

Review of Business Competition Law Regarding Supervision of the Trade Office of Modern Minimarkets to Protect Grocery Stores



Heyder Lutfi Zarkassi¹, Budi Ispriyarso²

^{1,2}Masters in Law, Faculty of Law, Universitas Diponegoro

ABSTRACT: In principle, the retail market can be interpreted as a place of business in which there is a mechanism between retail traders and final consumers of certain goods in small (amount) parties. According to its development, this market is divided into two major parts, namely the modern retail market and the traditional retail market. The modern retail market, in which there is a supervisory task carried out by government agencies, namely the Trade Service in accordance with the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Structuring and Fostering Traditional Markets, which later on this supervision can maintain the existence of grocery stalls that are starting to lose out to modern minimarkets.

KEYWORDS: Supervision , Trade Service , Grocery Store

PRELIMINARY

The continued development of the current world economic movement also affects the economy in Indonesia. In this connection, we know the term retail market, the retail market in principle can be interpreted as a place of business in which there is a mechanism between retail traders and final consumers of certain goods in small (amount) parties. According to its development, this market is divided into two major parts, namely the modern retail market and the traditional retail market. The modern retail market consists of three forms, namely: minimarkets, supermarkets and hypermarkets. While the traditional retail market consists of stalls and grocery traders. The widespread presence of modern minimarket in the form of franchises in Indonesia is currently mushrooming and we can see it along village roads, near homes, and in strategic strategic places. fulfillment of human needs in Indonesia which is very high and can be said to be a consumptive society, the growth of the retail business in Indonesia itself in the last six years, from 2012-2017, the number of modern retail outlets in Indonesia has experienced an average growth of 17.57% per year. year.

In Indonesia itself, especially Semarang City, the capital city of Central Java Province, is also one of the cities with a fairly high economic growth, Semarang City with a population of 1,648,279 people. From the number of people who actually fulfill their daily needs, it is not surprising that we often find businesses from business actors in the modern retail market, such as Carrefour, Lotte Mart, Hypermart, Alfamart and Indomaret. Of the many business actors in modern markets, the one closest to our daily environment is the minimarket.

When the convenience store has reached its peak, this situation is inversely proportional to the condition of the grocery store which is disappearing over time. If this condition is continued, thousands or even millions of small traders will lose their livelihoods. Minimarkets are growing very aggressively until they enter residential areas. Grocery stores in residential areas are directly affected by dealing directly with the minimarket. Due to the current development of the business world, especially in the city of Semarang, there are many business activities that contain elements of unfairness to small traders, both economically and socially weaker. The government has indeed made legal regulations related to the arrangement of modern shops starting from the Minister of Trade Regulation to technical regulations in the regions such as the Mayor Regulation. In the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores Article 3 paragraph (1) states:

- (1) The number of Traditional Markets, Shopping Centers and Modern Stores, as well as the distance between Shopping Centers and Modern Stores and Traditional Markets or traditional retail shops is determined by the Regional Government.

Furthermore, in the Semarang City Regional Regulation Number 1 of 2014 concerning Modern Store Arrangement in article 6 paragraph (1) states:

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- (1) The number of Modern Stores and the distance between Modern Stores and traditional markets or traditional retail stores in the city of Semarang are regulated by a Mayor Regulation

From the regulations made by the government, it actually protects grocery stalls, but in reality, grocery stalls are lost and destroyed, affected by the establishment and the rise of modern minimarkets, To provide the same protection for every business actor, whether small business actor, medium business actor, or large business actor In an effort to create healthy business competition, Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition was signed by President BJ Habibie and promulgated on March 5, 1999 and is valid for one year after promulgation (Ahmad Yani and Gunawan, 2002: 13). This law guarantees legal certainty to further accelerate economic development in an effort to improve public welfare, as well as an implementation of the spirit and spirit of the 1945 Constitution (General Explanation of the Anti-Monopoly Law No.5 of 1999).

