
Implementation Of Regional Regulation Number 1 Of 2016 Concerning The Protection And Arrangement Of Traditional Markets Shopping Centers And Modern Stores In The Bangli District

Ida Bagus Gede Sedana Yoga¹, Made Subawa², I Made Mulyawan Subawa³

Mahendradatta University, Indonesia

E-mail: yogasedana266@gmail.com¹, made_subawa@unud.ac.id²,

mademulyawansubawa@gmail.com³

KEYWORDS

Implementation;
Protection and
Arrangement;
Traditional Markets
Shopping Centers and
Modern Stores

ABSTRACT

In relation to trade, the government sees trade as a very important sector and the spearhead of industry. Without trade, the industrial sector would not run well. On the other hand, without industry, trade would also not be profitable enough to pursue. This research concludes as follows: The implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency has not run optimally, this is due to legal factors, namely the Regional Regulation has not regulated concretely, the implementing apparatus, in this case, the Satpol PP has not dared to act decisively and last but not least the culture of the community has not been supportive, where people are still afraid to act if there are people's markets, shopping centers and supermarkets that violate the provisions and the apparatus is still waiting for superior orders, in this case, the Regent. Obstacles in the implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency include: The legal factors themselves such as laws and regulations governing the arrangement of people's markets, shopping centers and supermarkets have not been implemented properly. Law enforcement factors such as the lack of alertness of officers in terms of taking action against traders who do not have a Trade License.

INTRODUCTION

The implementation of regional regulations plays a crucial role in achieving balanced economic growth and ensuring the welfare of the community. In the context of the Bangli District, the enactment of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores serves as a regulatory framework aimed at preserving the traditional market ecosystem while accommodating the development of modern retail establishments (Pemerintah Kabupaten Bangli, 2019). This regulation was introduced as a response to the growing challenges faced by traditional markets in the face of rapid urbanization and the expansion of modern retail stores, which have significantly altered the dynamics of local trade and commerce (Wijaya, 2020).

Traditional markets have historically been the backbone of local economies, providing

not only essential goods and services but also fostering social interactions and maintaining cultural traditions. However, the influx of modern retail chains has posed a significant threat to their survival (Triadi, 2020). The imbalance between traditional and modern retail systems often results in reduced market share for traditional vendors, potentially leading to the erosion of local economic resilience and cultural heritage (Ardiansyah, 2019). Recognizing these challenges, the Bangli District government enacted Regional Regulation Number 1 of 2016 as a strategic measure to protect traditional markets and regulate the coexistence of modern and traditional retail environments (Sujana, 2021).

The regulation mandates specific guidelines for the establishment and operation of shopping centers and modern stores to ensure they do not undermine the traditional market sector (Dewi, 2022). It emphasizes the need for spatial planning that considers the preservation of traditional markets, the regulation of operating hours for modern stores, and the imposition of zoning restrictions to prevent market saturation (Ananta, 2020). Furthermore, the regulation seeks to promote fair competition and support the sustainability of traditional markets by providing them with opportunities to modernize and enhance their competitiveness (Prasetyo, 2019).

This study aims to evaluate the effectiveness of the implementation of Regional Regulation Number 1 of 2016 in the Bangli District, focusing on its impact on traditional markets, the challenges faced during implementation, and the overall compliance of stakeholders (Yusuf, 2021). The research will analyze how the regulation has been enforced, its successes, and its limitations, providing insights into the ways in which the regulation has influenced the economic landscape of Bangli District (Nugroho, 2023).

In relation to trade, the government sees trade as a very important sector and the spearhead of industry. Without trade, the industrial sector would not run well. On the other hand, without industry, trade would also not be profitable enough to pursue. Thus, industry and trade are two complementary sectors. Therefore, in addition to trying to keep the state safe and comfortable for industrial and trade businesses, it has also been mandated in the 1945 Constitution of the Republic of Indonesia (UUDRI 1945), Article 33 Paragraph (4), namely: "The national economy is organized based on economic democracy with the principles of togetherness, fair efficiency, sustainability, environmental perspective, independence, and by maintaining a balance of progress and national economic unity".

