



## Legal review of the regulation of street vendors by the serang district police unit regarding the maintenance of public order, public order and public protection

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### ABSTRACT

The purpose of this study is to assess the compliance of enforcement actions with Serang Regency Regulation Number 2 of 2018 concerning the Implementation of Public Order, Security, and Community Protection, and to identify various factors that cause violations or non-compliance by traders with this policy. The method used in this study is a normative juridical approach supported by empirical data. Data collection techniques were carried out through literature studies and direct interviews with traders, Satpol PP officers, and related parties within the Serang Regency Government. The data obtained were then analyzed qualitatively by interpreting legal provisions and relating them to social conditions in the field. The results of the study indicate that although enforcement actions by Satpol PP have a strong legal basis, their implementation in the field still encounters obstacles. Many street vendors refuse relocation due to economic reasons, the lack of adequate socialization, and the relocation location being considered non-strategic. This indicates a mismatch between legal policies and community needs. The conclusion of this study is that the success of enforcement is determined not only by legality, but also by the approach used in its implementation. Therefore, local governments are advised to implement fair, participatory, and social protection-based strategies so that enforcement policies can be accepted and implemented effectively in society.

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### 1. Introduction

The problem faced in the regulation of Street Vendors (PKL) by the Serang Regency Civil Service Police Unit is the clash between the economic needs of the lower classes who depend on trading activities in public spaces for their livelihoods and the government's obligation to maintain public order, the beauty of the city, and smooth traffic flow; this often gives rise to social conflict, resistance from the street vendors, and even accusations of injustice when the regulation is carried out repressively without alternative solutions. From a legal perspective, this problem arises due to the weak and consistent enforcement of regulations, limited relocation facilities and infrastructure, and the lack of a humanistic approach in implementing

the rules. The solution is the need for a regulation policy based on the principles of justice and humanity, by preparing suitable and strategic alternative locations for street vendors, providing intensive legal socialization, and prioritizing a persuasive and dialogical approach before repressive actions are carried out, so that the goal of maintaining public order can be achieved without sacrificing the community's right to earn a living. Street vendors continue to violate regulations despite relocation policies due to pressing economic factors, where new locations provided by the government are often considered non-strategic and less likely to guarantee the continuity of their businesses, making trading in old, busy locations a rational choice for survival. On the other hand, limited facilities, minimal outreach, and a lack of incentives from the government have also strengthened street vendors' resistance to relocation policies. The actions of the Public Order Agency (Satpol PP) in Serang have not fully complied with Regional Regulation Number 2 of 2018 or legal principles. Although enforcement is carried out to maintain public order, practices in the field often give the impression of repression, not prioritizing the principles of justice, benefit, and protection of the rights of the common people, thus giving rise to conflict and reducing legal legitimacy in the eyes of the public.

Indonesia's cities are experiencing rapid growth, but the formal sector's ability to provide jobs is not matched. As a result, many people, particularly those from the lower-middle class, are turning to the informal sector to earn a living. One of the most common forms of informal business found in public spaces is street vendors (PKL) (Munawarah, 2022). Street vendors are a vital part of the local economy because they are able to survive difficult economic conditions with little capital and often located in public places like sidewalks and roadsides. This situation reflects the still-weak legal protection for the informal sector and the inadequate regulations that accommodate the needs of low-income communities in running their businesses (Collins et al., 2021). However, the presence of street vendors is often considered disruptive to public order, the aesthetics of the city, and the use of public spaces. Local governments, as the parties responsible for regional management, respond to this issue by issuing regulatory policies. One of these is Serang Regency Regional Regulation Number 2 of 2018, which regulates peace, public order, and community protection, which serves as the basis for the Public Order Agency (Satpol PP) to enforce regulations against street vendors (MBA, *Especialistas en finanzas*, 2020). In practice, Satpol PP not only enforces regulations but also represents the state's presence directly dealing with ordinary people. However, the implementation of this enforcement often draws criticism because it is considered not in accordance with the principles of fair law. Some actions such as forced demolition, confiscation of merchandise, and eviction are carried out without proper notification or humane alternative solutions. In a democratic state governed by the rule of law, government actions must comply with the principles of legality, accountability, and proportionality. Jimly Asshiddiqie reminded that government power must be limited by law to prevent arbitrary action, especially in decision-making concerning community rights. One location that has received attention in this enforcement practice is Ciherang Market in Cikande District, Serang Regency (Tiwari, 2023).

