

Socio-Legal Approaches on City Street Vendors Management

Rina Shahriyani Shahrullah

Fakultas Hukum, Universitas Internasional Batam
Jl. Gajah Mada, Baloi – Sei Ladi Batam – 29426, Kepulauan Riau, Indonesia
Email: rina@uib.ac.id

Ampuan Situmeang

Fakultas Hukum, Universitas Internasional Batam
Jl. Gajah Mada, Baloi – Sei Ladi Batam – 29426, Kepulauan Riau, Indonesia
Email: ampuan.situmeang@uib.ac.id

Jefri Harianto Nababan

Fakultas Hukum, Universitas Internasional Batam
Jl. Gajah Mada, Baloi – Sei Ladi Batam – 29426, Kepulauan Riau, Indonesia
Email: 1852009.jefri@uib.edu

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ABSTRACT:

The Batam City Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors (Perda PPPKL) is implemented to regulate and organize street vendors who violate the regulations to ensure the protection of the rights of every citizen, especially in Batam City. This regulation emphasizes public interests to achieve justice in the Batam community. The Public Order Agency (Satuan Polisi Pamong Praja/Satpol PP) is responsible for enforcing this regulation. However, in reality, there are still many street vendors selling in public areas. The roads in the Ramayana Jodoh area to the Tos 3000 market in Batam have turned into street vendor stalls, making it difficult for traffic to pass through. This research aims to analyze the implementation of the 2019 Batam City Regional Regulation and the enforcement of the Regulation by the Public Order Agency (Satpol PP). Therefore, it uses empirical legal research with a sociological approach. The findings of this research indicate that there are still various obstacles in implementing the Perda PPPKL by Satpol PP, including the absence of the City's Spatial Plan (RTRW) and the easy entry of second-hand goods into Batam city.

Keywords: *Street Vendors (PKL); The City Regulation of Batam (Perda PPPKL); The Public Order Agency (Satpol PP); Batam City Society*

ABSTRAK:

Peraturan Daerah Kota Batam Nomor 1 Tahun 2019 tentang Penataan dan Pemberdayaan Pedagang Kaki Lima (Perda PPPKL) diberlakukan untuk mengatur dan mengorganisir para pedagang kaki lima yang melanggar peraturan guna memastikan perlindungan hak-hak setiap warga negara, terutama di Kota Batam. Peraturan ini menekankan pada kepentingan publik untuk mencapai keadilan dalam masyarakat Batam. Badan Ketertiban Umum (Satuan Polisi Pamong Praja/Satpol PP) bertanggung jawab dalam pelaksanaan peraturan ini. Namun, pada kenyataannya, masih banyak pedagang kaki lima yang berjualan di area umum. Jalan-jalan di daerah Ramayana Jodoh hingga pasar Tos 3000 di Batam telah berubah menjadi lapak pedagang kaki lima, sehingga menghambat lalu lintas. Penelitian ini bertujuan untuk menganalisis implementasi Peraturan Daerah Kota Batam tahun 2019 dan penegakan Peraturan oleh Badan Ketertiban Umum (Satpol PP). Oleh karena itu, penelitian ini menggunakan pendekatan hukum empiris dengan pendekatan sosiologis. Temuan dari penelitian ini menunjukkan bahwa masih terdapat berbagai kendala dalam mengimplementasikan Perda PPPKL oleh Satpol PP, termasuk tidak adanya Rencana Tata Ruang Kota (RTRW) dan mudahnya barang bekas masuk ke Kota Batam.

Kata Kunci : *Pedagang Kaki Lima (PKL); Peraturan Daerah Kota Batam (Perda PPPKL); Satuan Polisi Pamong Praja (Satpol PP); Masyarakat Kota Batam*

INTRODUCTION

Batam City is part of the Riau Islands Province. It is the largest island in the Riau Islands due to its area, which includes Rempang Island, Galang Island, and other small islands. The influx of job seekers from various regions to Batam City has exceeded the number of job openings available in existing companies, resulting in a high unemployment rate in the city.

Due to the large number of job vacancies that are not proportionate to the number of job seekers, some individuals have resorted to alternative ways of making a living, such as selling goods by the roadside, commonly known as street vendors or "pedagang kaki lima" (PKL). As the number of PKL increases, various areas along the Ramayana Jodoh district and the Tos 3000 market, which should serve as traffic lanes, have been converted into makeshift stalls for PKL. This has caused significant congestion, making it difficult for both vehicles and pedestrians to navigate through these locations.¹

Despite the long-planned construction of the Jodoh market in Batam City, with over 2,000 kiosks, it has yet to be realized. Zarefriadi, the head of the Department of Industry and Trade (Kadisperindag) in Batam City, reported

that there are currently around 1,808 registered street vendors. These include 1,239 vendors in Tos 3000 Jodoh, 139 vendors in the main market, and 430 vendors in Jodoh Boulevard.²

One of the informal sectors that has become a phenomenon in urban areas is street vending, also known as PKL (Pedagang Kaki Lima). With limited opportunities in the formal job sector, PKL becomes the easiest option for survival.³ This aligns with the characteristics of the informal sector, which are easily entered, flexible in terms of time and location, profitable, reliant on local resources, and relatively small in scale.⁴