The city of Semarang itself has regulations that regulate the implementation of supermarkets, namely Semarang mayor regulation no 39/2014 concerning the implementation of supermarket arrangement , in this regulation the article that regulates the arrangement of supermarket location is in article 5 which states that:

- (1) The arrangement of Minimarket locations can be carried out on any road network system, including the environmental road network system in the Regional environmental service area.
- (2) The arrangement of the distance for the establishment of the minimum package as referred to in paragraph (1) is determined to be the closest within a radius of 500 (five hundred) meters from the People's Market.

Then in Article 6 of Semarang Mayor Regulation Number 39 of 2014 concerning Implementation of the Arrangement of Supermarkets, it states that:

- (1) The establishment of a mini-market supermarket must pay attention to:
 - a. Population density;
 - b. The development of new settlements;
 - c. Area accessibility (traffic flow);
 - d. The existence of the People's Market and stalls / shops in the surrounding area that are smaller than the convenience store of the minimarket.
- (2) The establishment of a mini-market supermarket as referred to in paragraph (1) must pay attention to the quota determined by a Mayor's Decree.

In article 6, paragraph 1, letter D, it is explained that the establishment of supermarkets must pay attention to small shops around them.

In accordance with the increasingly rapid development of the retail market in the minimarket sector and the increasingly shifting the existence of small shops around it has indirectly killed the existence of grocery stores with small capital, it is necessary to monitor minimarkets regarding the location and distance of the minimarkets so that the existence of the minimarket is not detrimental and deadly grocery store business. . From the above problems, a team of writers inspired to compile a study (journal) entitled " Supervisory Office of Trade Against Modern inimarket To Protect Stores Grocery". The issues will be the focus in this paper is related to how to pe ngawasan conducted by the Commerce Department of the City of Semarang To protect the existence Stores grocery ?.

RESEARCH METHODS

The type of research used in this paper is the sociological juridical approach (socio-legal approach) which is considered the most relevant to serve as a researcher guide in collecting the data needed in this study. This research focuses on the symptoms that occur in society, influence factors and socio-cultural phenomena in society. A juridical approach means an approach based on the prevailing laws and regulations with the problem being studied . Juridical is reviewing and seeing and analyzing a problem using legal principles and principles. Meanwhile, sociological understanding is analyzing law not merely as a set of normative laws and regulations, but law is seen as the behavior of society, always interacting and dealing with social aspects. The analytical method used d a lam this study is a qualitative method of data which is formed on a study or measure indirectly in other words, that the conclusions contained in the form of statements and writings. After the data are analyzed, they are described in a thesis that is compiled by induction. .

DISCUSSION

Supervision of the Trade Service on Modern Minimarkets to Protect Grocery Stores

With the growing development of minimarkets in Indonesia, especially in the city of Semarang, the supervisory function is one of the important functions of the Trade nation in addition to other functions. In the implementation of the supervisory function, the Department of Trade has the duty to maintain and evaluate the spread of modern minimarkets in the city of Semarang so that they can be carried out properly and in accordance with statutory regulations and the objectives of the 1945 constitution . In fact,

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the competition between one minmarket and another is very tight, in principle business actors want a large profit, because competition in the economic sector is one of the most important forms of competition among the many competitions between people, groups of people, or even nations. One form of competition in the economic field is *business competition*, which can simply be defined as competition between sellers in 'seizing' buyers and market share. Business competition can also be found in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. In general, business competition is a feud or rivalry between business actors who independently try to get consumers by offering good prices with good quality goods or services (Akhmad Mujahidin, 2007: 27).

Competition is a real condition faced by everyone today. Competition is a kind of effort to occupy a higher position in the business world. If the number of competitors is large enough and balanced, competition will be very high because each company has relatively the same resources. If the number of competitors is the same but there are differences in resources, it is clear which ones will become the *market leaders*, and which companies are the followers (Jopie Jusuf, 2008: 260).

Harmonization / alignment between the interests of business actors and other competing business actors is very important. This is intended to create a healthy business competition ecosystem in accordance with the objectives of the establishment of Law Number 5 Year 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. The realization of the harmonization of interests between business actors is carried out by providing equal portions of interests and positions both in the legal and economic fields (Richy Ardiansyah, 2013: 12).