In this area, the local government has actually provided alternative locations for street vendors so they can trade more orderly and not disrupt public space. However, many street vendors still choose to continue trading in prohibited locations, despite being granted relocation facilities. This indicates deliberate non-compliance by some street vendors, either for strategic reasons such as a more crowded location, or due to a reluctance to move from a location deemed economically advantageous. This attitude poses unique challenges in enforcing Regional Regulations and adds to the complexity of enforcement efforts carried out by the Public Order Agency (Satpol PP) (Eviyani & Sutiyo, 2023). Furthermore, the Satpol PP often faces a dilemma in balancing law enforcement and protecting citizens' rights. Despite relocation efforts, the continued return of street vendors to prohibited locations reflects a communication gap between the local government and the vendors. Many street vendors believe that the relocation locations are less strategic, less crowded, or unsupportive of their business sustainability (Pratama et al., 2021). This situation creates ongoing tension between authorities and the

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community and demonstrates the importance of a more participatory and dialogue-based enforcement approach to achieving sustainable solutions. There are two important aspects of this issue that need to be examined. First, from a legal perspective, are the enforcement actions carried out by the Satpol PP in accordance with the regulations in Regional Regulation Number 2 of 2018 and meet legal principles, such as the principle of legal clarity, fair procedures, and non-excessive actions. Second, from a social perspective, why do street vendors continue to violate the rules and what form does this non-compliance take? Is this purely a violation of the law or a form of protest against policies that do not involve community participation (Fasa Fariza Tama, 2019). In the view of Philip Selznick and Philip Nonet, good law is responsive law, namely law that does not only focus on rules, but also pays attention to substantive justice. Several previous studies have found that the weak results of street vendor enforcement are caused by the government's approach which tends to use power and lack of community involvement in the decision-making process. However, these studies still lack in-depth legal aspects. This gap presents a gap in this research, which is to conduct a comprehensive legal analysis of street vendor enforcement practices based on applicable regulations (Collins et al., 2021).

Street vendors (PKL) at Ciharang Market, Cikande District, frequently utilize the roadside and public roads as trading locations. This situation not only disrupts traffic flow, road user safety, and urban planning, but also violates local laws. This is expressly regulated in Article 17 paragraph (10) of Serang Regency Regional Regulation Number 2 of 2018 concerning the Implementation of Public Order, Public Order, and Community Protection, which states that "every person or entity is prohibited from selling, shopping, and parking vehicles on the shoulder of public roads that are prohibited and/or not permitted by the regional government (Yofferson et al., 2024). In the context of constitutional law, every government policy, including the regulation of street vendors, must comply with the principle of the rule of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution, which affirms that Indonesia is a state of law. This means that every government action must be based on valid law, be non-discriminatory, and uphold the human rights of citizens (Anjasmari & Hasna, 2023). The principle of social justice as stated in Article 27 paragraph (2) of the 1945 Constitution, which guarantees the right of every citizen to work and a decent living, must be used as the main reference in the formulation and implementation of public policy. Utrecht emphasized that restrictions on citizens' rights by the government must have a clear legal basis and must not conflict with the principle of justice. Legality is not The concept of a state of law (Rechtsstaat) emphasizes not only the existence of regulations, but also the legitimate implementation procedures and the content of policies that must reflect the state's responsibility to protect its citizens (Belle & Rasji, 2024). The theory of the rule of law (Rechtsstaat) emphasizes that a state must be governed by law, not by absolute power. This concept was first developed by philosophers Immanuel Kant and Friedrich Julius Stahl. Immanuel Kant stated that a state of law is a state that guarantees the freedom of its citizens through law. Meanwhile, Friedrich Julius Stahl emphasized that in a state of law, state power is limited by law and that guarantees of human rights are crucial in assessing policies to regulate street vendors implemented by local governments, particularly the Civil Service Police Unit (Satpol PP). In a state of law, every government action must be based on applicable legal regulations and must not act arbitrarily. Therefore, the regulation of street vendors must be carried out in accordance with legal procedures and respect the rights of citizens (Julianti, Firginia, Fifiana Wisnaeni, 2017).

