

IMPLEMENTATION OF THE PRINCIPLE OF PUBLIC PARTICIPATION IN ARRANGEMENT OF STREET TRADERS

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Abstract

This research is included in the type of juridical empirical legal research (sociological). Empirical juridical research is a type of research that uses and processes empirical facts taken from human behavior, both verbally which can be obtained through interview techniques and real behavior obtained by direct observation. To obtain this research material, the researcher uses the literature study method, namely by studying legal materials and by conducting field studies that examine the facts in the field. While the legal material in this study is library material in the form of primary legal material, legal and non-legal articles and books as secondary legal material and the results of interviews in the field as tertiary legal material

I. Introduction

In this era, the world is experiencing rapid development, this is a result of the industrial revolution 4.0, the effects of the 4.0 revolution have almost touched all aspects of human life in this era, including the economy. Developments in this economic field strongly affect a country's economy, both positively and negatively. Food and basic needs are becoming very scarce, plus the number of contagion and death is always increasing every day and is a tragedy for every country experiencing a crisis, One of the results of economic development in the current era is the emergence of virtual-based digital money and assets, which in use use an internet network that can connect everyone around the world(Romadhan, 2020).

Jalan Malioboro is one of the supporting areas for the social and economic life of the people of Yogyakarta. The existence of various activities and activities

with high mobility along Jalan Malioboro starting from office activities, trade, services, tourism, and socio-culture is proof that Jalan Malioboro is the center of community activities in terms of meeting needs or just spending time. The high level of mobility in the Jalan Malioboro area has been felt for a long time. Therefore, in 1980 the Yogyakarta City Government made a policy by creating a special lane for pedestrians that stretched from Jalan Malioboro to Jalan Ahmad Yani. This policy was carried out by moving the shopping terraces back as far as 2.5 meters which aims to provide space for pedestrians and tourists to feel more comfortable enjoying the atmosphere of Malioboro. One of the things that became the basis for creating this policy was an increase in the number of visitors on Jalan Malioboro, especially on Saturdays and Sundays which reached 1,500 visitors. However, on normal days the density of visitors only occurs at certain times, around 13.00 - 16.00 WIB with the number of visitors reaching 700 and at 18.00-20.00 WIB with the number reaching more than 1,000 visitors (Bappeda Kota Yogyakarta, 2006).

Visitor density raises several problems for the local regional government, ranging from simple problems to complex problems, especially related to problems in the field of spatial planning. Issues regarding land in human life often cause problems, because land is an important aspect of human life, wherein human life is very dependent on land, starting from a place of residence or settlement to a source of livelihood for humans. Not a few lands - lands that are very minimal in urban areas have become a source of conflict because of competition in obtaining them.

The community's need for employment in areas that are included in the urban category is very high, the high level of competition in terms of a job makes many people reluctant and prefer to do entrepreneurship. This happens a lot in big cities, such as the City of Yogyakarta, especially the Malioboro area. The economic situation that urges people to be able to live their lives forces people to fight against conditions where it is difficult to get a job so that people around Malioboro are forced to rack their brains and most of them decide to become entrepreneurs, namely as traders of Kali Lima.

The existence of these street vendors is a dilemma for an area, especially the City of Yogyakarta. The number of street vendors is like a sword that has two sharp edges, on the one hand existence only benefits the community from an economic and tax perspective for the local government, but on the one hand it becomes homework for the local government because of the large number of street vendors. This is what makes the Malioboro area crowded.

Because in the content of the Qur'an and the relations of religious people there are basic principles that w Given this, the Yogyakarta City Government needs to create a good spatial concept by collaborating with street vendors in the region. This aims to create a balance and good spatial planning and put forward the principle of participation in making a regulation regarding urban spatial

planning. Without the participation of the local community, good development will not be created. In other words, the community plays an important role in the concept of development planning. As in Law Number 26 of 2007 concerning Spatial Planning contained in preamble point d explains that "the existence of limited space and a growing public understanding of the importance of spatial planning requires the implementation of transparent, effective and participatory spatial planning in order to create a safe space , comfortable, productive, and sustainable".

