

# Effectiveness Of Regional Regulation Number 20 Of 2001 Regarding Regulation Of Street Traders And Seasonal Street Traders In Tarakan City

Fathurrahman<sup>1\*</sup>, Aris Irawan<sup>2</sup>, Sri Fridayanti<sup>3</sup>

<sup>1,2</sup>Lecturer of Faculty of Law, University of Borneo Tarakan, Indonesia

<sup>3</sup>Lecturer of Sekolah Tinggi Ilmu Administrasi Pembangunan, Kota Palu, Indonesia

\* Corresponding author:

Email: [rahmanfathur466@gmail.com](mailto:rahmanfathur466@gmail.com)

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## Abstract.

*This research is motivated by a problem, namely that there is law enforcement against street vendors in Tarakan City, but in the practice of law enforcement, there is a discrepancy or incompatibility with what has been determined in a statutory regulation. The problem is described in two problem formulations, namely: 1. Factors in law enforcement against street vendors in Tarakan City based on Regional Regulation Number 20 of 2001 concerning the Regulation of Street Vendors and Seasonal Street Vendors in Tarakan City, 2. Obstacles to enforcing the law against street vendors in Tarakan City. This study uses empirical research using the collection of legal materials, namely interviews with primary and secondary sources of legal materials, observation, and documentation. The research results obtained in this study are that in substance law enforcement against street vendors in Tarakan City is stipulated in the regional regulation of Tarakan City Number 20 of 2001 concerning Regulation of Street Vendors and Seasonal Street Vendors in Tarakan City is appropriate, and structurally speaking law enforcement carried out by law enforcement, namely the civil service police unit in Tarakan City, has worked according to standard procedures that have been set, But law enforcement is not working as well as it should because there is still a lack of public awareness and understanding of the rules that have been enforced. Street vendors who do not have permission to occupy the location will be dealt with by law enforcement officials in the form of verbal or written warnings to control their merchandise, or they will even be given sanctions according to the provisions of the applicable regional regulations.*

**Keywords:** Law enforcement, Regional Regulations, and Street Vendors.

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## I. INTRODUCTION

In general, street traders prefer to operate in advantageous locations, such as congested areas, city centers, or tourist attractions. Street vendors usually sell their wares in tourist destinations because they come into contact with the public or visitors in general. Because street vendors are considered easier to find, this makes it easier for the public or visitors to find retail needs or goods that brands want, so the role of street vendors has a fairly important place in the eyes of the public. The existence of irregular street vendors raises various kinds of problems due to haphazard trading locations, especially around city roads, resulting in traffic congestion problems for pedestrians, motorcycles, and cars who park their vehicles in an irregular manner, which disturbs tidiness, traffic jams, and public order in Tarakan City. Another issue that arises is the problem of garbage and waste from buyers who litter, polluting the environment in the trading street area and making the city look unsightly. In order to achieve Tarakan BAIS (Clean, Safe, Beautiful, Healthy, and Prosperous), which is the motto of Tarakan City. The street vendors' problems are a part that is seen as very basic and needs to be handled as well as possible, and law enforcement issues need to be addressed in a broad, variable aspect if street vendors commit violations, as a social symptom that law enforcement is not sufficient only from a normative aspect but also needs to be studied from the perspectives of customs, culture, social, and human factors for both street vendors and government and law enforcement officials.

Based on the preceding context, the following issue can be raised are:

1. The factors of Law Enforcement Against Street Vendors Based on Regional Regulation of Tarakan City Number 20 of 2001 concerning Regulation of street vendors and seasonal street vendors in Tarakan city?
2. Obstacles to law enforcement against street vendors in Tarakan city?

## II. METHODS

### a. Type of Research

This scientific work uses a type of empirical juridical research, that is, by looking at law not only as a set of normative rules but also looking at how the law interacts with society, which is accomplished through the examination of literature or primary and secondary data. This type of research is called field research, in which researchers go directly to the field to see and interact with the community using the principles of a qualitative approach.

### b. Research Locations

The location of this research was Tarakan City, where the research materials were collected, namely at the Tarakan City Industry, Trade, Cooperative, and UMKM Offices, the Tarakan City Investment and One-Stop Services Office, the Tarakan City Youth Culture and Sports and Tourism Office, the Satpol-PP Office, and Tarakan City Street Vendors. In addition, the following research locations were investigated: Yos Sudarso Street, in front of Juwata Airport; Bugis Village; Kampung Satu; Wisma Patra; Tarakan City; and Juata Laut, where street vendors conduct their business.

### c. Sources of Legal Materials

#### a) Primary Legal Materials

Primary legal materials are legal materials that directly provide legal materials to collectors of legal materials. This means that the legal material obtained comes from the research subject concerned or someone who knows about the matter.

#### b) Secondary Legal Materials

Secondary legal materials, namely in the form of legal materials obtained from books, journals, theses, articles, the internet and research reports that correlate with this research as a complement to the primary data.

#### c) Legal Material Collection Techniques

Methods that can be used to support good legal materials in this study are:

##### 1. Interview

The interview is a real data collection method that involves asking several questions face-to-face directly between the interviewer (the researcher) and the resource person.