From the perspective of a state of law, all government actions, including law enforcement agencies such as the Satpol PP, must have a legitimate legal basis and be carried out proportionally. Law enforcement must not be carried out arbitrarily (Tiwari, 2023). Rather, it must respect individual rights and be carried out in accordance with legally established procedures. The author argues that this principle is crucial in the context of regulating street vendors. Although the Public Order Agency (Satpol PP) has the authority to enforce regional regulations, this authority is not absolute (Octaviani & Puspitasari, 2022). Every enforcement

action must consider the social and economic conditions of the vendors and be conducted with a humane approach. Regulations carried out without clear communication, prior outreach, or without providing alternative business locations may be considered contrary to the principle of justice in a state based on the rule of law (Ronzon et al., 2025).

The relevance to this research is that the regulation of street vendors (pedajak) by the Serang Regency Public Order Police Unit must be based on the provisions stipulated in Serang Regency Regulation Number 2 of 2018 concerning the Implementation of Public Order, Public Order, and Community Protection. In its implementation, law enforcement officers must not only comply with applicable regulations but also ensure that the actions taken do not violate the rights of street vendors as citizens who have the right to work and earn a decent living. Public order refers to a safe, comfortable, and orderly social and physical society –free from traffic congestion, visual pollution, noise, and inappropriate use of public spaces (Rinandy, 2019). In this context, the presence of street vendors (hawkers) using sidewalks, roads, or public facilities is often viewed as a disturbance to public order. The public interest is the orientation of government policy in protecting and regulating shared spaces, including roads, parks, and other public facilities, so that they are accessible and enjoyed by all citizens equally. Therefore, the government has an obligation to maintain public spaces that are orderly, safe, and functioning properly, without being claimed or dominated by any particular group, including street vendors. The theory of legality is a fundamental principle in both criminal law and state administrative law. This principle asserts that no criminal act or other legal action may be taken without prior written legal provisions. In Latin, there is the adage "nullum crimen, nulla poena sine lege," which means "no crime, no punishment without law."

According to Prof. Utrecht, the principle of legality requires that every action by state officials, particularly those restricting individual rights or freedoms, must have a valid and clear legal basis. Simons echoed this sentiment, stating that legality guarantees legal protection for citizens, preventing them from becoming victims of arbitrary power. The relevance in the context of this research is that the enforcement of street vendors (pedajak) by the Serang Regency Public Order Police Unit must have a valid legal basis and not conflict with higher-level laws and regulations. In this case, Serang Regency Regional Regulation Number 2 of 2018 concerning the Implementation of Public Order, Public Order, and Community Protection serves as the primary legal basis, but its implementation must still adhere to the hierarchy of regulations and other legal principles (MBA, Especialistas en finanzas, 2020).

## **2. Method**

The normative method in this research can answer empirical questions, such as the reasons for street vendors' non-compliance with local government policies, by interpreting applicable legal regulations –particularly Regional Regulation No. 2 of 2018 –and linking them to general legal principles such as justice, certainty, and benefit, so that it can be seen whether the non-compliance is caused by regulatory weaknesses, unclear norms, or a misalignment between the regulations and the socio-economic needs of the community. However, this research is not entirely purely normative, but rather combined with an empirical (socio-legal) approach to understand social realities and practices in the field, including the perceptions and experiences of vendors and Public Order Agency (Satpol PP) officers. To ensure that the interpretation of Regional Regulation No. 2 of 2018 remains consistent with general legal principles and is free from bias, the researcher uses systematic and teleological interpretation methods, compares it with similar regulations in other regions, and refers to the doctrines and opinions of legal experts as objective references (Nurdayati dkk, 2021).

