



# Constraints of Pamong Praja Police in Law Enforcement of Food Traders

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## ABSTRACT

Local governments seek to enforce regional regulations and have a role as law enforcement officers through the Civil Service Police Unit (Satpol PP). This is contained in Government Regulation (PP) Number 16 of 2018 concerning the Civil Service Police Unit. The regional government of Blora Regency through the Civil Service Police Unit of Cepu Subdistrict is also optimizing efforts to enforce Regional Regulations (Perda). So far, in practice in the field, many violations are found on the shoulder of the road and the sidewalk is not functioning at several points in Cepu District, as stated in Regional Regulation 01 of 2017 concerning Public Order. The purpose of this study is to analyze the constraints and find solutions to the role of Satpol PP in Cepu District, Blora Regency in law enforcement against Street Vendors (PKL) who sell on the sidewalks of the Cepu PLN office. This type of research is normative juridical. The results of this study 1. Law enforcement of street vendors who occupy the sidewalks of the PLN Cepu unit. The role of the Cepu District Civil Service Police Unit is to demolish the permanent stalls belonging to street vendors. This will create an orderly society against the rule of law. 2. Obstacles faced if there are street vendors who are found to be selling again on the sidewalk area of This will create an orderly society against the rule of law. 2. Obstacles faced if there are street vendors who are found to be selling again on the sidewalk area of This will create an orderly society against the rule of law. 2. Obstacles faced if there are street vendors who are found to be selling again on the sidewalk area of the PLN Cepu Unit Office, this must be immediately warned so that the number of street vendors who resell in the area does not increase. 3. The solution is to have regular discussions or socialization regarding Regional Regulation 01 of 2017 concerning public order and Regional Regulation number 20 of 2018 concerning the Arrangement and Empowerment of Street Vendors to PKL and former PKL associations.

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## ABSTRACT

Pemerintah daerah berupaya melakukan penegakan peraturan daerah dan memiliki peran sebagai aparat penegak hukum melalui instansi Satuan Polisi Pamong Praja (Satpol PP). Hal tersebut termuat pada Peraturan Pemerintah (PP) Nomer 16 Tahun 2018 tentang Satuan Polisi Pamong Praja. Pemerintah daerah Kabupaten Blora melalui Satuan Polisi Pamong Praja Kecamatan Cepu, juga mengoptimalkan upaya penegakan Peraturan Daerah (Perda). Selama ini praktek di lapangan banyak ditemukan pelanggaran di bahu jalan dan tidak berfungsinya trotoar di beberapa titik di Kecamatan Cepu, sebagaimana yang tertuang pada Perda 01 Tahun 2017 tentang Ketertiban Umum. Tujuan penelitian ini menganalisis kendala-kendala dan mencari solusi peran Satpol PP di Kecamatan Cepu Kabupaten Blora dalam penegakan hukum terhadap Pedagang Kaki Lima (PKL) yang berjualan di trotoar Kantor PLN Cepu. Tipe penelitian ini adalah yuridis normatif. Hasil Penelitian ini 1. Penegakan hukum PKL yang menempati Trotoar Kantor PLN unit Cepu. Peran Satuan Polisi Pamong Praja Kecamatan Cepu adalah dengan pembongkaran lapak permanen milik PKL. Hal akan menciptakan masyarakat yang tertib terhadap peraturan hukum. 2. Kendala yang dihadapi apabila ada PKL yang kedapatan berjualan kembali pada area trotoar Kantor PLN unit Cepu, hal ini harus segera diperingatkan agar jumlah PKL yang berjualan kembali di area tersebut tidak bertambah. 3. Solusinya perlu adanya diskusi atau sosialisasi rutin mengenai Perda 01 Tahun 2017 tentang ketertiban umum dan Perda nomer 20 tahun 2018 tentang Penataan dan Pemberdayaan Pedagang Kaki Lima kepada paguyupan PKL maupun bekas PKL.

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## I. INTRODUCTION

The government system in Indonesia itself adheres to decentralization where the central government gives authority to the regions to regulate the regional government system based on the Regional Autonomy Law. The role of the central government as a supervisor does not necessarily release the running of local government. This is done so that the policies made can be carried out to the maximum in accordance with applicable legal provisions.

Local government, is part of the central government in running the government system. In order to support the government system to run properly, it is necessary to apply the law. This is an attempt to regulate the behavior of the people living in the area. Local governments (Pemda) themselves have different regional regulations in each region.

