H of the Minister of Home Affairs Regulation No. 41 of 2012 states that street vendors are prohibited from doing the following, one of which is to use roads for business premises, except those stipulated for scheduled and controlled PKL locations. The article has the meaning that street vendors are not allowed to sell on roads and must sell in places that should be designated for street vendors, so as not to disturb traffic order and cause congestion. Meanwhile, in Article 12 of Permendagri No. 41 of 2012 states that the location of street vendors according to their designation consists of permanent locations and temporary locations. Furthermore, in Article 36 of Permendagri No. 41 of 2012 it is written regarding the relocation of street vendors and the elimination of street vendors' locations, street vendors who occupy locations that are not in accordance with the designation as referred to in Article 12 paragraph can be moved or relocated street vendors to places/spaces that are suitable for their designation.
- c. Sidoarjo Regency Regulation Number 10 of 2013 concerning Public Order and Public Order (hereinafter referred to as Regional Regulation No. 10 of 2013) article 1 number 7 states that order is a condition of life that is completely organized and well-organized in accordance with the provisions of the legislation in order to realize life. a dynamic society, safe, peaceful physically and mentally. In addition, in article 4 letter L it is written that every person and/or entity is prohibited from using roads, sidewalks, green lanes, and parks other than for their intended use. This also applies to street vendors in order to create order in urban planning.
- d. Sidoarjo Regent Regulation Number 23 of 2014 concerning Structuring and Empowering Street Vendors in Sidoarjo Regency (hereinafter referred to as Perbup No. 23 of 2014) which contains regulations regarding the arrangement and empowerment of street vendors in Sidoarjo Regency.
- e. The Sidoarjo Regency Regional Regulation Number 3 of 2016 concerning Structuring and Empowering Street Vendors (hereinafter referred to as Perda No. 3 of 2016) confirms the provisions for structuring street vendors.
- f. Article 20 Regional Regulation No. 3 of 2016 is written regarding the obligations of street vendors, one of which is not to interfere with traffic and the public interest.

### **3.3 Analysis of government policies in managing street vendors**

#### **a. Policy Implementation**

The issuance of Regional Regulation Number 3 of 2016 concerning the Arrangement and Empowerment of Street Vendors is an effort made by the Sidoarjo district government to regulate and foster street vendors which includes determining the location of the sale which must build PKL centers in every one sub-district. Consequently, the government must move or relocate street vendors to a predetermined place and pay attention to the interests of various sectors, both economic, social, citizen comfort, orderliness, and environmental cleanliness (Arliyanto, 2020).

The results of the field findings, in the content of policy, show that the regulation of street vendors must be carried out by local governments, the emergence of regional regulations driven by the DPRD is the embodiment of the many demands made by the community, especially road users about the chaos of street vendors who exist in various regions. As explained by the deputy head of commission B Damroni, that the existence of street vendors in Sidoarjo are scattered in various places, not only committing violations but also road users feel disturbed by the activities of street vendors. Therefore there is an idea about controlling street vendors, controlling street vendors. In principle, the regional government must provide a place to trade so that it can make a common solution.

Law Enforcement of Street Vendors on Main Street of Taman Pinang Housing, Sidoarjo Regency Law enforcement of street vendors on Main Street of Taman Pinang Indah Housing is carried out by local SKPD based on applicable regional regulations. These regional regulations include Regional Regulation No. 10 of 2013, Regional Regulation No. 3 of 2016 and the Decree of the Regent of Sidoarjo No. 188/455/404.1.1.3/2017. Law enforcement carried out by the Disperindag of Sidoarjo Regency is a legal action to revoke the TDU of street vendors owned by street vendors who have violated the provisions contained in the relevant regulations (Akhadiyah, 2017).

The revocation of the PKL TDU is given as an administrative sanction for violations committed by street vendors by carrying out business activities on public roads and public facilities that can disturb the peace of the community. The sanctions are in accordance with Article 36 of Regional Regulation No. 3 of 2016 which states that the sanctions for street vendors who violate the provisions of Articles 20 and 21 of Perda No. 3 of 2016 among others are; Written warning, revocation of TDU PKL, forced demolition, imposition of fines.

