
SOCIALIZATION OF LEGAL UNDERSTANDING TOWARDS STREET MERCHANTS (PKL) WHO PROVIDE TRADING IN LOCATIONS THAT ARE PROHIBITED FROM A PROGRESSIVE LAW ENFORCEMENT PERSPECTIVE

IN KUPAL VILLAGE DISTRICT. SOUTH HALMAHERA

Muhammad Amin Hanafi¹, Amriyanto²

¹ Khairun University Faculty of Law (aminhanafi76@gmail.com)

² Khairun University Faculty of Law (amriyantounkhair@gmail.com)

ABSTRACT

Although it is not like big cities in Indonesia where the control of street vendors (PKL) is widely highlighted by the local government to maintain cleanliness and public order, in Kupal Village City, Kab. South Halmahera should start taking into account the existence of street vendors (PKL). For this reason, it is very important to regulate, structure and enforce the law for street vendors (PKL) so that there is order and firmness in its implementation. The aim of this research is to analyze the regulation of street vendors in Kupal Village.

The activity implementation method consists of three stages. The first preparation stage includes pre-survey, team formation, making and submitting proposals, coordinating teams and partners as well as preparing training tools and materials. The second stage is the program implementation stage in the form of socialization. Socialization is carried out through counseling (presentation of material) and discussions. The third stage is the evaluation and reporting stage. Evaluation is carried out by comparing the conditions of partners before and after program implementation using interview and observation methods. After that, a report is prepared for subsequent publication. The output target in this socialization is to increase understanding of community law regarding street vendors (PKL) who sell in locations that are prohibited from the perspective of progressive law enforcement in Kupal Village, Kab. South Halmahera.

Keyword : Socialization; Legal Understanding; street vendors; Progressive Law Enforcement; Kupal Village.

INTRODUCTION

1.1 Partner/Target Area Situation Analysis

Street vendors (PKL) are one of the sector actors informal institutions that are treated unequally by the government. Although some organized groups in this sector (such as e.g.hawkers) tend to have an entrepreneurial spirit, but In general, the informal sector is often seen as a small capital business which makes it difficult to make a profit, with limited market access and the low standard of living of its workers.¹ The problem of street vendors is always an interesting thing to research. Street vendors have always been a source of polemic in various circles, both community and government circles. Its existence is often connected to issues of policing and evictions.

Control efforts carried out by government officials often ends in clashes between street vendors. Together with other components of society, it is not uncommon for street vendors to hold

¹ Adam Ramadhan, Model Zonanisasi Penataan Pedagang Kaki Lima di Kota Bandung (prespektif Peraturan Daerah Kota Bandung Nomor 4 tentang Penataan dan Pembinaan Pedagang Kaki Lima, UNNES Law Journal, 2015, hlm 57

demonstrations, always ending in chaos and commotion.² So order is very difficult to achieve. The street vendor phenomenon is a social phenomenon. In general, there are a number of characteristics that can be attached to street vendors, although in some places these characteristics may not apply. The characteristics referred to are doing business in a location that is not in accordance with its intended purpose, not having an official business permit from the competent authority, having high mobility (easy to move according to the accumulation of consumers), serving directly to final consumers, low level of legal discipline, tends to Very pragmatic in viewing the law.³

Street vendors are social phenomena that have contradictory social impacts. Activities carried out by street vendors often change the function of public facilities, for example changes or even damage to the function of sidewalks specifically for pedestrians. Apart from that, street vendors are also often seen as having a negative impact on environmental cleanliness and public health, for example the emergence and increase of liquid and/or solid waste, street vendors who sell food and/or drinks will generally throw their waste in public places, for example street vendors who opening a stall close to green spaces with trees and parks will definitely disturb the existence of these plants/trees.

Looking at the provisions of the article above, it is clear that traders are prohibited to sell in the parking areas as a place for traders to sell. But the fact is that traders are still selling in the parking area which is supposed to be a place to store motorbikes for buyers, the officers are lacking in reprimanding them. Traders with warnings that be firm about not selling on the spot motorcycle parking. Officer warning traders only occasionally without any firm action, so that traders do not move from the parking lot to change their place. The officers should continue to monitor traders so that they do not return to that place again. Based on this, the proposer is interested in disseminating legal understanding of street vendors (PKL) who sell goods in prohibited locations in depth regarding problems related to violations committed by street vendors selling in the port area of Kupal Village, Kab. South Halmahera with progressive law enforcement.

