



Legal Analysis of the Conflict Over the Regulation of Street Vendors on Siliwangi Street in Kuningan Regency: A Review of Administrative Law and Economic Rights

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| ABSTRACT

The regulation of street vendors (Pedagang Kaki Lima, PKL) along Siliwangi Street in Kuningan Regency frequently creates conflict between the local government, as the authority responsible for spatial planning, and vendors who rely on these activities for their livelihoods. This paper analyzes the conflict from a juridical perspective, emphasizing administrative law and the economic rights of vendors. Employing a qualitative methodology that combines normative and empirical juridical approaches, the study examines relevant legislation, regulatory administrative procedures, and the protection of economic rights within the framework of national law and international human rights principles. The analysis reveals an imbalance in policy implementation that insufficiently accommodates the vendors' economic rights as components of human rights, producing social tensions and resistance to regulatory measures. The study also identifies a lack of meaningful participation and consultation with vendors during the regulatory process. The paper recommends integrating principles of fair and transparent administrative law with respect for vendors' economic rights in policy formulation to achieve equitable, sustainable solutions while preserving public order. The findings aim to inform policymakers, law enforcement, and stakeholders in managing PKL regulation conflicts effectively and in accordance with human rights standards.

| KEYWORDS

regulation; street vendors; administrative law; economic rights.

I. INTRODUCTION

The arrangement of Street Vendors (PKL) in the Jalan Siliwangi area, Kuningan Regency, West Java, has become a strategic issue triggering conflict between the local government and traders. While PKL are a vital part of the informal sector providing employment and affordable goods, their presence is often viewed as a disruption to public order and urban aesthetics.

The peak of the arrangement policy occurred in 2024–2025, causing social resistance. Traders felt their economic rights were neglected, particularly when relocation was carried out without effective participation or guarantees of sustainable livelihood. This tension highlights an imbalance between spatial planning policy implementation and the protection of PKL's economic rights as part of human rights. This research aims to analyze the conflict from the perspective of administrative law and economic human rights, evaluate the level of public participation, and provide recommendations for a just policy.

Based on this background, the research questions in this study are:

1. How does the legal conflict between the local government and street vendors in the restructuring of Jalan Siliwangi, Kuningan, arise?
2. How are the principles of administrative law implemented in street vendor restructuring policies?

3. To what extent are the economic rights of street vendors protected in the restructuring and relocation process?
4. What is the level of public participation and consultation in the street vendor management process?
5. What are the fair and sustainable policy recommendations for street vendor management on Jalan Siliwangi?

This study aims to:

1. Analyze the conflict over street vendor management on Jalan Siliwangi from a legal perspective, particularly administrative law and economic rights.
2. Examine the implementation of national laws and regulations and administrative law principles in street vendor management.
3. Evaluate the protection of street vendors' economic rights in the context of national law and international human rights principles.
4. Assess the level of public participation and consultation in the management process.
5. Provide policy recommendations that integrate the principles of fairness, transparency, and respect for the economic rights of street vendors.

This study is expected to provide theoretical and practical contributions to:

1. Local and national policymakers in formulating fair and sustainable street vendor management policies.
2. Law enforcement officials and the Public Order Agency (Satpol PP) in understanding the legal boundaries of street vendor regulation.
3. Academics and legal researchers in the development of administrative law and human rights studies in the informal sector.
4. Street vendors and civil society organizations in fighting for economic rights and participation in public policy.

II. METHODOLOGY

Research Approach

This study uses qualitative methods with a normative and empirical legal approach. The normative legal approach is used to analyze relevant legislation, legal doctrines, and principles of administrative law and human rights. The empirical legal approach is used to understand the implementation of street vendor management policies in the field, including social and economic dynamics and vendor participation.

Types and Sources of Data

1. Primary data: Interviews with street vendors, local government officials (Diskopdagrin, Satpol PP), and community leaders in Kuningan; direct observation in the street vendor relocation area on Jalan Siliwangi; photo documentation and field notes.
2. Secondary data: Analysis of laws and regulations (laws, government regulations, ministerial regulations, local regulations, regent regulations), accredited national journals and reputable international journals, official government reports, online media news, and previous research results.

