

THE ROLE OF LOCAL GOVERNMENTS IN REGULATING AND FOSTERING STREET VENDORS IN OGAN KOMERING ULU REGENCY

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Abstract

The presence of street vendors in Baturaja City, Ogan Komering Ulu Regency, has created challenges in urban spatial management due to the occupation of sidewalks and roadways, affecting public order, cleanliness, urban aesthetics, and traffic flow. This study examines the effectiveness of the local government's role in implementing Regional Regulation No. 7 of 2011 on the regulation and empowerment of street vendors. The study employed a descriptive qualitative method with an administrative law approach, using data collected through interviews with relevant stakeholders and document analysis. The findings indicate that the implementation of the regulation remains ineffective, as zoning violations persist in several strategic areas and relocation efforts have failed due to vendors' concerns over income loss and inadequate relocation facilities. Major obstacles include limited enforcement personnel, weak inter-agency coordination, inadequate legal awareness resulting from insufficient public outreach, and inconsistent enforcement of administrative sanctions. The study recommends establishing clearer zoning regulations, strengthening inter-agency coordination, improving relocation facilities, and adopting participatory and persuasive approaches involving street vendors to achieve effective, orderly, and sustainable urban governance.

Keywords: Implementation of Regulations, Regional Regulation (Perda) Number 7 of 2011, Street Vendors (PKL).

A. INTRODUCTION

The philosophical mandate of the state contained in the fourth paragraph of the Preamble to the Constitution of the Republic of Indonesia in 1945 explicitly places the promotion of general welfare as one of the main orientations of the nation.¹ Under the framework of dynamic national development, law plays a crucial role as *a tool of social engineering* that functions to bring order to social life, as well as transform public mindset and behavior in order to realize sustainable social harmony. However, one of the significant contemporary challenges in social governance and urban public space planning today is the massive growth of the informal economic sector, which is plurally represented by the existence of street vendors (PKL).²

The geographical-demographic dynamics in Baturaja City, which recorded a population of 149,111 people and an area of 235.27 km² in 2023, are a clear representation of the growth center in South Sumatra Province. The escalation of urbanization flows from rural to urban areas that are not balanced by the availability of formal education background and adequate skills ultimately triggers the growth of the street vendor ecosystem.³ Activities as street vendors are often accommodated as a survival strategy because the characteristics of this informal sector do not require the fulfillment of large capital or high academic qualifications. Macro-economically, the existence of street vendors makes a positive contribution to the absorption of jobs on a micro scale and the practical fulfillment of the logistics needs of low-income communities.⁴ However, on the other hand, deviations in the behavior of street vendors who illegally use road benefit spaces (sidewalks and road bodies) have

¹ Constitution of the Republic of Indonesia in 1945.

² Orlando, G. (2022). Legal effectiveness and legal functions in Indonesia. *Tarbiyah bil Qalam: Journal of Religious Education and Science*, 6 (1).

³ Central Statistics Agency of Ogan Komering Ulu Regency. (2023). Number of Population by Regency/City. Accessed via <https://okukab.bps.go.id/>.

⁴ Rahim, A., Safitri, N. U., & Nurjanah, N. (2024). The Role of State Law in Maintaining Justice and Public Order. *Scientific Journal of Economics and Management*, 2(7), 249-250.

implications for the occurrence of urban spatial dysfunction, such as traffic congestion, degradation of urban aesthetics, and disturbances to the cleanliness of the public environment.

Responding to the problem of the need for a meeting point between the fulfillment of informal economic rights and the urgency of maintaining order in urban areas, the Regional Government of Ogan Komering Ulu Regency has promulgated a legal instrument in the form of Regional Regulation (Perda) Number 7 of 2011 concerning the Regulation and Development of Street Vendors. This Regional Regulation normatively seeks empowerment aimed at structuring for street vendors so that their commercial activities do not reduce the function of urban public infrastructure. Nevertheless, the empirical reality in the field shows that there is an imbalance (*das sein* and *das sollen*) between written legal norms and their implementation. This phenomenon is characterized by the fact that there are still many street vendors who carry out commercial activities in prohibited areas or "red zones".⁵ This inconsistency is inseparable from the complexity of the socio-economic dimension in spatial planning, the low level of *legal compliance*, the lack of effectiveness of regulatory socialization, and the limited infrastructure facilities.