1.2 Solutions to Partner Problems

Conceptually, the essence and meaning of law enforcement lies in the activity of harmonizing the relationship between values which are described in stable and embodied rules and attitudes of action as a series of final stages of values elaboration, to create, maintain and maintain peaceful social life (Soekanto, 2007). Humans in social life basically have certain views about what is good and what is bad.

These views always manifest in certain pairs, in law enforcement these pairs of values need to be harmonized, for example there needs to be harmonization between the value of order and the value of peace. On the basis of this description, it can be said that interference with law enforcement may occur if there is a mismatch between values, rules and patterns of behavior. Therefore, it can be said that law enforcement does not merely mean the implementation of legislation, or law enforcement as the implementation of legislation and judges' decisions sometimes has weaknesses if it is deemed to disturb peace in social interactions. There are several factors that influence law enforcement, including:

- a) The legal factor, or the law.
- b) Law enforcement factors, namely the parties who form and implement the law.
- c) Facilities or facilities factors that support law enforcement
- d) Community factors
- d) Cultural factors. Basically there are two forms of law enforcement efforts carried out against street vendors, namely:

² Henny Purwanti dan Misnarti, Usaha Penertiban dan Pembinaan Pedagang Kaki Lima di Kabupaten Lumajang, Jurnal Argumentum, Vo. 10, No. 1, Desember 2010. Hlm 1

1. Preventive Efforts, namely efforts by placing a coaching function by Satpol PP officers on street vendors so that they are aware of existing laws or regulations and understand the importance of provisions and public order, bearing in mind that there is a tendency that when law enforcement is more emphasized there is potential for conflict. Guidance carried out by Satpol PP takes the form of: a) Providing suggestions or solutions to find vacant land belonging to residents that has not been utilized, so that street vendors do not need to go around selling; b) Counseling by Satpol PP officers in order to carry out the delivery of information about government programs, statutory regulations, regional regulations, regional head regulations, and other legal products that apply to the entire community and street vendors with the hope of increasing community knowledge, insight and compliance in general and especially street vendors.
2. Repressive Efforts, namely efforts intended as activities to suppress or eliminate violations or law enforcement efforts carried out by Satpol PP officers. This effort can be divided into two, namely:
 - a) Non-Judicial Repression, namely action to stop violations of Regional Regulations other than waiting for the leadership's decision, in this case the Mayor's Decision.
 - b) Pro-Judicial Repressive means that violators of regional regulations are investigated directly by PPNS (Civil Servant Investigators) who have the authority to bring in violators of regulations by making an official report for further processing at the Minor Crimes Court (Tipiring).

It is hoped that the Ternate Government, through PD Pasar Kota Ternate, can provide a special location or land for street vendors to sell that is easy to reach by the public and public transportation, and the location is neat and clean, followed by regulation of working hours. In this case, the government can work with investors to provide carts or other equipment for selling. Or the government can also work with mall owners to provide places for street vendors to sell at affordable costs for them. Apart from that, street vendors can also join into a group or are required to set up a Street Vendor cooperative so that it is easy to get capital assistance from the Small and Medium Enterprises Cooperative Service.

1.3 Outcome Target

Outputs that will result from Program activities Independent Community Service (PPM-Mandiri) Khairun University in Kupal Village, South Halmahera Regency. This activity is expected to produce mandatory outputs in the form of:

1. Scientific articles published in the Journal of Community Service and Community Service
2. Publication in print or online media
3. Videos uploaded in YouTube form

RESEARCH METHODS

There are several approach methods used in implementing the program, including:

1. Socialization

The community service program is carried out in the form of outreach to partners. This socialization takes the form of presenting material to partners regarding the problems faced by partners from a legal aspect.

2. Discussion

After the material has been presented, it continues with a discussion in the form of questions and answers between the presenter and the participants. Discussions were held so that participants better understand the material that has been presented. Through discussions, socialization is not just a transfer of knowledge but can share experiences and problems that are being faced by the community.



Gambar 1 Bagan Tahapan Kegiatan Pengabdian

RESULTS AND DISCUSSION

A. Socialization of Legal Understanding towards Street Vendors (PKL) Who Sell in Prohibited Locations in the Perspective of Progressive Law Enforcement in Kupal Village, District. South Halmahera

Street vendors are a form of business in the informal sector in urban areas. The numbers are very large and often dominate compared to other types of informal sector businesses. Etymologically or linguistically, a trader can be interpreted as a type of buying and selling job. A trader is a person who works by buying goods and then reselling them by making a profit from the goods they resell. Street vendors are defined as trading locations that are not permanent or fixed. Thus, street vendors can be defined as traders who do not have a permanent or permanent business location.