The presence of PKL is often associated with negative impacts on the urban environment, creating an impression of disorder, dirtiness, squalor, and lack of orderliness.⁵ This is evident in the unregulated placement of trading facilities, often occupying public spaces. However, due to the demand for PKL services by the community, the number of street vendors continues to grow. Especially among the lower-income classes, the community still relies on them to fulfill their affordable needs.⁶

The Batam City Government (*Pemko Batam*) has enacted legal policies for the public interest concerning markets

¹ Yashinta, "Taman Jodoh Boulevard Dipenuhi PKL, Wali Kota: Tak Bisa Saya Tertibkan," [batampos.co.id](https://metro.batampos.co.id/taman-jodoh-boulevard-dipenuhi-pkl-wali-kota-tak-bisa-saya-tertibkan/), 2022, <https://metro.batampos.co.id/taman-jodoh-boulevard-dipenuhi-pkl-wali-kota-tak-bisa-saya-tertibkan/>.

² Y. J. Naim, "Pemkot Batam Pindahkan Pedagang Buah Jodoh," *antarakepri*, 2018, <https://kepri.antaranews.com/berita/49239/pemkot-batam-pindahkan-pedagang-buah-jodoh>.

³ Nurlaila Hanum, "Analisis Faktor-Faktor Yang Mempengaruhi Pendapatan Pedagang Kaki Lima Di Kota Kuala Simpang," *Jurnal Samudra Ekonomika* 1, no. 1 (2017): 72-86,

<https://doi.org/https://doi.org/10.1234/jse.v1i1.68>.

⁴ Ahmad Ubaidillah, Sri Mulyani, and Dwi Erlin Effendi, "Makna Keuntungan Bagi Pedagang Kaki Lima (Studi Pada Pedagang Kaki Lima Di Bangsri Jepara)," *Journal of Accounting and Investment* 14, no. 1 (2013): 65-77.

⁵ Udji Asiyah, "Pedagang Kaki Lima Membandel Di Jawa Timur," *Masyarakat, Kebudayaan Dan Politik* 25, no. 1 (2012): 47-55.

⁶ Ari Sulistiyo Budi, "Kajian Lokasi Pedagang Kaki Lima Berdasarkan Preferensi PKL Serta Persepsi Masyarakat Sekitar Di Kota Pematang" (Universitas Diponegoro, 2006).

and implemented Regional Regulations (Perda). Perda Number 10 of 2009 pertains to the arrangement and development of markets (Perda Pasar) and has been amended with Batam City Regional Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors (Perda PPPKL), formulated together with the Batam City Regional Council (DPRD) and the Mayor of Batam. This regulation serves as a guideline for the government in organizing markets in Batam City, with a specific focus on street vendors (PKL).⁷

The issuance of Perda PPPKL aims to address the issues related to markets in Batam, particularly the challenges posed by PKL. It provides a legal basis to regulate street vendors and restrict them from selling in unauthorized locations. Despite the existence of Perda PPPKL, it appears that it has not affected the PKL operating in the Jodoh market of Batam City, as they continue to utilize public facilities as their vending places.

Based on the above-mentioned background, this study aims to analyze the implementation of the Batam City Regional Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors and the enforcement of the Regulation by Public Order Agency (*Satuan Polisi Pamong Praja/Satpol PP*). In this regard, there are two research questions will be discussed, namely: 1) How is the implementation of Batam City Regional Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors

(Perda PPPKL)? 2) What are the challenges related to the implementation of Batam City Regional Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors (Perda PPPKL)?

METHODOLOGY

The research used is juridical empirical research, which is a type of research aimed at obtaining knowledge about the relationship between law and society and the factors that influence the implementation of law in society.⁸ Juridical empirical research aims to understand phenomena related to what the research subjects experience, such as their actions, perceptions, motivations, and others. Its non-rigid nature allows researchers to adapt to the existing context. In this case, the researchers interact with informants, enabling them to capture and carefully reflect on what the informants say and do.⁹

This type of research is conducted through direct investigation to gather objective data, referred to as primary data.¹⁰ Primary data is obtained through observation in the Ramayana Jodoh area up to the Tos 3000 market and interviews to the relevant stakeholders, namely Satpol PP, street vendors and other relevant informant.

In addition, secondary data was also used. The data was obtained from second-hand sources.¹¹ Secondary data serves as the initial data, which is then

⁷ Rufinus Hotmaulana Hutauruk and Jepri Medi, "Penertiban Pedagang Kaki Lima Oleh Kewenangan Pemko Batam," *Journal of Law and Policy Transformation* 1, no. 1 (2017): 123–58.

⁸ Rina Shahriyani Shahrullah and Henry Hadinata Cokro, "Penegakan Hukum Bagi Pedagang Usaha Mikro, Kecil Dan Menengah Terhadap Para Pelaku Usaha Monopoli," *Journal of Law and Policy Transformation* 5, no. 2 (December 10, 2020):

113–27, <https://doi.org/10.37253/jlpt.v5i2.1391>.

⁹ Suharsimi Arikunto, *Prosedur Penelitian: Suatu Pendekatan Praktik* (Jakarta: Rineka Cipta, 2011).

¹⁰ Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (Bandung: Citra Aditya Bakti, 2004).