##### 2. Observation

In this study, the authors will make direct observations in the field based on existing data by observing the behavior of street vendors in running their businesses in Tarakan City through systematic recording of the phenomena studied.

##### 3. Documentation

This documentation method is a data collection technique obtained through written records such as books, regulations, documents, journals, and others.

## III. RESULTS AND DISCUSSION

### a. Law Enforcement Factors Against Street Vendors Based on Regional Regulation Number 20 of 2001 concerning Regulation of Street Vendors and Seasonal Street Vendors.

The final stage of elaborating values in order to create, maintain, and sustain social peace, which is the goal of law, is law enforcement. The law's purpose includes the values of truth and justice, as well as the process of law enforcement extending to legal actions, and then the formulation of thoughts on legal actions is outlined in legal regulations, which will also determine how law enforcement is carried out. According to Soerjono Soekanto's theory of legal effectiveness, there are five factors that influence law enforcement: (1) the legal factor, or the law; (2) law enforcement actors, or those who create and apply the law; (3) facilities that support law enforcement; (4) community factors, namely the environment where the law applies or is applied; and (5) cultural factors, namely creativity as a result of work. (5) taste based on human initiative in social life.

#### 1. The legal factor itself or the law.

Soerjono Soekanto proposed the first factor in this regard:

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- a. Existing laws in certain areas of life are quite systematic.
- b. Existing regulations in certain areas of life are quite synchronous, both hierarchically and horizontally, so there is no conflict.
- c. Certain areas of life are adequately regulated, both qualitatively and quantitatively.
- d. Regulations governing specific fields are issued in accordance by existing legal requirements.

The law in question stems from the problematic law in the first factor, namely the legal factor itself. The following factors contribute to the enforcement of problematic laws:

- a. Failure to adhere to the principles of the law's enactment.
- b. There are no implementing regulations that are urgently needed to put the law into effect.
- c. The ambiguity of the meaning of the words, will lead to misunderstanding and application.

Another article that contradicts regional regulations and reality, namely Article 7 Paragraph 1 regarding Licensing Provisions, states that "Every street vendor and the seasonal street vendor is required to have a permit to occupy or use the location from the Regional Head or appointed official." Like today's street vendors (PKL), they always follow the rules established by the government, namely by applying for permits to the local sub-district as well as the Investment and One-Stop Services Office. Long before there was a permanent market, traders moved their businesses from one location to another or did not live, so there were street vendors who did not follow the rules. According to data obtained by the author from the Investment and One-Stop Services Office (DPM-PTSP) from 2020 to 2021, the number of street vendors with business licenses is:

**Table 1.** Data of street vendors applying for business permits in Tarakan City starting in 2020-2021

No	Month	No of permits
1	January	370
2	February	402
3	March	489
4	April	1,403
5	May	504
6	June	1,134
7	July	785
8	August	390
9	September	550
10	October	552
11	November	589
12	December	534
	<b>Total</b>	<b>7702</b>

Source: *Investment Service and Integrated Services, One Tarakan City Gate*

The number of street vendors with the most business licenses is shown in the table above, with 1,403 PKL registering their business activities at the licensing office in April. Street vendors in Tarakan City who already have permits will be relocated to various government-provided locations, including Berkampung Park, Harbor Park, Markoni Oval Park, Ladang Oval Park, Village 4, Sebengkok, and Tenguyun Market. Nonetheless, there are several street vendors who are not well located, such as along Jalan Mulawarman and Jalan Yos Sudarso in Sebengkok, Jalan Niaga I in Kampung Bugis, Wisma Patra in front of Juwata Airport, and Juata Laut in front of Juwata Laut. In terms of the various types of businesses offered by street vendors,

**Table 2.** data from street vendors in Tarakan City who are not well located.

No	Lokations	Total
1	Mulawarman street	32
2	Yos Sudarso street	56
3	Sebengkok	51
4	Niaga I street	14
5	Kampung Bugis	68
6	Wisma Patra	7
7	In front of Juwata airport	18
8	Juata Laut	47
	<b>Total</b>	<b>293</b>

Based on field observations, street vendors in Tarakan City adhere to a location classification, which includes culinary, fish, fruit, and vegetable traders. The locations are the Bugis village, the area in front of the airport, and millions of square miles. It is very reasonable from a marketing standpoint because sales are more affordable to the public and the types of merchandise they sell vary according to their daily needs, as shown in table 3 above.

## **2. Factors Law Enforcement Officials**

The law enforcement officials in question are those who are directly or indirectly involved in law enforcement, starting from judges, the Corruption Eradication Commission (KPK), prosecutors, legal advisors (advocates), police, Satpol-PP, and prison wardens. In this connection, each law enforcement profession has the authority and power to carry out its duties properly.

