

ABSTRAK

Penggunaan bahu jalan sebagai tempat berdagang di Kabupaten Bangkalan menjadi permasalahan yang berdampak pada ketertiban umum, kelancaran lalu lintas, dan pemanfaatan jalan sesuai fungsinya. Pemerintah Kabupaten Bangkalan telah mengatur larangan tersebut dalam Peraturan Daerah (Perda) Nomor 8 Tahun 2018 tentang Ketertiban Umum dan Ketenteraman Masyarakat. Perda ini menetapkan sanksi bagi pedagang yang melanggar, baik dalam bentuk sanksi administratif maupun pidana. Namun, dalam praktiknya, penegakan hukum terhadap pelanggaran ini masih menghadapi kendala.

Penelitian ini menggunakan metode penelitian hukum empiris dengan pendekatan deskriptif kualitatif. Data dikumpulkan melalui observasi langsung di beberapa pasar di Kabupaten Bangkalan serta wawancara dengan berbagai pihak terkait, seperti Satuan Polisi Pamong Praja (Satpol PP), Dinas Perhubungan, Dinas Perdagangan, pedagang, dan masyarakat.

Hasil penelitian menunjukkan bahwa akibat hukum bagi pedagang yang menggunakan bahu jalan sebagai pasar umumnya berupa teguran dan sanksi administratif, sementara sanksi pidana yang diatur dalam Perda jarang diterapkan. Sementara itu, upaya hukum yang dilakukan pemerintah dalam menegakkan Perda masih bersifat persuasif, seperti sosialisasi dan patroli rutin. Hambatan utama dalam penegakan hukum adalah rendahnya kesadaran pedagang, kurangnya koordinasi antar instansi, serta keterbatasan wewenang Satpol PP dalam menerapkan sanksi pidana. Oleh karena itu, diperlukan strategi yang lebih tegas dan sinergis agar Perda dapat ditegakkan secara efektif guna mengatasi penggunaan bahu jalan sebagai pasar.

Kata kunci: Akibat hukum, upaya penegakan hukum, penggunaan bahu jalan

ABSTRACT

The use of road shoulders as trading spaces in Bangkalan Regency has become a significant issue that affects public order, traffic flow, and the proper utilization of roads according to their intended function. The Bangkalan Regency Government has regulated this prohibition through Regional Regulation (Perda) No. 8 of 2018 concerning Public Order and Community Peace. This regulation imposes sanctions on traders who violate the rules, both in the form of administrative and criminal penalties. However, in practice, the enforcement of these legal provisions still faces several challenges.

This study employs an empirical legal research method with a qualitative descriptive approach. Data were collected through direct observation in several markets in Bangkalan Regency, as well as interviews with various related stakeholders, including the Civil Service Police Unit (Satpol PP), the Department of Transportation, the Department of Trade, traders, and the general public.

The results of the study indicate that the legal consequences for traders using road shoulders as market spaces are generally limited to warnings and

administrative sanctions, while the criminal sanctions stipulated in the regulation are rarely enforced. Meanwhile, the government's legal enforcement efforts remain largely persuasive in nature, such as through public outreach and routine patrols. The main obstacles in law enforcement include the low awareness among traders, the lack of coordination between agencies, and the limited authority of Satpol PP in imposing criminal sanctions. Therefore, a firmer and more synergistic strategy is needed to ensure the effective enforcement of the regulation in order to address the issue of using road shoulders as market spaces.

Keywords: Legal consequences, Law enforcement efforts, Use of road shoulders