This democratic principle has also been mandated in Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, by establishing the principle of economic democracy where all business actors in Indonesia in carrying out their business activities must pay attention to the balance between the interests of business actors and the public interest. In addition, the government and local governments are obliged to provide protection to traditional market traders and surrounding businesses through structuring, limiting the number and time of operations, and regulating the distance, so that business actors can run their businesses in peace.

Article 5 of Bangli Regency Regional Regulation Number 1 Year 2016, explicitly explains as follows: Structuring Traditional Markets, Shopping Centers and Modern Stores as referred to in Article 2 paragraph (2) letter b is carried out in the form of Limiting the number and time of operations and regulating the distance between Traditional Markets Shopping Centers and Modern Stores, Determining strategic and profitable business locations for Traditional Markets, Facilitate clarity and legal certainty about the right to use the market land occupied, Regulate the service mechanism in the Traditional Market, and Prioritize the opportunity to obtain a place of business for existing Traditional Market traders before revitalizing or relocating Traditional Markets.

This is as emphasized by Adrian Sutedi, that: Licensing is an instrument of government / local government policy to control negative externalities that may be caused by social and economic activities. Permits are also an instrument for legal protection of ownership or organization of activities. As an instrument of control, licensing requires clear rationality and is contained in the form of government policy as a reference. Without clear rationality and policy design, licensing will lose its meaning as an instrument to defend trade interests against actions based on individual interests (Adrian, 2010).

A very central function in preventing market failure from trading activities, the function of setting distance or zoning is clearly a regulatory function that must be held by the government. The government, for example, provides direction, foundation, and legal certainty in the protection of Traditional Markets, as well as the arrangement of shopping centers and modern stores in the regions, so as not to have a negative impact on the sustainability of trade businesses. In this context, an act of government intervention in the form of protection and structuring must be aimed at the main government functions, namely the allocative function, distributive function, and stabilization function. A zoning instrument that is too strict will inevitably encourage informal activities in the economy, or what is often referred to as the black market economy, but zoning that is too loose will also lead to high social costs that must be borne by the community such as congestion, environmental damage, economic malaise, inflation, and pollution as a result of uncontrolled market activities. Therefore, a structuring mechanism must consider the balance between the interests of the Government/Local Government and the interests of commerce and individuals who accelerate economic activity.

The implementation of government based on the principle of legality, which means that it is based on laws (written law), is in practice inadequate, especially in a society that has a high level of dynamics. This is because written law always contains weaknesses. According to Bagir Manan, written law has various congenital and artificial defects. It is further mentioned as follows:

Written rule or written law, laws, and regulations have a limited reach as mere "moment names" of the most influential political, economic, social, cultural, and defense elements at the time of formation. Therefore, it is easily worn out (out of date) when compared to changes in society that are accelerating or accelerating (change). The formation of laws and regulations, especially laws, can be likened to the growth of a counting series, while changes in society increase like a measuring series. The inertia of the growth of laws and regulations, which is an innate defect, can also be further exacerbated by various forms of artificial defects, which arise due to the entry or inclusion of various policies or actions that interfere with laws and regulations as a system (Bagir, 2005). Bagir Manan mentioned the difficulties faced by written law, namely, Law as part of community life covers all aspects of life that are so broad and complex that it is impossible to fully embody them in laws and regulations, Legislation as written law is static (in general), unable to quickly follow the growth, development, and changes in society that it must carry (Bagir, 2005).

As happened in Bangli Regency, after the regulation or protection of Traditional Markets, Micro, Small, and Medium Enterprises (MSMEs) from unfair competition by arranging locations as described above in Article 8, then in accordance with the times, the Central

Government has issued Government Regulation of the Republic of Indonesia Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, where the implementation of risk-based business licensing is carried out effectively and simply, supervision is carried out transparently and others that can be accounted for in accordance with statutory provisions (further regulated in Articles 3, 4, 5, and 6 of Government Regulation of the Republic of Indonesia Number 5 of 2021).