Arrangements for street vendors in Taman Pinang are followed up and implemented by the government by issuing a special policy through a Regent's Decree. Based on the Decree of the Regent of Sidoarjo Number 188/455/404.1.1.3/2017 as a guideline for SKPD in carrying out street vendors law enforcement on the Main Street of the Taman Pinang Housing, Sidoarjo Regency, the authority possessed by the Industry and Trade Department is only up to the administrative sanction action of revocation of TDU PKL. Sanctions related to forced demolition, termination of business activities and imposition of fines are carried out by the Sidoarjo Regency Satpol PP.

The regional regulation used by Satpol PP in imposing sanctions on the illegal street vendors is Perda No. 10 of 2013 which contains regulations regarding public order. The results of the interview show that the Satpol PP has so far taken firm action against illegal street vendors who carry out trading activities on the main road of Taman Pinang Housing, Sidoarjo Regency. The action taken by the Satpol PP as an effort to enforce the law is to carry out patrols on Saturdays and Sundays every week (Tama, 2019).

Through the decree, the Sidoarjo district government is trying to relocate street vendors. The first strategy was to offer 337 street vendors in Taman Pinang to be relocated to the Ponti area, then there were 180 street vendors who were willing to be moved to the Ponti area and 157 who switched to selling places again. Street vendors who are pro relocation think that the policy is the solution to the problems that occur.

In the course of time, it turned out that there were 120 traders who finally returned to sell in Taman Pinang due to the lack of income, because it was proven that the relocation location was empty of buyers or consumers. Although there are still 60 street vendors who choose to continue selling in the Ponti area.

In the application of straightening the law from street vendors, the Sidorjo district government has a Regional Regulation Number 10 of 2013 concerning Public Order and Community Peace. From the data available from the Sidoarjo Regency Civil Service Police Unit, in 2017 there were 461 violations. In Taman Pinang there are 86 violations, the most of which are in the alun-alun area.

The lack of awareness of street vendors to comply with existing regulations so that there are still many violations that occur, including: 1) using a road and green open space for selling, 2) not throwing garbage in the right place, 3) using facilities that should not be done ethically, and 4) selling alcohol which is prohibited by the local regulation.

#### **b. Policy Constraints**

1. The implementation of socialization policies by the Sidoarjo regency government is less intensive. These constraints are a result of the very minimal budget issued by the government so that socialization is less intensive and productive.
2. Relocation solutions that are not strategic enough make street vendors not get very significant profits, with a sufficiently large PAD the government should be able to provide appropriate and strategic relocations for street vendors. Assuming street vendors are not reluctant to be moved.
3. The existence of a pressure group, namely the Taman Pinang street vendor group (PEDALINDO) which is contrary to the Sidoarjo district government's policy, making it difficult to control, because this group is quite well organized.
4. Illegal street vendors who do not want to be relocated and brought under control. The reason is that the place for relocation is quiet for buyers and difficult to access.
5. The difficulty of determining the new location is based on the constraints of the limited budget in the Sidoarjo Regency APBD for the 2017 fiscal year.

### **IV. Conclusion**

Law Enforcement of Street Vendors on Main Street of Taman Pinang Housing, Sidoarjo Regency Law enforcement of street vendors on Main Street of Taman Pinang Indah Housing is carried out by local SKPD based on applicable regional regulations. These regional regulations include Regional Regulation No. 10 of 2013, Regional Regulation No. 3 of 2016 and the Decree of the Regent of Sidoarjo No. 188/455/404.1.1.3/2017. Law enforcement carried out by the Disperindag of Sidoarjo Regency is a legal action to revoke the TDU of street vendors owned by street vendors who have violated the provisions contained in the relevant regulations. Sanctions for street vendors who violate the provisions of Articles 20 and 21 of Perda No. 3 of 2016 among others are; Written warning, revocation of TDU PKL, forced demolition, imposition of fines.

Obstacles faced by local governments in implementing policies to control street vendors, among others, the implementation of policies that are socialization by the Sidoarjo district government are less intensive, relocation solutions are less strategic, the existence of a pressure group, namely the Taman Pinang street vendor group (PEDALINDO) which is contrary to government policies. , illegal street vendors who do not want to be relocated, limited budget.

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