

SUPERVISION AND ENFORCEMENT OF STREET VENDORS

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Abstract - Street vendors are an important element in the urban panorama of many countries. Nonetheless, enforcing the law against them is a complex and sensitive issue. This article investigates the implementation of law enforcement against street vendors with a focus on the challenges faced, strategies employed, and consequences. It also highlights the legal and human rights issues associated with the enforcement of laws against street vendors. By focusing on this understanding of enforcement, the article seeks to provide a holistic view of the ongoing debate on regulating and policing street vendors. The research method used in this paper is normative juridical in nature. The research is primarily oriented towards literature analysis, which not only examines aspects of written law from various perspectives, but also evaluates the implementation of the law. The results of this study show that carrying out law enforcement against street vendors can contribute to establishing a more structured and clean order in public spaces, which in turn will improve the quality of life of citizens. It is important to undertake efforts that seek to achieve equity between supporting street vendors while ensuring compliance with regulations.

Keywords: law enforcement, street vendors, role of government, human rights, public space regulation, socio-economic impacts

INTRODUCTION

Amidst the rapid changes that continue to take place in this age, people must continue to strive to maintain their existence. Everyone has the drive to achieve a quality of life that is sufficient for the well-being of his or her family. However, in reality, not everyone gets the job they want or expect. There are many reasons for this, one of which is a lack of adequate knowledge and skills. In addition, several factors have emerged, such as the development of cities and the migration of people to urban areas. Economic issues such as high unemployment rates and limited opportunities for formal employment, have led many people to decide to become street vendors as a way to earn income. In addition, as the population in cities increases, so does the demand for goods and services. At the same time, as time goes by, the importance of meeting basic needs becomes more urgent and cannot be ignored. That is the main driver for the development of the informal economy in various forms, one of which is through the existence of street vendors (PKL), which are popular in Indonesia.

The term street vendors refers to sellers who operate on sidewalks, roadsides, or other public locations, and they offer a variety of products, including food and daily goods (Ubaidillah et al., 2013). Some of them settle in one place, while others move from one location to another to sell food, beverages and other consumer products at retail. Street vendors generally have limited capital and act as intermediaries for capital owners, receiving commissions or rewards in return for their efforts (Austin, 1994).

The emergence of street vendors has a diverse and long history, and the phenomenon has also experienced significant growth over the years (Darmawan et al., 2022). However, street vendors are often perceived as disrupting the aesthetics of the city as they often sell their wares in locations that violate urban planning regulations, such as on the roadside, in the middle of sidewalks, or in inappropriate locations (Polese et al., 2016). Street vendors tend to choose markets, tourist destinations, and public squares as the main places to sell because these locations attract many potential customers. These conditions show that the presence of street vendors is currently the main focus of attention from both the general public and the government. This is due to the belief that the business of street vendors has a very detrimental impact, especially in terms of non-compliance with traffic rules, the growth of slums in urban areas, and the decline in the quality of urban infrastructure.

Similarly, for city residents, street vendors are often a simple and economically affordable alternative. They provide convenience in reaching food, daily goods, and services that are essential in daily life, often at prices that are more affordable than other options. As such, they are a very important component of the urban ecosystem. However, the presence of informal street vending also raises a number of social issues and aspects that need to be addressed, such as sanitation issues, regulations, and economic uncertainty faced by vendors. Therefore, the presence of street vendors creates a complex and controversial situation in the current urban framework, and law enforcement must be implemented immediately (Arianto, 2019).

Law enforcement is a process which essentially involves the use of personal judgment in making decisions that are not subject to strict legal regulations. Law enforcement in real action is the implementation of positive law in practice, by complying with established normative standards. According to Bhowmik (2010) the impact of law enforcement on street vendors can vary significantly. Some positive outcomes include increased levels of cleanliness and safety in urban areas, as well as increased income for traders who operate according to regulations. Meanwhile, there are also negative impacts such as evictions and economic uncertainty faced by unlicensed traders. Therefore, a careful evaluation is needed to understand the full impact. The main challenge in enforcing the law against street vendors is maintaining a balance between the interests of the community, the rights of traders, and the authority of the government (Tama et al., 2019). Various strategies have been implemented, from setting up trading zones to organizing training programs, with the aim of creating sustainable solutions. However, effective implementation requires close cooperation between the government, stakeholders and traders.

