

Strengthening Legal Frameworks for Sustainable Coastal Tourism: Analysis of Local Regulation Enforcement in Pariaman City

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Abstract: This study examines the enforcement of regional regulations in managing tourism business actors at Gandoriah Beach, Pariaman City, West Sumatra, Indonesia. The legal framework comprises Government Regulation No. 16/2018, Pariaman City Regional Regulations Nos. 3/2014 and 10/2018 empowering Satpol PP for public order enforcement, and Mayor's Decree No. 357/556/2022 specifying no-vending zones along beaches and sidewalks, supported by Mayor Regulation No. 56/2023 designating the Tourism Office as primary authority with task delegation to Satpol PP. Findings reveal a graduated enforcement model—preventive observation, persuasive engagement, escalating warnings, forced relocation, and judicial fines—facilitated by inter-agency coordination. However, implementation faces challenges including low vendor legal awareness on zoning and human rights, kinship ties hindering impartiality, economic pressures favoring strategic placements despite safety risks, and organized protests. Theoretically, general normative regulations (*regeling*) complement specific administrative decisions (*beschikking*), embodying *tajdid siyasah* for public welfare (*maslahah*) through executive authority (*tasbarruf al-imam*) and community obedience (*ta'ah*), aligned with *An-Nisa:59*. Recommendations include intensive legal socialization integrating *fiqh siyasah*, digital coordination platforms, vendor relocation incentives, and culturally attuned enforcement training to achieve sustainable coastal tourism balancing economic livelihoods with public order.

Keywords: Law Enforcement, Local Regulations, Business Management, Gandoriah Beach.

Introduction

Pariaman City is one of the cities located in West Sumatra Province. This city has several beach destinations frequently visited by national tourists, one of which is Gandoriah Beach. The large number of tourists visiting Gandoriah Beach opens up employment opportunities for the surrounding community, particularly as street vendors (Jayanti, 2019). The types of goods sold by street vendors around Gandoriah Beach are diverse, including food, accessories, and clothing. The presence of street vendors and parking managers, which fall under the category of small and medium enterprises, also contributes to regional income. This profession is widely chosen by the community because it is considered easy, does not require special requirements, and does not need permanent business premises (Octaviani & Puspitasari, 2022). However, vending activities on public facilities at Gandoriah Beach cause several

problems. The presence of street vendors leads to congestion, disrupts the comfort of road users, and reduces the cleanliness and beauty of the beach. This condition impacts the declining comfort of visiting tourists (Masriki & Frinaldi, 2020).

In this regard, the regional government has the right and authority to regulate and manage its territory through the establishment of regional regulations. The creation of regulations is not only an administrative function of the regional head but also a moral responsibility to balance the community's rights to earn a living with the obligation to maintain public interests in the form of order, cleanliness, and aesthetics of tourist areas (Pelly et al., 2019). In addition, the government is also obliged to protect and provide services to business actors, including street vendors, because beach tourism destinations are one of the important economic sectors for the region. The government needs to create rules that allow the community to trade in an orderly, safe, and comfortable manner (Syukra et al., 2022:88). In its implementation, regional regulations cannot be separated from the role of law enforcement apparatus. Law enforcement apparatus functions to enforce regional policies, maintain order, and protect the community (Putri & Imanullah, 2023). To carry out public tranquility affairs, public order, and community protection, the regional government establishes the Civil Service Police Unit (Satuan Polisi Pamong Praja) (Rukmana, 2019). The Civil Service Police Unit as a regional apparatus is authorized to enforce regional regulations and head of region regulations, as well as carry out other government tasks in accordance with statutory regulations (Tamrin & Kurniati, 2021:15).

In Government Regulation Number 16 of 2018 Article 1, what is meant by the Civil Service Police Unit is a regional apparatus formed to enforce Regional Regulations and Head of Region Regulations, organize public order and tranquility, and organize community protection (Lasahido, 2021). Regarding tasks and authority in Article 5, the Civil Service Police Unit has the tasks: a. enforce Regional Regulations and Head of Region Regulations; b. Organize public order and tranquility; and c. Organize community protection, as well as Article 7, the Civil Service Police Unit is authorized: a. carry out non-judicial regulatory actions against community members, apparatus, or legal entities that violate Regional Regulations and/or Head of Region Regulations; b. Take action against community members, apparatus, or legal entities that disturb public order and community tranquility (PP 16/18 RI, 2020:3). Thus, the operation of a regional regulation can be seen from the authority of the law enforcement apparatus in enforcing it. In the Gandoriah Beach area, the role of the Civil Service Police Unit is very important considering that many people choose to become street vendors because it is considered profitable, requires small capital, and does not need permanent premises.

