

The Role of State Administrative Law in the Arrangement of Street Vendors: A Case Study in the Bambu Kuning Market Area, Bandar Lampung

Nabila Permata Sari¹, Khairudin²

State Islamic University of Raden Intan Lampung

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Abstract

The regulation of street vendors (PKL) in the Bambu Kuning Market area of Bandar Lampung presents multidimensional challenges related to legal, social, and spatial planning aspects. This study aims to analyze the role of administrative law in the regulation process using a normative-empirical approach and case study method. The findings indicate that the implementation of PKL management policies remains weak in terms of legality, transparency, accountability, and public participation. The local government tends to adopt a repressive approach without valid administrative documentation and minimal involvement of PKL in policy formulation. Violations of key principles of administrative law, such as the principles of legality and proportionality, further exacerbate legal uncertainty and social inequality. This study recommends the reformulation of inclusive and responsive policies through the establishment of consultative forums and capacity-building for government officials in applying good governance principles and protecting citizens' rights in public space management

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Corresponding Author:

Nabila Permata Sari

State Islamic University of Raden Intan Lampung

Email: nabillapermatasari177@gmail.com

1. INTRODUCTION

The presence of street vendors (PKL) in public spaces in the city is a socio-economic phenomenon that cannot be avoided in the dynamics of urbanization and regional development. On the one hand, street vendors contribute to reducing unemployment and improving the economy of small communities; but on the other hand, their presence is often considered to cause problems with urban planning, public order, and environmental aesthetics. The tension between the economic needs of the community and the enforcement of city governance creates a classic dilemma in public policy making.

Theoretically, the regulation of public spaces and informal economic actors such as street vendors can be analyzed using the approach of the instrumental function theory of state administrative law, which emphasizes the role of the state in regulating through laws and regulations and concrete decisions from state administrative officials. According to Philipus M. Hadjon, administrative law has two main functions: as a means to achieve state goals (instrumental function) and as a means of controlling government power (control function). (Hadjon, 1987) In the context of regulating street vendors, these two functions ideally run in a balanced manner—that is, the state is able to regulate without violating the basic rights of citizens to obtain a decent living.

In addition, the theory of inclusive public policy is an important foundation in the arrangement of the informal sector. According to Dunn, public policy should be responsive to the needs of the community by involving active participation from various stakeholders, especially those who are directly affected. (Dunn, 2016) Unfortunately, the policy of arranging street vendors in Indonesia tends to be top-down and repressive, which leads to social resistance and continued failure of implementation.

In Indonesia, street vendor management is often partial and inconsistent, reflecting the weak application of good governance principles in public administration practices. In fact, the principles of state administrative law such as the principle of legality, the principle of proportionality, and the principle of protection of citizen rights should be the main reference in formulating and implementing policies. Weak legal instruments and lack of accountability in administrative decision-making reinforce the impression that street vendor management is more oriented towards the aesthetic interests of the city than the welfare of citizens.

Pasar Bambu Kuning in Bandar Lampung City is one of the trade centers with a high concentration of street vendors and is a crucial point in the practice of urban spatial planning. The Bandar Lampung City Government has made various planning efforts, but the reality in the field shows that there is still social resistance, irregularity, and legal-administrative problems in the implementation process. This indicates the need for an evaluation of how administrative law is practiced in the process of formulating, implementing, and supervising street vendor planning policies.

Based on the description, the formulation of the problem in this study is: What is the role of state administrative law in the arrangement of street vendors in the Pasar Bambu Kuning Bandar Lampung area? This study aims to critically analyze the application of state administrative law principles in the policies and practices of street vendor arrangement in the area.

This research is important because it can provide academic and practical contributions in strengthening the function of state administrative law as an instrument for regulating fair public space. In addition, this study is also expected to be an input for regional policy makers in designing a street vendor arrangement model that is not only legal-formal, but also inclusive and responsive to the socio-economic needs of urban communities.

2. RESEARCH METHOD

This study uses a normative-empirical legal method with a case study approach, which aims to examine in depth the role of state administrative law in the arrangement of Street Vendors (PKL) in the Pasar Bambu Kuning area, Bandar Lampung City. The normative approach is used to examine various laws and administrative law principles that regulate the authority of local governments in managing public spaces. Meanwhile, an empirical approach is used to analyze how these norms are implemented in practice, especially regarding arrangement policies and their impact on informal business actors.

Data collection was conducted through semi-structured interview techniques with key informants, namely Trade Service officials, Civil Service Police Unit (Satpol PP) officers, market managers, and street vendor representatives at the research location. In addition, direct observation was also conducted to document the factual situation in the field and identify relevant administrative practices. Secondary data were obtained from document studies, which included laws and regulations such as Law Number 23 of 2014 concerning Regional Government, Bandar Lampung City Regional Regulations

concerning public order and market management, and various scientific literature that supports the analysis of state administrative law.

Data analysis was conducted qualitatively with a descriptive-analytical approach. The primary and secondary data that had been collected were reduced, categorized according to administrative law themes such as legality, authority, the principle of proportionality, and public participation, then interpreted using the framework of state administrative law theory. This analysis process aims to identify the extent to which the principles of administrative law are implemented in the practice of arranging street vendors and to assess the alignment between legal norms and regional policies.

3. RESEARCH RESULTS AND DISCUSSION

3.1. Empirical Reality of Street Vendor Arrangement in the Bambu Kuning Market Area

Based on the results of direct observation and interviews with stakeholders, it was found that the arrangement of Street Vendors (PKL) in the Pasar Bambu Kuning area, Bandar Lampung City, still faces quite complex challenges. The City Government has made various arrangement efforts based on Regional Regulations on public order and market management. However, its implementation in the field is still not optimal. One of the main obstacles is the lack of coordination between related agencies, such as the Trade Office and Satpol PP, as well as the low involvement of street vendors in the decision-making process.

