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Review of Sharia Economic Law on the Empowerment and Arrangement of Street Vendors in Palembang City

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Keywords:	Abstrack: The purpose of this study is to examine the
Arrangement of	Role of the Palembang City Tourism Service in
Small	Implementing Palembang Mayor's Regulation Number
Merchants;	37 of 2017 in Night Culinary Micro Enterprises in the
Sharia Economy;	Sudirman Pedestrian Area of Palembang City based on
Street Vendors.	Sharia economic law. This research is motivated by the
	many economic activities carried out in the Sudirman
	Pedestrian Center of Palembang City, resulting in the
	arrangement of traders not running well. The method
	used in this study is a qualitative method with a field
	research. This research is called empirical normative.
	The types of data in this study are primary and
	secondary. Data collection was done by interviewing and
	documenting. Data analysis was carried out
	descriptively, and qualitatively using deductive method.
	The results of the study concluded that the
DOI:	implementation of Palembang Mayor's Regulation
10.19109/nurani.v%vi %i.14189	Number 37 of 2017 provides an opportunity to strive,
/01.14100	grow and develop business capabilities, and realize a city
	that is clean, safe, neat and beautiful. In economic law
	implementing Palembang Mayor's Regulation Number 37
	of 2017 has been in accordance with the principles of
	sharia economic law, namely maslahah which aims to
	improve welfare to street vendors in the sudirman
	pedestrian area.

Introduction

Micro, Small and Medium Enterprises (UMKM: Usaha Mikro Kecil dan Menengah) in Indonesia have an important, strategic and significant role in the economy in terms of business strengthening and job creation (Prasetyo, 2008; Putra, 2018; Setiawan, 2018; Sofyan, 2017). This is based on the fact that the number of productive labor force in Indonesia develops in line with the large population. Meanwhile, medium-sized businesses and large businesses both in the form of Regional-Owned Enterprises, State-Owned Enterprises and Private-Owned Enterprises are unable to absorb all job seekers. The inability is identical to the business objectives, where medium and large businesses are relatively capital intensive, while MSMEs are relatively labor intensive. Included in the recruitment are the educational standards of the prospective employee. Medium and large clusters require workers with high formal education and sufficient work experience, while UMKM clusters, especially small businesses, are mostly low-educated workers (Tambunan, 2009).

UMKM also contribute actively to be able to develop an area/region so as to increase their business and minimize the number of unemployment in an area (Widjadja et al., 2018). With UMKM, an area can alleviate poverty and stabilize the economy of small communities (Setiani et al., 2020). An undertaking can be said to develop well if its business process runs smoothly by maximizing workers in a productivity it undergoes. In addition, small and medium-sized businesses also need to have a strategy in order to achieve a goal so that they will all be well controlled (Aziz, 2012). UMKM actors must be able to conduct SWOT analysis or mature business planning on their business (Bismala, 2016; Noor & Rahmasari, 2018). This is because to avoid the weaknesses of the implementation of UMKM themselves. As for these weaknesses, such as lack of capital, intense competition, lack of ability in managerial, and lack of skills possessed (Hubeis et al., 2015; Suci, 2017).

MSMEs play a strategic role in reducing unemployment and poverty. Therefore, the government must always support UMKM so that their role as pillars of economic development runs optimally (Sarfiah et al., 2019). The role of the government can be in the form of regulations on the implementation of UMKM, such as Law Number 26 of 2007 concerning Spatial Planning. Furthermore, Palembang City has Regulation Number 37 of 2017 concerning Empowerment and Arrangement of Street Vendors.

In the Islamic economy, UMKM are one of the activities of human businesses to maintain their lives and worship, towards social welfare. As explained that economic activities in Islam are not only as a recommendation, but more than that, namely the demands of life that have worship value(Taufik & Kahpi, 2022). This command applies to everyone without discriminating one's rank, status and position according to what has been mentioned in the Qur'an Sura At-Taubah verse 105. And it is said that Allah and His Messenger (Muhammad PBUH) enjoined on his people that every work of mankind should continue to be seen by Allah and his Messenger as a deed to be accounted for in the last days.

Based on what has been described above, the researcher is interested in conducting research on empowerment and management of UMKM actors in Palembang City. In this case, street vendors located on Jalan Jenderal Sudirman (intersection four IP- intersection three of the market Cinde) in Palembang/Pedestrian Sudirman. In the place there are culinary tours every Sunday night, so the Jenderal Sudirman street is partially closed from 19.00-24.00. The reason for choosing this location is because economic activities in the place have not been carried out recently by the people of Palembang city. In addition, the culinary tour was only carried out in Palembang for the first time. This study aims to observe the role of the Palembang City Tourism Service in implementing Palembang City Regulation Number 37 of 2017 and will examine it through sharia economic law.

