



Legal Consequences of Fines for Street Vendors Through North Sumatra Provincial Regulation Number 35 of 2025 from the Perspective of Siyasaah Qadhaiyyah (Case Study of North Labuhanbatu)

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Abstract: This study aims to analyze the legal consequences of imposing fines on street vendors (PKL) in North Labuhanbatu Regency who sell on the roadside, viewed from the perspective of siyasaah qadhaiyyah. This issue is important to study considering that many street vendors still violate the provisions of North Sumatra Provincial Regulation Number 35 of 2025, thus causing disturbances to public order. To obtain answers to the above problems, this study uses an empirical legal research type with a case study approach and statutory regulations. The data were collected through field observations and in-depth interviews with informants / respondents. The results of the study indicate that the imposition of fines has not fully complied with the provisions of the Regional Regulation, both in terms of amount and imposition procedures. From the perspective of siyasaah qadhaiyyah, these sanctions must be implemented by considering the principles of benefit, proportionality, and justice so as not to cause greater harm to traders.

Keywords: Fines, Law Enforcement, North Sumatra Regional Regulation No. 35 of 2025, Siyasaah Qadhaiyyah Street Vendors.

1. Introduction

With the enactment of Law Number 9 of 2015 concerning Regional Government, regions are required to organize their own government and manage their regions with the hope of accelerating the creation of prosperity in the community (Fadlillah, 2021),(Kalay, Ahmad, & Ismail, 2024). Regional governments have the right to issue various public policies for this purpose, provided that they comply with the laws and regulations that have been decided by the central government (Huda, 2024),(Patarai, 2020).

The implementation of Law Number 9 of 2015 concerning Regional Government has brought about fundamental changes regarding the regulations regarding relations between the central and regional governments in the field of government administration, known as regional autonomy (Supriadi, 2015),(Drawi, Arba, & Putro, 2024). The broad definition of regional autonomy is the authority or power in a region or area to regulate and manage for the benefit of the region or area's community itself, starting from the economy, social, culture and ideology in accordance with the traditions and customs of the environment (Elfira, Andi Agustang, & Syukur, 2023),(Karwati & Mustakim, 2018).

North Sumatra Regional Regulation No. 35 of 2025 concerning the implementation of public order and security and community protection was established to create an orderly, comfortable, safe and sustainable business (Setiawan, 2024),(Simamora & Sarjono, 2022). Based on Article 7 paragraph (2) letter b, it states that residing and/or conducting business activities in green belts, parks or public places. However, based on the researcher's initial observations at the market, there are still many traders selling in places prohibited by North Sumatra Regional Regulation No. 35 of 2025, some selling on the shoulder of the road, on the shoulder of the road entering the market, thus causing inconvenience to buyers (Syarifuddin, 2025),(Siti Amaroh & Husnurrosyidah, 2025).

From several market locations, at the research location where observations were made by the researcher, there were still street vendors who carried out buying and sell-

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and document studies. Data were analyzed qualitatively and descriptively, by linking field realities with positive legal norms and the principles of *siyasah qadhaiyyah*.

3. Results and Discussion

3.1. Legal Regulations Provide Fines for Street Vendors (PKL) Who Do Not Comply with Regional Regulations North Sumatra Number 35 of 2025

Legal regulations governing fines for street vendors (PKL) are a fundamental tool within the framework of effective market governance. The presence of street vendors in various regions of Indonesia, including North Labuhanbatu Regency, often creates public order issues, traffic congestion, and disrupts the comfort of public facilities. Therefore, local governments require legal instruments capable of regulating economic behavior in an orderly manner without hindering the economic activities of ordinary people. In this context, fines are positioned not only as a repressive tool but also as a preventive instrument to encourage compliance with applicable regulations.

Legal regulations regarding the regulation of fines for Street Vendors (PKL) are an important instrument in maintaining order and optimizing the function of traditional markets. North Sumatra Regional Regulation No. 35 of 2025 has provided a clear legal basis for the obligation to pay levies and sanctions imposed on non-compliant parties. In Article 39 paragraph (1) any person or legal entity that violates the provisions will be subject to administrative sanctions in accordance with the provisions of laws and regulations in the form of: verbal warnings; written warnings; discipline; temporary suspension of activities; administrative fines; and revocation of permits.

