

MANAGING UNLICENSED STREET HAWKER BY LOCAL GOVERNMENT: A CONCEPTUAL PAPER

Mohd Nazir Sukaimi^{1*}, Farah Adilla Ab Rahman², & Ahmad Faiz Yaakob³

^{1,2,3}Faculty of Administrative Science and Policy Studies, Universiti Teknologi MARA (UiTM), Malaysia

*E-mail: nazir4703@gmail.com

1. INTRODUCTION

The street hawker is a global phenomenon found in almost any country (Bromley, 2000). Street hawkers are also famous in developing countries' cities and towns (Alimi, 2016). In Malaysia, hawkers that operate illegally are not referred to as illegal hawkers because their merchandise is not prohibited from being sold; instead, their business is referred to as unlicensed hawkers because it falls under the jurisdiction of the local government (Undang-Undang Kecil Penjaja MBSA, 2007). To characterize hawkers, many writers and scholars have used terms like street hawking, food vendors, informal marketplaces, and informal street sellers" (Alan, 2019; Kadoo, 2017; Winter, 2017; Sarasmita, 2019). Nonetheless, it has the same connotation for people who run a business without permission or a license from the authorities.

Some assert that Singapore's unique hawker culture belongs to Singapore; however, it belongs to Malaysia, as the two countries have a shared past (Alan, 2019). Since independence, street selling has been typical for unemployed and unskilled Malay residents and foreigners (Alan, 2019). Street hawking is a sort of self-employment that requires very little cash to operate (Alan, 2019). Most street hawkers offer food to the poor by providing low-cost meals. Local producers, such as those selling fruits, vegetables, eggs, and poultry; peddled sundries, such as those selling brooms, towels, and daily necessities; and essential service providers, such as street barbers, locksmiths, and cobblers, make up the rest of the street hawking group (Alan, 2019). Hawkers' mobility is done in a traditional fashion, such as depending on distance, either walking or pedaling to reach clients, and how many are selling items to mobile by carts, bicycles, or tricycles with cooking equipment (Alan, 2019).

Issues with street hawking have existed since before Malaya's independence due to a monopoly held by a group closely linked to the Japanese Army, which created a black market for their supplies and unfair competition (Alan, 2019). Following independence, law enforcement authorities made numerous measures to restrict unlicensed hawkers and activities that allowed hawking only as specified in the license granted (Alan, 2019). Licensing and fines are a common challenge for street hawkers worldwide (Schoenecker, 2018). Most countries have a lengthy history of enacting policies to regulate unlicensed hawkers, including federal laws, local laws, and municipal by-laws (Bromley, 2000). Congestion, safety and security, disorganization, and hygiene are all concerns that street sellers face (Kadoo, 2017). They are frequently viewed as usurpers of formal businesses', citizens', and pedestrians' rights to public places (Taylor et al., 2018).

2. LITERATURE REVIEW

2.1 Problems with Street Hawker

Many people are concerned about the adverse effects of unlicensed hawkers. If the informal sector is not monitored or regulated, it will cause problems for various parties. According to Schoenecker (2018) and Bromley (2000), restaurant owners argued that unlicensed hawkers created unhealthy competition and objected to street vendors who pull up in front of their business and sell competing foods or goods without having to pay the necessary fees, licenses, rent, or taxes, ostensibly giving the street vendor an unfair advantage. Unlicensed street hawking can also lead to crimes and social conflicts (Huang, 2018; Henderson, 2017), labor exploitation, and job insecurity (Henderson, 2017), as well as litter, garbage disposal, and road and pavement congestion (Henderson, 2017; Bromley, 2000). Unlicensed hawkers have also been linked to health and safety concerns, tax fraud, and the sale of inferior goods (Bromley, 2000).