In business activities, they must be able to face business competition that is common in the business world. Therefore we need strengths or competitiveness as mentioned by Didin Hafidhuddin and Hendri Tanjung (2002: 44), including:

- i. The competitiveness of the products to be offered must be of good quality;
- ii. Price competitiveness may not win the competition if the products owned are very expensive;
- iii. Marketing competitiveness in the world of marketing talks about market problems, so the most important thing is how to attract consumers to buy goods that have been produced;
- iv. The competitiveness of networks (*networking*) a business will not have the competitiveness and will lose if the "play themselves" in this case means no cooperation, coordination and synergies with other business institutions in various fields.

Supervision and guidance have been regulated in the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores . In addition, in the city of Semarang, supervision and guidance for modern shops is also regulated in Regional Regulation No.1 of 2014.

Article 34 of the Regulation of the Minister of Trade Number 70 of 2013 states that:

- 1) The Minister, Governors and Regents / Mayors, individually or collectively, shall provide guidance and supervision to the management of Traditional Markets, Shopping Centers and Modern Stores.
- 2) The Minister delegates guidance and supervision as intended in paragraph (1) to the Director General of Domestic Trade.
- 3) The Director General of Domestic Trade in implementing the guidance and supervision can melakuka coordination with relevant agencies the center, provinces and kabuoaten / town.
- 4) Particularly for the DKI Jakarta Province, the Governor of DKI Jakarta delegates the guidance and supervision authority as referred to in paragraph (1) in his working area to the head of the office who is responsible for trade.
- 5) The regent / mayor delegates the authority for guidance and supervision as meant in paragraph (1) in his working area to the service sector which is responsible for the trade sector.

Almost the same as the Regulation of the Minister of Trade Number 70 of 2013 which regulates the supervision and development of modern shops. Semarang City Regional Regulation No. 1/2014 also regulates the supervision and development of modern stores. P origin 32 Semarang City Regional Regulation Number 1 of 2014 states that:

- 1) The mayor shall guide and supervise the activities of organizing Modern Stores.
- 2) The Mayor may delegate authority to the guidance and supervision terhadap activities penyelenggaraan Modern Stores to agencies / SKPD charge of trade

Article 33 states that in the framework referred to in Article 32, the Mayor may: Providing facilities for local MSMEs so that they can meet quality standards that are traded to modern k o. Performing facilities for implementing partnerships between retailers and local MSMEs, and / or Encouraging modern shops to develop local SME goods marketing, and / or Monitor / evaluate the existence of Modern Stores.

As for Article 34 gives authority to the Mayor to be able to coordinate for: Anticipating the emergence of problems in the management of Modern Stores, and / or Take steps in resolving the problem of the impact of the establishment of a Modern Store

The Semarang City Government through the Trade Office and Regional Work Units in implementing laws and regulations, especially those related to supervision and guidance, has actually taken strategic steps. These strategic steps are also intended to prevent and minimize the existence of business competition caused by the establishment of modern shops.

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The regulation of business competition law itself is stated in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, which was ratified on March 5, 1999 by President BJ Habibie at the beginning of the reform era. The direct background of the drafting of the Antimonopoly Law was the agreement made between the International Monetary Fund (IMF) and the government of the Republic of Indonesia, on January 15, 1998. In this agreement, the IMF approved the provision of financial assistance to the Republic of Indonesia amounting to US \$ 43 billion. which aims to overcome the economic crisis, but on the condition that Indonesia implements certain economic reforms and economic laws. This led to the need for an Antimonopoly Law (Andi Fahmi Lubis, 2009: 12). Another reason for the formation of the Antimonopoly Law was a sense of concern over the situation and condition of the fact that large companies called conglomerates enjoyed the largest market share in the Indonesian national economy. Finally, the people demanded the government to observe and restructure business activities in Indonesia, so that the business world can grow and develop in a healthy and correct manner, so as to create a climate of healthy business competition, and avoid the concentration of economic power in certain individuals or groups, among others in the form of practice. monopoly and unfair business competition that is detrimental to society, which is against the ideals of social justice. The formation of Law Number 5 Year 1999 is colored with the spirit of anti- monopoly or anti-monopoly which is intended to uphold the rule of law and provide equal protection for every business actor in an effort to create fair business competition.