Research Method

This research is a qualitative research with a type of field research or what is called field research. This research can also be referred to as empirical normative research, because this study examineslegislation, namely the Palembang City Regulation Number 37 of 2017 concerning Empowerment and Arrangement of Street Vendors. In addition, it is called empirical, because this study also looks at the activities carried out by the community, namely street vendors in the Pedestrian Sudirman of Palembang City. The data that we used are primary data and secondary data. Primary data is data obtained from the Palembang City Tourism Service and street vendors in the Pedestrian Sudirman of Palembang City. Secondary data is in the form of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal material is data obtained from the Qur'an and Palembang City Regulation Number 37 of 2017 concerning Empowerment and Arrangement of Street Vendors. Secondary legal material is data obtained through scientific articles published in scientific journals, books, results of previous research and so on. The tertiary legal material is data or information obtained from dictionaries or encyclopedias.

Data collection techniques used two ways, namely interviews and documentation. Interviews were conducted with several officials at the Palembang City Tourism Service and street vendors in the Sudirman Pedestrian Center in Palembang City. The criteria for determining informants are those who are considered to be the most aware of the problems that are the focus of research, such as authorized officials and traders. The informants who worked as officials were two people and the informants who worked as traders were six people. Data analysis was carried out descriptively, and qualitatively using deductive method.

Discussion and Results

The Role of the Palembang City Tourism Service in Implementing Mayor's Regulation on Night Culinary Microenterprises in the Sudirman Pedestrian Area of Palembang City

The Tourism Service has a major role in implementing Palembang Mayor's Regulation Number 37 of 2017 concerning Empowerment and Arrangement of Street Vendors. The informant's response to the regulation was very good, as said by the Chairman of the Sudirman Pedestrian Council of the Palembang City Tourism Service, that he supported Palembang Mayor's Regulation Number 37 of 2017, because it could provide a facility for the relevant office to order street vendors (Risdiarto, 2019).

Hargo Wiyoto, the section head of Cooperation of the Palembang City Tourism Service also supports the implementation of the regulation, because he thinks it can provide order and arrangement of traders who are more tourism-oriented(Wiyoto, 2019). Traders also agree to apply, but it must be based on the human side (Ayu, 2019; Eka, 2019; Hartati, 2019). In addition, there are also traders who are less supportive of the application, for them the implementation is often abused by those who seek to benefit from the application (Febri, 2019; Halimah, 2019; Tuti, 2019). Thus, according to them, if they want to implement Palembang Mayor's Regulation Number 37 of 2017, then those who intervene are only the tourism service, there can be no other parties (Tuti, 2019). In addition, the traders who should occupy the trading area are registered traders (Febri, 2019).

As for the traders who are agreed on the implementation of Palembang Mayor's Regulation Number 37 of 2017, because street vendors became more orderly by occupying a predetermined zone (Hartati, 2019). In addition, the pedestrian area will become better and more organized, and for visitors will also feel comfortable when coming to the pedestrian (Ayu, 2019).

From these various statements, it can be seen that the informant's response to the implementation of Palembang Mayor's Regulation Number 37 of 2017 is that there are those who are supportive and there are also those who are not supportive. The supporting party has the reason that street vendors can be disciplined and organized, can have a specified location/zone, and as a legal basis in the effort to control the City Planning Service, Tourism Service and Civil Service Police. The least supportive party argues that such regulations are often abused by individuals who will enrich themselves and in these regulations are stated between registered traders and seasonal traders.

In the relationship of cooperation to utilize Sudirman pedestrian, the informant gave a statement that cooperation in activities in sudirman pedestrian has been carried out both verbally and in writing. Traders are allowed to sell by the person in charge of the area verbally, while there are also written in a coordinated manner by the head of the department of finance. Then the process is carried out through the tourism office which is then given a permit and or not for the activities to be carried out. He emphasized that the main requirements for permission can be both written and oral by following the following criteria: 1) the equipment used is easy to dismantle and does not damage the pedestrian himself; 2) Not using dangerous tools such as unsecured gas stoves; 3) Using excessive seating facilities (Wiyoto, 2019).

