



## ENFORCEMENT OF REGIONAL REGULATIONS AS IMPLEMENTATION OF “SATPOL PP” DUTIES

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### **ABSTRACT**

*In solving the problem of controlling street vendors, they require them to look at the problem from various aspects, and not just from one aspect. In this context, the Head of the Pamekasan Satpol PP which is an institution that carries out security and order in the community must continue to take corrective steps in all aspects of its activities, in order to improve the performance of its apparatus, considering that there will be more protests and complaints from both road users and residents. from the street vendors themselves who sell on the roadside. Based on the results of the research that the author conducted in the field, it turns out that the conditions for controlling street vendors are not firm, so it can be concluded that the ideal control of street vendors is difficult to realize, because in reality there are still Satpol PP officers in Pamekasan Regency who control street vendors with compassion and do not have the heart to deal with traders whose stalls/businesses must be forcibly dismantled when there is a security and order raid.*

**Keywords :** *Public Interest, Regional Authority, Regional Regulation, Satpol PP, Street Vendors*

### **INTRODUCTION**

One of the social conflicts is about public order and public peace, which is a basic need that is always expected by society in carrying out daily activities. Therefore, society really longs for the belief of being safe from all forms of actions, actions and intimidation that lead to and cause things that will damage the order of community life, which are carried out by individuals and/or certain other parties.

The existence of a sense of security and order in community life will be able to create a harmonious life among the community and no less importantly will be able to increase the welfare of the community in carrying out daily activities. On the other hand, if the condition of the community is faced with unsafe conditions, it will disrupt the order of community life which in turn will disrupt the fulfillment of the standard of living and the atmosphere of life will be tense/full of fear as happened in several certain areas in the territory of the Unitary State of the Republic of Indonesia which must be paid dearly with the loss of lives, property and various facilities and infrastructure.<sup>1</sup>

In relation to the existence of the Civil Service Police Unit in law enforcement as a regional government apparatus, the contribution of the Civil Service Police Unit is very much needed to support the successful implementation of Regional Autonomy in enforcing regional regulations to create good governance. Thus, the Civil Service Police apparatus is the front line

<sup>1</sup> Syarief, E. Wagiman, W. & Anwar, RS , *The Role of the Civil Service Police Unit in Enforcing Regional Regulations (Study on the Implementation of the Standard Operating Procedure (SOP) of the Riau Islands Province Civil Service Police Unit)* , Journal of Judicial Review , Vol. X VI, No.1 , p. 22.

in ensuring the certainty of the implementation of regional regulations and efforts to enforce them in the midst of society, while also assisting in prosecuting all forms of abuse and law enforcement.

The scope of the functions and duties of the Civil Service Police in fostering public order and security is basically quite broad, so that it requires readiness of the apparatus both in terms of the number of members, the quality of personnel including honesty in carrying out their duties. The Civil Service Police as an institution in the civil government must appear as a public servant who is able to mobilize and can increase active participation of the community in creating and maintaining peace and order so that it can create a more conducive climate in the region.<sup>2</sup>

Government Regulation Number 6 of 2010 concerning Civil Service Police regulates the authority of Civil Service Police. Article 6 of the regulation regulates its authority as follows:

1. Carrying out non-judicial disciplinary actions against members of the public, officials or legal entities who violate Regional Regulations (PERDA) and/or regional head regulations;
2. Taking action against members of the public, officials or legal entities who disturb public order and public tranquility;
3. Facilitation and empowerment of the capacity of community protection implementation;
4. Conducting investigative actions against members of the public, officials, or legal entities suspected of violating Regional Regulations (PERDA) and/or regional head regulations; and
5. Taking administrative action against citizens, officials, or legal entities that violate Regional Regulations (PERDA) and/or regional head regulations. However, in reality, the enforcement of Regional Regulations (PERDA) concerning public order and security is very much in conflict with the interests of the wider community, in this case the lower middle class.