Data Collection Techniques

1. Literature review: Analysis of legal documents, journals, and scientific literature.
2. Semi-structured interviews: With street vendors, officials from the Office of Trade, Industry, and Cooperatives, the Public Order Agency, and community leaders.
3. Participatory observation: Observing the relocation process, street vendor activities at the new location, and interactions with officials.
4. Documentation: Collection of photographs, official decrees, and official records.

Data Analysis Techniques

1. Data reduction: Filtering relevant information from interviews, observations, and documents.

2. Data presentation: Compiling narratives and thematic tables to compare legal, economic, and social aspects.
3. Drawing conclusions: Integrating normative and empirical findings to answer the research questions.

Data Validity Testing

1. Source triangulation: Comparing data from various informants and documents.
2. Member checking: Confirming interview results with key informants.
3. Audit trail: Documenting the research process to ensure transparency and accountability.

III. RESULTS AND DISCUSSION

1. Theoretical Framework: State Administrative Law and Its Principles

a. Principles of State Administrative Law

State administrative law (HAN) is a branch of public law that regulates the relationship between the government and citizens in the administration of government. The main principles of HAN that are relevant in the context of street vendor management include:

- Legality: Every government action must have a clear and valid legal basis.
- Legal certainty: Policies must provide clarity on the rights and obligations of all parties.
- Fairness: Policies must take into account the interests of all parties proportionally.
- Transparency and accountability: The decision-making process must be open and accountable.
- Public participation: The community, including street vendors, has the right to be involved in the policy formulation and implementation process.
- Proportionality: Government actions must not be excessive and must be balanced with the objectives to be achieved.

The application of these principles is a benchmark for assessing the validity and fairness of street vendor management policies.

b. Good Governance and Protection of Individual Rights

The concept of good governance emphasizes the importance of transparent, accountable, participatory, and responsive governance that is responsive to the needs of the community. In the context of street vendor management, the principles of due process and fair hearing are very important to ensure that every individual receives fair treatment before administrative action is taken against them.

2. Theoretical Framework: Economic Rights and International Instruments

a. Economic Rights in National Law

Economic rights are an integral part of human rights recognized in the 1945 Constitution, particularly Article 27 paragraph (2) on the right to work and a decent livelihood, as well as Articles 28A–28J which regulate various basic rights of citizens. Law No. 39 of 1999 on Human Rights reinforces the right to work, a decent livelihood, and legal protection for every citizen.

b. International Instruments

Indonesia has ratified various international human rights instruments, including:

- The International Covenant on Economic, Social and Cultural Rights (ICESCR) through Law No. 11 of 2005.
- The 1948 Universal Declaration of Human Rights (UDHR).
- The International Covenant on Civil and Political Rights (ICCPR) through Law No. 12 of 2005.

These instruments affirm the state's obligation to respect, protect, and fulfill economic rights, including the right to work, a decent livelihood, and protection from forced eviction.

c. Harmonization of National and International Law

The implementation of international human rights instruments into national law is carried out through ratification and harmonization of legislation. The Indonesian government is obliged to adjust national policies to be in line with international human rights principles, including in spatial planning and the protection of the economic rights of street vendors.

3. National Legislation Related to Street Vendors and Spatial Planning

a. Laws and Regulations.

b. Rights, Obligations, and Prohibitions of Street Vendors

Local regulations generally govern the rights of street vendors to obtain services, information, guidance, and access to capital; their obligations to comply with regulations, maintain cleanliness, and not disturb public order; and prohibitions on selling in prohibited locations or altering public facilities.

c. Administrative Procedures for Arrangement

Administrative procedures for arranging street vendors include data collection, registration, space provision planning, location determination, relocation, location removal, rejuvenation, monitoring, and evaluation. Location determination and relocation must take into account the public interest, social, economic, and aesthetic aspects of the city.