B. RESEARCH METHODS

This research uses a type of descriptive qualitative method through a state administrative law approach. The main focus of the research is directed to examine the effectiveness of the implementation of regional positive laws, in this case the Regional Regulation of Ogan Komering Ulu Regency Number 7 of 2011. The data sources used include primary data and secondary data. Primary data collection was carried out through direct field observation techniques and in depth interviews with key sources. The determination of resource persons included representatives of official officials within the Regional Government of Ogan Komering Ulu Regency, officials of the Pamong Praja Police Unit (Satpol PP), the Cleaning Service, the Transportation Office, and street vendor

⁵ Ogan Komering Ulu Regency Regional Regulation Number 7 of 2011 concerning the Regulation and Development of Street Vendors.

business actors in Baturaja City. Secondary data was collected by documentation techniques of legal texts, literature, textbooks, statistical data from the Central Statistics Agency (BPS), as well as related supporting reports. All data collected are then processed and analyzed using a comparative descriptive method to evaluate the realization of legal policy objectives against empirical facts in the field and map the supporting inhibiting factors.

C. RESULT AND DISCUSSION

1. Implementation of Local Government Policies in the Arrangement of Street Vendors in Baturaja City

The realization of the arrangement and development of street vendors (PKL) based on the mandate of Regional Regulation Number 7 of 2011 in the Baturaja City area is considered to have not run optimally. The main benchmark of the successful implementation of public law is the achievement of the objective of the substance of the regulation, namely the creation of clean, orderly, beautiful, and smooth urban public spaces without killing the livelihoods of small economic actors. However, field observations show a sharp contrast; crucial areas such as Pasar Atas, Pasar Baru, Jalan Slamet Riyadi, and Jalan Syahrir are still crowded with street vendor stalls that encroach on the sidewalks and part of the asphalt road body.⁶

Although street vendors are normatively burdened with the responsibility to maintain order, environmental cleanliness, health, and safety at the location where they do business, in practice the fulfillment of this obligation is often ignored. As business actors that generally fall within the category of Micro Enterprises under Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small, and Medium Enterprises, street vendors are entitled to empowerment and business development while remaining obliged to comply with applicable laws and regulations in conducting their business activities. The Regional Government has actually pursued a relocation program, but this strategic step has attracted resistance

⁶ Pujayanti, Sonia. (2022). Street Vendors' Strategies in Increasing Income for Family Welfare (Study of Street Vendors on Jalan Sulawesi Ganjar Asri Metro Barat). Diss. IAIN Metro.

from street vendors. The low interest of street vendors to occupy new areas is due to the uncertainty of determining commercial points and the lack of comfort of stall facilities in the relocation area. Traders are worried about a significant decrease in income if they are moved from the crowded zone which has been the center of spontaneous economic transactions with road users.⁷ Although local law enforcement officials often carry out appeals and physical control, the pattern of post-operation violations tends to be repeated, reflecting that the enforcement of the law that is applied has not been able to touch the root of the problem of legal awareness of traders.

2. Factors Influencing the Arrangement and Empowerment of Street Vendors

Based on the results of comparative descriptive analysis in the field, the failure to achieve the target of street vendor structuring regulations is influenced by four main factors in public policy management, namely:

- a. **Limited Human Resources and Infrastructure:** The enforcement of daily operational supervision in the field relies entirely on the personnel of the Pamong Praja Police Unit (Satpol PP) whose number of personnel is very limited. Only dozens of Satpol PP members were deployed in turn to maintain the coverage of the wide surveillance area in Baturaja City. The limited quantity of guard squads makes supervision unable to take place continuously for 24 hours. In addition, the supporting infrastructure in the relocation area is considered less feasible and not representative to support the daily commercial operations of street vendors.
- b. **Weak Inter-Agency Coordination:** The arrangement of street vendors is often wrongly positioned as an exclusive matter of the public order enforcement corps (Satpol PP) alone. Cross-sector coordination with other technical agencies such as the Transportation Agency (related to smooth traffic and parking) and the Sanitation/Environment Service (related to the management of stall waste) is still very weak and partial. The absence of a

⁷ Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small, and Medium Enterprises.

cohesive pattern of structural synergy causes the coaching program to run slowly and without an integrated direction.

- c. **Ambiguity Socialization:** Communication occurs and a wide information gap between policy formulators and policy objectives. Many street vendors do not understand the essential content and long-term benefits of Regional Regulation Number 7 of 2011 because socialization from related agencies is carried out sporadically and does not touch the grassroots. This one-way communication triggered suspicion from traders who felt that their economic aspirations were not accommodated by the local government.
- d. **Inconsistency of Implementing Attitude (Disposition):** Officials tend in the field to show inconsistency in their rule enforcement attitudes. Enforcement is often only momentum or seasonal (incidental), thus causing a misunderstanding among street vendors that urban spatial planning is allowed as long as there is no official control operation taking place. Furthermore, strict sanctions have not been enforced by the public until now by buyers who participate in transactions in prohibited areas, so that the ecosystem of illegal markets on the sidewalks continues to exist.