Business competition law was created in order to support the market economic system so that competition among business actors remains alive, competition between business actors is carried out in a healthy manner and consumers are not exploited by business actors (Zaelabetra Mahamanda, 2011: 2). Competition law contains substantial provisions regarding prohibited actions (along with legal consequences that may arise) and procedural provisions regarding the enforcement of competition law. Business competition law is a law that regulates the interaction of companies or business actors in the market, while the behavior of companies when interacting is based on economic motives (Andi Fahmi Lubis, et al, 2009: 21). In essence, business competition law is intended to regulate competition and monopoly for beneficial purposes. The notion of juridical business competition is always associated with competition in a market-based economy, where business actors, both companies and sellers, are free to try to get consumers to achieve certain business goals or companies they have founded (Budi Kagramanto, 2010: 57).

In general, business competition law material derived from Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition contains 6 (six) regulatory sections consisting of:

- 1) prohibited agreements;
- 2) prohibited activities;
- 3) dominant position;
- 4) Commission for the Supervision of Business Competition;
- 5) Law enforcement;
- 6) Other provisions.

With the enactment of Law Number 5 of 1999, it provides legal certainty to further encourage the acceleration of economic development in an effort to improve public welfare, as well as an implementation of the spirit and spirit of the 1945 Constitution.

Its presence is a prerequisite for modern economic principles, namely principles that can provide equal opportunities for everyone to compete honestly and openly in doing business. With this Law concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, business actors are expected to realize the importance of seeking maximum profit, but it must be carried out by means of honest competition (Mustafa Kamal Rokan, 2010: 17).

Implicitly, the contents of Article 6 of Semarang Mayor Regulation No. 39/2014 concerning the Implementation of Supermarkets also provide a protection for grocery stores. However, the implementation of this regulation has not met expectations, there are still many minimarkets standing opposite the grocery store. The absence of strict sanctions if a business actor violates the contents of Article 6 paragraph (1) is used as an opportunity to disobey it.

Legal protection for small traders has also been regulated, if seen from the provisions of Article 5 of Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises, which are as follows:

The objectives of empowering Micro, Small and Medium Enterprises:

- a. realizing a balanced, developing and just national economic structure;
- b. grow and develop the capacity of Micro, Small and Medium Enterprises to become strong and independent businesses; and
- c. increase the role of Micro, Small and Medium Enterprises in regional development, job creation, income distribution, economic growth, and alleviation of people from poverty

Article 5 letter a states that the government must create a national economic structure that is balanced, developing and just. Justice here means that micro / small businesses must get justice and legal protection, given that micro / small businesses are the support of the people's economy so that they must be protected by the government in order to improve the quality of the economy towards a prosperous life. Because every community has the right to get a decent life and get prosperity, one of which is through the economy. Because the essence of law is the creation of a justice.

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Then the provisions of Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition which have a connection with the protection of small business actors are listed in Article 3 letter b, namely: "creating a conducive business climate through the regulation of fair business competition so as to guarantee there is certainty of equal business opportunities for big business actors, medium business actors and small business actors." The provisions in Article 3 letter b have the meaning that the estuary of Law Number 5 Year 1999 is to create a conducive business climate. Meanwhile, the means to achieve this is the regulation of healthy business competition, it is hoped that with healthy competition, certainty of equal business opportunities can be guaranteed for large business actors, medium-sized business actors and small business actors (Jimat Jojiyon Suhara, 2009: 107).

Khemani argued that the objectives of competition law in each country are at a certain point where between the two extremes of economic and non-economic considerations. However, the main objectives of business competition law that can be met are as follows:

- 1) Maintaining the conditions of free competition (*maintenance of free competition*);
- 2) Prevent abuse of economic power (*prevention of abuse economic power*);
- 3) Protecting consumers (*protecting of consumers*).

The negative impact of the establishment of modern shops in the city of Semarang can cause business competition between modern markets and traditional markets. Another negative impact may also cause unfair competition between modern market business actors and traditional market business actors. The existence of such unfair competition can cause parties who are not used to competing to experience defeat and will even suffer losses which can result in a market business that is unable to compete.