¹¹ Saifuddin Azwar, *Metode Penelitian* (Yogyakarta: Pustaka Pelajar, 2012).

followed by primary data or field data.¹² The secondary data was comprised of the primary legal materials, namely the Batam City Regional Regulation Number 1 of 2019 concerning the Arrangement and Empowerment of Street Vendors and secondary legal materials are articles, news and other relevant information on PKL which were collected through library research. Analysis of both primary and secondary data is conducted qualitatively.¹³

DISCUSSION

1. The Implementation of Batam City Regional Regulation Number 1 of 2019 Concerning the Arrangement and Empowerment of Street Vendors

Perda PPKL is intended to organize all street vendors in Batam City so that they do not disrupt common interests. Based on the background and the facts at hand, it is evident that the roads along the Ramayana Jodoh area up to the Tos 3000 market have been used for vending purposes. However, it is explicitly stated in Batam City's Market Regulation that in Article 1, paragraph (36), it is mentioned that:

"A road is a land transportation infrastructure in any form, including all road parts, complementary buildings, and equipment intended for traffic."

This means that roads are specifically designated for transportation purposes and not for vending activities as observed in those areas. According to Article 1, paragraph (18) of the Perda PPPKL, which specifically regulates street vendors, it states:

"A road is a land transportation infrastructure that includes all road parts, complementary buildings, and equipment intended for public traffic, whether it is on the surface of the ground, above the surface of the ground, below the surface of the ground and/or water, or above the surface of the water, excluding railways and cableways."

Referring to the content of the above article, it is clear that roads are transportation infrastructure intended for public traffic. This means that roads cannot be used for purposes other than public traffic as it pertains to the common interests. In Indonesia, the definition of "public interest" is regulated in Presidential Regulation (Perpres) Number 36 of 2005 concerning land acquisition for development purposes for public interest. "Public interest" is interpreted as the interest of the majority of the community layers.

According to John Salindeho, public interest refers to the interests of the nation and the state, as well as the collective interests of the people, taking into account social, political, psychological, and national resilience aspects based on the principles of national development while respecting national resilience and the archipelago outlook.¹⁴

Based on interviews with street vendors (PKL) located along the Ramayana Jodoh area up to the Tos 3000 market in Batam City, Dedi Dores Lumbantoruan, Heppi Hutahayan, and Joko are three PKL individuals operating in the area. The interviews revealed that these street vendors engage in selling goods to meet their daily family needs, making it their regular source of livelihood. They have been conducting their vending businesses for a

¹² Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2004).

¹³ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods*

Approaches (California: Sage Publication, 1994).

¹⁴ John Salindeho, *Masalah Tanah Dalam Pembangunan* (Jakarta: Sinar Grafika, 1988).

considerable period, with one having operated for 6 years, another for 8 years, and the last for 10 years.

Two of the vendors stated that the vending locations they occupy were purchased from the previous owners. The former owners had moved away, leaving the locations for sale to new owners. They acquired the locations without any official documentation, receipt, or bill of sale, paying amounts of Rp.15,000,000 and Rp.20,000,000 respectively. These vendors believe that the value of the locations may increase if sold due to the relatively high number of visitors.

On the other hand, one vendor started selling in the location out of unemployment, with no other job opportunities, and noticed that others were vending in the area, so they decided to join the trade. These vendors operate their stalls twice a day, in the morning from 06:00 am to 10:00 am and in the evening from 06:00 pm to 10:00 pm.

The PKL individuals expressed that they do not oppose being arranged or relocated as long as the local government fulfills the following conditions: (a) Prepare a new location, (b) Compensate for losses, for example, the money spent on buying from the previous owners and the cost of moving to the new location, (c) Relocation should happen all at once, meaning they move entirely without gradual steps and without exceptions.

Based on the issues mentioned above, it is evident that the presence of street vendors (PKL) in that location has been for a considerable period due to their livelihood needs. It is not that the community, especially the PKL, is unaware that selling goods on the street is prohibited, but they have been waiting for a response from the Batam City government regarding the policy for allocating vending locations. It is essential to consider that Indonesia, according to Article 1, paragraph (3) of the 1945 Constitution, is a state of law. Thus, Perda PPPKL is implemented to protect the

interests of the Batam City community, including street vendors, road users, and others.

Article 4, paragraph (1) of the Perda PPPKL states that the arrangement of PKL is carried out for both the street vendors and their vending locations. Meanwhile, paragraph (2) mentions that the arrangement of the vending locations, as referred to in paragraph (1), is carried out through the designation of locations for street vendors in urban areas in accordance with the regulations on spatial planning.

Article 16, paragraph (1) of the Perda PPPKL states that the designation of street vendor locations should comply with spatial planning and consists of permanent locations and temporary locations. On the other hand, paragraph (2) mentions that the areas outside the designated vending locations, as mentioned in paragraph (1), are forbidden for street vending activities and are declared as "PKL-Free Zones." Paragraph (3) prioritizes "PKL-Free Zones" in the benefit spaces along the "Traffic Order Zone Roads" designated by the Mayor's Decree. Furthermore, paragraph (4) specifies that these "PKL-Free Zones" are equipped with signs or prohibitive markers for street vending activities.

Referring to the above articles, it is evident that Perda PPPKL aims not to eradicate street vendors but to reorganize them in a way that does not disrupt the community, especially road users. Roads are essential for the entire Batam City community and need to be preserved collectively. Hence, vending on the streets should not be allowed according to Perda PPPKL, even though, in reality, many street vendors are still occupying the roads along the Ramayana Jodoh area up to the Tos 3000 market in Batam City.