2. Research Method

This research is included in the type of juridical empirical legal research (sociological). Empirical juridical research is a type of research that uses and processes empirical facts taken from human behavior, both verbally which can be obtained through interview techniques and real behavior obtained by direct observation. To obtain this research material, the researcher uses the literature study method, namely by studying legal materials and by conducting field studies that examine the facts in the field. While the legal material in this study is library material in the form of primary legal material, legal and non-legal articles and books as secondary legal material and the results of interviews in the field as tertiary legal material. The research locations were carried out along the Malioboro area, namely the Special Region of Malioboro - A. Yani, Jalan Malioboro, Jalan A. Yani, Jalan Suryatmajan, Jalan Pajeksan, and Jalan Reksobayan. The method of analysis is carried out qualitatively, namely using qualitative data based on laws and regulations and reputable journals both nationally and internationally (Mawuntu, Engelen, and Palandeng 2018).

1. Results and Discussion

2.1. Implementation Of The Principle Of Public Participation In Arrangement Of Street Traders

Arrangements regarding street vendors in the Malioboro area are one part of the Spatial Planner for the Province of the Special Region of Yogyakarta, with the existence of the Regional Regulation of the Special Region of Yogyakarta Number 2 of 2010 concerning the Spatial Plan for the Special Region of Yogyakarta Province for 2010-2029 where Malioboro becomes a strategic area in government the province of the Special Region of Yogyakarta. regulated in Article 99 letter b which reads.

"Provincial strategic areas include: the Yogyakarta Palace, Kotalama Kotagede, the Imogiri tomb, Puro Pakualaman, and the Malioboro area, and temples in Sleman and Bantul Regencies".

Regarding the management of these strategic areas, it is regulated in Article 104 PERDA DIY Province Number 2 of 2010 concerning the 2010-2029 Yogyakarta Special Province Spatial Planning which explains that the management of provincial strategic areas is handed over to the Regional Working Units (SKPD).

Meanwhile regarding community participation or participation in spatial planning is regulated in Article 146 which regulates community participation in spatial planning which reads:

"The role of the community in spatial planning in the regions is carried out through:

1. spatial planning process;
2. space utilization; and
3. controlling the use of space.

Regarding the form of community participation, it is regulated in Article 148 PERDA DIY Province Number 2 of 2010 concerning Spatial Plans for the Province of the Special Region of Yogyakarta for 2010-2029 in carrying out the concept of spatial use which reads:

"The form of the community's role in spatial planning as referred to in Article 146 letter b can be in the form of:

- a. activities utilizing space in accordance with local wisdom and spatial planning concepts that have been determined.
- b. provide input regarding spatial use policies.
- c. provide support in terms of technical assistance, expertise, and/or funds in the management of spatial use.
- d. improve efficiency, effectiveness, and harmony in terms of utilizing land space, sea space, air space, and space in the earth while still paying attention to local wisdom and in accordance with the concepts and provisions of existing laws and regulations.
- e. there is a need for cooperation in terms of spatial planning between the Government, regional governments, and/or and other parties in a responsible manner to achieve spatial planning objectives.
- f. activities to maintain, maintain, and enhance the sustainability of environmental functions and natural resources; and
- g. investment activities and/or expertise services.

