

## **CHAPTER FOUR**

### **FINDINGS AND ANALYSIS**

#### **A. Management of street vendors in Banjarbaru based on Banjarbaru Regional Regulation of Mayor Number 46 of 2017 concerning Guidelines for the Arrangement and Empowerment of Street Vendors**

There are numerous street vendors in Banjarbaru, especially on Jalan Panglima Batur, Pangeran Suriansyah, and in the market area of Banjarbaru. Street vendors in Banjarbaru are managed by the city government. The arrangement of street vendors is an effort made by the Regional Government. An effort is made to the establishment of the location used by the street vendors. The establishment is done by paying attention to the public interest, social aesthetics, health, economy, security, order, environmental cleanliness, and law. Empowerment of street vendors is an effort made by the Regional Government, the business world, and the community in synergy in the form of growing the business climate and business development of street vendors. Thus, street vendors can grow and develop both in terms of the quality and quantity of their business.

Capital is an important input (production factor) in determining the income level. However, it does not mean that capital is the only factor that can increase income. In this case, capital is also one of the production factors that affect the income level of street vendors. The

size of the working capital used in the business will certainly affect the obtained income. Thus, for trading business to run well, sufficient trade capital is needed.

Social capital is used as a means to obtain life insurance, especially for street vendors. Meanwhile, the community presumes the street vendors as the cause of traffic, slums, disorderly, and marginal people. Additionally, the existence of street vendors is often seen as a disruption to public order. However, street vendors have another function which is accommodating people who are not accepted in the formal sector of work. Naturally, the existence of street vendors can reduce unemployment.

Article “13 paragraph 1 of the Regional Regulation of Banjarbaru Number 46 of 2017 states that “every street vendor has to have a Street Vendor Business Registration Certificate.” Business Registration Certificate is an official letter issued by a designated official as a sign or proof of street vendor business registration as well as a means of controlling the empowerment and development of a street vendor business in a location determined by the regional government.<sup>1</sup>” Banjarbaru government has issued a Business Registration Certificate (in Indonesian *Tanda Daftar Usaha*, abbreviated *TDU*). However, according to the researcher’s interview with the Banjarbaru One-Stop Investment Licensing Office (in Indonesian *Dinas Penanaman Modal*

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<sup>1</sup> article 13 paragraph 1 Banjarbaru Regional Regulation Number 46 of 2017

*dan Pelayanan Terpadu Satu Pintu*, abbreviated *DPM & PTSP*), “street vendor is not obliged to possess *TDU*, but high-end business people have to have it. However, it is fine for a street vendor to have it. Street vendors are only required to submit ID cards during the counseling.”<sup>2</sup>

According to “Regional Regulation Number 46 of 2017 article 4, “the arrangement of street vendors is carried out on the location and the activities of street vendors.” Street vendors in Banjarbaru, especially in the Murjani square, have their organization such as FORKAMU which stands for *Forum Pedagang Kaki Lima Murjani* (Murjani Street Vendors Forum). *FORKAMU* is under the supervision of the South Kalimantan Indonesian Environmental Forum (WALHI Kalsel). *FORKAMU* was formed in 2005 with a number of commitments made by its fixed members of 48 traders such as cleaning the cart and the surrounding before and after selling, not disposing garbage in trenches and at polling stations around Murjani square, mopping the sidewalk once a month using 1 tank of Regional Drinking Water Company, and operating from 5 pm until 12 pm but holidays. The street vendors in Murjani Square sells;”

- a. Fried sticks or meatball
- b. Roasted corn
- c. Cold drinks, and
- d. Snacks

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<sup>2</sup> The officer of *DPM&PTSP* Banjarbaru, Thursday, February 21, 2019, 1:50 p.m.

