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The Responsibility of Local Government Towards UMKM Actors, A Case Study of the Curbing of Traders in the Peak Tourist Area

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Abstract: The Puncak tourist area in Bogor is one of the top destinations that attracts thousands of tourists every year. However, this increased tourism activity presents challenges related to public order and spatial management, particularly regarding street vendors who are often perceived as disruptive. The local government enforces vendor regulation to maintain the area's aesthetics and reduce congestion, but this policy often neglects the welfare of MSMEs that depend on trading in the area. This study aims to explore the responsibility of local governments in providing legal protection and support to MSME vendors, especially in the context of vendor regulation policies in the Puncak tourist area. Based on Law No. 23 of 2014 on Regional Government and Law No. 20 of 2008 on MSMEs, the government is obligated to create a conducive business environment and involve the community in policy-making. Findings show that enforcement without alternative solutions harms vendors socially and economically. Local governments need to adopt inclusive and participatory approaches to balance maintaining public order and protecting the welfare of small vendors.

Keyword: Government Responsibility, MSMEs, Vendor Regulation, Puncak Tourist Area.

INTRODUCTION

Micro, Small and Medium Enterprises (MSMEs) play an important role in the Indonesian economy. With a significant contribution to gross domestic product (GDP) and providing employment for millions of people, MSMEs are the backbone of the people's economy that should receive more attention from the government, both at the central and regional levels. One MSME sector that is often faced with major challenges is street vendors and small businesses in tourist areas. The Puncak tourist area, as one of the favorite tourist destinations in Indonesia, especially in the Bogor area and its surroundings, has long been a strategic place for street vendors and MSME players to make a living. However, behind its economic benefits, the area is also faced with problems of spatial planning, congestion, and violations of regulations that often trigger local government enforcement policies. This often raises questions about the responsibility of the local government towards the affected MSME players.

The Puncak area is known as a tourist destination with alluring natural attractions, which creates great opportunities for local traders to market their products, whether in the form of food, souvenirs, to other tourist needs. However, trading activities in this area are often considered to disrupt public order and the beauty of tourism. The local government often attempts to bring order to the area in order to maintain a neat layout and reduce severe congestion, especially on weekends and holiday seasons. While this is well-intentioned, the impact on MSMEs is often a dilemma. For merchants who rely on daily income from activities in the Puncak area, the sudden nature of the curbing policy without alternative solutions often leads to loss of income and business uncertainty.

The responsibility of local governments towards MSME actors in the context of curbing traders in the Puncak area is a complex issue, because it involves various legal, economic and social aspects. Legally, local governments have the authority to carry out curbs as part of efforts to maintain public order and comply with spatial regulations. Law No. 23/2014 on Regional Government gives local governments the authority to manage their territories, including in terms of public spatial planning and trade regulation in certain areas. However, on the other hand, local governments also have an obligation to protect and support MSME actors, in accordance with Law No. 20/2008 on MSMEs, which emphasizes the importance of protecting and empowering small businesses in order to improve people's welfare. Therefore, the enforcement policy taken by the local government must consider the balance between efforts to maintain order and beauty of the area and the protection of the business continuity of MSME actors.

The curbing of traders in the Puncak tourist area often raises debates about the methods and approaches used by the local government. Most of the affected traders complain that the process was carried out without any prior dialog or warning, leaving them at an economic disadvantage. The loss of a place to trade means the loss of a major source of income for the traders, most of whom are from the middle to lower economic groups. In some cases, evictions or demolitions of trading stalls are carried out without providing alternative solutions for the traders. This raises fundamental questions about the extent of local government responsibility in providing solutions for affected traders, such as the provision of new places to sell or other economic empowerment programs.