Risdiarto, Chairman of the pedestrian association at the Palembang city tourism department explained that the cooperation built more on efforts to increase the value of tourism in culinary endeavors, hence the cooperation is built more easily and can be deliberated (Risdiarto, 2019). Others consider that the cooperation built on proximity rather than professionalism (Eka, 2019; Hartati, 2019; Wiyoto, 2019). This, according to him, can be seen from the existence of culinary businesses that present each other's rivals and are not regulated based on circumstances or atmosphere. Often Hartati feels that what is sold is then equated with an adjacent sale while cooperation has been arranged(Hartati, 2019). Trading areas often move around and are immediately occupied by other sellers if the merchant cannot sell because of handicapped. Traders who occupy the territory immediately claim and without first talking to the previous traders(Ayu, 2019).

The cooperation determined and agreed has been in accordance with the rules, but the problem is with the implementers in the field who make policies without deliberation. Like asking other traders for *space* without prior deliberation(Febri, 2019; Tuti, 2019). As for the concept of structuring and its relationship with the effort to control traders assess that there are inconsistencies in ordering efforts(Eka, 2019; Febri, 2019; Halimah, 2019; Hartati, 2019). The relevant office does not care much about the state of "vigor" of transactions in the pedestrian area until it reaches the road(Febri, 2019). On this matter, the Chairman of the Sudirman Pedestrian Council has given several times suggestions for the authorized officials to come down and see the situation of Sudirman pedestrian (Risdiarto, 2019). Meanwhile, respondents from the Tourism Service assessed that they gave time for the traders' awareness of the rules that had been conveyed in the agreement letter. If in time they will do field work and order the traders who do not obey the rules that have been conveyed in the agreement letter.

The statement shows that they understand that the Regional Regulation is an effort to improve the urban layout of the night culinary micro business area in the sudirman pedestrian area. that in fact the tourism service has implemented regulations for cooperation with street vendors both written and oral and appeals to vendors regarding tidiness, cleanliness, and security. but the business will not have any significance if the traders do not comply with the cooperation regulations that have been applied by the tourism department.

Based on the normative study, it can be seen that the tourism service has actually followed the basic concept of Article 3 of Palembang Mayor's Regulation Number 37 of 2017 concerning the purpose of empowering and arranging street vendors which reads:

(1) provide business opportunities for street vendors through the designation of locations in accordance with their designation. (2) grow the business ability of street vendors to become resilient and independent micro and small business actors. (3) to realize a nice, safe, and prosperous city with adequate urban facilities and infrastructure and an environmental vision.

In the structuring concept of the tourism service in the night culinary micro-enterprise in the pedestrian sudirman of Palembang city has been implemented by them. According to Risdiarto, Chairman of the Sudirman Pedestrian Association, the Palembang City Service Department explained that the arrangement of street vendors in sudirman pedestrian has been carried out and has been running well(Risdiarto, 2019).

Hargo Wiyoto said that the structuring concept from the Palembang City Tourism Service had been well implemented for street vendors who had been registered and occupied a predetermined trade zone so that unregistered street vendors could not comply with the regulations of the tourism office(Wiyoto, 2019).

Respondents from Ayu, Eka, Hartati stated that the arrangement of the sudirman pedestrian area could not be said well done, because it was still not organized neatly due to mutual claims of places that had actually been determined by the tourism department(Ayu, 2019; Eka, 2019; Hartati, 2019). However, not all traders think so, because there are other traders who consider that the arrangement of the tourism service has been carried out well because according to them, there are street vendors who have occupied zones determined according to the concept of arrangement by the tourism service itself (Febri, 2019; Halimah, 2019; Tuti, 2019)

Through empowerment activities and arrangement of street vendors is one of the ways from the tourism department to increase the economic empowerment of street vendors, introduce tourism, and culture of Palembang city at the national level and increase the role of the community in realizing beuaty city of Palembang.

The next research question is about the costs in the micro-enterprise activities of night cuisine in Pedestrian. In this case, according to the Chairman of the Sudirman Pedestrian Association, the Palembang City Tourism Service said that so far there has been no cost burden to street vendors but always an appeal to maintain cleanliness and security(Risdiarto, 2019). This is similarly said by the Kasi Cooperation of the Palembang City Tourism Office, that there is no collection of fees at all for street vendors who have been registered (Wiyoto, 2019). While the compact traders said that the tourism service did not levy fees on the traders but there were some public officials who levied fees on the traders for the reason of creating security in the surrounding area.

In line with the fact there are cost or not at the activities in the Sudirman Pedestrian area, this empowerment and arrangement has been carried out well by the tourism service in accordance with Mayor's Regulation Number 37 of 2017. Furthermore, the results of the interview that discussed the respondents' responses about whether the culinary micro-business activities at sudirman were able to deceive and organize street vendors to sell which increased the profits of small businesses on the one hand, and provided good, especially in the Palembang tourism field for the public in general.