In terms of the community's role in controlling the use of space, it is regulated in Article 149 which reads :

"The form of the community's role in terms of controlling and utilizing space as referred to in Article 146 letter c can be in the form of:

a. Provide input or suggestions regarding zoning directives and/or zoning regulations, permits, provision of incentives and disincentives and imposition of sanctions.

b. Participating in monitoring and supervising the implementation of space utilization activities and spatial planning plans that have previously been determined, as well as fulfillment of service standards from the smallest things in the field of spatial planning.

c. In the event that the community finds space utilization activities that are not in accordance with the predetermined spatial plan, it is obligatory to report it to the authorized agency or official. In addition, reporting can also be based on indications of non-compliance in the form of damage to even environmental pollution, non-fulfillment of minimum service standards, or problems that arise in society in the implementation of spatial planning concepts.

d. Submit an objection if there is a discrepancy between the spatial planning concepts contained in the decisions of public officials.

e. Filing a lawsuit to cancel the permit or forcibly stop the construction due to the incompatibility of the development plan with the spatial layout concept. The lawsuit is addressed to the authorized agency or official.

Regarding the role of the community in terms of spatial planning concepts, it can be conveyed directly or in writing as stipulated in Article 150. The intended role of the community can be conveyed directly and/or in writing to the Governor who coordinates provincial spatial planning through the relevant SKPD. In an effort to increase the role of the local government community to build an information and documentation system in terms of implementing spatial planning concepts that can be accessed easily by the community as stipulated in Article 151, the local government through Article 152 explains the implementation of procedures for community roles in the spatial planning process carried out in accordance with statutory provisions.

Arrangements regarding street vendors in the Malioboro - A. Yani area regarding special areas are regulated in Mayor Regulation Number 37 of 2010 which is a derivative regulation from the existence of the DIY Provincial PERDA Number 2 of 2010 concerning Spatial Plans for the Province of Yogyakarta Special Region for 2010-2029. Due to the existence of street vendors in the area of Jalan Malioboro - A. Yani has exceeded the limit so the Yogyakarta city government decided to make it a special area and there is a rule that the number of street vendors in Malioboro - A. Yani cannot be added to this Mayor Regulation. five feet easier to do coaching, as well as supervision.

The implementation of this mayoral regulation was followed up by the existence of Mayor Regulation Number 8 of 2012 concerning the Technical Management Unit for the Management of the Malioboro Area, Yogyakarta City Tourism and Culture Office, which is an organization formed by the Yogyakarta city government to carry out Guidance, Supervision and Control in the

Malioboro area -A. Yani is expected to be a place for conveying the aspirations of the parties - parties in the Malioboro - A. Yani area as a consideration for policies that will be enforced by the Yogyakarta city government.

The technical management unit is an organization created by the government of the City of Yogyakarta which is domiciled under the Department of Tourism and Culture of the City of Yogyakarta which has functions and duties in three fields, namely the fields of trade, tourism and transportation in the Malioboro area - A. Yani. The technical management unit (UPT) was formed in 2010 based on Yogyakarta Mayor Regulation No. 8 of 2012, because the city government considered it necessary to have a special institution or organization that regulates and manages street vendors in the Malioboro area - A. Yani.

The mutual claims of the parties actually made the atmosphere worse where there were several parties who claimed that Malioboro was an industrial, tourism, business, political, and public area. Because of these various things in the Malioboro-A.Yani area it is getting crowded and crowded because there are no institutions or organizations that monitor it intensively so that the UPT organization was formed. The new organizational status of the UPT is in the form of Yogyakarta Mayor Regulation Number 8 of 2012 (Syarief Teguh Prabowo, S.STP , 2013).

This technical management unit is expected to be able to empower the Malioboro area which has an area of around 700-800 M with various elements and interests ranging from political, economic, social and cultural interests with very limited locations. This technical management unit in its establishment has the spirit and purpose of "Gotong Royong" so that with this organization it is hoped that it will provide good synergy between the elements or parties involved in the Malioboro-A area. Yani.