The implementation of public order and public tranquility often clashes with differences in perception. These differences in perception include actions or behaviors that are considered to violate public order and public tranquility. As one of the differences in perception that occurs between the Police and Satpol PP which is based on their respective authorities. Sociologically, these differences can lead to social categories. Then from this social category begins the birth of differences in social perception between the police and other members of the community in viewing various problems.<sup>3</sup>

The policy of the regional government in implementing the regulation of street vendors or (PKL) has become a problem in Indonesia, especially in large cities with very dense populations. Because this policy can harm small community efforts in seeking a living and running a business. The policy of the regional government in implementing the order of street vendors, especially vegetable sellers, fruit sellers, and food stalls, often involves officers who carry out the regulation and regional regulations, namely Satpol PP or Satuan Polisi Pamong Praja.

Street vendors are a phenomenon that occurs in almost all regions of Indonesia which always has positive and negative impacts on the areas where street vendors operate. The positive impact is the sustainable economy in the area where street vendors, hereinafter referred to as street vendors, operate, while the negative impact is the disruption of several public

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<sup>2</sup> Rachmad Suprayetno, *Authority Between Satpol PP and Polri in Creating Public Order and Public Peace*, Journal of Master of Law Students, Untan, Vol. 4, No. 4, 2016, p. 87

<sup>3</sup> Achmad Ali, *Exploring Empirical Studies*, Kencana, Makassar, 1998, p. 169.

accesses as a result of the presence of street vendors such as traffic jams, non-functioning sidewalks, low levels of cleanliness at street vendor locations, and disruption of order, beauty, and comfort of the city.<sup>4</sup>

Therefore, this paper will examine the implementation and obstacles faced by the Pamekasan Regency Satpol PP in controlling street vendors with the aim of finding out whether several solutions can be found to help with these problems.

## METHOD

Qualitative methods are collecting, recording, analyzing and providing descriptions and brief explanations of existing data so that the conclusions drawn can approach the existing reality. Then this type of research is used to study and analyze more deeply the Implementation of the Duties of the Civil Service Police Unit (Satpol PP) in Controlling Street Vendors (PKL) in Pamekasan Regency, East Java. The data from this study are in the form of facts found in the field by researcher .<sup>5</sup>

## DISCUSSION

### 1. Analysis of the Implementation of Regional Regulation Enforcement by the Civil Service Police Unit in Creating Public Order and Public Peace Through the Control of Street Vendors

The Civil Service Police Unit is a regional apparatus tasked with assisting the Regional Head in enforcing Regional Regulations and maintaining public order and public safety. The Regulation of the Minister of Home Affairs also states that the Civil Service Police Unit is a Regional Government apparatus in maintaining and maintaining public order and public safety and enforcing Regional Regulations, and in Article 1 paragraph (8) of Government Regulation Number 6 of 2010 it is also stated that the Civil Service Police Unit, hereinafter abbreviated as Satpol PP, is part of the Regional Apparatus in enforcing Regional Regulations and maintaining public order and public safety.

Satpol PP as a regional apparatus, has a very strategic role in strengthening regional autonomy and public services in the region. To ensure the implementation of Satpol PP's duties in enforcing Perda and Perkada, organizing public order and security and protecting the community, improvements need to be made, both in terms of institutions and human resources. In addition, the existence of Satpol PP in organizing regional government is expected to help provide legal certainty and facilitate the development process in the region. For this reason, Law Number 23 of 2014 emphasizes that the Civil Service Police Unit is formed to enforce Perda and Perkada, organize public order and security, and organize community protection .

In Pamekasan Regency, East Java itself, there are legal regulations that discuss the Civil Service Police Unit, namely Pamekasan Regent Regulation Number 8 of 2021. In accordance with Pamekasan Regent Regulation Number 8 of 2021 concerning the Position, Organizational Structure, Duties and Functions and Work Procedures of the Pamekasan Regency Civil Service Police Unit and Fire Department, it has the task of assisting the Regent in carrying out government affairs that are the authority of the region in the field of Civil Service Police Units

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<sup>4</sup> Almawati, *Implementation of the Duties of the Civil Service Police Unit (Satpol PP) in Controlling Street Vendors (PKL) in Makassar City*, Thesis in the Management Study Program, Faculty of Economics and Business, Muhammadiyah University of Makassar, 2021, p. 22.