In the face of this problem, local governments often argue that enforcement is necessary to maintain order and tourist convenience. The Puncak area often experiences severe congestion caused by the large number of street vendors selling on the roadside, disrupting traffic flow. In addition, the presence of unorganized street vendors is considered to reduce the attractiveness of tourist areas and can damage the image of local tourism. Therefore, the removal of vendors is often justified as a necessary measure to create a more organized and attractive tourist environment for visitors. However, this argument is often inadequate for traders, who feel that local governments pay little attention to their welfare. The responsibility of local governments is not only limited to enforcing spatial planning and order regulations, but also includes protecting the economic rights of the community, including MSMEs. Enforcement that is carried out without considering the social and economic impacts for traders may violate the principles of social justice mandated by the constitution. Article 33 of the 1945 Constitution affirms that Indonesia's economy must be structured as a joint effort based on the principle of kinship, which means that the government is obliged to maintain a balance between the public interest and the welfare of the small community. In this context, an enforcement policy that does not provide alternative solutions for traders could be considered a violation of the local government's constitutional obligation to protect the economic rights of citizens.

In addition, in some cases, policing street vendors can also have an impact on social relations between the government and the community. Repressive policing policies, such as demolition of stalls or evictions without warning, can trigger social conflict and reduce the level of public

trust in the government. Therefore, local governments should be careful in formulating and implementing policing policies, involving community participation in the decision-making process. An inclusive approach, where traders are consulted and given the opportunity to find solutions together, can help reduce tensions and create policies that are fairer for all parties.

On the other hand, traders also have a responsibility to comply with applicable regulations, especially those relating to spatial planning and public order. Many street vendors operate without official licenses and set up stalls in areas not designated for commercial activities. This poses a problem for the local government, which is obliged to maintain order in tourist areas. Therefore, dialogue between the government and traders needs to focus on efforts to find mutually beneficial solutions, such as providing legal and well-organized trading places in strategic areas that do not interfere with traffic or tourist spatial planning.

The role of local governments in addressing the problems of MSMEs, especially traders in tourist areas such as Puncak, requires a more comprehensive and sustainable approach. Local governments must be able to design policies that not only focus on curbing, but also on economic empowerment of small traders. Training programs, providing access to capital, and providing alternative locations for trading can be part of the solutions offered by local governments in order to support MSME actors. Thus, curbing policies can be carried out in a more humane manner, without sacrificing the sustainability of small traders' businesses.

Overall, the responsibility of local governments towards MSME actors, especially in the context of controlling traders in the Puncak tourism area, requires a balance between the public interest and the economic rights of traders. The local government must perform its function as a fair regulator, which not only enforces the rules but also provides protection and support to MSME players who play an important role in the local economy. With clear regulations, inclusive dialogue, and effective empowerment programs, it is hoped that the curbing of merchants in tourist areas can be done in a more equitable and sustainable way.

METHOD

In this paper, the author uses a normative juridical legal research method. The normative juridical legal research method is an approach that focuses on written and unwritten legal norms in a legal system. This method aims to analyze the applicable legal provisions, as well as understand how these norms are applied in practice. Normative juridical prioritizes legal sources such as laws, government regulations, court decisions, and legal doctrine as the main reference in research. Researchers used data collection techniques in the form of literature studies, namely analyzing relevant legal literature, such as books, scientific articles, and official documents. In this research, researchers identify and formulate legal problems based on existing provisions, then examine the application of these norms in the context of specific cases. Through juridical analysis, researchers can assess the effectiveness and fairness of the law, as well as identify potential problems or legal gaps that need to be addressed. This method also allows researchers to provide recommendations on improving existing legal policies. The advantage of the normative juridical method is its ability to produce an in-depth understanding of legal provisions and their impact on people's lives. However, this method also has limitations, especially in terms of social context and empirical facts that may not be fully represented through norm analysis alone. Therefore, this method is often combined with other approaches, such as empirical or sociological, to get a more complete picture of the legal issues under study. Thus, the normative juridical legal research method is one of the important approaches in the development of legal science and its application in society.

RESULTS AND DISCUSSION

How is the responsibility of the local government in providing legal protection to MSME actors, especially traders in the Puncak tourist area, in the face of disciplinary policies carried out by the government?