2.2 The Roles of Local Government

Local governments, NGOs, and society leaders are continuously confronted by the public's desire to take action against unlicensed street hawkers (Bromley, 2000). Usually, licensing and fines are widely used in a particular country (Schoenecker, 2018). Local elites and the media, various political parties, special interest groups, and vendor associations exert conflicting pressures on unlicensed street hawkers (Bromley, 2000). Because unlicensed street hawkers are conspicuous, varied, and concentrated in busy places, they usually cannot be ignored (Bromley, 2000). Most countries have a lengthy history of enacting policies to regulate unlicensed hawkers, including federal laws, local laws, and municipal by-laws (Bromley, 2000). The public may tolerate it at first since it does not cause problems, but sympathies shift with time, with times of tolerance and growing congestion leading to new control pressures and periods of repression leading to indignation about brutality and victimization (Bromley, 2000). The street hawker's license can regulate hawking operations; as a result, street hawkers must follow the rules set forth for urban well-being (Ismail, 2002). The local government collects taxes to fund public services and integrates the entire population into taxation, and government assistance systems (Bromley, 2000). Elite groups have frequently attempted to shield themselves from street vendors and other undesirables by privatizing and eliminating the public sphere (Bromley, 2000). One endeavor for a beautiful city is to ensure that hawkers are subjected to law enforcement. The clean city concept involves increasing road cleaning services, effective trash management, and community involvement. The safe city initiative focuses on the city's and people's safety, including increasing enforcement efforts against unregistered food establishments and unlicensed hawkers to ensure public health is always maintained (Ajing Kartini, 2016).

2.3 Policies of Local Government on Street Hawker

In general, the number of street hawkers fluctuates according to the seasons, weeks, and days of the year, according to consumer demand and labor supply patterns, economic cycles and variations, traffic congestion, and official regulation (Bromley, 2000). The enforcement officer who performs these activities is frequently at the bottom of the administrative ladder, and controlling and promoting street hawkers is one of the lowest-status and most difficult tasks they have to carry. Street sellers are frequently viewed as a problem and occasionally as

a source of opportunity, but they are rarely high on the government's priority list (Bromley, 2000).

Most local government street hawker policy, which combines control and promotion, relocates hawkers to off-street places, builds public or private markets, and has sprung up many new off-street markets. Although official regulations on street hawkers, commerce, health, traffic, employment, and taxation are typically long and complex, and most on- and off-street businesses break at least some of the rules, on-street businesses are typically smaller, more transient, and more mobile than off-street businesses, so they are likely to follow fewer official regulations (Bromley, 2000). By avoiding some of the restrictions, money and time can be saved, and many regulations are little-known and rarely enforced. Street hawker regulation is primarily gradual, adopting more and more restrictions without addressing inconsistencies with earlier methods. Reform would be difficult and time-consuming, and few influential individuals would even recognize the benefits of such reforms. Most hawkers, inspectors, and police officers on the street in Latin America, Africa, and poor Asian countries have no specific knowledge of the legislation; therefore, enforcement is typically haphazard (Bromley, 2000). Various vendor organizations, a wide range of special interests, and politicians from all political spectrum exert pressure on the authorities (Bromley, 2000). Policy interventions frequently have unintended repercussions and are rarely followed through on (Bromley, 2000). Many politicians are increasingly adopting punitive suggestions for implementing rules and criminalizing informal street sellers for municipal authorities seeking to erase any apparent remnants of informality in their towns (Sarasmita, 2019). Because of the combined effect of local government's punitive strategies to eliminate the presence of undesirable elements in the city's streets. With the local state's logic of transforming urban space for the interests of capital rather than people, the livelihoods of informal street vendors are increasingly threatened (Winter, 2017). Centralizing dealers and subjecting them to licensing and a stringent regulatory structure that includes inspections are two possible approaches to help with control (Henderson, 2017).