The current Chairperson of *FORKAMU* is Kisworo Dwi Cahyo. The street vendors in Murjani Square receive sponsorship from the South Kalimantan Bank and Teh Botol Sosro. The operating hours are regulated by the city government. The city government does not withdraw retribution fees to street vendors. However, *FORKAMU* holds weekly fees of two thousand rupiahs for cleaning costs. *FORKAMU* itself provides regulations to its members to clean and to not litter after selling. *FORKAMU* also conducts community service activities once a week on Fridays in the area where they sell,” said Kisworo Dwi Cahyo.”<sup>3</sup>

The street vendors in Murjani Square always keep their selling location clean because they think the government has given a place for selling things. “Therefore, we need to take care of it,” said Mr. Laman<sup>4</sup>, a street vendor interviewed by the researcher. The street vendors in Murjani Square often hold weekly meetings to discuss the activities they want to hold or sometimes to discuss obstacles when selling. “There is one street vendor who wanted retribution fees to get the area better maintained by the government,” the opinion stated by M. Kurdi.<sup>5</sup> Indeed, so far the government has only advised keeping the cleanliness and time discipline in selling in that place. However, there is an only minimal effort made by the government to work together in

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<sup>3</sup> Kisworo Dwi Cahyo, head of *FORKAMU*. Friday, February 22, 2019. 2:30p.m.

<sup>4</sup> Laman, Street Vendor in Murdjani Square. Wednesday, February 27, 2019. 7:30p.m.

<sup>5</sup> M. Kurdi, a Street vendor in Murdjani Square. Wednesday, February 27, 2019. 8p.m.

maintaining the location. The city government gives full trust to street vendors in Murdjani Square. Murdjani Square has two events for street vendors who regularly sell in that area. The events are managed by the Banjarbaru City government, namely *Minggu Pagi Ceria* or so-called as car-free day. In a car-free day event, the Murjani area cannot be passed by motorized vehicles or cars within few hours. The area is only for pedestrians or bicycles. The street vendors are allowed to sell in this car-free day area but limited to Murjani Square only. Street vendors who sell in the area are not allowed to use motorized vehicle or cars. The street vendors are only allowed to hold stalls or set up their non-permanent tent. Street vendors in *Minggu Pagi Ceria* are not allowed to sell in the front area of the sidewalk of the Municipal Legislative Council of Banjarbaru office, City Hall, and places determined by Banjarbaru Mayor's regulation.

*Minggu Pagi Ceria* has different operational hours than the operational hours set by *FORKAMU*. The street vendors can operate or sell their goods from 5 to 10.30 in the morning at *Minggu Pagi Ceria*. The street vendors in *Minggu Pagi Ceria* get a membership card and withdrawal from the cleaning managers in the area. Most of them are middle-to-upper business people who have complete facilities such as tents, carpets, unloading carts, as well as private cars. "Street vendors are charged ten thousand fees. However, if they do not sell for three consecutive times, the location used will be used by other street

vendors on *Minggu Pagi Ceria*,” said Mrs. Maimudah.<sup>6</sup> From the interviews with street vendors on *Minggu Pagi Ceria*, street vendors offer a variety of merchandise, such as;

- a. Fashion
- b. Hijab
- c. Sandals
- d. Children’s toys
- e. Accessories
- f. Medical devices
- g. Organic vegetables
- h. Food, and
- i. Snacks

*Minggu Ceria* area is like the place where street vendors sell their goods which usually sold through online shops or home industry. On this *Minggu Ceria*, the sellers have the opportunity to sell their goods at a cheaper or more expensive price. However, consumers do not object to the given price because they rarely got the chance to get those goods.

Not all street vendors in Banjarbaru are the members of *FORKAMU*. They stand on their own intending to do business only. They are often seen on the roadside of Panglima Batur. Those street vendors capitalize on vacant land to sell their goods. Sometimes, they

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<sup>6</sup> Maimudah. Street vendor in *Minggu Pagi Ceria*. Sunday, March 3, 2019. 8:30a.m.