However, in practice, there have been cases of street vendors being fined that do not always comply with the provisions of this Regional Regulation. Several field reports indicate that the fines imposed exceed the maximum stipulated provisions, or that the sanctioning procedures do not follow a transparent and accountable mechanism. This phenomenon raises legal issues because it contradicts the principle of legality (the principle of *nullum delictum nulla poena sine lege*), which states that sanctions can only be imposed based on clear legal regulations and must not exceed established provisions.

From an administrative law perspective, imposing fines outside the provisions of regional regulations can be categorized as arbitrary action (*detournement de pouvoir*), as it exceeds the authority granted by statutory regulations. This has the potential to give rise to disputes between street vendors and local governments, which can even be challenged through state administrative court mechanisms. Furthermore, imposing fines that do not comply with regulations has the potential to erode public trust in local governments and create legal uncertainty that contradicts the purpose of enforcing regional regulations.

Furthermore, from a human rights perspective, the imposition of excessive fines could be considered a violation of the right to economic protection for vulnerable groups such as street vendors. International legal instruments such as the International Covenant on Economic, Social, and Cultural Rights (ICESCR) affirm that every individual has the right to a decent living. Therefore, the imposition of disproportionate sanctions, potentially depriving street vendors of their livelihoods, contradicts the principle of respecting and protecting economic rights.

From a legal perspective, the inconsistency of fines with regulations constitutes a form of law enforcement that does not reflect substantive justice. Legal principles emphasize the importance of proportional, fair law enforcement that ensures the public interest. Therefore, the fine-imposing mechanism should take into account the socio-economic conditions of street vendors and be implemented through transparent and accountable procedures. In this way, law enforcement is not merely repressive but also educational and encourages voluntary compliance from the community.

3.2. Legal Consequences for Traders Who Conduct Buying and Selling Transactions Using the Road Shoulder in a Siyasaḥ Qadhaiyyah Perspective

The presence of street vendors (PKL) using the roadside as a trading platform is a common social phenomenon in various regions, including North Labuhanbatu Regency. This activity arises due to limited market facilities, high kiosk rental costs, or the desire of vendors to find strategic locations with high customer demand. However, the practice of buying and selling on the roadside often raises legal issues, as it has the potential to disrupt public order, traffic flow, and the comfort of road users. Local governments have subsequently made this a target for regulatory action through regional regulations governing trading locations and sanctions for violators.

Based on interviews with one of the vendors, it was discovered that the main reason they chose to sell on the roadside was because the location was considered more strategic and easily accessible to buyers. The vendors argued that most consumers tended to make purchases from vendors selling on the roadside rather than having to enter the market area. As a result, the number of buyers shopping inside the market had decreased significantly. This condition also caused many vendors to be reluctant to occupy stalls or kiosks provided by the government within the market area, because they were worried that their merchandise would not sell or that their sales would decrease.

It's also apparent that most shoppers prefer practical and efficient shopping. They prefer to purchase goods directly from street vendors without having to park their vehicles first. This practice demonstrates that consumers prioritize convenience and speed in transactions over the convenience of shopping within the market.

From a positive legal perspective, the presence of street vendors on the roadside without a permit can be considered a violation of regional regulations concerning public order or market service fees. Regional Regulation No. 1 of 2024 stipulates that every vendor using market facilities is required to pay fees, and violators can be subject to a fine or a maximum of three months' imprisonment. Therefore, buying and selling transactions on the roadside without fulfilling the legal fee obligation can be categorized as an administrative violation.

Law enforcement against street vendors must be based on the principle of legality, which means there will be no sanctions without clear legal provisions (*nullum delictum nulla poena sine lege*). Regional law enforcement officers are required to ensure that enforcement is carried out according to procedures, starting with warnings and letters of warning, up to fines or physical enforcement. Violations of this principle have the potential to create legal uncertainty, worsen relations between the government and the community, and diminish the legitimacy of the regional regulations themselves.