Based on Pariaman City Regional Regulation Number 3 of 2014 concerning the formation of the organizational structure and working procedures of the Civil Service Police Unit in Article 4 "The Pariaman City Civil Service Police Unit has the task of enforcing Regional Regulations, organizing public order and community tranquility, and community protection" and further detailed in Article 5 point b. Implementation of policies on enforcement of Regional Regulations and Mayor's Decisions; c. Implementation of policies on organizing public order and community tranquility (Perda 3/14 Kota Pariaman, 2014:4). With these tasks, the Civil Service Police Unit is expected to create order so that the government and community can carry out development safely and orderly. The Civil Service Police Unit also plays a role in assisting the regional head in creating conducive conditions so that community activities and government administration can run smoothly (Viny Nottrela Ughude, 2015:154).

Regarding the arrangement of street vendors, this is regulated in Pariaman City Regional Regulation Number 10 of 2018 concerning public tranquility and order in Article 15 "Every Street Vendor is prohibited from vending in Public Facilities and/or places prohibited unless they have permission from the Regional Government" and Article 16 "Street vendors who already have provided places are prohibited from adding buildings and/or stacking goods outside the designated place". Furthermore, if they violate this Regional Regulation, fines are imposed by the Government on violators, therefore, the actions that must be taken by the Civil Service Police Unit as a regional apparatus assisting the regional government to continuously enforce the Regional Regulation are contained in Article 29 paragraph (2) point a. carry out preventive, repressive actions and actions in accordance with applicable statutory

provisions against perpetrators of violations of the provisions regulated in this regional regulation; and b. Stop all activities/businesses related to violations of the provisions regulated in this regional regulation (Perda 10/18 Pariaman, 2018:7).

Furthermore, to maintain order at Gandoriah Beach, the Mayor of Pariaman's Decree Number 357/556/2022 on the management of tourism business actors at the Gandoriah Beach tourism destination in Pariaman City was issued, stipulating in point eight regarding prohibitions for tourism business actors: a. Prohibited from vending along the beach from the Navy Monument to the Gandoriah Beach Pavilion, except for erecting umbrellas as regulated in the seventh dictum, namely the use of umbrellas and existing infrastructure at Gandoriah Beach, letter a. For food and beverage business actors in front of the Nan Tongga Hotel fence to the toilet next to the Civil Service Police Unit Post heading west and on the beach between Gandoriah Beach Pavilion and South ASEAN Monument, the use of umbrellas as additional facilities for tourists on the beach is permitted, only a maximum of 4 (four) tents with a distance of 10 (ten) meters from the highest tide. Furthermore, in point eight letter b. Prohibited from vending along sidewalks or pedestrian paths throughout the Gandoriah Beach tourism destination area, and letter d. Prohibited hawkers, beggars, buskers, and vendors using vehicles whether 2 (two), 3 (three), and 4 (four) wheels in the Gandoriah Beach tourism destination area (Pariaman, 2020). With the existence of these regional regulations and mayor's decree, the Pariaman City Government has a legal basis to regulate business activities at Gandoriah Beach. However, in reality, many traders still vend disorderly, disturb community tranquility, and use areas that should not be intended for Regional Regulations (Marni Novita Sari, 2021). This condition indicates the need for more consistent law enforcement by the Civil Service Police Unit.

Literature Review

The Theory Of Beschikking And Regeling

The theory of Beschikking and Regeling involves two distinct but related legal concepts used in public law enforcement by the government through its administrative apparatus. Beschikking refers to unilateral public law enforcement actions by the government, conducted through state administrative bodies as expressions of will grounded in prevailing laws and regulations. Such decisions are concrete, individual, and final, with legally binding consequences in the administrative domain, though they do not impose sanctions per se (Edy Asnawi, 2020). On the other hand, regeling refers to regulations that aim to create legal certainty by preventing arising issues in national and societal life. These regulations are generally binding on the public, non-individual and non-final, and are either mandated by higher regulations or by the authority of relevant institutions or agencies (Amin & Achmad, 2020:206).

The substance of beschikking typically includes the purpose and intent of the decision, the legal basis used, criteria and requirements to be met, rights and obligations of the addressed parties, and legal consequences for non-compliance. Similarly, regeling encompasses the purpose and intent, legal basis, criteria and requirements, rights and obligations of the public, consequences of violations, implementation procedures, and mechanisms for supervision and evaluation. The principle underlying beschikking is that decisions are made by authorized officials to resolve specific cases in an individual and concrete manner, binding only the concerned parties and may take forms such as permissions, refusals, or establishment. Decisions are made in the context of good governance, emphasizing effective leadership and non-arbitrary decision-making, respecting the authority of bodies or officials involved (Hani, 2021). Regeling principles, meanwhile, necessitate careful preparation in government rule-making, considering advantages and disadvantages and involving relevant stakeholders, including communities, to minimize resistance during implementation (Oktarina et al., 2021).

