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8 Policy analysis on the arrangement of street vendors (Literature Study in Sidoarjo Regency)

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ABSTRACT

This research is a literature study on government policy. This study aims to discuss what street vendors can do to maintain their business during the covid-19 pandemic. The research method used in this study is qualitative description. The type of data used in this study is qualitative data, divided into primary data and secondary data. Data sources obtained through library research are resources available both online and offline, such as scholarly journals, books, and news from trusted sources. The results of the study concluded that controlling the main road for Taman Pinang Housing, Sidoarjo Regency, and local SKPD by applicable regional regulations. These regional regulations include Regional Regulation No. 2. 2. Regional Regulation Number 10 of 2013, Regional Regulation Number 3 of 2016, and Regional Regulation Number 3 of Sidoarjo Regency. 188/455/404.1.1.3/2017. Obstacles faced by local governments include poor policy enforcement, inadequate strategic relocation solutions, pressure groups, illegal street vendors who are reluctant to move, and limited budgets.



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Introduction

According to BPS statistics, Indonesia's population in 2018 reached 270,203,117 with a population density of 141 people per square kilometer. This figure places Indonesia in fourth place in the world, after the People's Republic of China, India, and the United States. This demographic situation presents opportunities and challenges which if utilized properly will win the country, otherwise, if it is not supported by the quality education and community skills it will cause mass poverty (Gatiningsih & Sutrisno, nd.).

Trade is a small business that is easy to run because it requires small capital and a simple management system, so many middle and lower-class people choose to trade to survive. There are many ways to trade, both living in one place and trading in a place called street vendors (hereinafter referred to as "PKL").

Street vendors are often referred to as informal traders or illegal traders because they tend to move around and do not have valid permits, so violations often occur regarding where street vendors trade. On the other hand, roadside stalls are a source of livelihood for people who do not have a permanent job, and they often experience difficulties in implementing it because it is related to one's life and death. Street vendors tend to operate in strategic locations because street vendors benefit by acquiring many customers from the strategic locations. And in strategic locations, if the function of the road is not used according to its function due to the presence of street vendors it tends to cause congestion. This causes congestion and abnormal traffic due to the presence of street vendors (Susilowati et al., 2014).

The increase in the number of street vendors has created many social problems, such as driving migration rates from rural to urban areas, resulting in high crime rates in many slums and cities. Urban problems that arise include the beauty and cleanliness of the city, the smooth flow of traffic, and the availability of land for businesses (Mustafa 2008). Street vendors in Sidoarjo Regency are scattered in several locations, namely Jl. West Circle, GOR Sidoarjo, Jl. Gachamada, Jl. Majapahit, Jl. Jango, Jl. The main road in Diponegoro, Jl Jati, Taman Pinang Indah Housing Complex in Sidoarjo, and several others. In 2010 there were 761 street vendors in the Sidoarjo

urban area, while in 2013 there were 1,716 street vendors in the form of road corridors in 18 locations in the Sidoarjo urban area (Suripto, 2017).

According to data from the Civil Service Police Unit ("Satpol PP") of Sidoarjo Regency in 2016, there were 337 street vendors on the main road in the Taman Pinang Indah residential area in Sidoarjo. This situation creates problems with the function of roads that are not used functionally, resulting in congestion and disruption of the rights of road users. The phenomenon of many street vendors selling in non-sales locations is a problem that has not been resolved until now. A large number of street vendors and the lack of places that can accommodate street vendor sales are the main problems in the development of the City of Sidoarjo Regency so that problems related to street vendors don't drag on (Fakhrusy, 2018).

Currently, many people use public facilities for housing spatial planning, such as the Taman Pinang Sidoarjo housing complex. The main road is widely used by the surrounding community and the wider community for street vendors as housing facilities and infrastructure. Street vendors on the main road in the residential area of Taman Pinang Indah cause traffic jams by not using the designated roads. This phenomenon can only be corrected by relocating street vendors to places that meet street vendor sales quotas so as not to cause traffic jams and road users can exercise their rights (Pasciana et al., 2019)

Several previous studies have discussed the policy of street vendors. First, research (Suripto, 2017) discusses the resistance of street vendors when implementing the Wiyung Street policy. The results of this study indicate that with the help of the Pancasila Youth organization, street vendors can resist the damming/relocation carried out by the Surabaya city government. Second, research (Evita, 2013) discusses the implementation of the structural policy of street vendors in the Batu Tourism Center). The findings show that the policy has failed and has not been successfully implemented. This is because many new street vendors have sprung up, so BTC has no tourists. Third, (Trisnanto, 2015) Dicky Rahadian discussed the establishment of commercial premises and the cultivation of street vendors at Krian Sidoarjo Pier. The findings show that regulation and development work well Based on the positive response of the target audience to the policy. The fourth (Kusuma, 2018) discusses the implementation of the PKL relocation policy in Manado City. The results of this study show that the legal basis for the relocation of vendors by the municipal government is contrary to the above-mentioned laws. In addition, there is a compromise between officials and street vendors, which requires incentives (agreements) to justify this. Fifth, Muklas M Tahir and (Putra et al., 2021) discussed controlling street vendors in Makassar City. The results showed that the Makassar city government failed to find a solution to developing a humane and effective PKL management policy.