According to Risdiarto, Chairman of the Sudirman Pedestrian Association, the Palembang City Service Department said that, "Yes, it has been able to increase the income of street vendors themselves and with the activity of street vendors in sudirman was able to attract the interest of the public to visit the tourism, so that indirectly the activity of street vendors on Saturday nights attracts local tourists" (Risdiarto, 2019).

Head of Cooperation of the Palembang City Service Office said that the activity of street vendors in the sudirman pedestrian area has actually been able to improve the ability of the street vendors themselves, but with the presence of street vendors who are not registered by the tourism service who trade outside the predetermined zone sometimes causes confusion in the sudirman pedestrian are (Wiyoto, 2019). Meanwhile, according to traders, the opening of a pedestrian area as a night culinary attraction in the pedestrian area greatly increases the profits for those who trade in this region (Ayu, 2019; Eka, 2019; Hartati, 2019).

With the arrangement of this sudirman pedestrian area brings a fresh breeze to street vendors in addition to increasing their income, with the existence of this sudirman pedestrian area makes the people of Palembang know that there is tourism in culinary businesses (Febri, 2019; Halimah, 2019; Tuti, 2019).

The results of the interview can be concluded that the tourism service department has been able to organize street vendors and has had a good

impact on Palembang city tourism. With the empowerment and arrangement for street vendors in the sudirman pedestrian area to make street vendors feel an increase in their income, the street vendors hope that the area can continue to be developed into an area that is very attractive to the people of Palembang city so that it can increase their income.

The tourism service realized that there were still many things that they had to do in order to achieve the target to make the pedestrian area better, so that it not only attracted the interest of the community but also was able to prosper the street vendors.

Review of Sharia Economic Law on Palembang Mayor's Regulation Number 37 of 2017

In the concept of Shari 'ah Economic Law shows government intervention in public areas that benefits by issuing Palembang Mayor Regulation Number 37 of 2017 concerning empowerment and arrangement of street vendors. This is a true effort and has the value of Shari 'ah Economic Law. As explained earlier, Islam provides the vastness of its people to increase and utilize nature through human thought and critique as mindful beings.

In particular, the government movement by controlling various measures to harmonize the values of beauty and profit is also in accordance with the concept of Shari 'ah Economic Law, as in the argument of the Qur'an Surah An-Nisa verse 59:

Said as al-Arraiyah, on the rules made by the Local Government (al-Ra 'yi) with the support of street vendors discipline, orderly and selling in accordance with the designated zones shows that there is unity between the wishes of the government and the wishes of the community which is an important part of the concept of Shari 'ah Economic Law. In that law it is explained that Islamic economic law is a science that studies human activities or behavior in an actual and practical manner, both in production, distribution, and consumption based on Islamic law sourced from the Qur'an and As-Sunnah and the ijma' of the scholars with the aim of achieving the happiness of the world and the hereafter (Mardani, 2015).

Based on the principle of muamalat, it must be based on the agreement and willingness of both parties because it is a very important principle for the validity of each contract. To show willingness in every contract or transaction carried out by ijab and qabul or handover between the two parties who carried out the transaction (Muslich, 2015). In fact, in muamalat, it should bring benefits and eliminate harm (Habibullah, 2018).

In muamalat, it has to be honest. That honesty is the first principle in the story (Badruzaman, 2018). The dishonesty of some employees shows that the discipline of their work has not made them equal. While in Islam the example of hasanah is something that cannot be ignored as explained in nash QS. An-Nisa verse 29:

يَٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوا۟ لَا تَأْكُلُوٓا۟ أَمْوَٰلَكُم بَيْنَكُم بِٱلْبَطِلِ إِلَّا أَن تَكُونَ تِجَرَةً عَن تَرَاضٍ مِّنكُمْ ^ءَوَلَا تَقْتُلُوٓاْ أَنفُسَكُمْ ^ءَإِنَّ ٱللَّهَ كَانَ بِكُمْ رَحِيمًا

The implementation of cooperation between the Government and the Community for the benefit of the balance between profits and the motto of the city of Palembang, that is clean, safe, neat and beautiful (BARI) is in accordance with the values of Shari 'ah economic law. As explained in the previous chapter, the wisdom of cooperation is in accordance with the principle of compassion, namely the provision of benefits to others from the rights of others (Mardani, 2015).

In terms of promoting Palembang as one of the culinary tourism cities by empowering and structuring street vendors by increasing the role of the community in realizing Palembang Bari both during the day and at night has been in line with the values of Shari 'ah Economic Law. Even from the point of view of selling time, we are experiencing a time differences.