In the *siyasaḥ qadhaiyyah* perspective, law enforcement against street vendors selling on the roadside is categorized as enforcing public rights (*haqq al-'ammah*). Road shoulders are public facilities intended for the common good, so their use must not cause harm to other people. Controlling street vendors is an effort to maintain the benefit of the wider community and can be carried out through *ta'zir* sanctions determined by the authorities.

Siyasaḥ qadhaiyyah demands that law enforcement be carried out with due regard for the public interest (*masalah mursalah*) and the principle of proportionality. Fines or sanctions must be commensurate with the severity of the violation and the perpetrator's socio-economic condition. Repressive enforcement without alternative solutions, such as providing suitable sales locations, will lead to new harms, such as loss of livelihoods and increased unemployment.

Legal consequences for street vendors operating on the roadside typically include administrative sanctions (fines), confiscation of goods, or eviction of their stalls. If implemented without a transparent mechanism, this law enforcement can lead to conflict between vendors and law enforcement officials, even triggering social resistance. There-

fore, local governments must prioritize a persuasive and restorative approach when regulating street vendors.

Within the framework of *siyasah qadhaiyyah*, the government has a duty of care (*ri'ayah*) towards the people. This means that before imposing sanctions, the state must provide alternative facilities in the form of markets or strategic and affordable locations for street vendors. This is in accordance with the principle of *tasarruf al-imam 'ala al-ra'iyah manutun bi al-maslahah* (the ruler's policies must be tied to the welfare of the people).

The imposition of sanctions that do not consider humanitarian aspects can violate the economic rights of street vendors. In Islamic law, protecting property (*hifz al-mal*) is one of the objectives of the sharia (*maqasid al-shariah*). Therefore, the sanctions imposed must be educational, not destroy the source of livelihood of the perpetrator. This concept is in line with the theory of distributive justice which demands protection for economically weak groups (Merdiani & Ruslina, 2025).

Regional regulations on street vendors must be harmonized with higher-level laws, such as Law No. 28 of 2009 concerning Regional Taxes and Levies, and Law No. 9 of 2015 concerning Regional Government. Harmonization is necessary to ensure that regulatory policies do not conflict with the principle of regional autonomy, which is oriented toward improving community welfare (Flower, 2020).

For effective and fair law enforcement, local governments need to implement transparent and proportional fines mechanisms, coupled with legal education. Furthermore, a communication forum should be established between traders, market managers, and local governments to find win-win solutions. This way, legal consequences can encourage voluntary compliance, rather than simply fueling fear or social conflict.

4. Conclusions

Based on the research results, it can be concluded that the implementation of fines for street vendors in North Labuhanbatu Regency still faces challenges. First, there is a discrepancy between the provisions of North Sumatra Regional Regulation No. 35 of 2025 and field practice, both in terms of fine amounts and sanction-imposing procedures. Second, some street vendors continue to sell on the roadside due to less strategic locations and low legal awareness. From a *siyasah qadhaiyyah* perspective, the enforcement of fines is only valid if implemented fairly, proportionally, and brings public benefit. Therefore, the local government needs to improve enforcement mechanisms, increase dissemination of regulations, provide suitable selling locations, and involve street vendors in policy formulation. With these steps, it is hoped that law enforcement will not only be repressive but also educational, thereby creating order and improving public welfare.

Efforts to establish transparent, proportional, and accountable sanction mechanisms require the formulation of standard-based, documented procedures for imposing fines, which are monitored through a public complaint system to prevent arbitrary practices and strengthen legal certainty for street vendors. This study also contributes to the development of street vendor management policies oriented towards substantive justice, emphasizing the importance of providing suitable alternative locations, policy dialogue involving street vendors as stakeholders, and law enforcement that prioritizes the principles of *maslahah* (public interest) and protection of vulnerable groups. These findings point to the need for regulations that not only organize public spaces but also maintain a balance between public order and the economic interests of

small communities so that control policies become more humane, inclusive, and oriented towards the public interest.

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