Based on field research from the Satpol PP agency in Batam City, it is mentioned that the issue of street vendors operating along the Ramayana Jodoh

road has been long-standing because the location is a public road. Thus, the local government is waiting for the decision from Batam City government, as it concerns the needs of the street vendors.

The determination of street vendors (PKL) here is the allocation of a designated area for street vendors. The allocation of the PKL area is usually carefully assessed to ensure that the activities of street vendors do not disrupt the public, social, cultural, aesthetic, economic, security, order, health, and environmental interests, so as not to contradict Article 17 paragraph (1) mentioned above. Therefore, the assessment of the designated area usually adheres to what has been formulated in the Regional Spatial Plan (RTRW). It is essential to consider the RTRW to avoid any inconsistencies with its provisions.

The results of interviews with 5 (five) randomly selected road users during the field research conducted by Andika Sihombing, Remesti Sitingjak, and Kwariyon Altison, Supardi, and Abdul Rahman are as follows:

Out of the five road users, four of them stated that the roads are primarily meant for passing through and not for vending. Until now, it has been very challenging to pass through the Ramayana Jodoh area to the Tos 3000 market. The atmosphere becomes crowded due to the presence of street vendors, making it impractical for vehicles to pass through. They mentioned that everyone is free to engage in vending, as long as it is lawful and appropriate, but it should not disrupt public roads. If road users want to pass through smoothly, it is better to choose alternative routes or shortcuts to avoid traffic jams. Besides, street vending not only disrupts vendors but also wastes time unnecessarily.

One of the interviewed road users is a shopper or visitor in the area. He/she acknowledged that indeed the roads are meant for anyone to pass through, but it should be remembered that street vendors also depend on these activities for their daily needs.

Based on the data from road users above, it is evident that vending is a right for everyone, but it must comply with the applicable rules. If vending is prohibited on the streets, then those regulations should be enforced by competent authorities to ensure that the rights of the general public are not diminished. How can there be justice within society if a legal rule is not effectively enforced? It is also unlikely for the society to prosper if their rights are consistently violated by others or certain groups. Thus, if rules are not enforced against those who violate them, it is clear that the rights of others are being violated.

Law falls into the category of needs inherent in social life within a society because it serves the members of the community by allocating power, distributing resources, and protecting their interests. Therefore, the role of law becomes increasingly important as a means to realize government policies. The implementation of law serves as a tool to achieve the desired goals of the state.

In the context of community life, law has several functions as follows: 1) Law as an ordering tool, which means it creates a framework for political decision-making and conflict resolution through good procedural law, 2) Law as a balancing tool, which means it functions to maintain a balance and harmony between public interests and individual interests, 3) Law as a catalyst, which means it facilitates the process of change through legal reforms with the assistance of creative efforts in the legal profession.¹⁵

¹⁵ Barda Nawawi Arief, *Kebijakan Hukum Pidana: Perkembangan Penyusunan*

Konsep KUHP Baru (Bandung: Citra Aditya Bakti, 2003).

The enforcement of law by the Public Order Agency (*Satuan Polisi Pamong Praja* or Satpol PP) in accordance with its authority should indeed take action to regulate street vendors (PKL) who are in violation of the Regional Regulation on the Organization of Street Vendors (Perda PPPKL).¹⁶ Article 32 paragraph (1) specifies that the regulatory actions against street vendors should involve the dismantling of their stalls, securing and/or relocating part or all of the facilities used by the vendors for a certain period. According to Hamida Saragi's explanation that the regulation of street vendors should follow established standard operating procedures (SOP) to avoid infringing upon the rights of individuals.

Usually, these regulatory actions are carried out based on public reports or findings by law enforcement officers, in this case, the Satpol PP, during their field inspections. If the situation or location cannot be immediately regulated, a notification letter is issued. This notification letter is given to the street vendors through community neighborhood associations (RT/RW) or displayed at the locations where the vendors conduct their sales, ensuring everyone is aware of it. According to the SOP, a warning letter is issued up to three times before regulatory actions are taken.

However, in some cases, street vendors can be directly regulated if they start vending in a location without prior notification.