From the levy system on activities in Pedestrian Sudirman is not yet in accordance with Shari 'ah Economic Law. In Islam, this model of wild levies is called *al-muksu*. In language, *al-muksu actually* means *an-naqshuwa azzhulmu, whichmeans* reduction and injustice. The term *al-muksu* is actually taken from the statement of the Prophet (peace and blessings of Allaah be upon him) in a hadeeth "shall not enter Paradise shaahibi muksin (collection taker). In terms, *al-muksu is used* to refer to people who take certain money from traders when passing through a place, called *al-'usyur* (tenths). According to Sa 'd bin Abi Habib in al-Qamus *al-Fiqhi*, the word *al-muks* or al-makkaas is *used* to refer to people who withdraw money from traders who enter a region(Masrur, 2019). Among the arguments he is required to withdraw al-muks (levy) is the hadith of the history of Abu Dawud and al-Hakim, the Prophet (peace and blessings of Allaah be upon him). Saying:

لا يدخل الجنة صاحب مكس

Every human being, in essence, is ordered to work and strive in order to have a decent life. One of the efforts that can be made is through economic activities. Economic activities themselves should be carried out by adhering to certain principles in order to achieve the welfare of life. Therefore, Islam as a perfect religion does not only pay attention and teach its people to worship alone, but also works to obtain sustenance in the right way according to the rules of Shari 'ah. Economic activities are not solely based on economic motives, but more than that, economic activities in the review of sharia economy are a form of servitude and worship to Allah SWT. Because, the principle of sharia economy confirms that the implications of economic activities are not only in a purely earthly context, but also the implications of ukhrawi, through the process and form of implementation of worship of Allah SWT (Ghofur, 2017). The Tourism Department in empowering and structuring street vendors in accordance with Palembang Mayor's Regulation Number 37 of 2017 concerning the empowerment and structuring of street vendors with the purpose of Article 3 reads, 1) provide business opportunities for street vendors through determining the location in accordance with its designation. 2) grow the business ability of street vendors to become resilient and independent micro and small business actors. 3) to realize a nice, safe and prosperous city with adequate urban facilities and infrastructure and an environmental vision.

Based on its role, the empowerment and structuring of street vendors, especially in the pedestrian sudirman of Palembang, the effort is in accordance with the principles of sharia economics, which is primarily for Maslahah and Falah in Islam, the purpose of the economy is to benefit people, so that an economy is expected to be peaceful and prosperous in society. Then with the existence of an economic activity expected to be able to improve higher levels of life, this is commonly referred to as falah. For the benefit of all things. The results of this data study indicate that all economic activities are not allowed in the context of things that can harm others in their activities that have been taught by Islam (Fauzia & Riyadi, 2015).

As explained in the Objective of Pedestrian Sudirman is " to add local insight and wisdom to Palembang City, the attraction is that there is a night culinary tour in Pedestrian Sudirman that provides a variety of Palembang specialties, snacks, processed foods". Based on the interview of Hargo Wiyoto, Head in collaboration with the Palembang City Tourism Service Department, to empower and organize the sudirman pedestrian area is one of the tasks of the tourism office sent to the Palembang city government to increase public interest in making evening culinary tours in the sudirman pedestrian area. It can be concluded that the empowerment and structuring of street vendors in the Sudirman region in Islam is to improve the economy of street vendors for the better. Based on the principle of muamalat, it must be based on the agreement and willingness of both parties because it is a very important principle for the validity of each contract. This is based on the words of Allah in Surah an-Nisa verse 29

Conclusion

The role of the Tourism Department in the implementation of Palembang Mayor's Regulation Number 37 of 2017 concerning the empowerment and arrangement of street vendors, which provides opportunities to establish businesses, develop business capabilities, and realize a clean, safe, neat and beautiful city (BARI). The Tourism Service Department has empowered and structured street vendors through the opening of night culinary tourism areas. In addition, the Tourism Service Department has also conducted guidance for street vendors to be able to develop the business ability of street vendors to become independent business subjects. Empowerment and structuring of street vendors in the Sudirman Pedestrian Area in Islam is an obligation, where every believer has a responsibility towards others. This activity is the purpose of Sharia Economic Law, namely maslaha which aims to improve welfare for street vendors in the Sudirman Pedestrian area. So it can be concluded that the Palembang City Government and the empowerment and arrangement of pedagogues on the sidewalks in Pedestrian Sudirman in the review of Sharia Economic Law are appropriate.

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