The Theory Of Law

The theory of law enforcement defines it as the right granted by legislation to individuals or legal entities to exercise authority to ensure regulations are effectively implemented and responsibilities are fulfilled, thereby maintaining order and proper functioning of regulated objects. Sociologically, law

enforcers hold specific social positions bearing rights and duties (Djaenab, 2018:150). According to Muchsan, law enforcement includes actions by government officials in their capacity as authorities or government apparatuses with independent authority and responsibility; these actions must be part of government function execution and are intended to produce legal effects in administrative law, primarily to safeguard the interests of the state and its people (Sunge, 2009:187). Legal culture, closely related to public discipline in observing laws, is formed through consistent behavior reflecting obedience and orderliness. Discipline, as described by Suratman, manifests as sincere compliance supported by awareness of duties and correct behavior within a community, observed through habits such as punctuality, honesty, and reliability (Suhardi, 2019:2). Harlock identifies essential elements of discipline including rules governing social behavior, penalties for violations to deter misconduct, rewards for lawful compliance, and consistency to avoid confusion among the public regarding expectations (Harjanty & Mujtahidin, 2022:38). Developing, maintaining, and enforcing a legal culture is crucial for successful societal functioning and encourages individuals to be productive members of society.

The Theory Of Siyasah Tanfiziyah

The theory of *siyasah tanfiziyah* (executive political governance) is a branch of *fiqh siyasah* concerned with how legislation is implemented by executive bodies. In Islamic terminology, it represents the administrative authority (*al-sultah al-tanfiziah*) granted to *ulil amr*, or legitimate rulers, entrusted with implementing laws and policies for the public welfare. Its scope includes executing legal norms, administrative governance, and public policy aligned with sharia principles. Executive power (*al-Sultāh al-Tanfiziyyah*) takes various forms such as *imamah* or *imam*, *khilafah* or *khalifah*, *imarah* or *'amir*, and *wizarah* or *wazir*. The concept of *imamah* derives from the Arabic root for nation or people, referring to leadership. According to Kamus Munawwir, *imamah* is understood as an *imam* or leader. *Khilafah* refers to the Islamic political system continuing the Prophet Muhammad's leadership, based on the Qur'an and Sunnah, with the *khalifah* as the supreme leader of the Muslim world, also called *Imam A'zham* or *Khalifat al-Muslimin*. The term *imarah* comes from *amira* meaning governance or leadership, where *amir* signifies a leader; historically, it referred to regional governors or military commanders such as *Amir al-Jaisy* or *Amirul Mukminin* during the Prophet's and the Rightly Guided Caliphs' era. *Wizarah*, derived from *wizr* meaning burden, refers to the advisor or minister assisting the ruler in bearing governance responsibilities, often serving as a place of refuge or counsel for the ruler (Edy Asnawi, Hani, Oktarina et al., Djaenab, Sunge, Suhardi, Harjanty & Mujtahidin, Lasahido).

Method

The research method employed in this study involves a qualitative approach aimed at exploring and analyzing the theoretical foundations of *Beschikking* and *Regeling*, law enforcement, legal culture, and *fiqh siyasah tanfiziyah* (executive political governance) as they relate to regional regulation enforcement and governance. This approach enables a comprehensive understanding of the normative and conceptual frameworks underpinning administrative law decisions (*beschikking*), regulatory measures (*regeling*), and their implementation within the context of public order and community welfare. Data collection involves an extensive literature review of primary and secondary legal texts, including government regulations, scholarly articles, and Islamic legal sources. The study critically examines relevant statutes such as Government Regulation Number 16 of 2018, regional regulations, and mayoral decrees, as well as classical and contemporary Islamic jurisprudential texts addressing executive authority (*al-sultah al-tanfiziah*). The review includes authoritative publications and doctrinal interpretations to delineate the principles, substance, and application of the concepts studied.

Analysis is conducted through thematic content analysis, focusing on identifying patterns and linking theoretical constructs to practical enforcement mechanisms in regional governance. The study evaluates how legal principles and Islamic governance doctrines interact with administrative law to shape policy implementation, authority delegation, and community compliance. This involves synthesizing

interdisciplinary insights from legal theory, sociology (particularly legal culture and discipline), and political theology to provide an integrative perspective. The methodological framework is designed to accommodate the complexity of layered legal and religious texts and contextualize them within contemporary governance challenges, particularly regarding law enforcement and public order maintenance. This allows for a nuanced discussion of how government decisions (*beschikking*) and regulations (*regeling*) function within Indonesian administrative law, supported by Islamic political principles, to inform consistent and just governance practices.