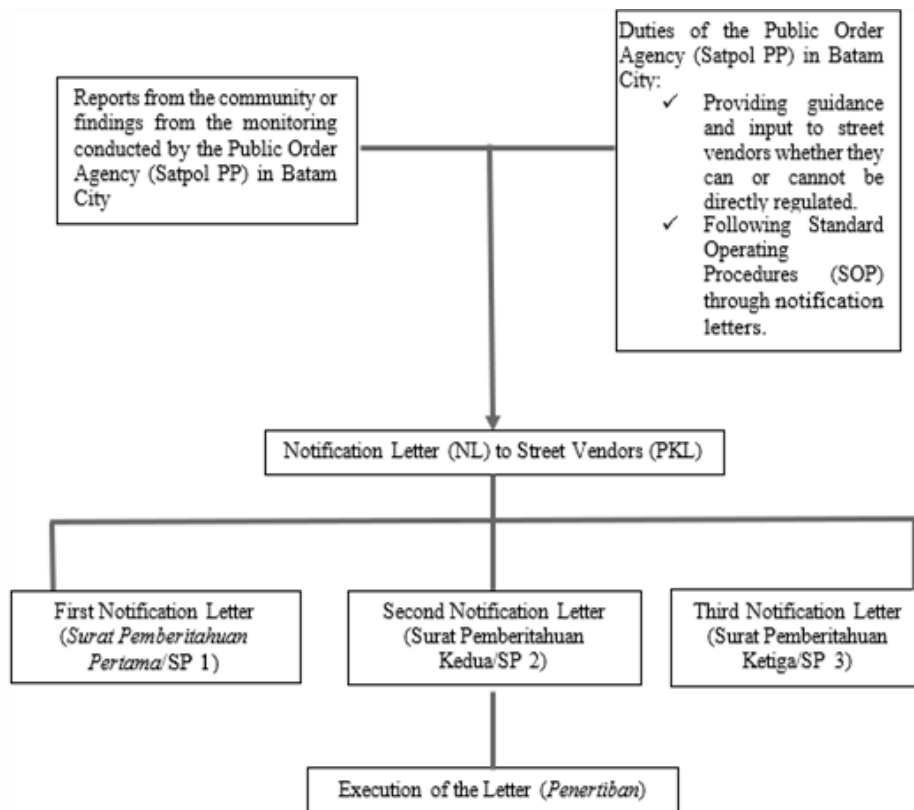


Figure 1. Standard Operating Procedures (SOP) of the Public Order Agency (SATPOL PP) in Batam City

¹⁶ Aurel Tri Anugrah, "Kinerja Satuan Polisi Pamong Praja Dalam Penertiban

Rumah Makan Pada Masa PPKM Darurat Di Kota Batam," 2022.

Hamida also mentions that the regulation of street vendors in the Jodoh market area of Batam city, especially along the front of Ramayana Jodoh, is challenging due to the following factors: 1) The need for livelihood to support their families becomes a starting point in regulating the street vendors since everyone has the right to work, 2) The existence of certain individuals or organizations, both from community institutions and the government, taking advantage of the situation for their personal gain. This can be related to political interests, leading to a lack of seriousness in enforcing the PPPKL regulation.

It is evident that the performance of the Public Order Agency (Satpol PP) in Batam City in executing the third notification letter on street vendors must adhere to the existing Standard Operating Procedures (SOP) to ensure that the rights of the vendors are not violated.¹⁷ The scheme or flowchart of actions carried out by Satpol PP in Batam city is a procedural process that needs to be followed.

As stated by Hamida Saragi, the Regional Regulation on the Organization of Street Vendors (Perda PPKL) does not solely focus on regulating street vendors, as they play a crucial role in the development and economic improvement of Batam city. Street vendors are essential for reducing unemployment rates in Batam city and need to be empowered. The execution of the third notification letter carried out by Satpol PP for each street vendor in Batam city has been relatively successful when done in accordance with the established procedures.

¹⁷ Umi Atun and Zaili Rusli, "Penertiban Pedagang Kaki Lima Oleh Satpol PP Di Pasar Pagi Arengka Kota Pekanbaru," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Sosial Dan Ilmu Politik* 2, no. 1 (2015): 1-14.

¹⁸ Reymond Krestian Raming, Femmy C. M. Tasik, and Rudy Mumu,

However, the implementation of the executions, especially in the Jodoh market area of Batam city, particularly along Ramayana Jodoh street, poses challenges due to various interests and parties as mentioned earlier. The presence of certain organizations or groups of traders, such as Pemuda Pancasila, Ikatan Pemuda Karya, political parties, and others, can hinder the enforcement of regulations.

Based on the interview results and data obtained from the Public Order Agency (Satpol PP) in Batam city, it is evident that the implementation of the Regional Regulation on the Organization of Street Vendors (Perda PPPKL) along the Ramayana Jodoh area up to the Tos 3000 market in Batam city has not been carried out. This lack of enforcement has resulted in the Perda PPPKL being less effective in regulating the existing street vendors in Batam city. As a consequence, road users have continuously faced difficulties in passing through the mentioned area, impacting their ability to fulfill their daily needs.

2. The Challenges Related to the Implementation of Batam City Regional Regulation Number 1 of 2019 Concerning the Arrangement and Empowerment of Street Vendors (Perda PPPKL)

The implementation of the PPPKL regulation in Batam city faces difficulties during its application as changing people's behavior to adhere to the rules requires prior notification and introduction of the regulation to the community before its enforcement.¹⁸ The enactment of regulations usually has a predetermined timeframe before they are

"Kontrol Sosial Terhadap PKL (Pedagang Kaki Lima) Di Kompleks Pasar Bersehati Calaca Kecamatan Wenang Kota Manado," *HOLISTIK, Journal of Social and Culture* 12, no. 4 (2019): 1-18.

fully enforced, and there are often awareness campaigns and education about the regulations.

However, it is not uncommon for regulations to exist but not be fully complied with, or issues still arise within the community. In such cases, it is essential to review the root of the problem, as the regulation may not be suitable for the current societal context or may not effectively address the existing issues.

An open and inclusive approach during the formulation of regulations is beneficial, as it allows different segments of society to contribute their ideas that align with the characteristics of the community as a whole. As a result, the implementation of regulations becomes more readily accepted within society, making the enforcement more effective.