In practice, the eviction is carried out incidentally and is often repressive. This is reinforced by the findings of interviews with Satpol PP officers who stated that their actions were more based on direct instructions without having a strong legal basis, such as a Decree or formal document that can be accounted for administratively. Street vendors often only receive verbal notification or circulars without adequate socialization. Even in some cases, evictions are carried out suddenly, causing the loss of livelihoods for most small traders.

Social resistance also emerged as a response to the top-down approach taken by the local government. Street vendor representatives expressed that they felt they were not considered part of the city's economic ecosystem, even though their existence had been going on for years and had contributed to the local economic cycle. The absence of a humane relocation scheme, the lack of alternative facilities such as new, decent stalls, and the lack of legal guarantees worsened the socio-economic situation of street vendors. This shows that the arrangement policy has not touched on aspects of social justice and decent living as guaranteed in the constitution.

3.2. Evaluation of the Principles of State Administrative Law

When analyzed through the state administrative law approach, various inconsistencies are found between legal norms and administrative practices in the field. According to the instrumental function theory of state administrative law as explained by Philipus M. Hadjon (1987), the state should carry out two main functions, namely the instrumental function (regulating to achieve state goals) and the control function (controlling power so that it is not arbitrary). In the context of street vendors' arrangement, these two functions should be present in a balanced manner.

However, based on the data collected, the control function appears weak. Administrative actions such as street vendor control do not go through transparent and accountable mechanisms. In many cases, there are no official decision documents from state administrative officials that can be accessed by the public. This shows that the

principle of legality as the main foundation in state administrative law has been ignored. This legal disorder creates legal uncertainty for street vendors who want to run their businesses in an orderly and legally compliant manner.

In addition, the principle of proportionality which stipulates that government actions must be balanced between the objectives to be achieved and their impact on society is also violated. The regulation carried out tends to have a major impact on the economic sustainability of street vendors without adequate social protection. The local government seems to be more focused on the aesthetic aspects and visual order of the city than on the economic sustainability of residents who depend on the informal sector for their livelihoods. This is contrary to the spirit of protecting the basic rights of citizens to earn a decent living as stated in Article 27 paragraph (2) of the 1945 Constitution.

3.3.Absence of Inclusive Public Policy Principles in Street Vendor Arrangement

From the perspective of public policy theory, especially the inclusive approach as proposed by William N. Dunn (2016), policies should be formed by involving the active participation of all affected parties. In this case, street vendors as the main subject of the policy should be meaningfully involved in the process of formulating, implementing, and evaluating the arrangement policy. However, the reality in the field shows that the policy process is still dominated by an elitist and exclusive approach. There is no public consultation forum or deliberation involving the street vendor community in the policy-making process.

This top-down arrangement model is what then gives rise to social resistance. Policies that are not perceived as the result of mutual agreement tend not to be obeyed and often lead to conflict between government officials and the community. In fact, if policies are formulated in a participatory and dialogue-based manner, their legitimacy and success will be much greater. The failure of local governments to implement the principles of inclusive public policy shows the weak application of the principles of good governance in the management of public spaces, especially in the informal sector such as street vendors.

3.4.Confirmation Through Previous Research

The findings in this study are in line with various previous studies. Darmawan's (2021) research on street vendor management in Jakarta and Surabaya stated that weak legal instruments and repressive approaches are the main obstacles to the success of street vendor management. Policies that do not have a strong legal basis tend to experience social resistance and fail to be implemented sustainably. Lestari and Huda's (2020) research even states that administrative actions against street vendors are often discriminatory and reinforce social inequality.

In other words, the issue of street vendors' arrangement is not only a matter of technical regulation, but also concerns structural issues in regional governance. If the principles of state administrative law are not used as the main reference, then the arrangement efforts will only be temporary and will not touch the root of the problem.

3.5.Policy Implications and Recommendations

Based on the findings and analysis above, it can be concluded that the role of state administrative law in the arrangement of street vendors in the Pasar Bambu Kuning area is still not optimal. The local government needs to reformulate policies that are not only based on the aesthetic interests of the city, but also consider aspects of social justice and the economic rights of citizens.

Regional regulations are needed that explicitly regulate the mechanism of public participation in public space planning policies. In addition, government officials must be given special training to understand the principles of administrative law in everyday actions, so that policies are not merely legal-formal, but also fair and responsive.

Another important step is to form a dialogue forum or consultative council involving street vendors, government officials, academics, and civil society. This forum can be an effective two-way communication tool in formulating inclusive and accountable structuring policies.

4. CONCLUSION

The arrangement of street vendors (PKL) in the Pasar Bambu Kuning area, Bandar Lampung, reflects the dilemma between the economic needs of the lower class and the demands of urban spatial planning. Although the local government has made various efforts to regulate based on regulations, the implementation of the policy is still repressive, top-down, and has minimal public participation, thus creating social resistance and legal uncertainty for street vendors.

From the perspective of state administrative law, violations of the principles of legality, proportionality, and the principle of control over administrative power were found. The clean-up was carried out without official, accountable documents and without considering the socio-economic impacts on street vendors, resulting in violations of the right to a decent living.

In addition, the arrangement policy does not reflect the principles of inclusive public policy as it should, because it does not involve street vendors in the process of formulating or evaluating the policy. This confirms the weak implementation of the principles of *good governance* in public space management.

This study suggests the need for reformulation of street vendor management policies based on fair and inclusive state administrative law, including the preparation of participatory regulations, training of officers, and the establishment of multi-party consultative forums. A legal, participatory, and responsive approach is key to creating sustainable and socially just street vendor management policies.

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