

Effectiveness of the Implementation of Ende Regency Regional Regulation Number 3 Year 2005 Regarding Business Place Arrangement and Development of Street Vendors

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ABSTRACT

This study examines the effectiveness of the implementation of Ende Regency Regional Regulation Number 3 of 2005 concerning the Regulation of Business Premises and the Development of Street Vendors. This study uses an empirical legal approach by analyzing legal phenomena that occur in society. The study was conducted at Wolowona Market, Jln. Sultan Hasanudin, Kelurahan Renwarangga Selatan, Kecamatan Ende Timur, Kabupaten Ende, East Nusa Tenggara. The results showed that the implementation of this regulation was ineffective, because many street vendors continued to sell in prohibited areas such as roads, drainage, shop fronts, sidewalks, bus stops, terminals, and parking lots. The main factor of non-compliance was limited funds, which forced traders to choose strategic locations even if it violated regulations. The factors influencing the effectiveness of the regulation's implementation include aspects of Rule, Opportunity, Capacity, Communication, Interest, Process, and Ideology. This study highlights the need for policy adjustments and better law enforcement mechanisms to balance regulatory compliance with the economic sustainability of street vendors.

Keywords: Street vendors, Places of business, Regional Regulation Number 3 of 2005

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1. Introduction

Local governments have the responsibility to create good urban governance in accordance with the mandate of the 1945 Constitution of the Republic of Indonesia Article 27 paragraph (2) (Indonesia, 2002), which states that "Every citizen has the right to a job and a livelihood worthy of humanity." However, the limited availability of jobs in the formal sector has caused many people to turn to the informal sector as an economic alternative. One phenomenon that reflects this condition is the increasing number of street vendors in urban areas, who play an important role in providing employment while contributing to the local economy (Hanum et al., 2024; Mufira & Aisah, 2024).

However, the presence of street vendors often causes social and urban planning problems, such as congestion, disorder, environmental pollution, and conflicts of interest between street vendors, the government, and the general public (Akil et al., 2023; Edelman & Gunawan, 2020). In Ende Regency, this phenomenon is increasingly visible with the proliferation of street vendors selling in restricted areas, including roads, sidewalks, drainage, shopfronts, bus stops, terminals, and parking lots. Their presence is often incompatible with the city's spatial policy and hampers community mobility and public order.

To overcome this problem, the Ende Regency Government has issued Ende Regency Regional Regulation No. 3/2005 on the Regulation of Business Places and Development of Street Vendors. This regulation aims to organize and control the activities of street vendors so that they continue to contribute

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to the economy without disturbing the order and aesthetics of the city (Rembulan et al., 2024). In this regulation, there is a prohibition for street vendors to sell in certain areas in order to maintain public convenience and smooth traffic (Firmansyah et al., 2022; Rahman & Ramadani, 2023). In addition, this regulation also regulates sanctions for violators, with a maximum imprisonment of 6 months or a fine between IDR 500,000 to IDR 1,000,000.

Although regulations have been implemented, their effectiveness is still debatable. Many street vendors continue to sell in prohibited locations due to limited capital, economic needs, and the lack of alternative business places provided by the government (Nabila, 2023). Therefore, this study aims to analyze the effectiveness of implementation of Ende District Regional Regulation No. 3/2005 and identify factors that influence street vendors' compliance with the regulation.

This study uses an empirical legal approach, which examines the impact of policies in a social context through direct observation at Wolowona Market, Jalan Sultan Hasanudin, Rewarangga Selatan Village, East Ende Sub-District, Ende Regency. It is expected that the results of this study can provide policy recommendations that are more effective in managing street vendors, by considering the balance between the economic interests of small communities and urban order.

2. Research Method

Research Location

This study was conducted at Wolowona Market, located on Jalan Sultan Hasanudin, Rewarangga Selatan Village, East Ende Sub-District, Ende Regency, East Nusa Tenggara.

Research Type

This research employs an empirical legal research approach (Ibrahim et al., 2023; Noor, 2023; Rohman et al., 2024), which is a scientific activity based on systematic methods, procedures, and reasoning to study legal phenomena occurring in society.

Research Aspects

The study focuses on two main aspects:

1. Effectiveness of the Implementation of Regional Regulation No. 3 of 2005 on the Regulation of Business Locations and the Development of Street Vendors, covering:
 - o Implementation of business location regulations.
 - o Implementation of street vendor development programs.
2. Factors Influencing the Effectiveness of the Regulation's Implementation, including:
 - o Legal Factors, which consist of:
 1. Rule (Regulations).
 2. Opportunities.
 3. Capabilities.
 4. Communication.
 5. Interests.
 6. Process.

