

APPLICATION OF GOOD GOVERNANCE ON ARRANGEMENT OF STREET VENDORS IN JAKARTA

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ABSTRACT

Structuring the street vendors in Jakarta often lead to conflicts between the city government in this regard Municipal Police Task Force with vendors. On the one hand, the city government is authorized to make the arrangement of the vendors because they occupy sidewalks, city parks and even road. On the other hand, vendors who styled lost revenue. The main reason the city government make arrangement for vendors who occupy the places mentioned above, resulting in impaired road users safety, city parks become damaged and the road becomes narrow, causing traffic jams. Urbanization factor is the arrival of people from different rural tried to venture in Jakarta Special Capital Region without supported by the skills and sufficient capital to trade causes the complexity of the arrangement of street vendors. Therefore, it is important to do the restrictions on street vendors who sell in Jakarta Special Capital Region by imposing stringent requirements, among others, especially those who have a National Identity Card Jakarta and adapted to the available space for street vendors. Simultaneously, the Jakarta regional government must work together with local governments to expand employment to prevent citizens to move from villages to Jakarta Special Capital Region. Jakarta regional government needs to organize the utilization of places to trade, especially street vendors evicted from the areas mentioned above, so that they still have a chance to trade and earn money as the embodiment of good governance. By comparison, of the writer's observation in Bangkok in July 2014, the Bangkok city government regulate the use of selling space for street vendors, in the following manner. For buildings shopping centers (malls) are given the opportunity to sell starting at 11:00 to 20:00, while street vendors sell starting at 20:00 to 02:00. Then the city government also divides vendors into two groups of street vendors who sell from hours 8:00 to 16:00 and the hours of 16:00 to 02:00. The arrangement of a positive impact on equity hawkers, so then Bangkok is known as a tourist town with a shopping mall with stalls can be found in almost every corner of the city and visited various circles. These results indicate that good government policy and pro-people will bring about justice and prosperity for its people.

Keywords: Good governance, structuring, street vendors.

Introduction

As usual rule in the countries in the world for the purpose of realizing the goals and ideals of the country, namely the creation of the welfare of its citizens. In other words, the realization of public welfare (*bonum commune*). Therefore, the state government established a good and clean and serve the basic needs people, so that people become prosperous. This is one indication of the welfare state.

Similarly, Indonesia also aspire like other countries in the world that embody goodness, welfare and happiness of its people. These ideals contained in the fourth paragraph of the Preamble of the Constitution of the Republic of Indonesia otherwise national goals: (1) protect the entire Indonesian nation and the entire country of Indonesia; (2) promote the general welfare; (3) educating the nation; (4) participate in implementing world order based on freedom, lasting peace and social justice. Therefore, the formation of the state government of the Republic of Indonesia intended to achieve the national objectives in the context of the writing of this paper particularly the ideal of promoting the general welfare. Said the general welfare interpreted as welfare for all the people of Indonesia, from Sabang to Merauke.

How the implementation of these national ideals? It can be observed how the state which in this case is the government treats society, especially marginalized groups such as street vendors in accordance with national goals, namely the realization of common prosperity. Vendors as one of the factors inhibiting the development of Jakarta Special Capital Region into a city that is safe for everyone and at the same time as a city of dignity.

On the one hand, the government has the right and authority to organize the life of the city, in order to become a city that is dignified and humane. But here's another such efforts should not be cause there are citizens who are marginalized. Urban development still must be improved without any citizens being marginalized. This means that in urban development, the two sides should be equally considered, there should be no citizens who sacrificed like street vendors in Jakarta alone the number reached tens of thousands.

In the National Congress of Indonesian Association of Street Vendors to IV are held in Semarang, 12-13 March 2011 reported vendors in Indonesia reached the amount of 20 million (Suara Merdeka, Semarang, March 12, 2011). Due to such data in 2011 which means that five years ago, perhaps the current number of vendors have experienced an increase in the number of over 20

million inhabitants. Of these, approximately 90 thousand inhabitants located in Jakarta. The existence of street vendors in Jakarta is not all well-established, proven they occupy locations utilization for other needs. In other words, they occupy locations that are forbidden to them.

Article 1, point 14 Regional Regulation Jakarta Capital Special Region No. 8 of 2007 on Public Order states that hawkers are someone who undertake business activities and services that occupy places of urban infrastructure and public facilities such as the local government permission road, sidewalks, drainage, green lanes, parks, under bridges, pedestrian bridges and so forth.