## **3. Analysis and Results**

Street vendor relocation is often ineffective because the alternative locations provided by local governments are less strategic, lack supporting facilities, and are unable to guarantee the economic sustainability of the vendors, so they tend to return to their original locations which

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are considered more profitable. Furthermore, weak inter-agency coordination in the process of controlling and organizing street vendors exacerbates the situation, which can be seen as both a structural and technical problem. Structurally, there is overlapping authority between local governments, the Public Order Agency (Satpol PP), and related agencies that cause policies to be inharmonious. While technically, communication obstacles, budget limitations, and a lack of human resources make the implementation of the relocation policy less than optimal. Not all law enforcement procedures against street vendors in Serang Regency are fully implemented in accordance with the administrative legal mechanisms stipulated in Regional Regulation Number 2 of 2018, which in principle emphasizes persuasive stages such as issuing written warnings, verbal reprimands, and confiscating merchandise before demolition. In practice, the Public Order Agency (Satpol PP) sometimes immediately takes repressive action under the pretext of quickly maintaining public order, but this has the potential to violate formal procedures that should be adhered to to ensure the principle of legal certainty and the protection of citizens' rights. Therefore, although some enforcement measures are appropriate, the consistency of the implementation of administrative legal procedures still needs to be strengthened to ensure that regulation enforcement is fair, transparent, and does not cause social conflict. The enforcement of street vendors (PKL) by the Serang Regency Public Order Police Unit (Satpol PP) is an implementation of Regional Regulation Number 2 of 2018 concerning the Implementation of Peace, Public Order, and Community Protection. This regulation stipulates the regional government's obligations to maintain city spatial planning, enforce regulations, and provide legal certainty for all citizens (Sampah, 2025). Under this regulation, Satpol PP functions as the technical implementer in the field, having the authority to enforce street vendors occupying prohibited areas (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024). Research shows that many street vendors still operate on sidewalks, roads, and public facilities. This activity causes traffic congestion, degrades the city's aesthetic quality, and disrupts public comfort. Therefore, Satpol PP implements enforcement through persuasive means, including warnings, counseling, and repressive measures, including forced removal if warnings are ignored (Setiono, 2018).

From a legal perspective, the Serang Regency Satpol PP's enforcement of street vendors has a strong legal basis. Regional Regulation No. 2 of 2018 provides a legal basis prohibiting anyone from using public facilities for trading activities (Amar Sani, 2022). The Public Order Agency (Satpol PP), as the enforcement agency for the regulation, has the authority to enforce it in accordance with regional law. Therefore, enforcement is not merely an administrative measure but also part of the implementation of regional government functions. However, in practice, enforcement often encounters obstacles (Lestari, 2009). One such obstacle is resistance from street vendors (PKL), who feel their presence plays an important economic role for their families. The street vendors believe that the Satpol PP's actions are detrimental to them because they lack adequate alternative trading locations. This demonstrates a dilemma between the interests of public order and the community's right to earn a living (Rifka Alkhilyatul Ma'rifat, I Made Suraharta, 2024).

From a legal protection perspective, Regional Regulation No. 2 of 2018 should not only regulate the prohibition but also provide solutions for the survival of street vendors. The Serang Regency Government is obligated to provide suitable relocation sites so that street vendors can continue to trade without disrupting public order. If the government only emphasizes enforcement without solutions, the goal of public protection as mandated by the regulation will not be fully achieved (Oktaviani et al., 2025). Research findings also indicate that enforcement measures implemented with a humanistic approach are more acceptable to street vendors than repressive measures. Persuasive approaches such as dialogue, dissemination of regulations, and providing relocation opportunities are more effective strategies. This aligns with the principles of administrative law, which mandate that government actions be based on justice and proportionality (Shiddiqy & Ubaidillah, 2024). Furthermore, community participation is crucial in supporting effective enforcement. Residents around street vendor locations who are disturbed by the presence of vendors can