Efforts to enforce regional regulations are carried out by law enforcement officers through the Civil Service Police Unit (Satpol PP). This is very clearly contained in PP Number 16 of 2018 concerning the Civil Service Police Unit article 1 paragraph 1 which reads "The Civil Service Police Unit hereinafter referred to as Satpol PP is a regional apparatus formed to enforce regional regulations and regional head regulations, maintain public order and peace. and carry out community protection"(Astuti et al., 2020). One of the tasks of the Pamang Praja Police Unit as an effort to enforce the Regional Regulation on public order is to take action against violators of the use of sidewalks as a place to trade by Street Vendors (PKL).

The Blora regional government through the Cepu Subdistrict Satpol PP, optimizes efforts to enforce the regional regulation, which so far has found many violations in the field, as stated in Regional Regulation 01 of 2017 concerning public order. The violation is in accordance with Article 8 point f clearly stated, it is prohibited to use sidewalks other than their designation without the regent's permission.

Seeing the conditions in the field, the Satpol PP, Cepu District, Blora Regency, in the last few months often carried out raids, until in the end the action taken was the demolition of the street vendors (PKL), because they had permanently occupied the sidewalks. The demolition was carried out at the stalls of street vendors in front of the PLN Cepu unit and its surroundings. This is certainly a form of violation that has been very clearly carried out by street vendors in Cepu sub-district. There were 7 permanent kiosks that were successfully demolished by the Satpol PP of Cepu sub-district as an effort to enforce local regulations in Blora district and learn from street vendors.

The condition of the sidewalk at the Cepu PLN office looks bad with the sidewalk function not being enforced, which makes pedestrians feel uncomfortable and their safety is threatened when passing through the area, because it is also a place for people to hang out. This is where the role of the Cepu sub-district Satpol PP is very important to continue to enforce the law, for violators of Perda 01 of 2017 concerning public order in order to provide a sense of security for Cepu residents.

## II. RESEARCH METHODS

In this writing, the type of research is normative juridical, namely this research is carried out using regulations, legislation, legal theories and the opinions of Law Scholars, especially those related to the problems studied.

In this study, the research specifications used include descriptive analysis, namely describing or describing applicable laws and regulations related to legal theories and positive law implementation practices concerning the issues to be discussed.

### III. RESULTS AND DISCUSSION

#### **Law Enforcement of the Sub-district Civil Service Police Unit in Handling PKL**

The Civil Service Police (Satpol PP) is one of the government agencies in charge of maintaining security and public order or state employees in charge of maintaining security. Meanwhile, according to Government Regulation Number 16 of 2018 concerning the Civil Service Police Unit CHAPTER I article 1 paragraph 1 it is explained that Satpol PP is a regional apparatus formed to enforce Regional Regulations and Regional Head Regulations, maintain public order and peace and organize community protection.(Permadi, 2007).

According to Government Regulation No. 16/2018, the Civil Service Police Unit has the following regulated tasks:

1. Enforce Local Regulations and Local Regulations
2. Organizing public order and peace
3. Organizing community protection.

From the point above, it can be explained that the duties of the Civil Service Police Unit are to carry out administrative and non-judicial actions against community members, apparatus, or legal entities that violate regional regulations and/or regional regulations and take enforcement actions.

In relation to law enforcement, it cannot be separated from the discussion of legal issues, it is necessary to explain the meaning of law, namely as a system of rules, values, and behavior patterns which are essentially views to assess or standard attitudes (Hans Kelsen)(Silalahi, 2003).

The definition of law enforcement is a process to make legal wishes come true. Legal desires are the thoughts of the legislature which are formulated in legal regulations. The law enforcement process also reaches out to the formulation of the mind of lawmakers as outlined in legal regulations, which will also determine how law enforcement is carried out(Rukmana & IP, 2019).

Law enforcement is an effort as a form of activity to realize the rules that become real. That is, what has been done to realize law enforcement is a manifestation of the basic values of justice, public order towards law and legal certainty(Iqbal, 2002). In accordance with Government Regulation of the Republic of Indonesia Number 16 of 2018 concerning Civil Service Police Units, the Cepu Sub-district Satpol PP has the main duties including:(Ni'Matul, 2005):

1. Assist regional heads in efforts to enforce local regulations and local regulations
2. Implementation of public order and peace
3. Implementation of protection for the community.