even rent such vacant land to the owners or people around the location. Those street vendors sell their wares from morning to afternoon. Thus, they are different from the street vendors who are members of *FORKAMU*. Those who do not join *FORKAMU* sometimes get warnings from the officers to take some distance from the roadside in order not to create traffic jams. From an interview, *Batagor* seller on Jalan Panglima Batur named Dadang said, "I am with my friends next to me rent the land for around five hundred thousand a month only. However, I ask the tenant to help me in case of eviction or control from the government. Thank God, I have not received any warning that it is prohibited to sell at this location."<sup>7</sup> However, some street vendors who sell at those locations were reprimanded and forbidden by the government to sell in that area. This information was obtained from the interview conducted by the researcher with a street vendor who sells *Gudeg*. The street vendor said, "I have never been reprimanded or given a prohibition letter to sell at this location. However, one day, when I wanted to sell, there was a sign not to sell in that area. I immediately asked to municipal police there and got an explanation that the area is near to office entrance. Thus, they afraid that our existence will disturb the office area. However, we were not told beforehand?" Mrs. Susan insisted.<sup>8</sup> Sometimes, the officer has no

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<sup>7</sup> Dadang. *Batagor* Seller. Sunday, March 3, 2019. 1:20p.m.

<sup>8</sup> Susan. *Gudeg* Seller. Sunday, March 3, 2019. 12:45p.m.

option but to carry out their duties from the orders made by the City Government.

That condition is in contrast to the condition of street vendors in the market area of Banjarbaru. The street vendors in the market area are lamented by the Department of Industry and Trade of Banjarbaru. Some of them were given facilities and infrastructure by the Department of Industry and Trade. However, street vendors who got the facility need to pay a levy for market management of Banjarbaru. The street vendors on the market area also get operational hours regulation. The operational hour regulation applies to street vendors only. Those sellers who have their places, shops, or spaces are not bound to this regulation. The predetermined hours are from 4:30 a.m. to 10:00 a.m. After the predetermined operational hours, street vendors have to clean the stalls and leave that area.

Street vendors in Banjarbaru market area are often found in front of and behind the market entrance. Most of them sell their wares by putting on mats, using unloading wooden table, or using bicycle carts. The wares are varied such as:

- a. Vegetables
- b. Fresh fish
- c. Broilers
- d. Rags



- e. Snacks, et cetera.

There are many street vendors in the market area of Banjarbaru.

They are 1,841 people from Cempaka market to Liang Anggang market.

**Figures 2.2**

**Data on the number of street vendors in the Banjarbaru City market**

No	Name of Market	Number of Street Vendors
1	Beuntung Market	322
2	Ulin Raya Market	478
3	Night Market	150
4	Early Market	150
5	Cempaka Market	118
6	Bangka Market	149
7	Liang Anggang Market	48

Source: The Department of Industry and Trade of the City of Banjarbaru

**Figures 2.3**

**Characteristics of Street Vendors Based on Migration Status**

Status of Migrant	Frequency	Presentase
Migrant	50	57,7
Trans Migrant	43	42,3
<b>Total</b>	<b>9,3</b>	<b>100%</b>

Source: survey data of street vendors for Disperindag in Banjarbaru City, 2016

**Figures 2.3** shows that around 57.7% of street vendors in Banjarbaru were originally from Banjarbaru. The remaining 42.3% were migrants. Most of the migrants were from Central Java, East Java, and West Java. The trans migrants whose lives mostly depend on trading were from Madura. Additionally, street vendors in Beuntung market were mostly Javanese.

The arrangement of street vendors in Banjarbaru is arranged by the government under regulations that had been made for street vendors. Street vendors are obliged to obey the regulations to sell their goods safely. Management of street vendors in Banjarbaru is simple. The government does not make it difficult for them to sell. The government only encourages them to maintain the order and environment around the trading area to be well maintained. Street vendors in Banjarbaru are safe enough to sell anywhere except in some zones forbade by the Banjarbaru City Government.

“Management of street vendors in Banjarbaru is based on Regional Regulation Number 46 of 2017. The efforts to organize, arrange and empower street vendors in Banjarbaru were made by determining certain zones for street vendors as mentioned in article 19 Regional Regulation made by the Mayor Number 46 of 2017.”

