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The Authority of the Civil Service Police Unit of Bogor City in Controlling Street Vendors at Pedati Market

RIYANTI SIHOMBING¹, IKOMATUSSUNIAH² AND FERINA ARDHI CAHYANI³

ABSTRACT

Street vendors selling their wares in public facilities cause disturbances and the increase in street vendor stalls in various corners of the city to be the main issue behind the ratification of Appendix I of mayor regulation of bogor city number 11 of 2023 concerning the implementation of regional regulation number 1 of 2021 on the administration of public order, public peace, and community protection which states that if a violation occurs, the Civil Service Police Unit will take action according to its authority. The identification of the problem is how the Bogor City Civil Service Police Unit exercises its authority in controlling street vendors at Pedati Market and the obstacles encountered, based on Bogor Mayor Regulation Number 11 of 2023 concerning the Implementation Regulations of Regional Regulation Number 1 of 2021. The theories used are the theory of authority and the theory of law enforcement. The research method is empirical juridical. The research specifications are descriptive analytical. The data source is primary data supported by secondary data. Data collection techniques by interview. Data were obtained and analyzed descriptively using a qualitative approach method. The results of the study are the implementation and obstacles to controlling street vendors at Pedati Market. This shows that the Bogor City Civil Service Police Unit is implementing control of street vendors through attribution authority. Technical operational preparation for public order and public safety as well as community protection is carried out by issuing three warnings and three letters of warning. In carrying out the order, even though it is in accordance with the legal basis and aims to provide benefits for public order, the Bogor City Civil Service Police Unit still faces obstacles such as resistance from street vendors, limited budget and human resources, lack of socialization regarding laws and regulations to the community.

Keywords: Authority, enforcement, street vendors, Civil Service Police Unit.

¹ Author is a student at Sultan Ageng Tirtayasa University, Indonesia.

² Author is a Lecturer at Sultan Ageng Tirtayasa University, Indonesia.

³ Author is a Lecturer at Sultan Ageng Tirtayasa University, Indonesia.

I. INTRODUCTION

Urbanization is a process of change from rural to urban areas that includes areas or regions and the people in them and is influenced by physical or morphological, social, economic, cultural, and psychological aspects of the community.⁴ Circular or permanent in nature, urbanization is based on the desire to obtain better jobs and income in urban areas.⁵ However, not all people can be directly absorbed into the formal sector, thus encouraging the growth of the informal sector as an alternative. Low formal education, inadequate skills, geographical development disparities, and dreams of changing fate are the reasons for the large number of jobs in the informal sector. The informal sector, called the shadow or unofficial economy, is an integral part of the economic structure, especially in developing countries.⁶ This sector is considered a response to regulatory and economic constraints on the formal economy, as it offers employment and income opportunities for people without access to the formal labor market.⁷

Street vendors are one of the actors in the informal sector in the city's economic activities. Street vendors are people who conduct trade or service businesses with small capital, use simple equipment, operate in public places without formal legality, and tend to move around.⁸ The existence of street vendors that are increasingly mushrooming in various corners of the city is also one of the issues in Bogor City.⁹ The increase in street vendors in Bogor City triggers problems, such as public order disturbances, traffic congestion, and a decline in the quality of the urban environment.¹⁰ The irregular activities of street vendors not only rob pedestrians of their rights but also often cause traffic congestion. This is because street vendors use narrow roads or busy areas in the trading process. If the conversion of sidewalks is not properly regulated, the risk of accidents and disruption of residents' mobility will increase.

⁴ Fitri Ramdhani Harahap, "Dampak Urbanisasi Bagi Perkembangan Kota di Indonesia" *Jurnal Society*, Vol. 1 No. 1, 2013. DOI: <https://doi.org/10.33019/society.v1i1.40>

⁵ Nurul Widyaningrum, *Kota dan Pedagang Kaki Lima*. Yayasan Akatiga, Bandung, 2009.

⁶ Vindry Ria Andiki Powatu, "Peran Sektor Informal dalam Ekonomi Nasional." *Circle Archive*, Vol. 1 No. 5, 2022

⁷ Nurcahyo Andar Rusito, Hermanto Suaib, dkk. "Pola Kehidupan Masyarakat Pedagang Kaki Lima di Kota Sorong (Studi Pada Kehidupan Sosial Masyarakat Pedagang Kaki Lima di Kelurahan Kampung Baru)" *Jurnal Fase Kemajuan Sosial dan Politik*, Vol. 3, No. 1, 2017.