Data Collection Techniques

Data collection methods used in this study include: (Vebrianto et al., 2020)

1. Interviews - Conducting direct verbal question-and-answer sessions to gather relevant information regarding the research problem.
2. Documentation - Collecting written records, images, and other materials as supporting evidence for the study.

Data Processing Techniques

The collected data undergoes several processing stages:

1. Editing Process - Verifying data consistency, completeness, and clarity.
2. Data Classification - Organizing and categorizing data based on theoretical perspectives to extract meaningful insights.
3. Data Tabulation - Structuring coded data for further analysis.

Data Analysis Techniques

This study utilizes a qualitative descriptive analysis approach. The collected data, including interview

results, field observations, and document reviews, is systematically arranged and analyzed qualitatively to provide clear insights into the research findings.

Population

The population in this study comprises all street vendors operating around Wolowona Market, East Ende Subdistrict, Rewarangga Selatan Village, Ende Regency.

Sample

Since the population is relatively small and accessible, the sample size is equal to the population, which includes all street vendors in the study area.

Respondents

Table 1. Study Respondents

Respondent Type	Number of Respondents
Municipal Police (Satuan Polisi Pamong Praja)	1 person
Street Vendors	75 people
Total Respondents	76 people

3. Results and Discussions

Effectiveness of the Implementation of Ende Regency Regional Regulation Number 3 Year 2005 on the Regulation of Business Places and the Guidance of Street Vendors

The presence of street vendors plays an important role in urban life, especially in promoting a potential source of income for city dwellers.

The Regency Government formed one Regional Regulation in Ende Regency, namely Ende Regency Regional Regulation Number 3 of 2005 concerning Regulating business places and Guiding Vendors, the government realizes that street vendors who use road bodies, drainage, shopfronts, sidewalks, bus stops, terminals, parking lots or other public places as a place of trade or service are problems that can affect and even cause several new problems including order, cleanliness, beauty, environmental health and traffic congestion .(Sujatna, 2018)

The framework of equalization carried out by the government in business opportunities for small-scale entrepreneurs and to avoid and overcome related problems, the local government considers it necessary to regulate and provide locations or places to do business properly, safely and orderly and pay attention to other laws and regulations governing urban planning, buildings, business order and security and existing marketing provisions, so that street vendors do not look like they are not taken care of by the government and street vendors do not interfere with community activities that use road bodies, drainage, shopfronts, sidewalks, bus stops, terminals, parking lots or other public places as places of business that make pedestrians uncomfortable because they use sidewalks and interfere with traffic flow so that they trigger other problems such as congestion.

However, in reality, street vendors do not heed the provisions of article 5 and article 6 in Ende Regency Regional Regulation Number 3 of 2005 concerning the regulation of business places and the guidance of street vendors which affects the effectiveness of the Regional Regulation in question, for clarity, several indicators that affect the effectiveness of the implementation of the Regional Regulation in question can be described: Implementation of Business Place Regulations.

According to Article 1 paragraph 1 of Law Number 12/2011 on the Formation of Legislation, the process of making laws and regulations basically starts from the stages of planning, preparation, drafting techniques, formulation, discussion, ratification, legislation and dissemination. In Article 1 paragraph (3) of Law Number 12 of 2011 concerning the Formation of Legislation, states that the Draft Law is derived from the DPR or the President.

Article 7 paragraph (2) letters a and b of Law Number 12 Year 2011 emphasizes the formation of Legislation, Article 7 paragraph (2) letter a determines that Provincial Regulations are made by the Provincial DPRD together with the Governor, while Article 7 paragraph (2) hurt b determines that Regency / City Regulations are made by the Regency / City DPRD together with the Regent / Mayor.

Ende Regency Regional Regulation No. 3/2005 on the Regulation of Business Places and Guidance of Vendors, in Chapter II on the regulation of business places Article 2 and Article 5 states: "Street Vendors are prohibited from doing business or trading on roads, drainage, shop fronts, sidewalks, bus stops, terminals, parking lots and places that are not determined by Regent Regulation". Furthermore, Article 6 states: "The placement of business places must meet the requirements, namely not hampering the smooth flow of traffic, including pedestrians and ensuring the impact of the surrounding environment".

In accordance with the observations of researchers and data obtained in the field, out of 75 street vendors in Rewarangga Selatan Village, only 30 people occupy the place designated by the government (in Wolowona Market) because they pay retribution and have a business license while 45 people occupy locations not determined by the government because they do not have large capital, so they still choose to continue doing business in prohibited places.