The rise of street vendors on the main street of Taman Pinang Sidoarjo Housing is being debated because of the support and rejection of the presence of street vendors on the main road of Taman Pinang Sidoarjo Housing. Especially now that an association has emerged to accommodate street vendors so they can sell on the main street of Taman Pinang Sdoarjo Housing Complex. This association consists of those who support the existence of these merchants because they are considered not to violate the rules, and those who refuse because they consider the route used by the merchants to be illegal. This has now become a complex and serious matter, which has led to several meetings between supporters and opponents mediated by regional bodies. There were even some riots that caught the attention of the mass media and made the news. Based on the background above, the researcher believes that it is necessary to conduct research on government policies regarding the arrangement of street vendors (Primary, 2020).

Method

The research method used in this study is a qualitative research method which is included in the category of empirical legal research. This study is an empirical legal study that examines various aspects of administrative and criminal enforcement in Perda no. third edition 2016. This empirical legal study includes a study of legal identification (unwritten) and a study of legal validity (Soerjono Soekanto: 1986). This empirical legal study is included in problem identification research, namely finding problems that are relevant to the subject under study. Identification of the problem will then be continued through a normative and evaluative study which will explain the problem related to the enforcement of street vendors in the occupation of Sidoarjo Regency who violates Article 20 of Regional Regulation Number 3 of 2016 and Article 21 of the Law. Take the PRH Penang Street area as the transaction location.

The study was conducted at the Sidoarjo Regency in East Java. Rather, relevant agencies are studying. The related agencies involved are Satpol PP, PU Cipta Karya and the Ministry of Spatial Planning, Cooperatives, Small and Medium Enterprises, Industry, Trade, Energy and Mineral Resources, and the PKL Association at trading locations in the Taman Pinang Residential Area, Sidoarjo Regency.

Qualitative research methods use empirical legal research using two types of data, namely primary data and secondary data. Primary data and secondary data in this study are data obtained directly from primary sources, namely civic behavior obtained through research (Soerjono Soekanto: 1986). The main data in this study were obtained directly through interviews with informants, in this case, the Ministry of PUPR, Satpol PP, Cooperatives, SMEs, Industry, Trade and Mineral Energy Resources, and interviews with the PKL Association. The transaction location is in the Taman Pinang residential area, Sidoarjo Regency. Secondary sources include research results in the form of official documents, books, reports, diaries, and others. At the time of writing, secondary data was sourced from library research, journals, reports, and regulations related to the enforcement of laws and regulations to combat violations of local regulations by street vendors.

Results and Discussions

Street vendors at Taman Pinang Sidoarjo

Street vendors are individuals or groups who carry out sales activities in public places such as pedestrian areas/sidewalks, roadsides, parks, squares, fields, etc. The same street vendors use tools that can be dismantled or moved in a short time and use public spaces that do not belong to them for the public interest.

The Taman Pinang residential area, which happens to be the central area of Sidoarjo Regency, makes the area a strategic area for the economy. Benefit from the layout of the Taman Pinang residential area, so that it can be used as a reference for selling vendors.

It is very interesting for some economic players to refer to the history of betel-producing areas and all the advantages of the area. Initially, there were only a few vendors, but then there were 341 vendors and over 500 vendors that were not listed. With so many sellers in the area, there are some problems.

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 | Souvenirs | 81 |
| Total | | 341 |

The table above shows that street vendors in Taman Pinang Sidoarjo have grown rapidly with 171 wet food traders, 61 clothing traders, 20 service traders, and 87 souvenir traders.

Public space is a gathering place for urban residents to carry out activities and can strengthen ties between communities (Carr 1995). There are many types of public spaces here, including roads, sidewalks, parks, markets, sports fields, water/river edges, green open spaces (RTH), and other spaces. Therefore, public space must be open and accessible to anyone, regardless of the social status of its citizens. As a result, city public space does not support the interests of certain groups (Sumarwanto, nd).