The PPPKL regulation in Batam, which governs street vendors throughout the city, received input and consideration from various sectors of society during its formulation, as it was openly accessible to the public. Before the enactment of the PPPKL regulation, it was previously disseminated and socialized to the community.

According to an interview with Hamida Saragih, part of the legislative body, the PPPKL regulation is well-suited for the current situation as it provides more concrete guidelines for regulating street vendors in Batam. It goes beyond merely organizing street vendors but also protects their rights.

The formulation of the PPPKL regulation was open to every segment of society, especially in Batam city, and since its implementation, there have been no issues, except for the Jodoh market problem. Addressing the Jodoh market issue is crucial, and the local government of Batam needs to devise a policy to resolve it effectively.

According to the response of the community, especially the street vendors (PKL) in the Jodoh market area of Batam

city, as reported by the researchers during the field research, they mentioned the following that they, as street vendors, are aware of the existence of this regulation and the prohibition of vending in restricted areas, including places that interfere with public interests. They stated that even before the introduction of the new regulation, they have been vending for a long time to support their families.

They also mentioned that the local government of Batam has only made promises to relocate them to suitable locations, but no concrete actions have been taken yet. They are not opposed to being relocated entirely as long as proper vending locations are provided, and the regulation is enforced uniformly to avoid discrepancies. They fear that if only some of them are relocated, visitors may not come to the new location because they are used to the Jodoh market. They believe that relocating all of them together would attract visitors as there would be no street vendors left on the Ramayana street in front of Ramayana market.

Referring to Chapter VI of the Regional Regulation on the Organization of Street Vendors (PPP KL), it addresses the rights, obligations, and prohibitions for street vendors that were not regulated in the 2009 city market regulation. The PPP KL provides guidelines for street vendors to obtain their protected rights as street vendors, granting them the legitimacy to carry out their vending activities.

However, the ongoing issue in the Jodoh market area, along Ramayana street in front of the Jodoh market in Batam city, has caused controversy, and there are individuals taking advantage of the presence of street vendors in the area.

The effectiveness of a law, according to Soerjono Soekanto, is influenced by five factors: legal factors, law enforcer factors, facilities that support law enforcement, community factors, and cultural factors. When these factors are

applied to street vendors, particularly along Ramayana Jodoh street up to the Tos 3000 market in Batam city, with Soerjono Soekanto's Theory of Law Effectiveness, the following points can be observed:

- a. **Legal factors:** The regulation governing the market in Batam city before was the Regional Regulation on Markets, specifically No. 10 of 2009. Regarding street vendors, it was regulated in Chapter VI, from Article 23 to Article 26. However, as developments occurred concerning street vendors in Batam city, the previous market regulation was incomplete in addressing the issues related to street vendors. To address the developments concerning street vendors in Batam city, the Regional Regulation on the Organization and Empowerment of Street Vendors (PPP KL), specifically No. 1 of 2019, was implemented, which provides a more comprehensive framework for regulating street vendors. The PPP KL has been in effect for approximately two years and provides clearer and more specific regulations for street vendors compared to the previous regulation. The regulation is in line with the developments regarding street vendors in Batam city, and its formulation was open to all segments of Batam's society, as mentioned in an interview with Hamida from the legislative body of the Satpol PP.
- b. **Law enforcer factors:** The enforcement of the PPP KL is the responsibility of the Public Order Agency (Satpol PP) as part of the Batam City administration to regulate street vendors who violate the PPP KL. However,

based on the data obtained from the enforcement records of the Satpol PP from 2018 to 2019, there has been no legal action taken regarding the street vendors along Ramayana Jodoh street, as mentioned in the research. This means that since the implementation of the PPP KL, there have been no enforcement actions by the Satpol PP in Batam City against street vendors along the Ramayana Jodoh street up to the Tos 3000 market. The Satpol PP should have taken legal action as it is evident that street vendors have been using the road as their vending space. The research also found that there are individuals who obstruct law enforcement, especially in the Jodoh market of Batam City.

- c. **Law enforcement facility factors:** The supporting facilities, including the purpose of the PPP KL regulation from its establishment to its implementation, have not been evenly realized. These facilities include educated and skilled personnel, well-organized institutions, adequate equipment, sufficient financial resources, and so on. One critical facility in the enforcement of street vending regulations is providing suitable locations for street vendors beforehand, so that when enforcement takes place, it is more manageable, and there is a reduced likelihood of street vendors returning to their previous locations. Batam Island is a relatively small area compared to other regions in Indonesia, which means that the legal facilities should be more accessible to implement and distribute due to the influence of

the area's size. Based on the research mentioned earlier, providing land for street vendors is challenging because land allocation in Batam City falls under the authority of BP Batam.