<sup>5</sup> Sugiyono, *Quantitative, Qualitative, and R&D Research Methods*, Alfabeta, Bandung, 2017, p. 2.

and Fire Departments as well as assistance tasks given to the region.

The emergence of street vendors, especially in Pamekasan Regency, is increasingly rampant at a time when the prices of basic necessities are rising and it is difficult to meet the needs of life. This group (street vendors) tries to earn a living in their limited knowledge and abilities to get better jobs. Taking advantage of empty spaces on the road or sidewalk which are public facilities. Most of them carry out their activities in public spaces in several areas. The use of the road or sidewalk as a place to sell will certainly disturb other road users. As fellow citizens who certainly have the same rights to use public facilities, the rights of pedestrians should also be protected by the government. However, on the other hand, the government is also not allowed to use its power arbitrarily to empty public facilities from activities carried out by street vendors. So it is necessary to have regulations that can truly side with and guarantee the realization of common interests. The control and eviction carried out by the Pamekasan Regency Government are often marked by physical clashes between the civil service police and street vendors.

Therefore, with the flood of street vendors, the local government needs good handling so as not to cause losses to other community groups, especially road users. The efforts of the Pamekasan Regency government in order to regulate the existence of street vendors are through activities to organize business locations for street vendors, regulate the licensing mechanism, and regulate the imposition of sanctions as well as by implementing empowerment efforts for street vendors and always implementing guidance, supervision, and control of street vendors in an integrated and sustainable manner. In an effort to regulate street vendors, the Regional Regulation also regulates the obligation to submit a location permit to the City Government which is also accompanied by sanctions for street vendors who do not have a permit.

Referring to Article 1 number 1 of Presidential Regulation Number 125 of 2012 concerning Coordination of Arrangement and Empowerment of Street Vendors, referred to as Street Vendors (PKL) are business actors who conduct trade using movable or immovable business facilities, using city infrastructure, city facilities, public facilities, land and buildings owned by the government or private sector that are temporary/non-permanent. Street vendors as part of the informal sector business have the potential to create and expand employment opportunities, especially for workers who lack adequate skills and expertise to work in the formal sector due to their low level of education, for that it is necessary to take action or policies from the Regional Government so as not to cause problems in the community. The large flow of rural-urban migration will have a huge impact on environmental carrying capacity with symptoms of the emergence of illegal settlements ( *squatter settlements* ) and unemployment which will sharpen competition for jobs and housing. Most of the immigrants from these villages do not have the skills or expertise needed by the modern sector, so they have to live a marginal life while living in urban areas, by selling on city corners.<sup>6</sup>

In relation to peace and order, in Pamekasan Regency itself, the local government has made several efforts to implement several regulations stipulated in the Regency Regulation which aim to maintain peace and order in the region. However, in several cases, the district government is faced with several problems related to peace and order in the region. One of them is the presence of Street Vendors/PKL. Street Vendors (PKL) are a common phenomenon that occurs in every region in Indonesia. Many parties consider this PKL case as a form of government failure to provide employment for the poor. The existence of PKL in Pamekasan Regency seems to continue to grow every year.

Based on the results of the research conducted by the author in the field, it turns out that

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<sup>6</sup> Strategic Plan of the Civil Service Police Unit and Fire Department of Pamekasan Regency 2018-2023

there are still conditions of street vendor control that are not firm, so it can be concluded that the ideal street vendor control is difficult to realize, because in reality there are still Pamekasan Regency Satpol PP officers who carry out street vendor control with a sense of pity and do not have the heart to the traders whose stalls/businesses must be forcibly dismantled when there is a raid on order and security.