Based on the results of research conducted by researchers at the research location who saw firsthand the problems that occurred, namely: Prohibition of business or trade on roads, drainage, shopfronts, sidewalks, bus stops, terminals, parking lots or places that hinder traffic flow.

Frequency of street vendors selling in prohibited business places

Table 1: Street vendors' opinions on the prohibition against trying to use public facilities

No	Business Type	Frequency	Presentatio n
1.	Road Body	15 people	33,33%
2.	Shopfront	15 people	33,33%
3.	Sidewalks	15 people	33,33%
	Total	45 people	100%

Source processed from primary data

The table shows that 33.33% of street vendors are still selling on road bodies, shopfronts, and sidewalks. This indicates that limited capital and the need for strategic locations force them to continue trading in prohibited areas. These findings highlight that the effectiveness of regulation is significantly influenced by the availability of suitable alternative trading spaces.

Business activities or trading by street vendors who settle in one place that is prohibited to get consumers. so that it can disrupt the flow of traffic and has violated the rules made by the Regional Government of Ende Regency.

Based on the results of research conducted by researchers on street vendors around Rewarangga Selatan Village regarding the first issue or prohibition, namely in article 5, street vendors are prohibited from doing business or trading on roads, drainage, shopfronts, sidewalks, bus stops, terminals or other places of public interest other than those that have been determined by Regent Regulation as a place of business. Krisanto Amalo as a street vendor at Wolowona market, East Ende District, Ende Regency, on February 10, 2023, said that "we choose to agree with the ban on the grounds that we street vendors are more organized and good, but we also think that if we are evicted we can no longer try to trade in prohibited places, which means we do not have jobs to meet our daily needs".

Based on the results of research conducted on street vendors in Rewarangga Selatan Village regarding issues or restrictions on the place of business of street vendors must not hamper the flow of traffic, including pedestrians.

Article 6 Implementation of the Regional Regulation with the condition that it does not interfere with or hinder the flow of traffic, including . Maria Soban as a street vendor at the Wolowona market, East Ende District, Ende Regency, on February 10, 2023, said that "we continue to try or trade using the sidewalk as an activity for business and trade because, the place is very strategic and found by buyers who do not need to enter shopping at the market again and we think pedestrians can use the road.

Implementation of Street Vendor Coaching

In Ende Regency Regional Regulation Number 3 of 2005 concerning the regulation of four businesses and the guidance of street vendors, in Chapter IV concerning guidance and control, Article 4

paragraph (1) states that: "Guidance is carried out on a regular basis, namely every 3 (three) months and paragraph (2) states that: "The Regent conducts Guidance and Ordering either directly or indirectly to each street vendor, and the Regent can appoint officials at the Ende Regency Pamong Praja Police Unit office to carry out order according to authority".

Based on this, in the interest of developing the business of street vendors, the Regent is obliged to provide guidance to each street vendor. The results of the interview that took place with Mr. Ade Imran SH. Ade Imran SH. as Pamong Praja Police Unit at the Pamong Praja Police Unit Office, Ende Tengah District, Ende Regency, on January 15, 2023, said that:

"Regarding article 4 paragraph 2, our last coaching in 2015 the Pamong Praja Police Unit tried to curb the street vendors, in Rewarangga Selatan Village by presenting the street vendors by providing socialization in the form of direction according to Regional Regulation Number 3 of 2005. However, it only lasted 1 (one) month and then the street vendors continued to sell in places prohibited by the government. and Regarding article 4 paragraph 2, we must get a report from anyone who reports about the problems that occur, after that we check the location with the lowest government (Lurah) and the relevant Dinas to get data, after taking data, a warning letter is issued to be summoned and coached "

From the data above, it can be seen that the implementation of this coaching is carried out by the Ende Regency Pamong Praja Police Unit as an interested and supporting agency in handling street vendors in Ende Regency. The coaching of street vendors in Ende Regency has not been well organized, making it difficult for the Government to control them.

Factors affecting the Effectiveness of the Implementation of Ende Regency Regional Regulation Number 3 Year 2005 on the Regulation of Business Places and the Development of Vendors.