4. Administrative Procedures for Arrangement: Procedures, Permits, Relocation, and Public Consultation

a. Stages of Arrangement and Relocation

Based on practices in various regions, the stages of street vendor arrangement and relocation include:

1. Guidance and socialization: Education about regulations and the objectives of the arrangement.
2. Issuance of warning letters: If violations continue to occur.
3. Dialogue and consultation: Involving street vendors and associations in policy formulation.
4. Relocation: Moving street vendors to new locations prepared by the government.
5. Monitoring and evaluation: Assessment of the effectiveness of the arrangement and its impact.

b. Public Consultation and Participation

Participation and public consultation are important principles in spatial planning and street vendor management. However, in practice, the level of street vendor participation is often

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6. Policy Implementation Analysis: Imbalance in Implementation and Its Impact

a. Imbalance in Implementation

The implementation of the street vendor management policy on Jalan Siliwangi shows an imbalance between the objectives of spatial planning and the protection of street vendors' economic rights. The local government places more emphasis on aesthetics and physical order, while the socio-economic aspects of street vendors are less accommodated.

b. Economic Impact on Street Vendors

The main economic impacts felt by street vendors include:

- A decline in daily income of up to 70% in new locations with few visitors.
- Loss of regular customers due to the fragmentation of relocation sites.
- Uncertainty about livelihoods and psychological anxiety among street vendors.
- Some street vendors are forced to find other jobs or return to their old locations illegally.

c. Social and Environmental Impact

The reorganization of street vendors has indeed improved order, cleanliness, and the aesthetics of public spaces. However, social jealousy has arisen among street vendors due to differences in location and customer access. The fragmentation of the street vendor community has also weakened solidarity and collective bargaining power.

7. Public Participation and Consultation: Level of Vendor Involvement

a. Low Participation of Street Vendors

The participation of street vendors in the restructuring process on Jalan Siliwangi remains minimal. The consultation process is largely a formality, without substantive involvement in policy formulation or the selection of relocation sites. Many street vendors feel that decisions have been made without considering their aspirations.

b. The Role of Street Vendor Associations and Organizations

Street vendor associations serve as a forum for expressing aspirations and mediating with the government. However, the capacity of these associations is often limited, and not all street vendors are effectively represented. The involvement of community leaders, academics, and spatial planning experts in the consultation process is also minimal.

c. Comparative Study: Participation Practices in Other Cities

In several cities, such as Solo and Yogyakarta, a dialogical and participatory approach has proven to be more effective in creating sustainable solutions. The Solo City Government, for example, actively involves street vendors in relocation planning, provides adequate facilities, and provides capital assistance and training.

8. Human Rights Protection: Legal Analysis of Street Vendors' Economic Rights

a. National and International Standards

The eviction and relocation of street vendors without fair procedures, adequate compensation, and public participation can be categorized as a violation of human rights, particularly the right to work and a decent livelihood. The ICESCR and the 1945 Constitution affirm the state's obligation to protect vulnerable groups such as street vendors.

b. Field Practice

On Jalan Siliwangi, protection of street vendors' economic rights remains weak. Relocation is carried out without any guarantee of livelihood sustainability, and the compensation provided is temporary and inadequate. Many street vendors have lost their livelihoods without any long-term solution.

c. Complaint and Dispute Resolution Mechanisms

Street vendors who feel aggrieved can file a lawsuit with the State Administrative Court (PTUN) if government actions are deemed to violate the principles of legality and procedural justice. However, street vendors' access to formal legal mechanisms is still limited due to limited resources and legal knowledge.