This public space must be easily recognized by visitors and users of the public space. Clarity of activities and place settings will create a bond between users and public spaces. So that public spaces can function properly, namely to provide comfort and play for city dwellers. However, it is not uncommon for some people to take advantage of public spaces such as Car Free Days (CFD) to convey public opinion both orally and in writing, such as through events, presentations, and joint drama formats.

Government policy regarding the arrangement of street vendors

The increase in street hawkers in Taman Pinang is a sign of the need for the Sidoarjo Regency to organize street hawkers as the increase in the number of street hawkers in the area hampers the smooth running of businesses, beauty, and cleanliness of traffic, and regional infrastructure functions. Furthermore, PKL activities are one of the people's economic businesses that are engaged in the informal sector trading business and require authorization to improve and develop their business. The policies issued by the government to regulate street vendors are as follows:

- a. Regulation of the Minister of Home Affairs of the Republic of Indonesia Number 41 of 2012 concerning the Structure and Guidelines for the Authority of PKL (hereinafter referred to as Permendagri Number 41 of 2012), which includes the establishment of data collection on street vendors for street vendors, registration of street vendors, determination of the location of street vendors, the establishment of booths to authorize, direct and supervise. Permendagri Number 41 of 2012 is expected to provide a more structured and structured reference for local governments to develop legal products related to the arrangement and approval of street vendors.
- b. Regulation of the Minister of Home Affairs Number 41 of 2012, Regulation 32 Letter H, prohibits street vendors from carrying out the following activities, one of which is the use of roads as places of business, except for activities identified as regular and controlled PKL locations. This regulation is intended so that street vendors do not sell on the road, and must sell in places designated for street vendors, so as not to disturb traffic order and cause congestion. While in Permendagri No. 12 Decision No. 41 of 2012, the location of street vendors includes permanent locations and temporary locations according to their designation. In addition, Article 36 of the Minister of Home Affairs Regulation Number 41 of 2012 concerning the Transfer of PKK Positions and the Abolition of PKK Positions stipulates that PKL who do not meet the provisions of Article 12 who occupy the designated location can be relocated or relocated. . somewhere else. / according to the specified space.
- c. Sidoarjo Regency Regional Regulation Number 10 of 2013 concerning Public Order and Order (hereinafter referred to as Regional Regulation Number 10 of 2013), Articles 1, 7 stipulate that order is a state of life according to a condition of living in prosperity, safety, and calm. peaceful society. In addition, Title 4 Letter L prohibits any person and/or entity from using roads, sidewalks, green belts, and parks for purposes other than their designation. This also applies to street vendors to create order in urban planning.
- d. Regulation of the Regent of Sidoarjo Number 23 of 2014 concerning the Structure and Competence of Street Vendors in Sidoarjo Regency (hereinafter referred to as Perbup Number 23 of 2014) which contains provisions regarding the regulations and competencies of Street Vendors in Sidoarjo Regency.
- e. The Regional Regulation of Sidoarjo Regency Number 3 of 2016 concerning the Development and Licensing of PKL (hereinafter referred to as the Regional Regulation Number 3 of 2016) confirms the provisions regarding the Development of Street vendors.
- f. Article 20 of Regional Regulation Number 3 of 2016 concerns the Obligations of Street Vendors, one of which is not to disturb traffic and the public interest.

Analysis of government policy in managing street vendors

a. Policy Implementation

The issuance of Regional Ordinance No. 3 of 2016 ordering and empowering street vendors is an attempt by the Sidoarjo Regency government to regulate and encourage street vendors, which includes identifying sales locations that must be established as street vendor centers in each sub-district. Therefore, the government must relocate or relocate street vendors to predetermined locations and pay attention to the interests of various sectors, including economic, social, and community convenience, order, and environmental cleanliness (Arliyanto, 2020).

The search results in the field, in terms of the content of the policy, all show that the supervision of the stalls must be carried out by the local government. Demands put forward by all levels of society, especially the use of highways. The chaos of street vendors in various regions. Damron, Deputy Director of Committee B, explained that the presence of street vendors in Sidoarjo is scattered in various places, and not only illegal but also road users are disturbed by the street vendors' activities, therefore the idea of controlling them emerged. Street vendors, control the street vendors. In principle, local governments should provide a trading platform to formulate integrated solutions.

Enforcement of street vendors at Taman Pinang Housing, Sidoarjo Regency Enforcement of street vendors at Taman Pinang Indah Housing is carried out by the local SKPD by applicable regional regulation. These regional regulations include Regional Regulation No. 2. Regional Regulation Number 10 of 2013, Regional Regulation Number 3 of 2016, and Regional Regulation Number 3 of Sidoarjo Regency. 188/455/404.1.1.3/2017. Enforcement by the Disperindag Sidoarjo Regency is a legal action to revoke the TDU of street vendors belonging to street vendors who violate related regulations (Akhadiyah, 2017).