Zone I is a zone that is prohibited for street vendors. Zone I includes the locations that have public service centers or strategic areas such as:

- a. Hospital
- b. City park
- c. Around the official residence of the high-ranking Regional Officials of Banjarbaru
- d. Intersections that are crowded with traffic
- e. Protected forest area

Zone II is a zone that is allowed to be used for trading on certain hours. Zone II has been determined by the government. If street vendors violate the operating hours, the government will make a follow-up action.

Zone III is where selling is allowed anytime without limitation on its operational hours. However, there are some requirements such as not interfering the traffic, not damaging the roadside, and not littering the surrounding area.<sup>9</sup>”

Street vendors in Banjarbaru have to know the areas/zones that are prohibited from selling as mentioned in Banjarbaru Regional Regulation Number 6 of 2014 article 12. It is stated that “every person is prohibited from selling on the road or roadside, green lanes, parks, or other public facilities except in certain location that has been permitted by the Mayor as a business place for street vendors.”<sup>10</sup> Street vendors who violate the regulation by selling in prohibited zones will get penalization under

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<sup>9</sup> Banjarbaru Regional Regulation Number 46 of 2017. Article 19

<sup>10</sup> Banjarbaru Regional Regulation Number 6 of 2014. Article 12

Banjarbaru Regional Regulation Number 6 of 2014 article 40 paragraph 2 with confinement for a maximum of 6 months or a maximum fine of 50,000,000 rupiahs.<sup>11</sup> From the results of a survey conducted by the researcher, street vendors in Banjarbaru often do not know the zones that have been arranged in the regulation. In their perspective, as long as it is a crowded and adequate place to sell, they will trade in that area.

Management of street vendors in Banjarbaru began to be in effect according to applicable regulations. *FORKAMU* obeys the “Regional Regulation Number 46 of 2017 to avoid raiders for street vendors. However, street vendors who are not members of *FORKAMU* also obey the regulation that has been appealed by the officers who control the street vendors.”

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<sup>11</sup> Banjarbaru Regional Regulation Number 6 of 2014. Article 40 paragraph 2

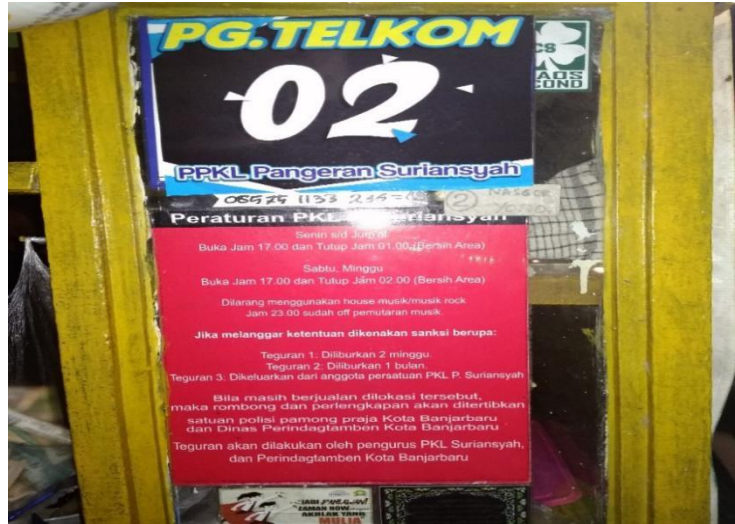
**Figures 3.1**

**Street vendors at Murjani Field**



Figures 3.2

Pictures of regulatory sign made by the Banjarbaru Government



### Figures 3.3

#### Street Vendors in *car free day*



Source: pictures of Forkamu Banjarbaru

## **B. Supervision of street vendors in Banjarbaru by Banjarbaru**

Government.

In the context of structuring, controlling, and fostering street vendors, the government needs to persuasively approach and synergize with existing stakeholders. Thus, good coordination and avoidance of arbitration are established. An order does not take place forever, but it will follow the development of the existing situation. Normally, if the street vendors' earning is enough to support their lives, they will keep on selling in that area. On the contrary, if the income is not sufficient for their daily needs, they have to be creative in finding other business opportunities that can increase their income. The control of street vendors is conducted inappropriately. The Government often gives a policing which is more like demolition. It is ironic indeed when policing does not reflect order even though the word order is a process of making something neat and clean without causing a problem. The government often ignores legal protection provisions.<sup>12</sup>

The etymology of the word city/regional government comes from the word "government" which means something that must be done. In other words, several elements are characteristics of "orders," namely "necessity" to show the obligation to carry out what is regulated.