⁸ Aji Wahyu Heriyanto, "Dampak Sosial Ekonomi Relokasi Pedagang Kaki Lima di Kawasan Simpang Lima dan Jalan Pahlawan Kota Semarang." *Economics Development Analysis Journal*, Vol. 1, No. 2, 2012. DOI: <https://doi.org/10.15294/edaj.v1i1.489>

⁹ Arief Darmawan, Rofiah Siddiq, "Faktor-Faktor yang Mempengaruhi Pedagang Kaki Lima Menempati Trotoar di Kota Bogor: Studi Kasus Pedagang Kaki Lima di Sepanjang Jalan Yasmin." *Nusantara Journal of Multidisciplinary Science*, Vol. 1 No. 1, 2023.

¹⁰ *Ibid.*

The Bogor City Government overcame the problem of unorganized street vendors by creating Bogor City Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Public Protection. Article 11, number 1, letter C, states, “Every person and/or body is prohibited from selling goods on roads, sidewalks, green belts, public transportation, and parks that can cause disturbances to order, cleanliness, and comfort.” The regulation was then implemented by Bogor Mayor Regulation Number 11 of 2023 concerning the Implementing Regulation of Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Public Protection.¹¹

Bogor Mayor Regulation Number 11 of 2023 concerning Implementing Regulations of Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Community Protection also functions as a guideline for implementation or technical instructions for the Civil Service Police Unit in carrying out its duties and functions to enforce Regional Regulations. The Civil Service Police Unit is an authorized apparatus in terms of carrying out order to ensure the certainty of the implementation of regional regulations and in efforts to enforce regulations in the community, as well as assisting in taking action against various forms of abuse by enforcing the law.¹²

The Bogor City Civil Service Police Unit exercises its authority in controlling street vendors by having technical operational preparation for public order, public safety, and public protection, as follows:

1. Giving a first warning to a person/legal entity that violates public order and public safety and public protection;
2. Giving a second warning to a person/legal entity that violates public order and public safety and public protection if within 3 (three) days after the first warning is given it has not been heeded;
3. Giving a third warning to a person/legal entity that violates public order and public safety and public protection if within 3 (three) days after the second warning is given it has not been heeded;

¹¹ Viona S Oitha, Ferdinand S Leuwol, dkk “Alih Fungsi Trotoar Menjadi Kios Pedagang (Studi Kasus di Jalan Mardika Kecamatan Sirimau-Ambon). *Jurnal Pendidikan Geografi Unpatti*, Vol. 3 No. 2, 2024. DOI: <https://doi.org/10.30598/jpguvol3iss2pp244-253>

¹² Aidil Akbar, “Pelaksanaan Penertiban Pedagang Kaki Lima Oleh Satuan Polisi Pamong Praja di Kecamatan Bangko Kabupaten Rokan Hilir Berdasarkan Perda No. 3 Tahun 2014 tentang Ketertiban Umum” Skripsi, Universitas Islam Riau, Pekanbaru, 2020.

4. Giving a first warning letter within 7 (seven) days so that the person/legal entity can regulate themselves if within 3 (three) days after the third warning is given it has not been heeded;
5. Provide a second warning letter within 3 (three) days so that the person/legal entity can regulate themselves;
6. Provide a third warning letter within 1 (one) day so that the person/legal entity can regulate themselves;
7. If after the third warning letter is not heeded, forced disciplinary action can be taken.¹³

Operational techniques are carried out so that Bogor City Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Community Protection can be implemented more effectively in the long term because it involves good communication, socialization, and explanation of the reasons for the regulation.

A. Materials and Methods

The type of research that the author uses in this journal is the empirical legal research method, where this research can also be called field research, namely examining the applicable legal provisions and what happens in the reality of society.¹⁴ This research is descriptive analytical, which reveals laws and regulations related to legal theories that are the object of research. This research was obtained through field research conducted by interviews and library research by analyzing cases from legislation, literature, and other reference materials.

II. DATA ANALYSIS

A. Implementation of the Authority of the Bogor City Civil Service Police Unit in Controlling Street Vendors at Pedati Market

The formation of regional apparatus is based on the objectives of the regional government, which is a tool to act in the interests of the people, to achieve prosperity, security, order, and others.¹⁵ Based on Bogor City Regional Regulation Number 3 of 2021 concerning the Formation and Composition of Bogor City Regional Apparatus, with this regional regulation, the Bogor City Regional Apparatus is formed, consisting of one service, which includes the Civil Service Police Unit, which carries out government affairs in the field of public order and security and community protection.