9. Policy Alternatives and Recommendations: Fair and Sustainable Solutions

a. Integration of Administrative Law and Human Rights Principles

Street vendor management policies must integrate the principles of fair, transparent, and participatory administrative law with respect for the economic rights of street vendors. The policy formulation process needs to actively involve street vendors, spatial planning experts, academics, and civil society.

b. Zoning and Inclusive Management

Alternative arrangements could include zoning street vendors in rarely used loading and unloading lanes, building uniform kiosks with artistic designs, open dining areas, and greenery elements. Strict parking regulations and restrictions on the number of street vendors based on actual data prior to relocation also need to be implemented to prevent social jealousy.

c. Economic Empowerment and Capital Assistance

Local governments need to provide economic empowerment programs, managerial training, and capital assistance for relocated street vendors. Facilities at the new location must meet standards of accessibility, sanitation, and promotion of the new economic zone.

d. Monitoring, Evaluation, and Success Indicators

Monitoring and evaluation of street vendor arrangements must be carried out regularly with success indicators that include increased street vendor income, customer satisfaction, public order, and street vendor participation in decision-making.

e. Role of Satpol PP and Law Enforcement Officials

Satpol PP and law enforcement officials must carry out their duties in a humane, persuasive manner and in accordance with legal procedures. Enforcement without proper relocation will only create a cycle of disorder and repeated conflict.

f. Comparative Study: Relocation of Street Vendors in Other Cities

Case studies in Klender, Solo, Sukoharjo, and Malioboro Yogyakarta show that the success of street vendor relocation greatly depends on the active participation of street vendors, the selection of strategic locations, adequate facilities, and continuous support from the government. Relocation failures generally occur if the new location has few visitors, inadequate facilities, and no economic empowerment.

10. Evaluation Instruments: Indicators of Success in Street Vendor Management and Monitoring

- Indicators of Success in Street Vendor Management Explanation and Analysis
- Increase in street vendor income Street vendor income at the new location must be at least equal to or higher than before relocation. A decrease in income indicates failure in management.
- Customer and community satisfaction Public spaces become more orderly, clean, and comfortable without sacrificing street vendors' economic access. Satisfaction surveys can be conducted periodically.
- Street Vendor Participation in Decision Making The level of street vendor involvement in consultation, planning, and policy monitoring. Substantive participation increases the legitimacy and sustainability of policies.
- Facilities and Infrastructure The availability of sanitation facilities, electricity, water, trash bins, and

accessibility at the new location. Adequate facilities support the success of relocation.

- Periodic monitoring and evaluation Local governments conduct monitoring at least twice a year, involving street vendors and civil society in the evaluation.
- Dispute resolution and complaints Availability of complaint and dispute resolution mechanisms that are easily accessible to street vendors. Non-litigation and litigation resolutions must be carried out fairly.
- Explanation: The above indicators must be integrated into the monitoring and evaluation system for street vendor management policies. Local governments need to establish a transparent reporting and complaint system and involve street vendors in every stage of the evaluation.

11. Research Ethics and Informant Protection

This research adheres to research ethics principles, including informed consent, anonymity, and protection of sensitive data. Researchers ensure that there is no physical, psychological, or social harm to informants, and maintain integrity and objectivity in data analysis. Each interview and observation result is confirmed with key informants to ensure data accuracy and validity.

IV. CONCLUSION

The arrangement of PKL on Jalan Siliwangi reflects the complexity of balancing public space management with economic human rights. The juridical analysis indicates an imbalance in policy implementation, characterized by a lack of public participation and insufficient accommodation of economic rights. The relocation has led to a significant decline in traders' income and social resistance. Therefore, a humanist approach that prioritizes dialogue, transparency, and economic empowerment is essential for future policy formulation

The main recommendation of this study is the need to integrate the principles of fair and transparent administrative law with respect for the economic rights of street vendors in the formulation of regulatory policies. The consultation and public participation process must be strengthened, and local governments need to provide facilities, economic empowerment, and continuous monitoring. A comparative study with other cities shows that the success of street vendor management greatly depends on the active participation of street vendors, the selection of strategic locations, and continuous support from the government.

This study is expected to serve as a reference for policymakers, law enforcement officials, and stakeholders in managing street vendor conflicts effectively and upholding human rights.

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