Street vendor locations usually fill busy centers such as city centers, trade centers, recreation centers, entertainment and so on. So street vendors are a group of people who offer goods and services for sale on the sidewalk, on the edge or side of the road, around shopping centers, shops, markets, recreation or entertainment centers, education centers, either permanently, semi settled or moved, official or unofficial status.

Based on Presidential Regulation of the Republic of Indonesia Number 125 of 2012 concerning Coordination of Management and Empowerment of Street Vendors, it is stated that what is meant by street vendors (PKL) are business actors who carry out trading businesses using movable or immovable business facilities, using city infrastructure, social facilities, public facilities, land and buildings owned by the government and/or private sector which are temporary/not permanent. Street vendors are one of the people's economic business actors who operate in the informal sector and need to be empowered to improve and develop their businesses.

The characteristics of street vendors' activities can be viewed in terms of location, trading time, physical facilities, urban spatial distribution patterns. The characteristics of street vendors are described by Simanjutak (1989) as follows:

1. Business activities that are relatively simple and do not have a complicated cooperation system and flexible division of labor.
2. The business scale is relatively small with business capital, working capital and income which are generally relatively small.
3. Activities that do not have a business license.

Street vendors are often seen as having a negative impact on environmental cleanliness and public health, for example the emergence and increase in liquid and/or solid waste, street vendors

who sell food and/or drinks will generally dispose of their waste in public places, for example street vendors who open stalls near with green spaces, trees and parks will definitely disrupt the existence of these plants/trees.⁴ Socially street vendors are often seen as having a negative impact as a cause of traffic jams and urban chaos, considering that street vendors often occupy inappropriate locations such as sidewalks.

Based on the description above, attendanceLaw as a collection of regulations (commands and prohibitions) that regulate the order of a society and must be obeyed by society reveals that law is a collection of regulations consisting of norms and sanctions, with the aim of realizing order in human interactions.⁵

Law has many aspects and has a very broad scope because law regulates all areas of society, not only the society of a nation but also the world society which is always experiencing continuous development and change. The historical development of human life always causes changes in what is meant byLaws from time immemorial, before humans knew about laws, were synonymous with customs and traditions that served as guidelines for life. The question of what law is is a question that has more than one answer according to the approach used, therefore law is essentially abstract.⁶

Law enforcement is the process of carrying out enforcement efforts or the real functioning of legal norms as guidelines for behavior in legal relations in social and state life. Therefore, responsive law enforcement requires appropriate thinking with evidence and evidence to realize legal justice and the content of the law must be determined by ethical beliefs, whether a case is fair or not.

Legal problems become real if legal instruments implement them well and comply with the rules that have been standardized so that there is no misuse of the rules and laws that have been carried out systematically, meaning using legal codification and unification for the sake of realizing legal certainty and legal justice.⁷

Kupal Village District. South Halmaherahas traditional markets that attract attention for shopping for food, drinks, goods and other things that are very cheap to buy for people who want to shop. Among housewives who want to shop at traditional markets which are known to be very cheapshopping for food, drinks and so on.

Kupal Tempo Village used to be a community unit area that started with the name of the village led by a traditional elder who was usually called Mahimo. The name Kupal Village is taken from the words gathering danpal or boundary stake, namely during the sultanate. At that time, the Sultan of Bacan gave Patok so that until now the boundary between Kupal Village and Toukona Village. Kupal Village is a coastal village in the southern region of Hal-Sel Regency. Kupal Village is very broad, namely; 708 hectares consisting of 2 hamlets and 5 RTs. Kupal Village was established around 1918 led by an old traditional elder called Mahimo. In 1954, the former Kupal Village area was transformed into a sub-district area called Bacan District whose city center is in Labuha Village.⁸

Street Vendors (PKL) Who Sell Trade inKupal Port, often faced in terms of port facilities, Kupal Port does not have a stacking yard. The port development area is constrained by land availability. If seen from external port data, the threat to Kupal Port is very minimal, Kupal Port is the only port that has the closest access to the mining industry on Obi Island. The only drawback is that the port is

⁴ Tumbuh dan berkembangnya PKL dalam faktor informal sebagai respon dari sulitnya masuk dalam aspek faktor ekonomi formal. Bahwa PKL merupakan alternatif dan solusi bagi masyarakat yang tidak terserap lapangan kerja / masuk aspek formal, namun disisi lain faktor informal tersebut seringkali memberikan dampak negatif pada aspek lingkungan, bahkan tak jarang juga melanggar ketentuan yang berlaku seperti membuat fasilitas umum beralih atau bahkan rusak fungsinya

⁵ Utrecht, *Pengantar Dalam Hukum Indonesia*, hlm. 7.