¹³ Lampiran I Peraturan Wali Kota Bogor Nomor 11 Tahun 2023 tentang Peraturan Pelaksanaan Peraturan Daerah Nomor 1 Tahun 2021 tentang Penyelenggaraan Ketertiban Umum dan Ketenteraman Masyarakat serta Pelindungan Masyarakat.

¹⁴ Bambang Wayulo, *Penelitian Hukum Dalam Praktek*, Sinar Grafika, Jakarta, 2022.

¹⁵ Nomensen Sinamo, *Hukum Administrasi Negara*, Jala Permata Aksara, Jakarta, 2016.

The Civil Service Police Unit has a strong legal basis, both in terms of its formation and function, which is to enforce laws and regulations, namely regional regulations. This is in accordance with Article 1, Number 8 of Government Regulation Number 16 of 2018 concerning the Civil Service Police Unit, which states that “The Civil Service Police Unit, hereinafter abbreviated as the Civil Service Police Unit, is part of the regional apparatus in enforcing regional regulations and organizing public order and public order.” As one of the regional apparatuses, the Bogor City Civil Service Police Unit obtains its authority legally through attribution, which means the granting of government authority by the lawmakers to government organs.¹⁶

The Bogor City Civil Service Police Unit carries out duties related to enforcement activities, especially against street vendors at the Bogor City Pedati Market as mandated by the Regional Regulation and Bogor Mayor Regulation. The Bogor City Pedati Market, located at Jalan Pedati, RT.02/RW.06, Gudang Village, Central Bogor District, Bogor City, West Java, is occupied by 118 street vendors offering various commodities, such as vegetables and fruits. Referring to the legal basis of Article 11 letter a and Article 11 letter c of Bogor City Regional Regulation Number 1 of 2021, street vendors at the Bogor City Pedati Market have committed acts that violate Bogor City Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Peace and Community Protection because they have run a business and/or hawked their wares on the street, on the sidewalk, and on several shop verandas around.

Bogor Mayor Regulation Number 11 of 2023 concerning Implementing Regulations of Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Public Protection makes the Civil Service Police Unit have clear authority and be legally regulated in laws and regulations so that every action and decision taken in the implementation of state administration can be accounted for. On the other hand, the legal function of this regulation can be used as a means to help change society for the better and for other parties to maintain the existing social structure and validate changes that have occurred in the past.¹⁷

Through interviews with street vendors at Pedati Market, it was shown that the enforcement by the Bogor City Civil Service Police Unit for Public Order, Security, and Community Protection had not complied with the applicable laws and regulations, because one of the

¹⁶ Ridwan HR, *Hukum Administrasi Negara*, PT Raja Grafindo Persada, Jakarta, 2013.

¹⁷ Utang Rasyidin, Dedi Supriyadi, *Pengantar Hukum Indonesia dari Tradisi ke Konstitusi*, CV Pustaka Setia, Bandung, 2014.

Bogor City Civil Service Police Unit street vendors stated that he only knew that his work violated regulations due to using public facilities and would be disciplined after a warning, and a warning letter and a letter of discipline were obtained, without knowing clearly which regulations were violated.

Street vendors' ignorance and lack of understanding of the applicable rules and mechanisms, both regarding empowerment and regulation of traders, often make them unable to meet the requirements set, so that their rights as traders, such as access to information and alternative solutions from the government, have not been optimally fulfilled. Street vendors also explained that the lack of clear alternative solutions regarding the place of sale and the less than ideal relocation location made street vendors state that they had to stop selling and did not receive income after the regulation was carried out; this reflects the ineffectiveness of the laws and regulations that have been carried out.

The control of street vendors at the Pedati Market carried out by the Bogor City Civil Service Police Unit was carried out with the intention of fulfilling the authority of the Bogor City Civil Service Police Unit, which has formal power, meaning that its power is legally granted by law or statutory regulations. The attributive authority of the Bogor City Civil Service Police Unit in controlling street vendors at the Pedati Market is also permanent and binding, meaning that it remains in place as long as the law regulates it and applies to everyone without exception.

The Civil Service Police Unit, in carrying out the control of street vendors, has also carried out a supervisory function as a preventive measure to ensure compliance with regional regulations, such as through socialization of regulations and giving warnings before control measures are taken. This supervision aims to prevent violations early on without having to immediately apply sanctions. In addition, the Civil Service Police Unit also enforces sanctions as a form of repressive action when street vendors at the Pedati Market continue to operate even though they have been given warnings, such as by forced control, confiscation of merchandise, or application of administrative sanctions.