The elements include:

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<sup>12</sup> M. Soleh Pulungan, *Perlindungan Hukum dan Pembinaan Pedagang Kaki Lima di Balikpapan, Matra Pembaruan 1(1) (2017): 11-21*, vol.1 no.1, ISSN: 2549-5283, (Tenggarong, 2017), pp 15-16.



1. Two parties who give orders and receive orders
2. The existence of a functional relationship which is a rule for those who give and take orders.

The government is a group of individuals who have and carry out legitimate authority as well as protect and improve the standard of living of the community through actions and implementation as a decision. The government can be interpreted as a group of people who have the authority, protection, and efforts to improve the standard of living of community in their working areas through various policies or decisions to support the realization of the life of the community.

Supervision of street vendors in the city of Banjarbaru is usually supervised by Municipal Police. Municipal Police was given the order from the Department of Industrial and Trade Affairs or Banjarbaru Government. Banjarbaru Municipal police have their duties and functions of helping the Mayor in carrying out the regional author in the areas of peace and public order, as well as enforcing Regional Regulations and policies under applicable Laws. The functions of Banjarbaru Municipal Police are:

- a. Formulating technical policies in the areas of peace and public order, as well as enforcing regional regulations and other municipal policies.
- b. Preparing operational activities plan of Municipal Police.

- c. Providing support, coordination, and administration facilities
- d. Implementation of capacity building of Municipal Police
- e. Implementing capacity building of the Municipal Police
- f. Implementing operational in the field of peace and public order as well as enforcing regional regulations.
- g. Coordinating, controlling, fostering, monitoring, evaluating, and reporting on the implementation of activities.
- h. Managing general administration including the preparation of programs, procedures, finance, staffing, business trip, legislation, libraries, documentation, publications, and repository.

In conducting their duties on street vendors, municipal police often got some mistreatment from the street vendors in order not to get any sanctions from the municipal police, such as:

1. Ranting, Grumbling, and Talking behind the Municipal Police's

From the observations made by the researcher, the safest way to express the resentment of the street vendors on the municipal police were by grumbling and ranting. This way is considered to be the safest way because their ranting will not be heard by the police. Additionally, there are no direct physical fights.

2. Hiding Their Goods

There are various ways that street vendors do to trick municipal police. To make their goods unknown by them, the street vendors

hide the goods in bushes, under the shade of shady trees, inside their motorbikes, and in drains or gutters around the field or in a hidden place that are invisible to the municipal police.

### 3. Hiding from the Municipal Police

In general, street vendors are very familiar with the arrival schedule of the municipal police. Sometimes, they come in the morning, at 12 p.m., or 4 p.m. However, most of the municipal police come at 4 p.m. When the municipal police arrived, the street vendors immediately prepared themselves to hide in a relatively safe place.

### 4. Giving bribes to officers or municipal police

Giving bribe was done when street vendors had been caught by the officers or municipal police. Sometimes, they were forced to give the bribe by giving something to officers to save their goods from being confiscated.<sup>13</sup>

Street vendors have rights and obligations under Banjarbaru Regional Regulation Number 8 of 2003 concerning the implementation of municipal police tasks and the implementation of guidance and public order for street vendors, traders in public facilities or public infrastructure, and seasonal traders with the following rules:

#### 1. Rights of Street Vendors

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<sup>13</sup> Yunus S.H, Municipal Police Officer

- a. Street vendors have the right to sell in front of stores as long as it does not disturb the shop owner and or has obtained permission from the owner.
- b. Street vendors have the right to sell their goods from 4:30 p.m. to 7 a.m.
- c. Street vendors have the right to sell on the roadside or in public facilities or infrastructure under the provisions of the operational hours.
- d. Street vendors have the right to obtain information from the City Government regarding the implementation of regional regulations.