- d. **Community factors:** Based on the data obtained from the street vendors mentioned earlier, it can be deduced that the main reason for vending along Ramayana Jodoh street up to the Tos 3000 market is the economic issue caused by unemployment, leading to the need to support their families. Thus, the street vendors' decision to sell in these locations is a shortcut, not because they are unaware that vending on the street is prohibited. The research also indicates that there is a lack of legal awareness among the community due to certain individuals prioritizing personal or group interests, resulting in a lack of concern for the law among the public.
- e. **Cultural factors:** Batam City's population consists mainly of migrants from various ethnic groups within Indonesia, resulting in diverse customs and traditions. Additionally, Batam is located near neighboring countries such as Malaysia and Singapore, indirectly influencing the mindset of Batam's community compared to remote areas in Indonesia, making them more inclined to consider public interests or common welfare, especially regarding public roads. If there are cultural practices in Batam where some people prefer to sell on the streets, there will undoubtedly be conflicting opinions from those who do not support vending on the streets,

especially when it is prohibited by the PPP KL regulation. Based on the research, it is challenging to find ethnic Malay street vendors along Ramayana Jodoh street up to the Tos 3000 market; instead, the street vendors there are from various ethnic backgrounds and different cultural customs. Additionally, the area along this street is mainly occupied by hotels, shops, and residential buildings, not considered a traditional or historic site.

Based on the analysis with the above theories, it is evident that the effectiveness of the PPP KL regulation in Batam City is hindered by several factors as described earlier. These factors contribute to the lack of effectiveness of the PPP KL regulation, making it challenging to allocate specific areas or land for street vendors, the existence of certain individuals pursuing their own interests, and the resulting lack of legal awareness among the community.

Moreover, the challenges in implementing the PPP KL regulation along the front of the Ramayana Jodoh market in Batam City can be attributed to at least two interconnected factors. Firstly, the ease of access to second-hand goods from abroad (Singapore) makes it difficult to regulate and control street vending activities.

Secondly, the absence of clear regulations in the Regional Spatial Planning (RTRW) of Batam city further complicates the enforcement of the PPP KL regulation. These factors serve as the starting point for the challenges in enforcing the PPP KL regulation, leading to difficulties in resolving the street vending issues in Batam City.

3. The Easy Access of Used Goods (Second-Hand Goods) from Other Country (Singapore)

The Jodoh Market in Batam is known as the busiest market in Batam due to its proximity to the Jodoh traditional market. Generally, used goods are also imported from Singapore and offered at affordable prices, starting from tens of thousands of rupiahs. If you are observant in buying, you can get quality items.¹⁹

The market for the sale of imported second-hand goods in Batam, Riau Islands, remains high. Although the government has prohibited it, imported second-hand clothing continues to circulate freely in the market. These used items are obtained from Singapore and will be sold in the Batam market.²⁰ According to a second-hand clothing trader interviewed at their stall: "We obtain these used items from Singapore, they are sent from there, and we actually need a lot of items. When we open the sack, many people come to choose the good ones".

The market in front of Ramayana, Jodoh, Batam, Riau Islands, is truly disruptive. It not only disturbs road users but also damages the aesthetics of the city. The market serves as stalls for traders selling imported second-hand clothing and operates almost every day. These street vendors occupy the middle of the road, leaving only a small space for road users to pass through. In fact, most of the road area along approximately 100 meters is filled with vendors. Residents of Batam are frustrated with the presence of these unregulated vendors.

¹⁹ Eliza Gusmeri, "3 Pasar Seken Di Batam Yang Jual Barang Branded," *batamnews*, 2018, <https://www.batamnews.co.id/berita-31503-3-pasar-seken-di-batam-yang-jual-barang-branded.html>.

²⁰ Adhitya Zulkarnain, "Di Larang, Barang Bekas Import Tetap Masuk Ke Pasar Batam," *Bee Media Online*, 2019,

The Batam City Government's Satpol PP also seems to be limited in taking action. "Not only is it disruptive, but it also causes traffic jams and emits odor." The situation is exacerbated by the disorderly condition and waste generation at the Jodoh Tos 3000 market.²¹

4. The City Spatial Plan Regulation (RTRW) of Batam is not yet Available

Law of the Republic of Indonesia Number 26 of 2007 on Spatial Planning (*Undang-Undang Penataan Ruang/UUPR*) governs the arrangement of space in order to determine the location and allocation in each region. The Provincial Spatial Plan (RTRWP) is a plan for the spatial arrangement of the provincial administrative region with a map scale precision of 1:250,000 and a planning period of 15 years. The Provincial Spatial Plan serves as a reference for the governor in implementing regional development and is one of the materials that must be accountable to the people through the Regional People's Representative Council (DPRD).

Article 1, clause 1 of UUPR states: "Space includes land, sea, and air space, including space within the earth, as a place where human beings and other living creatures live, engage in activities, and sustain their livelihoods. In principle, its availability is not unlimited." Article 2 of UUPR states that spatial planning is based on: integration, harmony, consistency, and balance; sustainability; harmony, consistency, and continuity of sustainability, usefulness and utility,

<https://beeoneinfo.com/di-larang-barang-bekas-import-tetap-masuk-ke-pasar-batam/>.

²¹ Zuhri Muhammad, "Pedagang Baju Bekas Impor Ini Bikin Macet Jalan Di Jodoh," *batamnews*, 2015, <https://www.batamnews.co.id/berita-1899-pedagang-baju-bekas-impor-ini-bikin-macet-jalan-di-jodoh.html>.

openness, togetherness and partnership, protecting public interests, legal certainty and justice, and accountability.

The Policy of the National Spatial Plan, which is elaborated into Provincial Spatial Plans and Spatial Plans (RTRW), needs to be further detailed into City Spatial Plans (RTRWK). According to²² spatial planning has three urgencies, namely: 1) Optimization of resource utilization (the principle of productivity and efficiency), 2) Distribution of resources (the principles of equity, balance, and justice), 3) Sustainability (the principle of sustainability).