⁶ Ali, *Menguak Tabir Hukum*, hlm. 12.

⁷ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, hlm. 10.

⁸<https://alfia09.wordpress.com/2014/06/14/kondisi-geografis-wilayah-dan-penduduk-di-desa-kupal-kabupaten-halmahera-selatan-provinsi-maluku-utara/>

relatively close to the main road, so development faces land availability constraints, as shown in the picture below:



Pelabuhan Kupal

Trading activities carried out by street vendors in Kupal Village, South Halmahera Regency, especially those selling in the parking area, are detrimental, especially for visitors who want to park their vehicles and earn regional income. Now the Pandan Sari market parking area has changed its function to become a place for street vendors to sell. Control actions are actions in an effort to ensure that the community obeys and does not violate regional regulations and other regulations that exist in an area.

The audit action is the initial examination until the results of the examination are handed over to the investigator if initial evidence of a violation is found. The control action aims to prevent street vendors (PKL) from selling in inappropriate places. Therefore, action is needed. Orderliness is a necessary structuring action in a country or region. This control is carried out in order to create conditions in the country or region that are safe, peaceful and orderly in government administration. Activities in controlling can be carried out in the form of direct controlling and indirect controlling.

Control is carried out through law enforcement mechanisms which are carried out in accordance with applicable laws and regulations. Meanwhile, indirect control is carried out in the form of disincentive sanctions, including through the progressive imposition of levies or limiting the provision of environmental facilities and infrastructure.

The author concludes that there are many inhibiting factors in law enforcement against street vendors from a different perspective, when viewed from the perspective of street vendors as Indonesian citizens who still have the opportunity to work in the informal sector to fulfill their daily lives even though they in a way that is contrary to existing regulations. The inhibiting factors in terms of street vendors are the street vendors' lack of legal knowledge, lack of awareness of the importance of a clean, peaceful and comfortable life for the common good and failure to follow the principles that apply in regulations.

CONCLUSION

Based on the results of research and discussion regarding the Street Vendor Territory in Kupal Village, South Halmahera Regency, it can be concluded:

- a. The form of street vendor territory in Kupal Village, South Halmahera Regency is dominated by secondary and public territory, this can be seen from the physical boundaries of trading facilities and the way the merchandise is presented.

- b. Factors that influence the formation of street vendors' territories: Basic territorial behavior, past spatial experience, psychological capacity, trading location, accessibility and weak supervision

REFERENCES

1. Alisjahbana. (2006). Memberdayakan Sektor Informal: dari Legalisasi Aset hingga Dukungan Tata Ruang. *Jurnal Penataan Ruang*, 1(2).
2. Atmaja, J. (2002). Otonomi Daerah Bali Kendala dan Harapan. *Ikayana & Tabloid Taksu*, Denpasar.
3. Hakim, R. (1998). Dengan Wirausaha menepis Krisis Membangun Masyarakat Entrepreneur Indonesia. PT. Elex media Komputindo Kelompok Gramedia, Jakarta.
4. Prayascita, I. M. W. M., Dewi, A. A. S. L., & Arini, D. G. D. (2019). Penerapan Sanksi bagi Pedagang Kaki Lima yang Berjualan di Pinggir Jalan Raya Beringkit
5. Mengwitani Kabupaten Badung. *Jurnal Analogi Hukum*, 1(2), 158–162.
6. Soekanto, S. (2007). Faktor-Faktor yang Mempengaruhi Penegakan Hukum. PT. Raja Grafindo Persada, Jakarta.
7. Soerjadi, T. D. (2004). 65 Tahun Trimoelja D. Soerjadi : Kendala menegakan Kebenaran & Keadilan. Guna Widya, Surabaya.
8. Subri, M. (2003). Ekonomi Sumber Daya Manusia dalam perspektif Pembangunan. PT Raja Grafindo Persada, Jakarta.