## 2. Obligations of Street Vendors

- a. Street vendors are required to pay retribution through a ticket that is collected by government officials or third parties.
- b. Street vendors have to maintain the cleanliness of the location where they sell their goods.
- c. Street vendors who sell their good in front of someone's shop are only allowed to sell their goods before the shop opens and after the shop closes or according to the permission given by the shop owner.
- d. Street vendors who sell on the roadside are only allowed to sell their goods after 4:30 p.m. until 7 a.m.

- e. Seasonal traders and traders in public facilities or infrastructures are only allowed to sell after 4:30 pm until 7 am, or in case of public facilities are not being used.<sup>14</sup>

Banjarbaru Government, under the supervision of street vendors, does not collect the fees mentioned above. Mr. Yanto, the officer of the Department of Industry and Trade Affairs, said, "Department of Industry and Trade Affairs has never collected any retribution for street vendors anywhere. However, sometimes those street vendors have associations and make contributions for cleanliness. Under the supervision of Banjarbaru Government, the street vendors have been freed from illegal levies done by thugs. The government had fostered the thugs to be aware of the prohibited regulations. After that, they were given the chance to be parking officers by the government."<sup>15</sup>

Banjarbaru rapid development has to be accompanied by a good arrangement of urban spatial planning to create an orderly, safe, and comfortable city atmosphere. The thing that has to be the concerned by the Banjarbaru Government is providing land for street vendors. Thus, street vendors can be organized and do not disrupt public order. That is how they can support regional development. Meanwhile, the street vendors are those making an effort for their living. Therefore,

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<sup>14</sup> Banjarbaru Regional Regulation Number 8 of 2003 concerning the Order Implementation of Municipal Police

<sup>15</sup>Yanto. The operational staff of the Department of Industry and Trade Affairs of Banjarbaru

municipal police sometimes have to consider enforcing rules by considering the fate of others.

The officer of the Department of Industry and Trade Affairs said, “Currently, street vendors have not received facilities from the government because the government has not provided funds for the management of street vendors in Banjarbaru. The Department of Industry and Trade Affairs wants to manage street vendors by providing a decent place for them to make it convenient for them in selling their goods. However, there is a very minimal area which makes it difficult to get a decent area around Banjarbaru for them.”<sup>16</sup> The Industry and Trade Affairs obtained the data of street vendors from *FORKAMU, Minggu Pagi Ceria*, and recapitulation of guidance for street vendors in Banjarbaru held by them. The operational staff of the Department of Industry and Trade Affairs also has recapitulated the number of seasonal street vendors. Thus, seasonal traders also get the same rights and obligation as the other street vendors.

Technical Implementation Unit of Regional Market is a unit specifically established for registering and managing street vendors in Banjarbaru. This unit is supported by the Department of Industry and Trade Affairs of Banjarbaru. “Street vendors in the market area get public facilities for trading. However, they need to pay a fee of Rp

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<sup>16</sup> Yayan, The staff of street vendor management and technical implementation unit of the market area. Thursday, March 1, 2019. 1:30p.m.

15,000 per month for the management of the market area. There are a lot of street vendors in some markets of Banjarbaru. Those markets have been planned for new market management and arrangement to make the street vendors' trading activities run properly,” said the Head of Market, Department of Industry and Trade Affairs of Banjarbaru.<sup>17</sup>

Efforts have been made from Banjarbaru Government for the supervision of street vendors by giving guidance to Municipal Police to be more disciplined. Thus, municipal police will not hesitate to give strict sanctions to street vendors who violate the applicable regulations. Regular guidance for street vendors in Banjarbaru has also been carried out to give a deeper understanding of the location that is prohibited from selling. The government also provides reasonable reprimand for street vendors who do not understand the existence of regulations that should not be violated.

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<sup>17</sup> Yayan, Head of Market Division, the Department of Industry and Trade Affairs. Thursday, March 1, 2019. 1:30p.m