D. A. Tisnaamidjaja, as quoted by Juniarso Ridwan and Achmad Sodik, defines space as "the physical manifestation of a geographic region that serves as a container for human activities and a quality of life that is worthy".²³ Space, as one of the places for human life, is also a natural resource and a gift from the Almighty God to the Indonesian nation.

Thus, the spatial area of Indonesia is an asset that must be utilized by the people and the nation of Indonesia in a coordinated, integrated, and effective manner, while considering other factors such as economy, social, culture, defense and security, and environmental preservation to promote harmonious and balanced national development.²⁴

The definition of spatial planning, as stated by Rahardjo Adisasmita, is the structural form and pattern of spatial utilization, whether planned or unplanned. Spatial planning needs to be planned in order to accommodate the continuation of development in the respective areas more effectively.²⁵

Article 1, clause 2 of UUPR explains that spatial planning means "the structural form of space and spatial patterns." The structural form of space refers to the arrangement of natural, social, and built environment elements that are hierarchically interconnected. On the other hand, spatial utilization pattern includes location patterns, settlement distribution, workplace and industrial areas, agriculture, as well as urban and rural land use patterns, where spatial planning refers to planned spatial arrangements, while unplanned spatial arrangements are naturally formed, such as rivers, caves, mountains, and others.

The National Spatial Plan is a policy guideline and strategy for the utilization of national spatial areas, aimed at maintaining national integrity, balancing and harmonizing development between regions and sectors, and promoting harmony between natural and artificial environments to enhance the welfare of society.

The Provincial Spatial Plan is an operational policy plan derived from the national RTRW, which contains strategies for regional development through optimizing resource utilization, synchronizing sector development, coordinating across districts/cities and sectors, as well as allocating roles and functions of districts/cities in overall regional development. The District/City Spatial Plan is the elaboration of the provincial RTRW into policies and strategies for regional development that are in line with its function and role in the overall provincial development plan. These strategies are further formulated into structural plans and operational spatial pattern plans.

²² Ernan Rustiadi, *Studi Pengembangan Model Dan Tipologi Kawasan Agropolitan* (Jakarta: Departemen Perumahan dan Prasarana Wilayah, 2004).

²³ Juniarso Ridwan and Achmad Sodik, *Hukum Tata Ruang Dalam Konsep*

Kebijakan Otonomi Daerah (Bandung: Nuansa, 2008).

²⁴ Ridwan and Sodik.

²⁵ Rahardjo Adisasmita, *Pembangunan Kawasan Dan Tata Ruang* (Yogyakarta: Graha Ilmu, 2012).

The objectives of the RTRW, based on the Minister of Public Works Regulation Number 17/PRT/M/2009 on Guidelines for the Preparation of City Spatial Plans are as follows:

- a. Achieving integration and linkage between the spatial planning of the provincial level with the district/city level and between districts/cities that are in line with the RTRW.
- b. Achieving alignment between the RTRW of one province or district/city with the RTRW of neighboring provinces or districts/cities through the development of agreements between the respective governments.
- c. Achieving synchronization between regional spatial plans with sectoral and local plans, utilizing the provincial RTRW as a reference for sectoral and local planning activities.
- d. Establishing the provincial or district/city RTRW as a guideline for spatial planning with the formulation of operational guidelines and detailed spatial plans.
- e. Establishing spatial planning regulations in districts/cities that are in accordance and aligned with the provincial RTRW through agreement, evaluation, and revision of local regulations related to spatial planning.

Therefore, the implementation of the provincial and district/city RTRW should adhere to the principles of spatial planning with enhanced institutional functions, public participation, and availability of spatial data and information.²⁶

²⁶ Adisasmita.

The purpose of spatial planning is to harmonize various development sector activities so that land and spatial utilization can be done optimally, efficiently, and harmoniously. The aim of spatial planning is to direct the structure, location, and functional relationships in a harmonious and balanced manner in order to utilize human resources and achieve optimal and efficient development results for the improvement of human quality and the quality of the environment sustainably.²⁷

CONCLUSION

The implementation of Regional Regulation Number 1 of 2019 regarding the Arrangement and Empowerment of Street Vendors (PKL) is not as it should be. In fact, PKL in the area along Ramayana Street, Jodoh Market, Batam City, still occupies public roads for selling their goods, even up to the present time. As a result, road users face difficulties in exercising their rights to pass through this road for their daily activities.

The obstacles faced by the Batam City Public Order Agency (Satpol PP) in carrying out law enforcement measures against PKL are due to the difficulty in providing designated areas for street vendors. This situation leads to certain individuals or groups exploiting their own interests, resulting in a lack of legal awareness among the vendors and other parties involved.

In addition, legal factors, law enforcer factors, facilities that support law enforcement, community factors, and cultural factors contribute to hinder the Satpol PP's law enforcement measure against PKL. Furthermore, there are also two interconnected factors, namely the ease of access to second-hand goods from abroad (Singapore) and the absence of clear regulations in the Regional Spatial

²⁷ Ridwan and Sodik, *Hukum Tata Ruang Dalam Konsep Kebijakan Otonomi Daerah*.

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