Enforcing laws against street vendors is not a simple task, and often requires careful balancing between supporting small and medium enterprises and maintaining order in the city. In the face of these challenges, collaboration between the government and the community is essential to find solutions that are fair, efficient, and sustainable, so as to achieve a balance between economic growth and the public interest. Thus, based on this description, three problem formulations that can be identified are how is law enforcement against street vendors and how can law enforcement strategies against street vendors be implemented effectively to maintain social order and security in public spaces? What is the impact of law enforcement against street vendors on their social, economic, and human rights aspects in Indonesia?

RESEARCH METHODS

Law enforcement against street vendors involves legal issues such as regulation, licensing, human rights, and related complex obstacles. The research method used in this paper is normative juridical. The research is mainly oriented towards literature analysis, evaluation of legal implementation, and analysis of planning and development documents of street vendors. This research is primarily oriented towards literature analysis, which not only examines aspects of written law from various perspectives, but also evaluates the implementation of the law. In addition, within the framework of this research, the analysis focused on the planning and development documents of street vendors. The analysis includes an assessment of the applicable legal provisions related to the research topic, as well as considering various relevant mass media reports on the issue.

RESULTS AND DISCUSSIONS

Law Enforcement against Street Vendors

Law enforcement is intended to maintain order and security in society. The central principle in law enforcement is that a sovereign state has the right to punish individuals who violate or disrupt social order. Laws are the result of state action, so all citizens must obey state authority. The state is the entity that formulates legal regulations and is responsible for the execution of punishments. Street vendors, as part of the small business sector, need to be regulated with strict regulations, strong supervision efforts, and strong legal protection. Law No. 20/2008 on Micro, Small and Medium Enterprises provides a foundation for the government to more efficiently support small business development. Meanwhile, Law No. 23/2014 on Regional Government also serves as a guide in implementing the principle of regional autonomy to improve people's welfare through development at the national level, involving the government, the community, and the private sector.

Law enforcement against street vendors is in accordance with the provisions listed in Regional Regulation No. 8/2007 regarding public order, namely: (1) the implementation of preventive measures involves efforts to educate the public through banner campaigns and conducting security patrols; (2) repressive law enforcement against street vendors involves the implementation of law enforcement measures such as enforcement actions carried out by following law enforcement procedures in accordance with applicable laws and regulations. Meanwhile, indirect enforcement is carried out by applying economic sanctions, such as applying retribution gradually or arranging restrictions in the provision of environmental facilities and infrastructure. Within the framework of state administrative penalties, the government has the possibility to impose sanctions in the form of fines against individuals or citizens who violate established regulations. The imposition of this fine is an option that can be used as an alternative to the implementation of coercive measures by the government.

Some of the legal problems that often arise in the implementation of law enforcement against street vendors are as follows: (1) one of the central issues is the regulation and licensing of street vendors. A large number of street vendors operate without official licenses or violate applicable regulations. This raises questions around how existing regulations are implemented and whether they are flexible enough and relevant to the needs of street vendors; (2) when street vendors violate regulations or create disturbances to public order, action is often taken by authorities such as evictions or crackdowns. The main issues that arise in this situation are related to the human rights of street vendors, efforts to protect

them, and how the force used by the competent authority should be proportional; (3) Street vendors often engage in their business world due to limited decent work options. This raises questions about the possible adoption of policies that can improve the welfare of street vendors, such as social protection, and providing access to education and training. Resolving these issues on law enforcement against street vendors requires an effective approach that involves clear and binding regulations, empowering street vendors, and enforcing fairness in the legal system. In addition, the importance of dialogue and cooperation between authorities, street vendors, and civil society are also key factors in finding sustainable solutions.