Based on the Pamekasan Regency Renstra document for 2018-2023, the performance achievement of the Civil Service Police Unit has not been maximized at the level of resolving K3 violations (order, tranquility, beauty), this is because the service does not reach the target because handling of disturbances to public order and tranquility is still high and the level of resolution is also not optimal, and enforcement of regional regulations is also not optimal even though every violation of the regional regulation can be handled and resolved, the violations are often repeated and have not provided a deterrent effect on the community. This shows that the Civil Service Police Unit has not provided great benefits in the community. As for those who have not achieved the target, it is also influenced by several factors, including the lack of support for existing resources, both the Civil Service Police Unit apparatus resources and the budget and other supporting infrastructure.

## **2. Obstacles for the Civil Service Police Unit in Regulating and Guiding Street Vendors in Pamekasan Regency, East Java**

The problem of Satpol PP that often occurs is in the effort to maintain order and regional tranquility, one of which is the regulation of street vendors (PKL), the closure of several unlicensed business premises, taking action against residents who carry out actions that disturb peace and order and taking action against minor crimes regulated in Regional Regulations. Then on the other hand, it becomes a dilemmatic phenomenon, when PKL has negative consequences in the community, including disturbing order, disturbing security, disturbing cleanliness and beauty and disturbing the environment.

In Pamekasan Regency itself, the Civil Service Police Unit has duties and functions as stated in the Pamekasan Regent Regulation Number 8 of 2021 concerning the Position, Organizational Structure, Duties and Functions, and Work Procedures of the Civil Service Police, so the Head of the Pamekasan Regency Civil Service Police Unit is responsible for carrying out the task of assisting the Regent in carrying out government affairs that are the authority of the region in the field of the Civil Service Police Unit and assistance tasks given to the region. As with these duties and authorities, the Pamekasan Regency Civil Service Police Unit has the function of Organizing Public Order and Security and Protecting the Community. There are several problems faced by the Pamekasan Regency Civil Service Police Unit and Fire Department in the midst of carrying out their duties and functions.<sup>7</sup>

One of the cases in Pameksan Regency with a clash between Satpol PP and Street Vendors was when Pamekasan Regency Satpol PP officers disciplined street vendors (PKL) who were selling on the side of the road and those selling on the sidewalk along Jalan Kabupaten, Pamekasan Regency. The Regency Road is usually used as a place for street vendors (PKL) to sell. The street vendors utilize the sidewalk and the side of the road that appears to have empty space. Pamekasan residents know the place as 'Pasar Tumpah'. When the patrol car of Pamekasan Satpol PP officers stopped right in front of the street vendors who

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<sup>7</sup> Mr. Sapto Wahyono , *Legal Perspective on the Role of Civil Service Police Unit in Enforcing Regional Regulations and Regional Head Regulations* , Journal of Madura Pamekasan University, Vol. 20 , No. 20 , p.21



were setting up their stalls on the side of Jalan Kabupaten, the traders immediately panicked to clean up their merchandise because they were afraid of being transported into the patrol car. It is not surprising, if there is merchandise that spills out and is scattered. There are also those who immediately call the pedicab driver to immediately move their merchandise to another place. One of them who seemed hysterical begging for forgiveness from the Satpol PP officers was a female fish seller. She was hysterical using Madurese. The Satpol PP officers still ignored it. The officers immediately ordered the traders to immediately collect their merchandise. In addition, the Pamekasan Satpol PP officers also gave a warning to traders who set up stalls using large umbrellas, they asked the traders to immediately move from the location where selling was prohibited. According to the Head of the Operations and Control Section (Kasi), Pamekasan Civil Service Police Unit (Satpol PP), this cleanup was carried out by his party because street vendors in Pamekasan were considered increasingly chaotic and did not use public facilities properly. Based on the explanation above regarding one of the street vendor cleanup activities in one of the areas in Pameksan Regency, it can be indicated that these street vendors have violated Regent Regulation Number 31 of 2016 concerning amendments to Perbup Number 38 of 2009 concerning instructions for implementing Perda Number 5 of 2008 concerning the arrangement and empowerment of street vendors, namely violating Article 6.