If the procedure is enforced properly, street vendors have enough time to adjust to the rules before being disciplined so that the discipline can run more orderly without causing excessive unrest in the community. As a result, the same thing happens to the element of justice in law enforcement; the implementation of discipline that is not in accordance with procedures gives rise to injustice for street vendors. Imbalance in the application of the law can create a perception of injustice among street vendors and the community, which can ultimately

weaken trust in law enforcement by the Civil Service Police Unit.

B. Obstacles Faced by the Bogor City Civil Service Police Unit in Enforcing Control of Street Vendors at Pedati Market.

The implementation of street vendor control at Pedati Market in Bogor City, carried out by the Bogor City Civil Service Police Unit, is not free from obstacles. The Bogor City Civil Service Police Unit faces several factors, both internal and external, that directly hinder the implementation of the control policy. The following are a number of inhibiting factors that also affect the effectiveness of the implementation of the street vendor control policy:

1. Resistance from street vendors at Pedati Market during the clean-up.

Rejection of the clean up was due to economic reasons, where traders depend on trading activities to meet their and their families' needs. For street vendors, trading is not just an economic activity but also an effort to survive. In addition, the rejection was also influenced by limited access to decent alternative livelihoods. Most street vendors do not have other skills outside of trading activities, making it difficult for them to switch to other jobs.

2. Budget constraints of the Bogor City Civil Service Police Unit.

Unforeseen planning and situations are the causes of this. Budget planning is based on predictions of needs in the previous year. However, changes in conditions in the field, such as the construction of new public facilities by the city government, can affect the focus of control. For example, the construction of busy centers such as town squares or other public areas can give rise to new concentrations of street vendor activity and other problems that require special handling. This situation is often not accommodated in the initial planning, thus affecting the allocation of resources that have been previously determined.

3. Limited human resources of the Bogor City Civil Service Police Unit.

The number of members of the Bogor City Civil Service Police Unit is currently around 300 (three hundred) personnel, which is still below the ideal number. To achieve a ratio that is in accordance with the area, population, and number of sub-districts in Bogor City, an additional 200 (two hundred) personnel are needed. If there are activities that take place until the evening, adjustments are made by dividing the personnel's duties. For example, personnel who have been on duty since the morning can be sent home earlier, and personnel who are on duty during the day will be remobilized in the evening after rest time. Thus, the next day, personnel who are on duty at night can still get the right to rest or leave.

4. Lack of socialization regarding applicable regional regulations.

Regulations related to public order disturbances and street vendor management are often not fully known or understood by the community, including traders. This lack of understanding leads to non-compliance with applicable regulations.

A policy can only run well if the party with the authority, in this case the Civil Service Police Unit, is able to carry out its duties effectively. Bogor Mayor Regulation Number 11 of 2023 concerning the Implementation Regulation of Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Community Protection must be strengthened through more effective communication, massive socialization, and a humanistic approach so that it can build trust and compliance of street vendors towards the policy.

III. CONCLUSION

The implementation of the authority of the Bogor City Civil Service Police Unit in controlling street vendors at the Pedati Market in Bogor City is carried out based on Bogor Mayor Regulation Number 11 of 2023 concerning the Implementation Regulation of Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Community Protection, as fulfillment of Article 11 letter a and Article 11 letter c of Bogor City Regional Regulation Number 1 of 2021 concerning the Implementation of Public Order and Public Security and Community Protection, which are the references for carrying out control. This authority is obtained by attribution, meaning that the authority is obtained through direct authority from laws and regulations. Rejection of the control arises for economic reasons, considering that street vendors rely on trading to meet family needs and the lack of socialization of regional regulations makes street vendors not understand the rules, which is an obstacle faced by the Bogor City Civil Service Police Unit externally. Internally, the Bogor City Civil Service Police Unit faces obstacles due to the budget and human resources that are actually available, but the planning is based on the needs of the previous year.

IV. RECOMMENDATION

The Bogor City Government needs to increase the budget and personnel of the Civil Service Police Unit to support the implementation of tasks, including the recruitment of additional personnel and training programs. The Civil Service Police Unit must also provide socialization to street vendors regarding the prohibition of selling through various

communication media. In addition, the government needs to provide strategic alternative trading locations and provide information on relocation access to support economic activities without disrupting public order.

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