Implementing law enforcement against street vendors can involve a complex array of hurdles such as: (1) many street vendors are individuals who are underprivileged or do not have regular jobs so imposing strict regulations on them may worsen their financial condition without clear options; (2) occasionally, street vendors may carry out activities without a clearly defined license. This kind of situation can create difficulties in law enforcement due to unclear regulations or rules; (3) street vendors who feel threatened by law enforcement may take a defiant stance. This can trigger conflict situations between authorities and street vendors, potentially leading to acts of violence or riots; (4) it is likely that many street vendors are more socially vulnerable groups, such as refugees or individuals facing welfare issues.

In law enforcement, it is important to take these social aspects into account to ensure fair and humane treatment; (5) in some situations, the cessation of street vendor operations may have adverse social and economic impacts on local communities, such as loss of employment or difficulty in accessing necessary goods and services; (6) law enforcement must adhere to human rights principles, which involve protection from arbitrary or discriminatory treatment. An effective method of enforcing the law against street vendors will take into account the complexity of this social and economic context, while seeking a middle ground that balances the necessary enforcement with the needs of the communities involved.

Law Enforcement Strategy for Street Vendors

Law enforcement against street vendors can be implemented with strategies based on: (1) coordination is needed among the various government agencies involved, such as licensing agencies, police, and social services, in order to develop an effective integrated enforcement strategy; (2) before taking legal measures, it is important to educate street vendors on the applicable regulations and legal consequences. In addition, offer other options, such as skills training or small-scale entrepreneurship opportunities as alternative solutions; (3) develop detailed guidelines to regulate the exact location, selling hours, and licensing procedures at the local level. Ensure that these guidelines are tailored to the specific needs of the local community and are acceptable to all relevant parties; (4) in addition to enforcing the law, seek long-term solutions to support street vendors in transitioning to more established businesses, such as implementing skills training programs or providing funding to small businesses. It is important to remember that the appropriate approach will vary according to local conditions and regulations. In all actions, what is crucial is to ensure that law enforcement proceeds with fairness, respects human rights, and considers the social well-being of the individuals involved.

Human rights are rights inherent in every individual by nature, which aim to maintain human dignity and freedom. In the situation of law enforcement against street vendors there are several human rights that have relevance in the implementation of law enforcement against them: (1) Street vendors have the right to live their lives safely and should not be subjected to adverse physical actions or threats of death as a result of law enforcement efforts. Actions taken by authorities in enforcing the law must be in line with the principle of proportionality and must not exceed the limits set by law; (2) law enforcement against street vendors must comply with the prohibition against the use of acts of violence, inhumane treatment, or abuse of their dignity. Street vendors should not be subjected to torture or treatment that is inconsistent with humanitarian norms; (3) Street vendors also have the right to live in adequate conditions, including their right to adequate food, water, shelter, and health services.

The Impact of Law Enforcement on Street Vendors in Social, Economic, and Human Rights Aspects

The impact of law enforcement on street vendors in Indonesia can be varied and complex, especially in relation to their social, economic and human rights aspects. Here are some of the impacts that can occur.

1. **Social Aspects.** From the provision of goods and services, street vendors become affordable providers of goods and services for the community. Law enforcement that does not take into account alternative or social approaches can reduce people's access to essential goods. In addition, many street vendors are part of vulnerable social groups, such as refugees or individuals with economic limitations. Enforcement actions that do not consider these social conditions may worsen their resilience.
2. **Economic Aspects.** Harsh enforcement against street vendors without viable alternatives may result in loss of livelihood for those who depend on these informal businesses to make a living. Street vendors make significant economic contributions at the local scale, both through the consumption of goods and services, and the creation of informal employment. Inappropriate enforcement can negatively impact economic growth at the community level.
3. **Human Rights Aspects.** Street vendors have the right to be treated fairly in the law enforcement process, including the right not to be subjected to arbitrary treatment or unnecessary use of force. The right of street vendors to lead a decent life, including access to adequate water, food, shelter, and health services, should not be overlooked in the law

enforcement process. An effective law enforcement approach should be comprehensive, considering the social and economic context of the communities involved. Government efforts should be more on coaching and regulation that leads to the integration of street vendors into the formal economic system where possible, while taking into account their need to adapt and thrive in a structured and organized environment.