The Characteristics of Good Governance

Constitution of the Republic of Indonesia in fact has led the government how to respond to people who are weak and are not able or marginalized such as street vendors. In Article 34 paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 has been declared that "the state develops a social security system for all people and empower the weak and incapable in accordance with human dignity" (fourth amendment to the Constitution of the State Republic of Indonesia Year 1945 in 2002). This means that existing mechanisms for government in addressing society weak and incapable as street vendors is to develop a social security system for all the people of Indonesia in accordance with human dignity. Although the existing mechanism, still needed a good desire of the government in making the arrangement of the vendors by recalling the objectives of the state, namely the creation of common prosperity.

Model structuring street vendors street vendors in several major cities in Indonesia, especially in Jakarta Special Capital Region has not been reflected as a country that in this case the government that protect the society. Structuring the government generally forcibly displaced street traders from undue locations namely pavements, road and city park to a location that is not economically profitable. This is the reason, so that the street vendors to the rejection and even resistance to the government which in this case is the Municipal Police Task Force.

Models such arrangement, it does not reflect good governance. Structuring models that reflect good governance is the arrangement that is well prepared and measured as beginning with a humanist approach without violence, provide insight to vendors on city planning and preparing alternative locations remain economically profitable. In other words, the location of which prepared the Jakarta Government and continue to generate income. Rejection and resistance by street vendors generally for reasons of income loss in the new location.

A good government is a government that is aware of what the goals and ideals of the country. Its presence represents the country. He runs the duty of the state. Therefore, he must understand what state task. In the tradition of political philosophy, the task of the state is to maintain social harmony, or in the language of Thomas Aquinas, work for peace and justice. However, the development of mankind, especially in the economic field, forcing the state to expand the understanding of responsibility, not enough to simply maintain or restore harmony in the community; people should also be developed or constructed. In one form of each country today seek development. Thus the state will determine the preconditions for community life. Development patterns that have a major impact on happiness or distress community (Franz Magnis Suseno, 2001).

A good government is always aware of the destination country. Destination countries in general is expanding its power; organizing public order; and achieve common prosperity. According to Plato, the purpose of advancing the state of human decency, as an individual and as social beings (Franz Magnis Suseno, 2001).

Neither the purpose of the state in general and the objectives of the Republic of Indonesia is for the realization of public welfare, and social justice. Especially for people who are not able and weak need special treatment, to prevent the gap between rich and poor. The task of government is to shorten the gap by giving attention and special treatment for citizens who grouped incapable and weak as street vendors. They represent a good government.

A good government by B.C. Filet occurs when their peoples, among others, to know what their rights and obligations; recognize the means to realize these rights and to fulfill its obligations; legally dare to take the initiative to use the means given to him (F. Sukemi, 1995). Efforts to create good governance, clean and efficient aims to improve the well-being, justice, and rule of law for all citizens. Therefore, service to the community and law enforcement do not inseparable from the efforts.

A good government will enforce the rule of law is oriented to the empowerment of people, especially people who are not able and weak as street vendors. Empowerment is important that they are not displaced by big traders. Therefore, the applicable law is the law in accordance with the ideals of the nation Indonesia, Pancasila, especially the second principle of a just and civilized humanity and fifth precepts of social justice for all Indonesian people.

Rechtsidee implies that essentially the law as a rule of behavior is rooted in the idea of community, a sense, initiative, creativity and thoughts of society itself ". In the dynamics of community life, it will affect the legal ideals and serve as a general principle that guided, norms of criticism (evaluation rules), and a motivating factor in the implementation of the law (formation, discovery, and application of the law) and legal behavior. Rechtsidee Pancasila cored Almighty God; respect for human dignity; national awareness and insight into the archipelago; equality and feasibility; social justice; moral and noble character; participation and transparency in public decision-making process (Bernard Arif Sidhartha, 1996).

Good governance is the action or behavior that is based on the values that are direct, control, or influence public issues to realize these values in action and daily life. In addition, good governance can also be interpreted as an agreement on setting state created

jointly by governments, civil society and the private sector. The agreement covers all forms of mechanisms, processes and institutions where residents and community groups to express their interests, using the legal rights, obligations and bridge the differences between them. Indicators of good governance, if productive and show the results of the indicators of people's economic ability to increase both in terms of productivity and in purchasing power, spirituality welfare indicators continue to rise with a sense of security, calm and happy and a good sense of nationality.