This means that indirectly the existence of modern shops can threaten the existence and existence of traditional markets. Modern stores will be easier to compete and win the competition because modern stores are more able to keep up with the times. Modern stores offer lower prices and continue to innovate so that they can dominate market share. Besides, modern shops are also more effective and efficient so as to attract more consumers. This situation will certainly be detrimental to traditional market business actors. Traditional markets that have existed since ancient times will be threatened by the existence of modern shops because markets rarely innovate. In addition, traditional markets do not attract consumers' attention because they are slow to keep up with the times.

This situation must be immediately addressed and resolved so that traditional business actors do not suffer losses due to losing business competition. The government has the responsibility to participate in maintaining the existence of traditional markets in order to survive as a form of protection for business actors who are citizens. In addition, the government also has an obligation to supervise the existence of business competition so that business competition carried out by business actors will be healthy

In essence, this supervision is to prevent deviations from what has been outlined and to avoid deliberate or accidental mistakes, in carrying out the supervision of Semarang City Industry and Trade using several forms, methods and techniques that are carried out under the supervision of the Semarang City Trade Office. , that is :

1. Supervision Method

the method of supervision carried out by the Semarang City Department of Commerce is divided into two, namely:

a. Preventive

In the Semarang City Trade Office, the preventive supervision phase carried out by the Semarang City Trade Department is in granting business licenses to business actors who later establish modern minimarkets. Dis i ni conducting preventive supervision carried out by employees of dis passage of Trade in cooperation with the Department of Investment and Integrated Services One Stop City partnership Semarang.dalam supervise two agencies aim to ensure the feasibility of a minimarket standing in an area , the mechanism granting permits is issued by the Semarang City Investment and One Stop Integrated Service Office , in granting the permit itself there are several stages, one of which is checking the location of the establishment of a minimarket in collaboration with the trade office, in this stage the role of the trade service is very important because it carries out direct checks that later adjusting to the mayor of Semarang Regulation No. 39/2014 concerning the implementation of the arrangement of supermarkets contained in article 5 and article 6.

In addition to supervising the granting of permits, the Trade Office provides guidance for modern shops that are regulated in statutory regulations. Supervision and guidance have been regulated in the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores . In addition, in the city of Semarang, supervision and guidance for modern shops is also regulated in Regional Regulation No.1 of 2014.

Article 34 of the Regulation of the Minister of Trade Number 70 of 2013 states that:

- 6) The Minister, Governors and Regents / Mayors, either individually or jointly, shall provide guidance and supervision to the management of Traditional Markets, Shopping Centers and Modern Stores.
- 7) The Minister delegates guidance and supervision as intended in paragraph (1) to the Director General of Domestic Trade.

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- 8) the Director General of Domestic Trade in implementing the guidance and supervision can melakuka coordination with relevant agencies the center, provinces and kabuoaten / town.
- 9) Particularly for the DKI Jakarta Province, the Governor of DKI Jakarta delegates the authority for guidance and supervision as referred to in paragraph (1) in his working area to the head of the agency who is responsible for trade.
- 10) The regent / mayor delegates the authority for guidance and supervision as meant in paragraph (1) in his working area to the service sector that is responsible for the trade sector.

As for Article 35 states that in the framework of guidance as referred to in Article 34, the Minister, Governor and Regent can:

- a. Performing facilities for MSMEs can meet the quality standards of goods traded in modern stores;
- b. To facilitate the implementation of the Partnership between retailers and MSMEs;
- c. Encouraging modern shops and shopping centers to develop marketing of MSME goods; and / or
- d. Monitoring / evaluating the existence of traditional markets, shopping centers and modern shops in the area

Article 36 of the Regulation of the Minister of Trade Number 70 of 2013 also states that in the framework of fostering the management of Traditional Markets, the Minister, Governors and Regents / Mayors may:

- a. Developing a good traditional market management system ;
- b. Provide training and communication to traders in traditional markets;
- c. Cooperation facilities between Traditional Market traders and Suppliers; and / or
- d. Carry out the construction and repair of traditional market facilities and infrastructure

Article 37 gives the authority to the Governor and the Regent / Mayor to coordinate for:

- a. Anticipate problems dama management of Traditional Markets, Shopping Centers and Stores Modern; and / or
- b. Take steps to resolve the problem of the impact of the establishment of traditional markets, shopping centers and modern shops