Seeing the laws and regulations that have been regulated, the Cepu District Satpol PP acted to enforce Regional Regulation Number 01 of 2017 concerning public order. Furthermore, making PP Number 16 of 2018 as the legal basis for controlling street vendors who occupy the sidewalks of the Cepu PLN Office because they have violated the Regional Regulation.

The control was carried out on the sidewalks of the PLN office, Cepu District, Blora Regency which was dominated by street vendors. The handling of street vendors is based on Blora Regent Regulation

Number 70 of 2016 concerning the description of the main tasks, functions and work procedures of the Civil Service Police Unit. In carrying out the main tasks, functions and work procedures for controlling street vendors, the Cepu sub-district Satpol PP team often patrols and finds points of violation of Perda number 01 of 2017 concerning public order, where the location is on the sidewalk of the Cepu PLN office. The task of the Cepu Satpol PP itself has been stated in PP number 16 of 2018 concerning the Civil Service Police Unit in Chapter I article 1 paragraph 1 which reads:

The Civil Service Police Unit, hereinafter referred to as Satpol PP, is a regional apparatus established to enforce regional regulations and regional head regulations, maintain public order and peace and provide community protection.(Purbacaraka, 1977)"

From this point it is very clear that the street vendors who are on the sidewalks of the PLN Cepu Unit have violated public order, where there are no roads for pedestrians. This violation is reinforced by Regional Regulation 01 of 2017 which regulates public order. in CHAPTER III of Regional Regulation number 01 of 2017 article 4 paragraph 2 it is explained that the scope of public order includes:(Rahardjo, 2009):

- a. Orderly road
- b. Orderly green lanes, parks and public places
- c. Orderly rivers, waterways, and water sources
- d. Orderly business
- e. Orderly environment
- f. Orderly places of entertainment and ceramics
- g. Social order
- h. Orderly maintenance of props

Specifically what happened and was carried out by street vendors who occupied the sidewalks of the PLN Cepu office was in point a, namely road order. The orderliness of the road itself includes the shoulder of the road, the sidewalk, and the body of the road so that the elements of the regulation have been fulfilled. In other words, the street vendors have fulfilled the elements as violators of Perda 01 of 2017 concerning public order. In carrying out its duties, the Civil Service Police Unit of Cepu District has the authority to:

- 1 Carry out non-judicial enforcement actions against community members, apparatus, or legal entities that violate local regulations or local regulations.
- 2 Take action against community members, apparatus, or legal entities that disrupt public order and public peace
- 3 Carry out investigative actions against community members, apparatus, or legal entities suspected of violating Regional Regulations or Regional Regulations
- 4 Carry out administrative actions against community members, apparatus, or legal entities that violate local regulations or local regulations.

The order of law enforcement actions carried out by Satpol PP is as follows:

- a. Persuasive Action

Persuasive action is a form of social control carried out by persuading, peacefully, and without coercion, to direct individuals or communities to comply with applicable values, norms and laws.(Suyanto, 2005). In implementing the implementation of Perda 01 of 2017 concerning public order and also Perbup number 70 of 2016 the Civil Service Police Unit of Cepu District took persuasive action first in handling street vendors who were on the sidewalks of the PLN Cepu unit, this did not escape the SOP of the task of the Satpol PP, namely firm and humane towards society. The Satpol PP as the enforcer of the Regional Regulation directs and urges the street vendors to comply with the applicable regulations.

b. Verbal Reprimand Action

In handling street vendors who are on the sidewalks of the Cepu PLN office, if the persuasive action is not heeded, then the Cepu Sub-district Satpol PP will provide verbal reprimand. The verbal warning referred to here is to provide an official letter to the street vendor who occupies the sidewalk of the PLN Cepu unit, which contains a verbal warning that within 3 days from the date this letter is given, the street vendor must dismantle or vacate the sidewalk of the Cepu unit PLN office. Failure to do so will result in a second verbal warning with a period of 6 days. If the warning is not heeded again, a third warning letter will be issued, which is a final warning letter for street vendors who occupy the sidewalks of the PLN Cepu office. with a grace period of 9 days before the demolition execution was carried out by the Civil Service Police Unit. This is reinforced by the existence of Regional Regulation Number 20 of 2018 concerning Structuring and Empowering Street Vendors CHAPTER V Article 13 paragraph 3 reads:

"If the procedure as referred to in paragraph 2 is not heeded, then the Head of the Regional Apparatus in charge of public order shall close and/or demolish the place for selling street vendors"

The Cepu Sub-district Satpol PP also made efforts to collect data on street vendors who were on the sidewalk of the Cepu unit PLN Office. The data of street vendors that have been recorded are as follows:

Table 1. Owner, Address and Type of PKL's Business

No	street vendor name	Street vendor address	Type of business
1	Hermansyah	Cepu, Rt 03 Rw.13	pulse counter
2	Heri Purwanto	Balun, Rt 10 Rw 01	Angkringan
3	Joko Santoso	Cepu , Rt 02 Rw 04	Angkringan
4	Tri sulasih	Tambakromo, Rt 01 Rw 05	Helmets and accessories
5	Partini	Tambakromo, Rt 02 Rw 06	Drinks and snacks
6	Agus Wibowo Budiono	Balun, Rt 02 Rw 05	Masks and gloves
7	Budi Sasongka	Cepu Rt 04 Rw 11	clothes

Source: Processed data, 2021

In Regional Regulation 01 of 2017 CHAPTER VII Criminal provisions article 37 paragraphs 1 and 2 explains if people who violate will be subject to sanctions as follows:

a. Criminal sanctions

In the provisions that have been regulated in Regional Regulation 01 of 2017 concerning Sanctions which have been contained in Chapter VII of the criminal provisions of Article 37, namely:

- 1) Any person or entity violating the provisions as referred to in Article 6, Article 7 paragraph (1) and paragraph (2), Article 8 paragraph (1), Article 9, Article 10, Article 11, Article 12 paragraph (1), Article 16 , Article 18, Article 20 paragraph (1) and paragraph (2), Article 22 paragraph (1) and paragraph (2), Article 23 paragraph (1), Article 25 paragraph (1) and paragraph (2), Article 26 paragraph (1), Article 27, Article 28, Article 29 paragraph (1), Article 30, Article 31 paragraph (1) and paragraph (2), Article 32 paragraph (1) shall be punished with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 15,000,000.00 (fifteen million rupiah).
- 2) The criminal act as referred to in paragraph (1) is a violation. At the point above, the related provisions are explained for people who violate Regional Regulation number 01 of 2017. The people referred to in the discussion are said to be street vendors who use the Cepu PLN office sidewalk as a place to shop. Violation of these actions violates the provisions of Article 8 point h which reads:

"Every person or entity is prohibited from using road shoulders, sidewalks and road bodies other than for their intended use". The allocation of money in question is someone who deliberately uses the shoulder of the road, sidewalk, road body for his own benefit.

#### b. Administrative Sanctions

In the Blora Regency Regional Regulation Number 20 of 2018 concerning the Arrangement and Empowerment of Street Vendors, regarding street vendors who sell on the sidewalks of the PLN Cepu office, administrative sanctions are regulated in Chapter V article 13, it is stated that:

Every street vendor who violates the obligations as referred to in Article 11 and/or violates the prohibition as referred to in Article 12 shall be subject to Administrative Sanctions in the form of:

- a. Warning
- b. Revocation of TDU (Business Registration Certificate)
- c. Demolition of business facilities
- d. Closure of business premises by removing merchandise used for street vendors from public facilities controlled by local governments.

#### **Picture of controlling street vendors on the sidewalk of the PLN Cepu unit**



Source: researcher documentation, 2021

#### **Obstacles that arise in law enforcement against street vendors**

The obstacles that occurred during law enforcement against street vendors on the sidewalks of the PLN Cepu Unit Office, which clearly violated the 2017 local regulation 01 on public order, were obtained from the results of an interview with the Head of Satpol PP, Cepu District, Blora Regency, Hendi Purnomo S.STP, MA, who explained:

"Actually, there are already problems that must be resolved immediately, where the street vendors who have occupied the sidewalks of the PLN Cepu unit have been around for a long time, before there was only 1 street vendor because it was allowed to eventually increase to 7 street vendors. The condition is made worse where the street vendors build buildings permanently. It has violated the provisions of Regional Regulation 01 of 2017 "interview from the head of the Blora District Civil Service Police Unit. Friday 25 February 2022.