By employing qualitative content analysis with an emphasis on doctrinal and normative study, the method facilitates an in-depth exploration of the conceptual dimensions laid out in the theoretical section. It aims not only to map out the legal and philosophical underpinnings but also to highlight implications for practical governance and policy enforcement strategies in regional contexts.

Results and Discussion

The governance and law enforcement framework related to tourism business actors at Gandoriah Beach in Pariaman City operates under a layered and complex set of regional regulations, mayoral decisions, and institutional roles. A key legal foundation is found in Government Regulation Number 16 of 2018, which defines the Civil Service Police Unit (*Satuan Polisi Pamong Praja* or *Satpol PP*) as a regional apparatus tasked with enforcing regional and mayoral regulations, organizing public order and community protection (Destiningsih & Lestari, 2020). Article 5 of this regulation outlines *Satpol PP* duties: enforcement of laws and regulations, public order maintenance, and community protection. Article 7 further authorizes *Satpol PP* to conduct non-judicial actions against individuals, officials, or legal entities violating regional regulations or disturbing public order (PP 16/18 RI, 2020:3).

Pariaman City reinforced this framework through its Regional Regulation Number 3 of 2014, which details the organizational structure and functions of *Satpol PP*, attributing to it the enforcement of regional laws and the maintenance of community tranquility (Perda 3/14 Kota Pariaman, 2014:4). Complementing these is Regional Regulation Number 10 of 2018 on public order, which specifically regulates street vendors, prohibiting vending in public facilities or unauthorized locations except with a permit, and restricting vendor expansion beyond designated areas. Violations invite penalties, and *Satpol PP* is empowered to take preventive, repressive, and other legal actions to enforce this regulation (Perda 10/18 Pariaman, 2018:7). However, the limitations in effectively regulating vendors in Gandoriah Beach under these general provisions prompted the Pariaman City Government to issue the more specific Mayor's Decree Number 357/556/2022. This decree prohibits vending along certain stretches of the beach, with allowances only for controlled use of umbrellas and tents as tourist amenities. It also forbids vending along sidewalks or pedestrian paths and bans hawkers, beggars, buskers, and vendors using motorized vehicles within the tourism zone (Pariaman, 2020).

Given that this decree directly regulates tourism areas, the Tourism Office is designated as the principal technical agency responsible for policy development and management under Mayor Regulation Number 56 of 2023, which organizes the office's structure, tasks, and functions related to tourism and cultural affairs (Perwako 56/2023, 2023:2). Meanwhile, *Satpol PP* continues to hold authorization to enforce regional laws but acts primarily upon delegation from the Tourism Office through official task orders, stepping in when tourism authorities cannot resolve problems independently. In operational enforcement, *Satpol PP* applies a graduated approach. Preventive measures initiate upon public reports followed by assignment orders, leading to on-site assessment. Persuasive engagement with vendors is emphasized to explain legal restrictions from perspectives of aesthetic, tourist comfort, and safety. If persuasion fails, the agency issues escalating official warnings (SP 1 through SP 3), ultimately leading to forced relocation and dismantling of illegal setups for persistent non-compliance. Should violators continue to disobey, they may face judicial prosecution, though fines are adjudicated by district courts rather than imposed directly by *Satpol PP*. Coordination between the Tourism Office and *Satpol PP* is essential, as the former crafts

regulatory policy and the latter undertakes field-level enforcement. This collaboration ensures that regulatory intent translates into effective action and public order in the tourism area with holistic involvement.

Nonetheless, enforcement efforts confront multidimensional challenges. Societal factors such as limited human resources on both enforcement and community sides diminish implementation efficacy. Among vendors, a significant knowledge gap exists regarding legal principles, human rights, and spatial zoning, contributing to frequent transgressions of restricted zones. The strong kinship ties prevalent in the community complicate enforcement, as many vendors are relatives or acquaintances of enforcement officers, rendering strict application delicate due to social sensitivities. Economically, vendors prioritize visual market access above safety and regulatory compliance, risking traffic hazards and disorder in their pursuit of income. Additionally, organized protests and intimidation tactics occasionally emerge, often led by group leaders, though individual small-scale vendors generally lack the means for collective action and recognize their position in public space without ownership rights.