Rule

The effectiveness of a Regional Regulation of Ende Regency Number 3 of 2005 concerning the Regulation of Business Places and the Guidance of Street Vendors in implementation is determined by the regulation itself and this regional regulation does not solve the problem of street vendors, instead it creates problems. the provisions of article 5 explain that every street vendor is prohibited from selling or trading on road bodies, drainage, shopfronts, sidewalks, bus stops, terminals, parking lots or other public places if these provisions are violated, of course there are sanctions, namely in article 8 paragraph 1 in the form of a criminal threat of imprisonment for a maximum of 6 (six) months or a fine of at least Rp.500.000,- (five hundred thousand rupiah) and a maximum of Rp.1.000.000,- (one million rupiah). if you look at these provisions in the field, many street vendors continue to occupy prohibited places and sanctions issued by the regulation are prohibited. If you look at these provisions in the field, many street vendors still occupy prohibited places and the sanctions issued by this regional regulation do not work properly according to these regulations.

Opportunit

Ende Regency Regional Regulation Number 3 of 2005 concerning the regulation of business places and the guidance of street vendors provides opportunities for problematic behavior, namely the absence of arrangements regarding supervision so that street vendors continue to commit violations and sanctions that apply do not work well so that opportunities for street vendors continue to commit violations.

Capacit

This factor is related to the characteristics of the perpetrators, which are internal problems that do not allow street vendors to comply with Regional Regulation Number 3 of 2005 concerning the regulation of business places and the guidance of street vendors. the level of education of the street vendors, some of whom do not go to school and some only go to high school, limitations in capital and ability or skills in working so that they have difficulty in finding work, so they still choose to become street vendors and continue to violate Regional Regulations.

Communicatio

The authorities, in the case of the Ende Regency Government, have taken adequate steps to communicate Regional Regulation No. 3/2005 concerning the regulation of business places and the guidance of street vendors. Guidance to street vendors through socialization in order to explain how a regulation applies so that street vendors get information and the ignorance of street vendors about the existence of this Regional Regulation, the government authorities communicate Regional Regulations effectively to street vendors as a suggestion of preventive legal protection.

Interes

The Ende Regency Government does not supervise and impose sanctions on street vendors due to the reasons of interest and street vendors do not comply with Regional Regulation No. 3 of 2005 concerning the regulation of business places and the guidance of street vendors because the economic interests of street vendors are not fulfilled.

Process

Street vendors do not comply with Local Regulation No. 3/2005 on the regulation of business places and the guidance of street vendors because the process of making the Local Regulation is not transparent and there is no involvement of street vendors. For comparison, in regions such as Makassar City, street vendor arrangements are facilitated by providing designated, suitable trading spaces. This shows that the availability of proper alternative locations can enhance compliance with regulations. In contrast, in Ende, the lack of alternative spaces is one of the main reasons for non-compliance.

4. Conclusion

The implementation of Ende Regency Regional Regulation No. 3/2005, aimed at regulating business places and fostering street vendors (PKL), faces significant challenges that undermine its effectiveness. This regulation was designed to address issues such as public disorder, environmental cleanliness, city aesthetics, public health, and traffic flow. However, findings indicate that out of 75 street vendors operating in Rewarangga Selatan Village, only 30 vendors occupy official locations within Wolowona Market, while 45 continue to operate in prohibited areas. The primary reason for this non-compliance is limited capital, which restricts vendors from accessing designated business spaces. Moreover, the guidance and control mechanisms outlined in Article 4 of the regulation have not been effectively optimized, leading to weak enforcement and persistent violations. Several factors influence the effectiveness of this regulation, including Rule, Opportunity, Capacity, Communication, Interest, and Process. Among these, the lack of socialization, minimal supervision, and weak sanction enforcement are the most prominent barriers. The absence of consistent communication regarding the regulation's importance and consequences has resulted in a significant gap in understanding and compliance among vendors. Additionally, inadequate supervision has allowed unauthorized trading practices to persist, while the lack of strict and consistent sanctions has further weakened the regulatory framework. The imbalance between the government's enforcement mechanisms and the vendors' economic constraints necessitates an integrated approach to ensure sustainable compliance without jeopardizing the livelihoods of street vendors. To address these challenges, several recommendations are proposed. First, the government, particularly the Industry and Trade Office and the Civil Service Police Unit, must enhance the socialization of Local Regulation No. 3/2005. This includes active communication to ensure vendors fully understand the rules and consequences of violations. Second, supervision and control should be intensified through routine patrols and monitoring to prevent violations and maintain order. Third, the enforcement of sanctions must be consistent and firm to deter non-compliance effectively. Fourth, efforts should be made to encourage voluntary compliance among vendors, highlighting the benefits of adhering to regulations for both their business sustainability and the community's well-being. Lastly, the government should prioritize the provision of alternative and strategic trading spaces for street vendors, ensuring their economic activities do not disrupt public order. This approach would support the vendors' livelihoods while maintaining urban harmony, thereby achieving the regulation's objectives effectively.

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