This is a very complex problem because it will face two sides of the dilemma. The conflict between the interests of life and the interests of the government will clash strongly and cause friction between the two. Street Vendors (PKL) who generally do not have special skills require them to survive in a concerning condition, with so many obstacles that must be faced including lack of capital, uncertain places to sell, then added with various regulations such as the existence of Regional Regulations that prohibit their existence. Seeing conditions like this, then all government actions should be based on the interests of the community or aimed at the welfare of the people or in this case must be based on the principle of opportunity. From an economic perspective, it is clear that with the presence of PKL, workers can be absorbed who can help these workers in earning income. From a social perspective, it can be seen if we feel that the existence of PKL can enliven or enliven the atmosphere. This is a special attraction, besides that in terms of culture, PKL helps a city in creating its own culture. However, on the other hand, the existence of PKL is always questioned by the government because there are several reasons, including:

1. The use of public space by street vendors is not for its intended function because it can endanger other people and the street vendors themselves.
2. Street vendors make the city's spatial planning chaotic.
3. The existence of street vendors is not in accordance with the city's vision, which mostly emphasizes aspects of cleanliness, beauty and tidiness of the city.
4. Environmental pollution is often carried out by street vendors.
5. Street vendors cause social vulnerability.

In addition, it can create obstacles to the enforcement of the Regional Regulation for the Civil Service Police Unit Regarding the Regulation and Guidance of Street Vendors in Pamekasan Regency, East Java. These obstacles include:

1. The competence and quality of human resources still need to be improved in order to be able to plan and implement programs optimally;
2. Firefighting facilities and infrastructure are inadequate;
3. There is no legal protection for Civil Service Police Unit officers and Firefighters in carrying out their duties when chaos / commotion occurs in the field;
4. Enforcement of the RTRW Regional Regulation by the Pamekasan Regency Civil

Service Police Unit has not been prioritized because until now most of the Sub-districts in Pamekasan Regency do not have a Detailed City Spatial Plan (RDTRK) so that enforcement of this Regulation cannot be implemented optimally.

5. There is no clear division of authority regarding handling violations of public order and security between Satpol PP and the sub-district, so that handling is not yet massive and structured.
6. Low coordination between Satpol PP and related parties in handling violations of public order and security in sub-district areas.

## CONCLUSION

In addition to enforcing Regional Regulations and Regional Head Regulations, Satpol PP is tasked with organizing public order and public tranquility, namely efforts and activities carried out by Satpol PP that enable the Central Government, Regional Governments, and the community to carry out their activities in peaceful, orderly, and regular situations and conditions in accordance with their authority in the context of enforcing Regional Regulations and Regional Head Regulations. This has given rise to obstacles to the enforcement of Regional Regulations for the Civil Service Police Unit Regarding the Regulation and Guidance of Street Vendors in Pamekasan Regency, East Java. These obstacles include: (1) The competence and quality of human resources still need to be improved in order to be able to plan and implement programs optimally; (2) Firefighting facilities and infrastructure are inadequate; (3) There is no legal protection for Satpol Police and Firefighters in carrying out their duties when chaos / chaos occurs in the field; (4) Enforcement of the RTRW Regional Regulation by the Pamekasan Regency Civil Service Police Unit has not been prioritized because until now most of the Sub-districts in Pamekasan Regency do not have a Detailed City Spatial Plan (RDTRK) so that enforcement of this Regulation cannot be implemented optimally. According to the 2020 Pamekasan Regency LKjIP document, it is written that the third Mission of Pamekasan Regency Development Planning is stated in Pamekasan Regency Regional Regulation Number 9 of 2019 concerning the Pamekasan Regency Medium-Term Development Plan for 2018-2023, namely "Improving Government Governance and Public Services" with the aim of Improving Effective and Accountable Government and Public Services. However, in realizing this Mission, there are several obstacles in its implementation. Therefore, bureaucratic reform is one way for the government to achieve good governance and make fundamental reforms and changes to the government administration system, especially concerning institutional aspects (organization), administration and human resources of the apparatus.

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