From a theoretical standpoint, the concept of *regeling* refers to general, normative legal provisions applicable broadly—in this case exemplified by Regional Regulation Number 10 of 2018—which establish the foundational legal norms regulating vendors' conduct (Al-Fatih & Muluk, 2023). To address deficits in effectiveness, the mayoral decision operates as a *beschikking*—a concrete, individual, and final administrative decision tailored to local realities and operational needs, outlining specific spatial usage and operational prohibitions (Mukhlis & Perdana, 2022). This dual legal structure embodies *tajdid siyasah*—a policy renewal concept in Islamic governance which necessitates adaptive policymaking to suit the evolving needs of the community. The collaboration between the Tourism Office and Satpol PP exemplifies a delegation of authority consistent with principles in *fiqh siyasah*, where the *wali al-amr* (governing authority) delegates power in the interest of public welfare and order. This institutional partnership highlights that tourism governance cannot rely solely on a single agency but requires multisectoral coordination for effectiveness (Yusuf Adan et al., 2023).

Sociological perspectives emphasize that Satpol PP functions as an arm of government exercising administrative law enforcement, embodying the *siyasah* notion that executive power encompasses not only law formulation but also enforcement and supervision to realize *maslahah* (common good) (Saifuddin, 2022). The principle of graduated enforcement—from guidance to persuasion to penalties—aims at fairness and responsive governance. Enforcement is not arbitrary but follows procedural justice, including legal adjudication by courts, underscoring the separation of enforcement and judicial powers. Critical to enforcement success is the cultivation of legal culture—a community's perception and adherence to law. Research indicates a persistent gap between normative legal awareness and practical adherence among vendors, signifying a still maturing legal culture in Pariaman (Syafri Hariansah, 2022; Kurniawan et al., 2023). Integration of Islamic principles emphasizes the religious dimension of obedience (*ta'ah*) to law, viewing compliance as part of divine and societal order, grounded in Quranic injunctions such as in surat An-Nisa verse 59, exhorting believers to obey Allah, His Messenger, and those in authority, unless contradicting divine law (Nabilah et al., 2025). However, limitations in enforcement capacity and legal knowledge among apparatus and the public hinder full realization.

Social structures based on kinship significantly influence enforcement dynamics, where personal relationships between vendors and enforcement officers can impede impartial law application. This reveals tension between formal legal norms and prevailing social customs within communities like Pariaman (Rizal et al., 2023). Additionally, economic compulsions drive vendors to prioritize commercial advantage over regulatory compliance, situating local legal culture within a transitional phase where emerging enforcement methods coexist with traditional social behaviors. Moreover, collective resistance such as demonstrations tends to arise where organized leadership exists, while individual vendors typically lack motivation or means for such protest, recognizing the public nature of the spaces they occupy. Instances of violence receive individual legal response without wholesale stigmatization of communities (Azhar et al., 2020). In conclusion, while the regulatory framework and enforcement mechanisms governing Gandoriah Beach tourism businesses are comprehensive, practical enforcement

faces socio-economic, cultural, and institutional constraints. Strengthening institutional coordination, enhancing community legal awareness, and sensitizing enforcement approaches to local social dynamics are imperative for sustainable tourism governance. This integrative approach balances economic livelihoods with public order, environmental quality, and tourist comfort, embodying both legal principles and Islamic governance philosophy to achieve *maslahah 'ammah*.

Conclusion

The study concludes that the enforcement of regional regulations governing tourism business actors at Gandoriah Beach in Pariaman City is based on a comprehensive legal framework that empowers the Civil Service Police Unit (Satpol PP) to carry out preventive, persuasive, and repressive actions against violations. The issuance of specific mayoral decrees addressed limitations in general regulations by establishing clear boundaries for vending areas, operational restrictions, and enforcement delegation structures. The enforcement process follows a systematic approach beginning with community reports, field observations, and engaging vendors persuasively, escalating to warnings, forced removal, and legal prosecution as necessary. Despite the structured procedures, enforcement faces challenges including limited legal awareness among vendors, kinship ties affecting enforcement discretion, economic motivations leading to risky vending practices, and occasional collective resistance. The combination of general normative regulations (*regeling*) and specific administrative decisions (*beschikking*) reflects adaptive governance aimed at promoting public welfare through coordinated institutional roles.

To enhance sustainable tourism governance, the study highlights the importance of improving legal literacy among vendors, strengthening inter-agency coordination, providing economic relocation incentives, and fostering culturally sensitive enforcement strategies that balance economic interests with public order and environmental considerations. This integrated approach supports a harmonious environment for community livelihoods, tourist satisfaction, and orderly regional development.

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Conflict of Interest

This article has no conflicts of interest.

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