Malioboro was designated as a special area because there was excess capacity for Malioboro traders so that this area became congested and congested, this is the main task of the technical management unit so that later the Malioboro - A. yani area becomes an effective and well-organized area in terms of trade , tourism and transportation. The technical management unit requires street vendors to become members of a association or association of traders so that data collection and coaching for traders is more focused and efficient. The several associations of street vendors registered in this technical management unit are :

1. TRIDARMA merchant facing the shop
2. PEMALNI traders who have their backs to the shop
3. PPLM of lesehan traders after office closing hours
4. HANDAYANI traders on the east and west roads during the day
5. PATMA akridingan sword association

6. PAMARTA food vendors in the morning before 9 o'clock.
7. SENTIR MARKET, a second-hand dealer in the parking lot of the Bringharjo market.
8. MARKET AFTERNOON
9. PPKLY 37.

LIST OF STREET TRADER ASSOCIATION MEMBERS

No	Nama	JumlahAnggota	Bentuk
1	Pridarma	832	Koperasi
2	Pemalni	383	Koperasi
3	PPLM	51*	Patembayan
4	Handayani	51	Patembayan
5	Patma	43*	Patembayan
6	Pamarta	15*	Patembayan
7	Pasar Sentir	30*	Patembayan
8	Pasar Sore	40*	Patembayan
9	PPKLY	15*	Patembayan

Source: UPT Data 2012 Ket* Data 2012

From the table above, it can be concluded that there are still many associations of street vendors that are still in the form of patembayan so that they do not have a permanent leadership and secretarial structure. So that causes the UPT to experience problems with the socialization that will be conveyed to the merchant associations..

4. Conclusion

In accordance with the description of the research results that the authors convey and describe in the previous material. So the conclusions can be drawn, among others :

Arrangements regarding community participation in spatial management, especially in the arrangement of street vendors along Jalan Malioboro after the enactment of the Special Region of Yogyakarta Special Law. The form of arrangement of sidewalks in special areas along Jalan Malioboro to Jalan A. Yani has been regulated by the Yogyakarta City government by issuing several regulations and enforcing policies as a form of arrangement and supervision of the existence and arrangement of the Malioboro-A area. That Yani. Some of the regulations issued by the Yogyakarta City government include the Mayor's Regulation regarding the establishment of the Malioboro-A special area. Yani and arrangements regarding institutions or organizations that regulate or are representatives of the city government in structuring and fostering street vendors in the Malioboro-A Yani area.

There are several efforts that have been made by the Government of the City of Yogyakarta in implementing the principle of community participation in structuring street vendors in the Malioboro area, namely by making regulations and policies that apply in the Malioboro-A. Yani area which in their preparation involve the participation of other parties. parties who in their daily activities in the Malioboro-A.yani area. The Yogyakarta City Government has also carried out good and clear regulations in the arrangement of street vendors so that they are not increasingly crowded and crowded, the Yogyakarta City Government strictly prohibits the addition of traders and has created a separate organization to carry out supervision and guidance for street vendors so that they are more controlled.

Several factors led to the application of the principle of community participation in the arrangement of street vendors in the Malioboro-A.Yani area. These factors include the fact that there are still many street vendors in Malioboro who have not joined the merchant association, in submitting their participation to the UPT the trader must join the trader association so that the trader is not included in the UPT data.

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Hasil Wawancara

Hasil wawancara dengan bapak Syarief Teguh Prabowo, S.STP Ketua Unit Pengelolaan Teknis Kawasan Malioboro – A.Yani, Jumat tanggal 12 April

2013, Pukul 13.30 WIB di Kantor UPT jalan Malioboro.

Hasil wawancara dengan bapak Darmanto Koordinator Pemberdayaan dan Promosi Unit Pengelolaan Teknis Kawasan Malioboro – A.Yani, Jumat tanggal 3 Mei 2013, Pukul 14.00 WIB di Kantor UPT jalan Malioboro.

Hasil wawancara dengan bapak Mudjiyo Ketua Koperasi Tridarma, Rabu tanggal 24 April 2013, Pukul 13.30 WIB di Kesekretariatan Tridarma jalan Mataram Gemblakan Bawah DN I/378

Hasil wawancara dengan Bapak Slamet Ketua PEMALNI, Selasa 28 Mei 2013, Pukul 11.30 WIB di Malioboro