

ANALYSIS OF CIRCUMSTANCES ABUSE AROUND THE MEDAN CITY TRADITIONAL MARKET

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Abstract: Traders selling on pedestrian paths (sidewalks/pedestrians) are a common phenomenon that we can see in big cities, a phenomenon that is often found on pedestrian paths/sidewalks in Indonesia is the misuse of the function of pedestrian paths or sidewalks by street vendors. This phenomenon is also widely seen in the city of Medan, we can see this in public areas such as parks, fields, and including traditional markets. This study aims to determine the extent to which people's perceptions of the existence of traders who use the road or sidewalk or pedestrian and the impact on road users. The research method used is descriptive with a quantitative approach. (Hanifah 2018). Respondents in this study were the surrounding community, buyers and traders using purposive sampling. The results show the existence of traders who, on the one hand, have a positive impact on the traders themselves, namely creating jobs and contributing to local governments. However, on the other hand, the negative impact is causing congestion for motorists and inconvenience for pedestrians using sidewalks. While the responses from road users themselves, although they feel uncomfortable and safe using the sidewalks, they understand that the existence of traders is a humane thing in order to make ends meet. So that we can again deny that pedestrians and traders are something that cannot be separated. On the other hand, we also have to think about how to accommodate pedestrian rights in using public spaces that are safe and comfortable, but also by not ignoring the interests of the general public who also have the same rights in accessing public spaces safely and comfortably.

Keywords: Abuse, Sidewalks, Traders, Traditional Markets

A. Introduction

The sidewalk is a facility that is always there on every highway. Therefore, it needs special attention by local governments and the voice of the people who defend the rights of road users. If indeed the balance of attention is lacking, it will be very difficult to get rid of the habit of abusing the function of the sidewalk, especially for traditional market traders who abuse the sidewalks around the market. In fact, not a few motorists also use the sidewalk as an alternative trip, especially to avoid traffic jams.

Traditional market traders as one of the economic actors in the informal sector must be considered and managed by the government. Traditional market traders are people who work in the field of production and sale of goods (services) to meet the needs of certain groups in society, this business is carried out in what we call traditional markets or traditional markets. "Tax" in the daily language of the people of Medan City. But in trading, traders are also competing in finding buyers to make their wares sell well. Including one way is to find a strategic place. So, from the reason of this strategic location, many traditional market traders use the sidewalks around traditional market roads as a place to sell their wares. Because the sidewalk is one of the places

where many potential buyers stop and first arrive at traditional markets. So that by selling on the sidewalk the merchandise will be immediately glanced at by potential buyers and immediately interested in buying it.

Sidewalks are pedestrian pathways that are generally parallel to the road and higher than road level to ensure pedestrian safety. Pedestrians are in a weak position if they mix with vehicles, so they will slow down traffic flow. Therefore, one of the main goals of traffic management is to try to separate pedestrians from the flow of motorized vehicles, without causing major disturbances to accessibility by constructing sidewalks.

Whether or not a sidewalk is needed can be identified by the volume of pedestrians walking on the highway, the level of accidents between vehicles and pedestrians as well as complaints/requests from the public. In downtown the sidewalks are not for pedestrians. The sidewalks are instead a place to sell street vendors, places to put flower pots and plant trees. City dwellers may trivialize the existence of sidewalks and their main function. But actually, the sidewalk is a space that is a human right. We can see the saddest condition with the function of the sidewalk in various places in big cities. (Bayhaqi 2019)

However, this is an abuse of the function of the sidewalk because the real function of the sidewalk is to make pedestrians comfortable walking when on the road. Of course, the misuse of the function of the sidewalk by traditional market traders has caused many problems. One of them is causing traffic jams and creating a slum view on the highway. Therefore we conducted a study of this problem so that we raised the theme "*Analysis of the abuse of sidewalks around Medan City Traditional Markets*".

B. LITERATURE REVIEW

Definition of Market

Understanding the market in a narrow sense, namely a meeting place between sellers and buyers. While broadly speaking, the meaning of the market is the relationship between sellers and buyers, both directly (face to face) and indirectly (by telephone, mail, facsimile, or the internet) in conducting transactions and buying and selling of goods in buying and selling of goods and services. (Nana 2006).

Basically the market can be interpreted as a meeting place between sellers and buyers or the forces of demand and supply that meet each other to form a price. Another opinion says that the market is a group of people who are organized to bargain so that prices are formed. Stanton put forward another understanding of the market, namely a group of people who have the desire to be satisfied, money to spend, and the willingness to spend it. So there are 3 main factors that support the occurrence of the market, namely people with all their desires, purchasing power and behavior in buying. (Umar 2003).