Almost the same as the Regulation of the Minister of Trade Number 70 of 2013 which regulates the supervision and development of modern shops. Semarang City Regional Regulation No. 1/2014 also regulates the supervision and development of modern stores. P origin 32 Semarang City Regional Regulation Number 1 of 2014 states that:

- 3) The mayor shall guide and supervise the activities of organizing Modern Stores.
- 4) The Mayor may delegate authority to the guidance and supervision terhadap activities penyelenggaraan Modern Stores to agencies / SKPD charge of trade

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- e. Providing facilities for local MSMEs so that they can meet quality standards that are traded to modern k o.
- f. Performing facilities for implementing partnerships between retailers and local MSMEs, and / or
- g. Encouraging modern shops to develop local SME goods marketing, and / or
- h. Monitor / evaluate the existence of Modern Stores.

As for Article 34 gives authority to the Mayor to be able to coordinate for:

- c. Anticipating the emergence of problems in the management of Modern Stores, and / or
- d. Take steps in resolving the problem of the impact of the establishment of a Modern Store

The Semarang City Government through the Trade Office and Regional Work Units in implementing laws and regulations, especially those related to supervision and guidance, has actually taken strategic steps. These strategic steps are also intended to prevent and minimize the existence of business competition caused by the establishment of modern shops.

b. Repressive

The supervision carried out by the Semarang City Trade Office is carried out after an action is taken by comparing what has happened with what should have happened. Pengawasan repressive is intended to determine whether the activity that has been done has followed policies and regulations that have been established. This repressive supervision is carried out by the Semarang City Trade Office in collaboration with the Semarang City Investment Service and One Stop Integrated Service , and to find out whether there are deviations or not , then if there is an administrative deviation (do not have an official license), a warning letter will be given to the business actor. , and if the warning letter is not heeded, it will be followed up by sealing the modern shop .

It should be noted that Article 24 of the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Structuring and Fostering Traditional Markets, Shopping Centers and Modern Stores states:

- Business actors who carry out business activities in the fields of Traditional Markets, Shopping Centers and Modern Stores, are required to have a business license as legality.

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- Business license as referred to in paragraph (1), includes: IUPPT for Traditional Markets; IUPP for Shops, *Malls*, Plaza and Trade Centers or IUTM for *Minimarkets*, *Supermarkets*, *Department Stores*, *Hypermarkets* and *Perkulakan*.

It should also be noted that what is meant by IUPPT according to Article 1 paragraph 12 of the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Structuring and Fostering Traditional Pasa, Shopping Centers and Modern Stores is a Business Permit for Traditional Market Management, which furthermore abbreviated as IUPPT is a license to carry out a traditional market management business. As for what is meant by IUPP according to Article 1 paragraph 13, namely Shopping Center Business License, hereinafter abbreviated as IUPP, is a license to be able to carry out the business of managing Shopping Centers. Then what is meant by IUTM according to Article 1 paragraph 14 states that what is meant by Modern Shop Business License, hereinafter abbreviated as IUTM, is a license to be able to carry out a Modern Store management business.

This means that Article 24 of the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores concludes that every modern store that is established must have a license including modern shops that are already running as well. must already have a permit. Permits for modern shops in accordance with Article 24 paragraph 2c of the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores is IUTM.

Apart from the permits to establish modern shops, normatively the legal arrangements related to the establishment of modern shops have actually been regulated through the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Structuring and Fostering Traditional Markets, Shopping Centers and Modern Stores. Article 2 Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores states that:

- (1) Establishment of Traditional Markets, Shopping Centers and Modern Stores shall be guided by the Regional Spatial Plan and Provincial / Regency / City Detailed Spatial Layout Plans, including Zoning Regulations.
- (2) The Zoning Regulation as referred to in paragraph (1) shall be stipulated by the local Governor or Regent / Mayor by considering spatial use in order to maintain a balance between the number of Traditional Markets and Shopping Centers and Modern Stores
- (3) The preparation of each Zoning Regulation must be adjusted to the zone designation as stated in the Detailed Spatial Plan.