Law enforcement actions should not interfere with their quality of life without providing adequate alternatives as a substitute. When carrying out law enforcement duties against street vendors, authorities must ensure that the measures implemented are in accordance with human rights principles. This involves a more humanitarian-oriented approach that focuses on solving long-term problems, such as providing training, social assistance, or increasing employment opportunities for street vendors, as an alternative to imposing legal measures that harm them.

CONCLUSIONS

Law enforcement against street vendors has a significant impact on their social, economic and human rights aspects. Socially, street vendors are often a source of access to affordable goods and services for the community, while economically, they contribute to the local economy through consumption and informal job creation. However, the process of enforcing laws against street vendors also poses challenges, such as the need to consider their socio-economic conditions, safeguard human rights, and avoid negative impacts such as unemployment and decreased quality of life.

Enforcing laws against street vendors can contribute to a more structured and cleaner public space, which in turn will improve the quality of life for citizens. It is important to undertake efforts that seek to achieve equity between supporting street vendors while ensuring compliance with regulations. We must adopt a fair and balanced strategy to find a solution that works for all parties. In the law enforcement process, the rights of street vendors should be safeguarded, as they often play an important role in the local economy and should be treated fairly. Law enforcement against street vendors should be directed towards creating a safer, cleaner and more organized environment. In addition, social aspects such as providing employment and support to street vendors can also be relevant factors. Every street vendor has individuals and families who depend on the business. By implementing smart laws, we can achieve our goals without negatively impacting those who are more vulnerable.

To improve law enforcement against street vendors, several suggestions can be made, namely that there is still a need for clear and measurable regulations that consider the needs and local context of the community and provide opportunities for the participation of street vendors in the policy formulation process. In addition, there is an effort to strengthen cooperation between the government, street vendors and civil society in finding inclusive and sustainable solutions. This is accompanied by regular monitoring and evaluation of policy implementation to assess its effectiveness and improve existing policies in accordance with changing socio-economic conditions. By implementing these suggestions, it is hoped that law enforcement against street vendors can be more effective, fair, and have a positive impact on all parties involved.

REFERENCES

- Arianto, F. O. (2019). The Existence of Law Enforcement Against Street Vendors In The City Of Gorontalo. *Estudiante Law Journal*, 1(2), 569-582.
- Austin, R. (1994). An Honest Living: Street Vendors, Municipal Regulation, and the Black Public Sphere. *Yale Law Journal*, 2119-2131.
- Bhowmik, S. (2010). Legal protection for Street Vendors. *Economic and Political Weekly*, 12-15.
- Darmawan, D., S. N. Halizah, E. A. Sinambela, & R. Mardikaningsih. (2022). Persepsi Pedagang Kaki Lima Terhadap Kredit Usaha Rakyat, Ekombis: *Jurnal Fakultas Ekonomi*, 8(2), 175-181.
- Darmawan, D. (2022). Faktor-Faktor yang Mempengaruhi Perilaku Ibu Rumah Tangga Berbelanja di Supermarket, *Journal of Trends Economics and Accounting Research*, 3(1), 40-48.
- Polese, A., L. Rekhviashvili, & J. Morris. (2016). Informal Governance in Urban Spaces: Power, negotiation and resistance among Georgian street vendors. In *Geography research forum*, 36(2), 15-32.
- Saha, D. (2011). Working life of street vendors in Mumbai. *Indian Journal of Labour Economics*, 54(2), 301-325.
- Sharma H. (2015). Laws Pertaining to Rights of Street Vendors in India: An Analysis; *Pranjana: The Journal of Management Awareness*, 2(18), 60-68.
- Tama, F. F., D.A.S. Dewi, & H.M. Syafingi. (2019). Law Enforcement of Street Vendors by the Civil Service Police Unit. *Varia Justicia*, 15(1), 18-25.
- Ubaidillah, A., S. Mulyani, & D.E. Effendi. (2013). Makna Keuntungan Bagi Pedagang Kaki Lima (studi pada pedagang kaki lima di Bangsri Jepara). *Journal of Accounting and Investment*, 14(1), 65-77.