Definition of Traditional Market

The market is one of the facilities for trading activities. According to the method of transaction, the market is divided into traditional markets and modern markets. Traditional markets are places where sellers and buyers can bargain directly and the goods being traded are basic necessities. (Arianty 2013). According to the regulation of the Minister of Home Affairs, the definition of a traditional market is a market built and managed by the government, private sector, cooperatives or local non-governmental organizations with places of business in the form

of shops, kiosks, stalls and tents or other similar names owned/managed by small and medium traders with small business scale, and small capital, with a bargaining process. (Aliyah 2020)

Definition of Sidewalk

The sidewalk is part of highway engineering that functions as a special road lane for pedestrians. (Saraswaty 2017). Dr. M. Aslan stated that the sidewalk is a lane that is located side by side with the vehicle traffic lane that is specifically used by pedestrians (pedestrians). For pedestrian safety, this sidewalk must be made separate from the vehicle traffic lane, by a physical structure in the form of *fkereb*. Whether or not sidewalks are needed depends on the volume of pedestrians and the traffic volume of road users. (Widodo 2013)

Definition of Abuse

Abuse is the improper use or treatment of something, often to gain unfair or improper advantage. (Webster 2013). To this description one can also add the related notion of the error of using other human beings as a means to an end rather than an end in itself. (Cluskey)

Definition of Traders

All activities or human activities carried out in order to fulfill the needs of daily life, both secondary and primary and social in order to gain profit/profit, are carried out by a seller (trader) (Sudarto 1994). According to Poerwadar Minta in KBBI (2009) traders are a process of activities carried out by people in commerce/selling. So the understanding of traders can be concluded that anyone whose job is trading both sells basic (main) needs and other needs in order to get profit/profit. (Maleha 2021). Traders are people who trade, trade goods that are not produced by themselves, to gain a profit. (Sujatmiko 2014).

According to Damsar, a trader is a person or entity buying, receiving, or receiving important goods with the intention to be sold, handed over or sent to another person or entity, whether they are still in the form of original important goods, or those that have been made into other important goods. (Damsar 2009)

C. METHOD

The type of research used in this study is a sociological legal research approach (empirical juridical). The empirical juridical research approach aims to analyze the problem by combining legal materials which become secondary data and combined with primary data obtained in the field. This research is descriptive analysis in nature, namely research that only describes the state of the object or event with the intention of drawing general conclusions. (Sugono 2018)

D. RESEARCH RESULTS AND DISCUSSIONN

While the sidewalks are intended for pedestrians to pass by, however, the abuse of the function of the sidewalk that occurs in big cities, including in the city of Medan and especially around traditional markets, has a huge impact on traffic flow which becomes congested and is very dangerous for pedestrians. Because the sidewalks, which should be a comfortable and safe place to pass by, have been taken over by traditional market traders so that they inevitably have to walk in the vehicle lane which is certainly dangerous for the safety of pedestrians.

The abuse of the function of the sidewalk can actually be avoided if there is good service from the government, for example providing a location for selling, and there is an understanding

from the traders that trading on the sidewalk and on the roadside is against the rules. If these traders are disciplined by the state apparatus, it is not uncommon for tensions to arise and even damage to public facilities and state facilities. To avoid the things mentioned above, all parties must know the rights and obligations of each, and may not impose their will. (Rachmat 2004).

Based on a survey we conducted directly to several traditional markets in the city of Medan, we found several reasons for traders to sell their wares on the sidewalks, among these reasons are:

1. The sidewalk is a very strategic place to sell because of its location right next to the main road where many motorists pass, so that potential buyers often see their wares.
2. The position of the sidewalk outside the traditional market area makes it difficult for traders to load and unload goods.
3. The position of the sidewalk outside the market area also makes it easier for buyers to shop without having to jostle into the traditional market area.
4. And several other factors.

From the several reasons above, we can conclude that the main cause of the use of sidewalks as a place to sell is a strategic location that makes it easier for traders and buyers to carry out buying and selling activities without having to jostle in the market area.

According to the Medan City regional regulation number 3 of 2005 on the position of the main tasks and functions of the Civil Service Police Unit (Satpol PP) of Medan City, it has the task of maintaining and implementing peace and public order, enforcing regional regulations and regional head decisions. According to article 4 to carry out the tasks referred to in article 3, the Civil Service Police Unit of Medan City has the following functions:

1. Develop programs and implement peace and public order, enforcement of regional regulations and regional head decisions.
2. Carry out maintenance policies and organize peace and public order in the region.
3. Implement local regulation enforcement policies and regional head decisions.
4. Carry out coordination of the maintenance and implementation of peace and public order as well as enforcement of regional regulations, regional head decisions with state police officers, civil servant investigators (PPNS), or other apparatus.
5. Supervise the community to obey and comply with regional regulations and regional head decisions.
6. Carry out all the authority in accordance with the field of duty.
7. Perform other duties assigned by the district head.

In law number 22 of 2009 concerning road traffic and transportation (UU LLAJ) it is known as road closure. Namely road closures due to the use of roads to carry out activities outside their function, which can be carried out on national roads, provincial roads, regency/city roads, and village roads. This is found in article 127 paragraph 1 and article 128 paragraph 1.

Then regarding the sanctions for perpetrators of sidewalk abuse, it is regulated in Article 275 paragraph 1 and Article 28 paragraph 2 which contains: "Everyone who commits an act that causes disruption to the function of pedestrian facilities shall be punished with imprisonment for a maximum of 1 (one) month or a fine of up to a lot of Rp. 250,000,- (two hundred and fifty thousand rupiah)."

E. CONCLUSION

The conclusion drawn from our research is to show that traditional market traders know with certainty the actual function of sidewalks and the community certainly needs these facilities to walk safely and comfortably. In addition, order on the sidewalks around traditional markets is currently not being implemented properly because many traditional market traders use the sidewalks as a place to sell. Meanwhile, the city government is also less assertive in controlling it even though there is a written law and the sanctions given to the perpetrators are still relatively light.

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