Article 2 above concludes that the establishment of modern shops must primarily pay attention to the Regional Spatial Plan or RTRW and also zoning related regulations.

So the limitation for the establishment of a modern shop is the sub-district from where the modern shop is established. If the above has been stated regarding the rules for the establishment of a modern shop based on the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Structuring and Fostering Traditional Markets, Central Shopping and Modern Stores will then discuss the rules for the establishment of modern stores based on Semarang City Regional Regulation Number 1 of 2014 concerning Modern Store Arrangement. Article 4 of the Semarang City Regional Regulation Number 1 of 2014 concerning Modern Store Arrangement states that:

- (1) Business actors who are going to establish Modern Stores are required to refer to the Regional Spatial Plan and the Detailed City Spatial Layout Plan.
- (2) Business actors that will establish Modern Stores as referred to in paragraph (1) may take the form of minimarkets, supermarkets, department stores, hypermarkets or wholesalers in the form of groceries.
- (3) The location for modern shops shall be adjusted to the detailed urban spatial plan.

This means that the rules for the establishment of modern shops based on the Regional Regulation of the City of Semarang Number 1 of 2014 concerning Modern Store Arrangement are almost the same as the Regulation of the Minister of Trade of the Republic of Indonesia Number 70 / M-DAG / PER / 12/2013 concerning Guidelines for Organizing and Fostering Traditional Markets, Shopping Centers and Stores. Modern. The similarity lies in the basic rules for the establishment of modern shops, namely the area. The establishment of a modern shop must pay attention to the Regional Spatial Plan or RTRW.

2. Supervision Engineering Techniques

T eknik-engineering supervision conducted by Di nas trade Semarang by using two techniques, namely:

a. Direct Monitoring

The gathering of community aspirations can assist the supervisory process of Disperindag in conducting supervision . The community aspirations are collected to obtain information data from the public as input in conducting supervision to maintain the existence of grocery stalls . This information is used to ensure that the grocery store, which is also an effort to support the needs of

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the community, is not disturbed. Dinas Commerce City Semarang often do inspections directly into a region or Minimarket problematic, in penyelesaian inspections usually the relevant agencies directly to accost or closure of the troubled modern minimarket.

b. Indirect Monitoring

Indirect supervision is supervision that is often carried out in every government activity. This supervision is only awaiting the results of reports from subordinates to superiors. This indirect supervision is conveyed by subordinates to superiors orally or in writing. However, this supervision is often carried out by the government in carrying out any existing activities. This supervision is often carried out by related parties to deny and give warning letters to modern shops that do not yet have a Modern Shop Business License. Indirect supervision is carried out to give a warning or warning to a modern store that is established without a Modern Shop Business License (IUTM).

Apart from supervising the Semarang City Trade Office, it also provides guidance to modern shops. Coaching carried out by the Semarang City Trade Office is in the form of socialization and training. Socialization is carried out so that the Semarang City Government and modern shops are always coordinated and have good communication so that it can minimize the occurrence of violations in modern shops. Training is also provided by the Semarang City Trade Office for modern shops. The training aims to make modern shops in the city of Semarang able to run modern shops in accordance with existing laws and regulations.

Supervision Constraints Conducted by the Department of Industry and Trade of the city of Semarang

The implementation of the supervisory function does not always run smoothly according to Hansen and Mowen, the types of constraints can be grouped based on their origin, namely internal constraints and external constraints, Semarang City Trade Department realizes that there are still many obstacles.

Internal constraints themselves are present due to the large number of reports that exist so that it makes it rather difficult for the parties in the Semarang City Trade Office to immediately follow up on incoming reports from the community, while external constraints come from the community who sometimes do not know how to report or the impact of why their grocery store has died or there is a decrease in turnover

CONCLUSION

In the City of Semarang Trade, in this case as a government agency that has the authority to supervise the operation of a modern minimarket business that aims to promote economic development in the community but also as an agency that aims to keep the grocery stalls alive in the community so that they do not exist. seibabkan die or lid which can not compete with modern minimarket which in this case is superior in every aspek. Di nas Trade Semarang Alone me lakukan several kinds of methods, namely, methods of repressive and preventive and surveillance techniques that directly and indirectly in carrying out regulations which regulates supervision.

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