Indonesian Institute of Public Administration has concluded 9 (nine) in the embodiment of the fundamental aspects of good governance, namely participation, rule of law, transparency, responsiveness, orientation of the deal, fairness, effectiveness and efficiency, accountability, strategic vision. Steps embodiment of good governance is the strengthening of the function and role of representative institutions; independence of the judiciary; government officials and professional integrity; strong civil society and participatory; and strengthening local autonomy efforts.

It is relevant to Socrates thought that the essence of law is justice. Legal function to serve the needs of justice in society. Law refers to a rule of life that corresponds to the ideals of living together that is justice. Meanwhile Plato sets a new order in which the public interest takes precedence only the participation of everyone in the idea of justice. More precisely he declared a state where justice will be achieved completely (K. Bertens, 1999).

The justice of Aristotle stated that any legislation is only called when the law aim to make everything on the common good (*bonum commune*). Thus, what is called ultim purpose of the law is nothing but a common good. Therefore, the appropriate legal stance should also be linked with an understanding of the purpose of the law, namely to support the common good (Andre Ata Ujan, 2001). That should, Regional Regulation No. 8 of 2007 as a legal product should lead to the common good of the entire community, including vendors.

The common good is a further implementation of the humanistic values in the second principle of Pancasila, namely the assertion of basic human values that indicate human dignity than the other of God's creation. These human values are translated into three precepts as the foundation for realizing the human values in the life of the peoples of Indonesia as a whole community of nations. Specialization of human values in the life of the state produce democratic values that the award to the people as human beings who are the subject of the activities of the state. Democratic values is confirmed in fourth principle. The guidelines are used in order to remain human values embodied in the implementation of infrastructure and human needs is based on values of justice as defined in the fifth principle of Pancasila (G. Moelyanto, 1987).

According Notonagoro, the values of Pancasila is the basic values that have always existed and inherent in human life. Pancasila values is a basic moral values are always actual and mutually surround each other in human action. Thus, the values contained in Pancasila is a unity that is round and intact and form a value system for the Indonesian nation. And one supposes value posited by the other precepts of Pancasila (Notonagoro, 1987).

For more details, linkages between the value contained in the Pancasila, of course, should be presented formulation of philosophical principles of Pancasila Kartohadiprojo expressed as follows, "The Indonesian people believe in God which created humans in one race . Mankind is in fact spread to the entire surface of the earth in groups or nations. Man was created by God to find happiness in life which must be achieved by means of consensus (Slamet Sutrisno, 2006).

Pancasila is rooted in the life of the Indonesian nation was essentially contains the views that promotes harmony in society. Prioritization so because harmony is the same attitude of Indonesian culture in all cultures of Indonesia, the Indonesian human harmony in conjunction with the universe and society (Sayidiman Suryohadiprojo, 2007). In the conception of Sayidiman Suryohadiprojo, harmony as the basic values of Pancasila is the "absence of precedence to the interests of individuals as desired individualism, but also no negation or annihilation of the individual in society as in communism" (Sayidiman Suryohadiprojo, 2000).

In this regard, Satjipto Rahardjo states in order to successfully build a familial state and thus can avoid nasty temperaments of power, then a power of at least meets the following criteria: power must be tempered to serve the public interest, the power must look to the layer people are hard; power must always think of the public interest; power should be empty of subjective interests; and power must be love (Satjipto Rahardjo, 2006).

What is said Satjipto Rahardjo has meaning approaching the characteristics of good governance. Emergence government aims to complete the realization of common prosperity through the barriers of public policy making. In the category Conhran and Malone, a policy is defined as a public policy if the policy is related to the government's decisions and actions that are designed to save the problems of the people (public concern). But the most urgent here is all that matters relating to the objectives of social justice as a political philosophy of the founding of the state, then quickly it responded as the livelihood of the public (Franz Magnis Suseno, 2001).

In the classic tradition of political philosophy, the task of the state is to maintain social harmony or to borrow a phrase from Thomas Aquinas, to organize general welfare or *bonum commune*. However, the development of mankind, especially in the socio-economic field, forcing the country to expand understand their responsibilities: it is not enough merely maintain social harmony or organizing public welfare. Communities also have to be developed or constructed. In other words, today every country should pursue national development (A. Gunawan Setiardja, 1994).

The Application of Good Governance

The application of good governance in the context of Indonesia, especially Jakarta regional government can be seen in the arrangement of vendors based on the characteristics of good governance, among others, by modifying what has been said Satjipto Rahardjo that government serve the public interest, government responding to society in distress, governments always think of public interest and government loves. The point is the government policy in the form of legal products that humanize humans or humanity.