The revocation of the TDU of street vendors is an administrative sanction for unlawful acts committed by street vendors on public roads and public facilities for carrying out commercial activities that can disturb the peace of the community. Sanctions are based on Article 36 of Regional Regulations. Presidential Decree No. 3 of 2016 imposes sanctions on street vendors who violate the provisions of Regional Regulations No. 20 and 21. 3 items in 2016 are; written warnings, revocation of TDU of street vendors, mandatory abolition, and fines.

The arrangement of street vendors in Taman Pinang was followed up and carried out with a special policy issued by the government through a Regent's Decree. Based on Sidoarjo District Decree No. 188/455/404.1.1.3/2017, as a guideline for SKPD to enforce the control of street vendors on the main road of Taman Pinang Housing, Sidoarjo Regency, the authority of the trade service is fully in the hands of the government. Revocation of TDU Street Vendor Sanctions Action Decision. Satpol PP of Sidoarjo Regency imposes sanctions related to forced demolition, suspension of business activities, and fines.

The regional regulation used by Satpol PP in imposing sanctions on illegal street vendors is Perda Number 10 of 2013, which contains provisions on public order. The results of the interview revealed that the Satpol PP has so far taken firm action against street vendors selling on the main road of the Taman Pinang Housing Complex, Sidoarjo Regency. Actions taken by Satpol PP for law enforcement are patrols every Saturday and Sunday (Tama, 2019).

With this decree, the Sidoarjo Regency Government is trying to relocate street vendors. The first strategy is to relocate 337 traders in Taman Pinang to the Ponti district, then 180 traders are willing to move to the Ponti district, and 157 resale points. Vendors who support relocation see the policy as a solution to the problem.

As time went on, it turned out that 120 traders finally returned to Penang Gardens to sell because their income was insufficient, it turned out that there were no buyers or consumers at the relocation location. Although there are still 60 street vendors who choose to continue selling in the Ponti area.

In the context of reforming the law for street vendors, the Government of Sidoarjo Regency has established Regional Regulation Number 10 of 2013 which regulates public order and public peace. In 2017 there were 461 violations, according to data provided by the Satpol PP of Sidoarjo Regency. Taman Pinang experienced 86 violations, mostly in the square area.

The awareness of street vendors to comply with applicable regulations is still a lot so there are still many violations, including 1) using roads and green open spaces for selling, 2) not throwing garbage in its place, 3) using unethical facilities, and 4) selling alcohol, prohibited by local regulations.

b. Policy Constraints

- 1) The Sidoarjo Regency Government has not implemented the socialization policy. This limitation is caused by the fact that the government spends a very small budget so it is less socialized and less productive.
- 2) Inadequate strategic relocation solutions make street vendors unprofitable, and if PAD is large enough, the government must be able to provide appropriate and strategic relocation of street vendors. For example, street vendors do not want to move.
- 3) The existence of a pressure group that opposes the policies of the Sidoarjo Regency government, namely the Street Vendors Group (PEDALINDO) is difficult to control because this group is well organized.
- 4) Roadside stalls don't want to be relocated and controlled. This is because the relocation location is relatively empty and the traffic is not comfortable.
- 5) The difficulty in identifying new locations is based on the limitations of the Sidoarjo Regency APBD budget for the 2017 FY.

Conclusions

Street vendor enforcement at Taman Pinang Housing Street, Sidoarjo Regency Street vendors enforcement at Indah Housing Street is carried out by the local SKPD by applicable regional regulations. Regional regulations include the number of regional regulations. 2. Regional Regulation Number 10 of 2013, Regional Regulation Number 3 of 2016, and Regional Regulation Number 3 of Sidoarjo Regency. 188/455/404.1.1.3/2017. Disperindag enforcement by Sidoarjo Regency is a legal action to revoke TDU owned by street vendors who

violate related regulations. Sanctions for street vendors who violate Articles 20 and 21 paragraph 3 of 2016 are written warnings, revocation of street vendors' TDU, must be revoked, and fines.

Obstacles faced by the local government in implementing policies to control street vendors include the low motivation of the Sidoarjo district government to implement socialization policies, a lack of strategic relocation solutions, and the presence of a pressure group, namely street vendors on Jalan Taman Pinang who violate government regulations. GROUP (PEDALINDO), illegal street vendors are reluctant to change budgets.

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