The responsibility of local governments in providing legal protection to Micro, Small and Medium Enterprises (MSMEs) is very important, especially in the face of curbing policies in tourist areas such as Puncak. In carrying out the function of local governments as regulators as well as protectors of MSMEs, various laws and regulations in Indonesia have regulated the obligations of local governments, both in terms of protecting small businesses and managing tourist areas. However, often the enforcement policies taken by local governments have the potential to marginalize the economic interests of MSME actors, especially street vendors operating in tourist areas that are the object of arrangement or enforcement.

One of the regulations underlying the local government's authority to carry out curbing is Law No. 23/2014 on Regional Government. Article 12 states that local governments have the authority to regulate and manage government affairs, including in terms of public space management, tourism, and public order. Local governments, in order to maintain the order and comfort of tourist areas, have an obligation to ensure that the area is neatly organized and does not cause disturbances to the comfort of tourists. In this case, local governments often carry out disciplinary actions against street vendors who are considered to violate spatial regulations or disrupt the smooth flow of traffic.

However, the responsibility of local governments is not only limited to enforcing regulations related to spatial planning and order. In accordance with Law No. 20/2008 on Micro, Small, and Medium Enterprises, local governments are also obliged to provide protection, guidance, and empowerment to MSME actors. Article 7 of the UMKM Law explains that the government, both central and regional, has the responsibility to create a conducive environment for the development of MSMEs. Such protection includes access to capital, skills development, as well as marketing support and business premises. Therefore, the curbing policy carried out by the local government must pay attention to the rights of MSME actors to obtain protection and support so that they can continue to run their businesses sustainably.

In the context of the Puncak tourist area, curbing policies often create uncertainty for street vendors who have long depended on the location to make a living. Street vendors, although often perceived as spatial violators, are an important part of the local economic ecosystem that serves the needs of tourists. A sudden crackdown without providing alternative solutions for vendors will have a negative impact on their economic sustainability. In this case, local governments have a moral and legal obligation to not only enforce the rules, but also provide fair solutions for MSME players.

One of the steps that local governments can take is to provide legal and suitable alternative places to sell. According to Article 14 of Law No. 11/2020 on Job Creation, central and local governments are required to provide adequate business space for MSME players. This space arrangement can be done by building markets or trading locations that are organized and in accordance with spatial regulations. By providing legal trading locations, local governments not only enforce the rules, but also help traders to continue to earn income without violating existing regulations.

In addition, the legal protection of street vendors in tourist areas is also related to their economic and social rights. Article 27 of the 1945 Constitution states that every citizen has the right to a decent job and livelihood. In this context, policing policies carried out by local governments should not deprive traders of their economic rights without providing viable alternative solutions. The local government must consider the welfare of the merchants and not only focus on the aesthetic or orderly interests of the tourist area. Forced eviction without

consultation and without providing solutions for merchants is a form of violation of their basic rights.

The local government must also pay attention to consumer protection aspects in the policy of curbing in tourist areas. Many street vendors provide local products that are an attraction for tourists. Eliminating street vendors from tourist areas can negatively impact the tourist experience and harm consumers who seek unique local products. Law No. 8/1999 on Consumer Protection also stipulates that consumers have the right to obtain goods and services that suit their needs. Therefore, a policing policy that ignores this aspect may impact the quality of tourist services in the Puncak area.

A more inclusive and participatory approach to policing is necessary. Local governments should involve MSME actors, especially street vendors, in the process of formulating policing policies. Article 28D of the 1945 Constitution emphasizes the right of every person to obtain recognition, guarantees, protection, and certainty of a just law and equal treatment before the law. Community participation in the policy-making process that will affect their livelihoods is part of the democratic principles that should be upheld by local governments. By involving traders in dialogue, the government can find a more balanced solution, where the need to organize tourist areas is maintained without harming the economy of MSME players.

In addition, economic empowerment programs also need to be implemented as part of the local government's responsibility towards MSME players. Article 33 of the 1945 Constitution mandates that the national economy must be structured as a joint effort based on the principle of kinship, which means that every economic policy must provide fair benefits for all citizens. Local governments must be able to formulate policies that are not only regulatory, but also empowering. Training programs, access to capital, and support to market products digitally are some examples of concrete steps that can be taken to support MSME actors so that they can adapt to changes in spatial policies.