Driyarkara humanity by means respect, uphold fellow human beings, every human being, every human being. Attitude demanded by the precepts of humanity Pancasila, namely the attitude that recognizes, wants, and can join organize and enhance the human family to build a shared culture, shared prosperity, peace together, and happy together (A. Sudiardja, 2006).

Law enforcement in this regard, the establishment of Regional Regulation No. 8 of 2007 on Public Order should promote human values or humanity. As said Satjipto Rahardjo, law enforcement is not only the intellectual, but with spiritual intelligence. In other words, law enforcement conducted with full determination, empathy, dedication, commitment to the suffering nation (Satjipto, Rahardjo, 2007). Law enforcement is intended to reduce the gap between the upper and middle merchants and big with street vendors. Therefore, justice applied here is substantive justice.

Justice does not always mean that everyone should always get something in the same amount. In other words, justice does not always mean that everyone should be treated equally without regard to the important differences that objectively exist in every individual. In short, inequality in the distribution of social values can always be justified, provided that the policy was adopted to ensure and bring benefits to everyone. Thus, John Rawls gives the place and respect everyone's right to enjoy a decent life as a human being, including those who are most disadvantaged (John Rawls, 1971) as the vendors.

Hawkers in the hold merchandise generally utilize lands is a public facility, such as road, sidewalks, city parks. Misuse of public facilities is causing congestion in traffic caused by the narrowing of the road. Disruption of comfort for pedestrians because the sidewalk is used by vendors to sell. Can no longer enjoy the beauty of the city as a result of the use of the city park to sell.

Responding to such conditions, the state government in this case the nature of its powers and authority to make the arrangement. The arrangement in question is to vacate the street vendors of the lands as already mentioned. However, with the arrangement should not result in loss of revenue and income street vendors. This means that the government must provide replacement lands that vendors continue to sell to generate income and revenue. In the various arrangements made by the government, does not always go well. Frequent rejection and even resistance from the vendors.

So that vendors do not lose revenue, then the arrangement can be done by alternating trade with wholesalers (mall). For buildings shopping centers (malls) are given the opportunity to sell starting at 10:00 to 20:00, while street vendors sell starting at 20:00 to 02:00. For the locations allowed by the Regional Government of Jakarta to trade or not the mall location can divide vendors into two groups of street vendors who sell from hours 08:00 to 16:00 and the hours 4:00 p.m. to 2:00.

The arrangement could be a positive impact on equity vendors such as Bangkok is known as a tourist town with a shopping mall with stalls can be found in almost every corner of the city and visited various circles. Practice is happening in Bangkok Thailand it could be an example in the arrangement of street vendors in Jakarta, so that someday Jakarta is also known as a tourist town with a shopping mall vendors orderly and organized, so that interested people of Jakarta and tourists from different countries.

Why during the existence of street vendors in Jakarta seems not well organized? It is caused by legal arrangements that are less good. The practice of law is not a good arrangement as happened in Peru. Hernando de Soto highlighted the informal sector, with questions such as "why people chose to occupy vacant land to build a house, confiscated highway agencies to conduct commercial transactions, or take over these routes to provide transportation services?" De Soto refers to regulation by law not good as the cause. He divides the laws into "good regulation" and "bad". A regulation is quite good, if it can ensure and improve economic efficiency and so-called bad if obstruct or impair economic efficiency. Costs that do not need to be incurred to enter the formal sector basically arises due to bad regulations; the costs that must be borne, as it seeks in the informal sector, arises because there is no good rule. Bad laws that led to the rise of the informal market, the informal settlements in Peru (Satjipto Rahardjo, 2010).

Through the application of the rule of law both as a reflection of good governance, the arrangement of the vendors will not get a rejection and resistance. Application of the rule of good law is that emphasizes human values, which humanize humans, who are looking for a solution to the problem of meeting the basic needs of marginal communities such as street vendors.

Conclusion

Implementation of the characteristics of good governance in the arrangement of street vendors in Jakarta Special Capital Region can resolve land use conflicts between Jakarta regional government with the vendors. The characteristics of good governance, among others, the participation of civil society or marginalized, transparency, responsiveness, orientation agreements, substantive justice especially to the disadvantaged. During a policy of good governance against hawkers oriented to strengthening humanitarian values, it is believed to minimize rejection and resistance by street vendors.

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