3. DISCUSSION AND CONCLUSION

Despite the local government allowing street hawking, there will be a risk of street hawkers operating without a license. Primarily during trying times, they will operate without a license to provide for their family's needs. The street hawker has no choice but to do so to survive (Muhammad Basir, 2020). Street hawkers are aware of the dangers and punishment they will face, but they are willing to take chances (Sarasmita, 2019; Ryan, 2018). They may be punished or have their goods taken by local government agents, but they will continue to operate in the unofficial ways they know would succeed (Sarasmita, 2019). Moreover, because of the absence of regulation, informal street hawking has been forced to cross into the realms of illegality and black markets, making it prone to other issues such as police abuse, including bribes for municipal officials and abuse of authority to harass competition sellers (Sarasmita, 2019). These individuals take chances, build their savings, and expand their enterprises (Ryan, 2018). Those who found themselves without a job had to scramble to find something to do to make a living. Furthermore, because many of them are young and enthusiastic, setting up a food stand is the most incredible alternative (Muhammad Basir, 2020). Enforcement officers will face several challenges while regulating unlicensed street hawkers. The number, location, working regimens, and other features of the individual's street hawking are usually unknown to enforcement (Bromley, 2000). The enforcement officer can use authoritarian tactics to "lockdown on street sellers" in response to media criticism, minimize traffic and disruption,

and clear the streets for a significant event (Bromley, 2000). As a result, long periods of tolerance are punctuated by brief moments of persecution. Non-compliance with a wide range of obscure laws, codes, and regulations can be used to justify eviction, confiscation, or arrest in occasional lockdowns.

4. REFERENCES

- Ajing Kartini, M. R. (2016). Faktor-faktor penyumbang kewujudan penjaja tanpa lesen di kawasan pentadbiran Dewan Bandaraya Kuching Utara , Kuching Sarawak. *Journal of Social Sciences and Humanities*, 16(9), 45–60.
- Alan, T. L. S. (2019). *Tracing our hawker roots*. Retrieved from <https://www.nst.com.my/lifestyle/sunday-vibes/2019/03/470008/tracing-our-hawker-roots>
- Alimi, B. A. (2016). Risk factors in street food practices in developing countries: A review. *Food Science and Human Wellness*, 5(3), 141–148.
- Bromley, R. (2000). Street vending and public policy a global review. *International Journal of Sociology and Social Policy*, 20, 1-29.
- Henderson, J. C. (2017). Street food, hawkers, and the Michelin guide in Singapore. *British Food Journal*, 119(4), 790–802.
- Huang, G. (2019). Policing blacks in Guangzhou: How public security constructs Africans as Sanfei. *Modern China*, 45(2), 171–200.
- Ismail, S. (2002). *Pembangunan sektor ekonomi informal bandar : Kajian tentang penjaja dan penajaan di Kuala Lumpur*. Perpustakaan University Malaya. Universiti Malaya.
- Kadoo, G. R. A. (2017). *Rethinking everyday public spaces: Mapping the informal markets in Mumbai*. The University of Cincinnati.
- Muhammad Basir, R. (2020, July 22). *Berniaga jadi pilihan untuk jana pendapatan pasca PKP*. Retrieved from https://www.bernama.com/bm/am/news_covid-19.php?id=1862947
com.ezaccess.library.uitm.edu.my/insight/content/doi/10.1108/01443330010789052/full/pdf?title=street-vending-and-public-policy-a-global-review
- Ryan, S. (2018). *Immigrant small business in New York City: Services, challenges, and solutions*. Fordham University.
- Sarasmita, A. P. (2019). *Processes of everyday resilience: The reassembling of informal vending in urban spaces of Malang, Indonesia*. The University of Washington.
- Schoenecker, A. (2018). *Governing the ungovernable? Street vending in Chicago and Mumbai*. University of Illinois, Chicago.
- Taylor. M. (2018). *Cheap and cheerful : Street traders are undervalued in Asia's cities*. Thomson Reuters Foundation. Retrieved from <https://www.reuters.com/article/us-asia-cities-economy-vendors-idUSKBN1HR0CW>
- Undang-Undang Kecil Penjaja MBSA. (2007). Shah Alam. Majlis Bandaraya Shah Alam. Retrieved from: <https://ocps.mpsj.gov.my> > cms > document storage
- Winter, B. (2017). *Reappropriating public space in Nanchang, China: A study of informal street vendors*.