In several case studies of enforcement in various regions, repressive approaches often lead to conflict between the government and the community. Therefore, a more dialogical and solutive approach should be the main choice in dealing with the issue of policing in the Puncak tourism area. Local governments must be able to enforce the rules in a way that does not harm MSME actors, but rather provides a better way out for them to continue to run a business in an orderly and organized environment. In conclusion, the responsibility of local governments in providing legal protection to MSME actors, especially traders in the Puncak tourist area, must be carried out with a balance between enforcement of rules and protection of economic rights. Policies that do not consider the social and economic impacts for street vendors can be considered violating the principles of social justice and citizens' rights. Therefore, local governments need to take more inclusive measures, by involving trader participation, providing alternative solutions, and providing sustainable economic empowerment programs.

How is the implementation of local government policies related to controlling traders in the Puncak tourist area, and to what extent does the policy pay attention to the welfare of MSME actors in an effort to maintain public order and the beauty of the tourist area?

The Puncak area in Bogor, West Java, is one of the main tourist destinations in Indonesia that is always crowded with tourists, both domestic and international. The area offers beautiful natural scenery and a cool atmosphere, which is the main attraction for visitors. However, the rapid growth of tourist activities in Puncak also brings its own challenges, especially related to the order and governance of the area. One issue that often arises is the presence of street vendors operating along roads and strategic places that are often considered to disrupt traffic flow and the beauty of the tourist area. To overcome this problem, local governments often carry out curbing of traders as an effort to maintain public order and the beauty of tourist areas. However, the question that arises is the extent to which the curbing policy pays attention to the welfare

of Micro, Small and Medium Enterprises (MSMEs) actors who depend on trade activities in the Puncak tourist area.

The curbing of vendors in tourist areas by local governments is based on various laws and regulations that give local governments the authority to maintain order and organize public spaces. Law No. 23/2014 on Regional Government, for example, stipulates that local governments have the authority to manage spatial affairs, public order, and tourism in their respective regions. Article 12 of this law states that local governments are responsible for maintaining public order and tranquility, including in terms of structuring public spaces such as tourist areas. The curbing of street vendors in the Puncak area was carried out with the aim of creating an orderly and comfortable environment for tourists, as well as to reduce congestion that often occurs due to trading activities in areas that are not in accordance with spatial designations.

However, despite the good purpose of the crackdown, the crackdown policy often ignores the welfare aspects of the traders who are part of the MSME actors. Law No. 20/2008 on Micro, Small, and Medium Enterprises underscores the important role of MSMEs in the Indonesian economy, as well as the government's obligation to protect and empower MSME actors. Article 7 of this law stipulates that the government, both central and regional, is obliged to create a conducive business environment for the development of MSMEs, including in terms of providing access to proper business premises. A crackdown policy that is carried out without providing alternative solutions to MSME traders clearly contradicts the spirit of the MSME Law, as traders lose access to run their businesses and earn income.

One of the weaknesses in the implementation of the crackdown policy in the Puncak tourism area is the lack of participation and consultation with the traders prior to the crackdown. Many traders reported that they were not given prior warning before their stalls were dismantled or they were moved from strategic trading locations. This abrupt process not only hurts traders economically, but also creates uncertainty about the future of their businesses. The local government should take a more inclusive approach, by engaging traders in a dialogue about the plan to reorganize the tourist area. Community participation in policy formulation is very important, in accordance with the mandate of Article 28D of the 1945 Constitution, which guarantees the right of every citizen to fair treatment and legal protection.

In addition, policing policies carried out by local governments also need to pay attention to the social and economic welfare of traders. Enforcement that only focuses on the aspects of public order and the beauty of the tourist area without considering its social impact has the potential to worsen the economic conditions of the traders, most of whom are people with middle to lower economic levels. Article 33 of the 1945 Constitution emphasizes that the national economy must be structured as a joint effort based on the principle of kinship, which means that economic policies must provide fair benefits for all levels of society. In this case, the local government must ensure that curbing policies not only benefit tourism interests, but also protect the economic rights of small traders who contribute to the local economy.