The head of the Satpol PP, Cepu District, Blora Regency also added that::

*"The street vendors who occupy the sidewalks of the Cepu PLN office do not have a permit nor a TDU (Business Registration Certificate)".*

Based on the results of the interview, there is a main point, that the obstacles faced by the Cepu District Police Satpol in enforcing Regional Regulation 01 of 2017 related to street vendors selling on the sidewalks of the Cepu PLN office include:

- a. Lack of awareness of street vendors in Cepu District to obey the applicable law
- b. The lack of socialization to street vendors regarding regional regulation 01 of 2017
- c. The street vendors refuse to carry out demolition.

Observing some of these aspects in the handling, quite often clashes and arguments occur. This happens because the street vendors are still clean and hard to maintain their trading locations, even though it is very clear that they violate the provisions of regional regulation 01 of 2017 concerning public order.

### **Solutions in resolving Perda violations by street vendors**

In this case, the Blora Regency government through the Cepu Sub-district Satpol PP is looking for a solution as the best effort to handle street vendors who occupy the Cepu PLN Office Sidewalk, namely by carrying out the Arrangement and Empowerment of Street Vendors, in accordance with Regional Regulation number 20 of 2018. In Chapter VI regarding empowerment article 15 sounds (Results of interview with Listyo Winarno, Head of Public Peace and Order, in Cepu sub-district, Blora Regency, 25 February 2022):

The Regent provides empowerment for the development of street vendors who come from regional areas, in the form of:

- a. Guidance and socialization of business management
- b. Business development through partnerships with other economic actors
- c. Guidance for obtaining increased capital
- d. Improving street vendors' facilities and infrastructure, providing a proper place with a strategic arrangement.

The Cepu Sub-district Satpol PP also recorded and then mediated the street vendors and PKL associations, who were occupying the Cepu PLN Sidewalk to want to relocate their trading place of business to another area, the allotment of which could be used by street vendors to sell with the applicable provisions. These efforts are aimed at:

- a. Provide business opportunities for street vendors through determining the location in accordance with its formation.
- b. Grow and develop the business capabilities of street vendors to become a strong and independent micro-economic business
- c. Realizing a clean, orderly and safe city with adequate and environmentally friendly urban facilities and infrastructure
- d. Prevent the return of street vendors, so that street vendors who have been brought under control will no longer violate Regional Regulation 01 of 2017 concerning Public Order by not occupying and selling on the Cepu unit PLN office sidewalk.

## **IV. CONCLUSION**

In an effort to implement Regional Regulation Number 01 of 2017 concerning Public Order related to the handling of street vendors who occupy the sidewalks of the Cepu PLN Office, the role of the Cepu District Police Unit is to demolish the permanent stalls belonging to street vendors who have long occupied the sidewalks of the Cepu PLN office. This is an effort of the Cepu Sub-district Satpol PP in

enforcing regional regulations, creating an orderly society of legal regulations and often conducting socialization of regional regulations. Patrols are carried out every time, especially in the red zone which is prohibited from selling for street vendors. Efforts to demolish permanent PKL stalls have been carried out in accordance with SOPs (Standard, Operational, Procedure) so that in carrying out their duties the Cepu Sub-district Satpol PP is based on Government Regulation Number 16 of 2018 concerning Civil Service Police Units.

Obstacles to the Cepu District Satpol PP in Enforcement of Regional Regulation 01 of 2017 concerning Public Order regarding street vendors who occupy the Cepu PLN office sidewalks must be more firm. If you encounter 1 to 2 violators, namely street vendors who are found to be selling again on the sidewalk area of the PLN Cepu unit, they must be immediately warned with persuasive warnings, verbal warnings, criminal sanctions and administrative sanctions, so that the number of street vendors selling in the area does not increase even more. This will make the task of the Cepu District Satpol PP even more difficult if the number of street vendors increases.

The provision of solutions for street vendors who occupy the sidewalks of the PLN Cepu Office has been carried out well, but there needs to be regular discussions or socialization regarding Regional Regulation 01 of 2017 concerning public order and Regional Regulation number 20 of 2018 concerning the Arrangement and Empowerment of Street Vendors, to PKL associations and former street vendors which occupies the sidewalk of the Cepu PLN office. The aim is that the people of Cepu District, especially those who work as traders, understand more about the importance of public order, not harming other people.

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