The empirical reality regarding the four determinants above leads the author to a critical thought that the failure to achieve the target of structuring street vendors (PKL) in Baturaja City is not a simplification of operational technical problems alone. More than that, this phenomenon is a real reflection of the existence of structural and cultural dysfunction in public policy governance at the regional level. The author identifies a fundamental inequality between the idealism of juridical legal norms mandated by Regional Regulation Number 7 of 2011 and the real execution capacity of the local government bureaucratic authority. In the perspective of state administrative law and policy implementation doctrine, the author considers that placing the absolute burden of responsibility for public space supervision on the Pamong Praja Police Unit (Satpol PP) is a paradigm error. The limited quantity of supervisory personnel and the unsuitability of infrastructure at the relocation destination indirectly

confirm the unpreparedness of the local government's management and budget in actualizing the regulations they produce themselves. The author argues that the arrangement of this informal ecosystem full of social complexity will never reach the ideal equilibrium point if sectoral technical agencies, such as the Transportation Agency and the Sanitation Service, remain passive and trapped in sectoral ego barriers. It is necessary to reconstruct the official perspective so that street vendors no longer place street vendors as a "spatial planning disease" that must be eliminated.

The one-way linear communication pattern and sporadic intensity of socialization have triggered the birth of a trust deficit from the merchant community towards the legitimacy of public authority. The author views that the resistance shown by traders to be relocated is a form of rational reaction to the lack of clarity of information and the growing concern for the stability of their economic income. This problem is exacerbated by the inconsistency of attitudes by the existence (disposition) of law enforcement officials who carry out control operations incidentally. The author assesses that allowing violations outside the operating period and the absence of strict legal action for the buyer community have indirectly legitimized and perpetuated the existence of illegal markets in the road benefit space.

The main key to the success of the arrangement of street vendors in Baturaja City lies in the reorientation of the local government approach, namely by shifting the paradigm from the original incidental repressive orientation to a pattern of legal approach that is humanist-participatory, consistent, and integrated across sectors in order to realize inclusive distributive justice for all levels of society.⁸

D. CONCLUSION

The implementation of Ogan Komering Ulu Regency Regional Regulation Number 7 of 2011 concerning the Regulation and Development of Street Vendors in the Baturaja City area has proven to have not been carried out optimally. The inconsistency between

⁸ Wila, Sylvanillen JV. (2025). The Success Rate of Street Vendors After Relocation at Pahlawan Field, Waingapu City, East Sumba Regency. Diss. National Institute of Technology Malang.

the objectives of regulation and the dynamics of public space is marked by the rampant use of sidewalks and road bodies by street vendors as commercial areas. The main factors that are the nodes that hinder the effectiveness of the Regional Regulation include the limited number of Satpol PP supervisory personnel, the inadequate quality of public facilities at the relocation site, the weak commitment to strategic partnerships between operational agencies, the uneven delivery of legal socialization, and inconsistent enforcement of sanctions. This dilemmatic condition ultimately triggers sustained resistance on the ground, requiring a more participatory and integrative policy reorientation to align the people's economic interests with the maintenance of urban spatial functions.

Based on the objective findings in this study, it is recommended to the Regional Government of Ogan Komering Ulu Regency to immediately formulate a holistic and integrated policy through several strategic steps. First, local governments need to increase cross-sector synergy by forming a joint urban planning team that is permanent and integrated involving the Civil Service Police Unit (Satpol PP), the Transportation Service, the Hygiene Service, and the Cooperative and MSME Service to eliminate sectoral egos and harmonize coaching programs and supervisory functions simultaneously. Second, public authorities are obliged to strive to strengthen relocation area facilities through standardization of infrastructure feasibility, availability of sanitation utilities, and accessibility of parking pockets before carrying out physical control measures, in order to ensure legal certainty, comfortable business climate, and prevent the degradation of traders' economic turnover after the transfer. Finally, the urgency of this arrangement must be framed by an approach in humanist-participatory application to reconstruct the paradigm that law enforcement from the original confrontational repressive to educational-persuasive, namely by intensifying the socialization of regulations, holding regular two-way dialogue forums, and actively involving community representatives or street vendor unions in every policy formulation of public space arrangements, so as to transform legal awareness (legal).

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