

# LAW ENFORCEMENT REGARDING THE ABUSE OF PUBLIC FACILITIES BY HAWKERS IN PADANG CITY

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**Abstract:** Padang City Regional Regulation Number 11 of 2005 concerning Public Order and Community Peace states that by hawkers are people or individuals who in their business use facilities and infrastructure or equipment that are easily dismantled and assembled, whether permanent or not, who use part or all of the place for the public interest which is not designated as a place of business/selling. Law enforcement is carried out by the Civil Service Police Unit as the enforcer of regional regulations through reprimands and warnings until a court decision, but there are several perpetrators who repeat their actions.

**Key Words:** Law Enforcement, Hawkers, Abuse Of Public Facilities.

## 1. INTRODUCTION:

The existence of street vendors has opened up job opportunities so that the unemployment rate can be suppressed and its existence is needed by the lower class because the prices are relatively cheaper than modern shops or restaurants.

The definition of law enforcement can be formulated as an effort to implement the law as it should, supervise its implementation so that there is no violation, and if there is a violation, restore the law that was violated so that it is re-enforced.[1]

The Civil Service Police Unit in carrying out its duties as enforcers of regional regulations in dealing with the problem of minor crimes committed by street vendors (PKL) has little effect on public order in the community, especially in the city of Padang. The perpetrators will repeat their actions because the sanctions given are very affordable fines or imprisonment for the perpetrators, such as a fine of Rp. 200,000 or imprisonment for a week. when the perpetrator violates the Regional Regulation Number 11 of 2005, the perpetrators mostly choose a fine because the sanction is lighter and does not provide a deterrent effect to the perpetrator so that the perpetrator will repeat the action again.

## 2. THEORITICAL FRAMEWORK:

### a. Theory of Legal Purposes

Gustav Radburch argues that the objectives of law are justice, expediency and legal certainty.[2]

### b. Law Enforcement Theory

Law enforcement theory is a process to realize the legal desires of law-creating bodies into the formulation of laws and regulations into reality.[3]

## 3. LITERATURE REVIEW:

According to Kusnadi Harjasumantri said that law enforcement is the obligation of the entire community and for this an understanding of rights and obligations is an absolute requirement, the community is not an observer of how the law is enforced, but the community actively plays a role in law enforcement.[4]

According to M. Yahya Harahap, the Trial Examination, Appeal, Cassation, and Review stated, among other things, that Minor Crimes are types of crimes that can be classified as minor crimes.[5]

According to Roeslan Saleh, a crime is a reaction to an offense and this is in the form of a misery that is intentionally inflicted by the state on the maker of the offense.[6]

The definition of street vendors according to Aris Ananta is a community of weak economic groups, who sell daily necessities, food, or services which use relatively very small capital, own capital or other people's capital, either selling in prohibited places. or not.[7]

Public facilities/interests include the interests of the nation and the state as well as the common interests of the people, taking into account social, political, psychological, and national defense aspects on the principles of national development by taking into account national resilience and insight into the archipelago.[8]

## **5. METHOD:**

The method used in this study is an empirical juridical approach, which is an approach that refers to written regulations to then see how they are implemented in the field.[9]

## **6. DISCUSSION:**

The city of Padang is one of the areas in West Sumatra with the wheels of economy and life moving fast and developing more and more, so that proper government management is needed so that these developments can be controlled properly and are able to make the city of Padang more prosperous and more advanced. A prosperous and advanced city certainly requires public order and public peace, this is the responsibility of the Padang City Government as the holder of the Regional Government authority.

Street vendors who carry out their business activities in public spaces or public facilities that are not designated for the location of street vendors may also be subject to a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 50,000,000 (fifty million rupiah). which is regulated in Article 34 paragraph 1 of the Regional Regulation of the City of Padang Number 3 of 2014 concerning the Arrangement and Empowerment of Street Vendors.

The implementation of control measures by the Padang City Satpol PP as part of efforts to organize street vendors (PKL) in Padang City often gets a negative response from street vendors, even the Padang City Satpol PP enforcement efforts are often colored by situations that lead to riots and clashes. PKL because they don't want to be moved and their goods confiscated, where PKL abuses the function of public infrastructure as a location for selling, besides that the Padang City Satpol PP is also tasked with overseeing demonstration activities carried out by student organizations, community organizations, labor organizations or unions and so on, as for the steps taken by the Padang City Satpol PP to overcome violations of Perda No. 11 of 2005 concerning Public Order and Public Peace.

## **7. ANALYSIS:**

The implementation of law enforcement related to street vendors in the city of Padang can be categorized as not being implemented properly and comprehensively. It can be seen that there are still many violations based on previous data. Enforcement of rules or laws is defined as an effort by special law enforcement officers in order to guarantee and ensure that a regulation can be applied as intended. In this regard, law enforcers may forcefully enforce the law to ensure that the law is truly upheld.[10]

Based on the purpose of law is to protect the interests of individuals or human rights and society. The imposition of criminal sanctions for street vendors in the city of Padang in order to achieve legal objectives must be able to bring fair interests to all citizens. From the above description, the forms and criminal sanctions as well as parameters in resolving criminal violations have been stated in the Padang City Regional Regulation Number 11 of 2005 as amended by the Padang City Regional Regulation Number 4 of 2007 concerning Public Order and public order, the imposition of criminal sanctions arises as a result of criminal law violations and people who violate criminal law.

The imposition of criminal sanctions for street vendors in the city of Padang in order to achieve legal objectives, in this case it has achieved legal certainty which is clearly regulated in the Padang City Regional Regulation Number 11 of 2005 as amended by the Padang City Regional Regulation Number 4 of 2007 concerning Public Order and public peace, the benefits of the Padang City Regional Regulation in solving problems that arise by street vendors are clearly regulated in Article 14 Criminal provisions with a maximum imprisonment of 3 (three) months or a maximum fine of IDR 5,000,000 (Five Million). Rupiah), but in the determination of sanctions justice has not yet been achieved, because the criminal sanctions given are quite light, and do not cause a deterrent effect where from the three cases above the community has received socialization of the regulation but the community continues to violate it and from one case there is also a repetition the same offense, and it is clear in the imposition of s the judge's actions still do not consider the actions of street vendors who use public facilities.

## 8. CONCLUSION:

From the discussion as explained earlier, several conclusions can be drawn, including:

- 1) Implementation of law enforcement in consumer protection against KMSB satay sellers who are not in accordance with food safety in the city of Padang. Law enforcement carried out, namely repressive law enforcement, repressive law enforcement has been going well, this is proven by the confiscation of food that is not in accordance with food safety and the punishment of business actors based on applicable legal provisions.
- 2) Constraints faced in law enforcement in the protection of KMSB satay sellers who are not in accordance with food safety in the city of Padang, namely, lack of resources owned by the health office, unsupported facilities or facilities, low community legal targets, and changes society's legal culture.

## 9. SUGGESTIONS:

The suggestions given by researchers are as follows:

- 1) It is hoped that the Padang City Government will update the Padang City Regional Regulation on Public Order and Community Peace regarding the permitted selling places for street vendors and it is necessary to make special regulations regarding the timing of selling in public facilities that are allowed for street vendors.
- 2) The government and the community are expected to cooperate in controlling street vendors.

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