According to Soerjono Soekanto, the influence of the apparatus on the effectiveness of written law will depend on the following:

1. To what extent are officers bound by existing regulations
2. To what extent officers are allowed to give discretion.
3. What kind of example should officials give to the community
4. To what extent is the degree of synchronization of assignments given to officers so as to provide firm boundaries to their authority

Based on the results of an interview with KASI Operations and Control of the Satpol-PP, Mr. Marzuki, SE., M.SI stated "So far the Satpol-PP officers have taken action regarding Regional Regulation Number 20 of 2001. The regulations regarding places to sell, if appropriate with the rules, which are prohibited from selling on the road, on the sidewalk and above the ditch based on the regulations that have been set". Tarakan City Satpol-PP has carried out one of its functions, which is to control street vendors through raids. Satpol-PP was successful in controlling several street vendors who committed violations while doing business in Tarakan City between 2016 and 2021. From 2016 to 2021, 89 street vendors were disciplined by Satpol-PP, primarily through coaching, and two other street vendors who were disciplined were immediately followed up in court for minor crime trials. Tarakan City has handled the problems of street vendors humanely using admonitions and coaching and prioritizing a humanitarian and coordination approach. To the greatest extent possible, the Sapol-PP apparatus avoids acts of violence against street vendors.

## **3. Community and Cultural Factors**

From a cultural and social point of view, Indonesia is an archipelagic country that has a variety of ethnic and cultural diversity, so as a law enforcer, you must be able to recognize the stratification or layering of society that exists in an environment as well as the existing status and roles. By understanding and knowing this, it will be easier for law enforcement to identify the values and norms that apply in that environment. Broadly speaking, society in Indonesia is divided into two groups, namely upper-class society and lower-class society, and law enforcement between the two is very different in its resolution. Law enforcement based on cultural factors is a common occurrence in the community. Both the upper and lower classes, known as bribery. This bribe will occur in a culture or habit that is difficult to escape in a person's life, whether he is in a state of urgency or not, in order to avoid existing laws. Obstacles in Enforcing the Law Against Street Vendors in Tarakan City. Handling this street vendor problem is not an easy matter to overcome, because it involves various sectors of interest, be it the government, the community or the street vendors themselves.

Based on the results of an interview with Mr. Marzuki, SE., M.SI as KASI Operations and Control of the Satpol-PP stated that based on the goals to be achieved, of course the government wants street vendors in Tarakan City to be more orderly, as well as to create beauty in Tarakan City because these street vendors indirectly reveal the view of the city is not pleasing to the eye, especially the street vendors who are not regular, so the government has provided a location and facilities, namely making rombong colored with the same colors so that it looks neat. For example in Sebengkok, Bangayo, city destination parks that are already operating and those are some of the containers provided by the government for street vendors. Another obstacle is budget constraints, for example transportation costs for gasoline because when our patrol goes

around the city of Tarakan which is considered a place for street vendors to trade so more funds are needed when conducting patrols where the locations of these street vendors trade not only in one location but in several location with a considerable distance so that it requires costs to enforce the law. This opinion was also reinforced by Mr. Nasir, S.H as the Head of Legislation for Enforcement of Tarakan City Regional Regulations who stated that the obstacles to the implementation of law enforcement were Tarakan City Regional Regulation Number 20 of 2001 concerning Regulation of Street Vendors and Foot Vendors These five seasons, namely community factors, namely:

1. Street vendors who refuse when demolition and control are carried out.
2. Lack of knowledge of street vendors regarding the rules that have been made by the government which results in the implementation of these rules not as they should.

The author believes that Satpol- PP difficulty is a result of law enforcement. Both the parties who create and apply the law. Law enforcement plays a critical role in determining what the law has said and promised. Finally, it will decide the implementation of law enforcement via the hands of these individuals, and they must also be able to engage with the community and perform a role that society accepts. This has a significant impact on law enforcement's capacity to carry out their tasks. The following are the barriers posed by law enforcement:

#### 1. Internal Factors

Internal factors are factors that become problems within the body of members in any agency, one of which is the Satpol-PP itself, which consists of : (a) tolerance for law enforcement officials; (b) facilities and infrastructure for law enforcement; and (c) the role of the government.

#### 2. External factors

External factors are factors that are outside the body of the agency, especially the Satpol-PP itself, and are also the inhibiting factors encountered, namely: a) a lack of awareness and legal compliance in the community to follow existing rules so that they neglect to maintain security, comfort, and smooth traffic. b) Weak knowledge and understanding of the community towards laws and regulations relating to the regulation of street vendors.

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## V. CONCLUSIONS

In Tarakan City Regional Regulation No. 20 of 2001 concerning Regulations for Street Vendors and Seasonal Street Vendors, law enforcement for street vendors (PKL) has been working smoothly in line with the current laws in order to promote order, neatness, and beauty in the city. However, there are still infractions owing to the habits of street vendors, who have poor knowledge of the current regulations, causing the number of street vendors to expand even more in conducting their business without permission, creating an issue that the local government should be concerned about. The inhibiting factors faced by the government, especially Satpol-PP, which enforces the law on Tarakan City Regional Regulation No. 20 of 2001 in dealing with violations committed by street vendors who sell on sidewalks and public facilities in Tarakan City, are two factors, namely internal factors, and external factors.

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