The implementation of policies to control street vendors in the Puncak tourist area is often characterized by repressive actions, such as forced demolition of trade stalls or evictions without alternative solutions. This step is clearly not in line with the spirit of protection for MSMEs as stipulated in Article 12 of Law Number 11 of 2020 concerning Job Creation, which mandates that the central and regional governments must make it easy for MSME actors to obtain a proper business place. One solution that can be implemented by local governments is the provision of legal and suitable alternative locations for street vendors, such as building special markets for MSMEs in strategic areas but not disrupting traffic flow or the aesthetics of tourist areas.

Local governments can also engage vendors in economic empowerment programs, such as business skills training and access to capital. Such programs are important to ensure that street

vendors affected by the crackdown still have the opportunity to develop their businesses sustainably. Article 14 of the Job Creation Law stipulates that the government is obliged to provide support to MSMEs through various empowerment programs, including facilitation of marketing and product development. In the context of the Puncak tourism area, this empowerment program can be implemented by providing training to street vendors so that they are able to compete in the tourism sector, for example by improving the quality of products sold or utilizing digital platforms to expand the market.

A more inclusive and participatory policing policy will not only help maintain public order and the beauty of tourist areas, but also create harmony between local governments and MSME players. Local governments can adopt a more solution-based approach by prioritizing dialogue and providing alternatives for traders before taking action. Policies based on long-term solutions will be more effective in maintaining order without harming the welfare of small businesses operating in tourist areas. In the long run, this approach will support the sustainable growth of the tourism sector, where all parties involved can benefit from better management of the area.

As part of its responsibility, the local government must also ensure that its enforcement policies are in line with the principles of human rights protection. Article 28H of the 1945 Constitution guarantees everyone's right to a decent place to live and a good livelihood. In this case, the local government has an obligation to ensure that the crackdown does not violate the basic rights of the traders, including their right to a decent livelihood. By paying attention to the balance between tourism interests and the protection of traders' economic rights, local governments can create fairer and more sustainable policies for all parties involved.

Overall, the implementation of the policy of controlling traders in the Puncak tourism area by the local government must be carried out with a more holistic approach, which considers various aspects, including spatial governance, public order, the beauty of the area, and the welfare of MSME actors. Local governments need to exercise their authority in a way that does not only focus on enforcing regulations, but also providing protection and support to traders so that they can continue to run their businesses properly. This way, policing policies can be implemented in a more equitable and sustainable manner, in line with the principles of social and economic justice mandated by the Indonesian constitution and laws and regulations.

CONCLUSION

From the discussion on the implementation of local government policies in controlling traders in the Puncak tourist area, it can be concluded that the policy is carried out with the aim of maintaining public order and the beauty of the tourist area. However, in practice, curbing policies often do not fully pay attention to the welfare of MSME actors, especially street vendors who depend on these locations as a source of income. Although local governments have the authority under Law No. 23/2014 on Local Government to organize public spaces and maintain order, policing policies that are not accompanied by alternative solutions and empowerment of MSMEs can lead to social and economic problems for traders.

As MSME actors, street vendors should receive protection and support in accordance with Law No. 20/2008 on MSMEs and Law No. 11/2020 on Job Creation, which emphasize that the government is obliged to create a conducive business environment for them. Repressive measures such as evictions without solutions are clearly against the spirit of empowerment and protection of MSMEs.

Therefore, local governments need to apply a more inclusive and participatory approach in their policing policies. Involving traders in the planning process, providing viable alternative locations, as well as sustainable economic empowerment programs are important steps that can ensure that the demolition is fair and still take into account the welfare of traders. By prioritizing dialogue and long-term solutions, curbing policies can be carried out without

sacrificing the economic rights of MSME actors, thus creating a balance between the interests of tourism area governance and community welfare.

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