play an active role in reporting violations, while street vendors also need to be involved in The policy formulation process ensures that solutions are more tailored to needs. Without the involvement of all parties, enforcement of regional regulations tends to lead to horizontal conflict. Analysis also shows that inter-agency coordination is still suboptimal. The Public Order Agency (Satpol PP), as the implementing agency, often works alone without support from the Trade Office, the Transportation Office, or the police. Yet, street vendor enforcement concerns socio-economic and transportation aspects. This weak coordination results in temporary enforcement, as street vendors return to their original locations after the operation is complete (Sulistyaningsih et al., 2024).

From a governance law perspective, Satpol PP actions should be based on the principles of transparency, accountability, and legal certainty. Therefore, every enforcement action must be documented, reported, and accounted for to avoid the appearance of discrimination. Satpol PP is obligated to ensure that enforcement is carried out impartially and in accordance with legal procedures (Effendy, 2020). Interviews with Satpol PP officers revealed that the biggest obstacle to enforcement is a lack of legal awareness among street vendors. Many street vendors assume that sidewalk trading is commonplace because it has been going on for a long time. This situation demands more intensive legal outreach, so that the public understands that regulations are made for the common good (Yuridis et al., 2021). From a social justice perspective, local governments must balance law enforcement with the economic empowerment of small communities. Regulating street vendors (PKL) is not simply shifting the problem from one location to another; it must be accompanied by empowerment programs, access to business capital, and the development of legal and affordable trading locations. In this way, the function of regional regulations can align with the regional development mission. Overall, the results of this study indicate that the enforcement of street vendors by the Serang Regency Public Order Agency (Satpol PP) is in accordance with Regional Regulation No. 2 of 2018, but still faces challenges in implementation. Law enforcement that is not accompanied by alternative solutions will generate resistance from the community. Therefore, a comprehensive approach that encompasses legal, social, and economic aspects, as well as community participation, is needed to achieve just public order (Pratama et al., 2021).

#### **4. Conclusion**

The long-term effectiveness of regional regulations depends heavily on consistent law enforcement, the readiness of supporting infrastructure, and the ability of local governments to adapt regulations to the socio-economic dynamics of society. Regional regulations that are only enforced sporadically tend to lose their authority because the public will perceive them as lacking any real coercive power. However, if regulations are implemented with a fair approach, accompanied by ongoing socialization, regular supervision, and supporting policies such as the provision of adequate business facilities for traders, they will be able to foster stable legal compliance, prevent social conflict, and ultimately achieve sustainable public order. Administrative law enforcement emphasizes not only compliance with written regulations but also requires fair, transparent implementation that does not disadvantage the socio-economically disadvantaged. therefore, while the satpol pp's actions may formally be in accordance with regional regulations, substantively, it remains to be examined whether these measures truly reflect the principles of justice and public protection as mandated by the principles of state administrative law. Based on the research results, it can be concluded that the enforcement of street vendors (PKL) by the Serang Regency Civil Service Police Unit has a clear legal basis through Regional Regulation Number 2 of 2018 concerning the Implementation of Peace, Public Order, and Community Protection. The actions of the Satpol PP in regulating street vendors selling on sidewalks, roads, and public facilities are an effort to maintain public order and comfort as well as urban spatial planning. This shows that legally, the authority of the Satpol PP is in accordance with the provisions of applicable laws and regulations. However, in practice, various obstacles remain, especially resistance from street vendors who feel they

have lost their livelihoods. This creates a dilemma between the interests of maintaining public order and fulfilling the community's right to earn a living. Therefore, the regulation of street vendors should be carried out not only with a repressive approach, but also accompanied by alternative solutions such as relocation, economic empowerment, and intensive legal socialization. Thus, the enforcement of the Regional Regulation not only provides legal certainty, but also creates a sense of justice and protection for all levels of society.

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