The purpose of this study is to describe and analyze in depth the implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency, as well as the obstacles faced in the implementation of the regulation. The benefits of this research are to provide theoretical contributions to the development of concepts and theories related to traditional market regulation and modern market control, as well as to provide input for the Regional Government in overcoming current problems. This research is also useful for the community to understand the regulation of traditional markets and the control of modern markets.

METHOD RESEARCH

The type of research used in discussing this research problem is empirical juridical research. Juridical research is used to analyze various laws and regulations related to consumer protection (Soerjono Soekanto and Sri Mamudji, 2003: 14). The nature of research consists of exploratory research, descriptive research, and explanatory research. In this study descriptive research. Descriptive research generally aims to describe precisely the characteristics of an individual, symptomatic situation, or certain groups, or to determine whether or not there is a relationship between a symptom and other symptoms in society.

Data Collection

The types of data used in this study are:

1) Primary Data

Primary data is data obtained directly from the first source in the field, namely from informants (Soerjono Soekanto, 2007: 141).

2) Secondary Data

Secondary data is data sourced from library research, namely data obtained not directly from the first source, but from data that has been documented in the form of legal materials.

Data Analysis

All data collected both from primary data and secondary data will be processed and analyzed by compiling data systematically, classifying, and connecting one data with other data. After qualitative analysis, the data will be presented descriptively and systematically.

RESULTS AND DISCUSSION

Implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers and Modern Stores in Bangli Regency

Every legal action of the government, both in carrying out regulatory functions and service functions, must be based on the authority granted by the applicable laws and regulations. "Om positief recht ten kunnen vasstellen en handhaven is een bevoeghdheid noodzakelijk. Zonder bevoegheid kunnen geenjuridisch concrete besluiten genomen worden. (Stroin, 2005)(To be able to implement and enforce the provisions of positive law requires authority. Without authority, concrete juridical decisions cannot be made).

The making and issuance of a Trade Business License is a legal act of government. As a legal act, there must be authority granted by laws and regulations, or must be based on the principle of legality. Without the basis of authority, the legal action becomes invalid. Therefore, in terms of making and issuing a Trade Business License, it must be based on the authority granted by the applicable laws and regulations because, without the basis of such authority, the determination of a Trade Business License is invalid.

In general, the authority of the Bangli Regency government to issue a Trade Business License is expressly determined in the laws and regulations that are the basis of the license, however, in its application. The government's authority in the field of licenses is discretionary power or in the form of free authority, in the sense that the government is given the authority to consider on its own initiative matters relating to licenses.

The government organs of the Bangli Regency are organs that carry out government affairs both at the central and regional levels. According to Sjachan Basah, explained. From the search for various provisions of government administration, it can be seen that starting from the highest state administration (President) to the lowest state administration organizer (lurah) is authorized to grant permits. This means that there are various state administrations (including agencies) granting permits, which are based on the positions they hold both at the central and regional levels (Sjachran, 1996).

The variety of Bangli Regency government organs authorized to grant a Trade Business License can cause the objectives of activities that require certain licenses to be hampered, even achieving the goals to be achieved. This means that interference from the Bangli Regency government in the form of licensing regulations can cause saturation for actors who need a Trade Business License, especially for business activities that require speed of service and demand efficiency.

According to Soehardjo, explains that: At a certain level, this regulation causes saturation and ideas arise that encourage simplifying arrangements, procedures, and bureaucracy. Official decisions often take a long time, for example, the issuance of a Trade Business License takes months, while the business world needs to run fast, and too many links in the licensing process waste a lot of time and money (Soehardjo, 2008).

Referring to the explanation above, it can be said that in Gianyar Regency the regulation of licenses is still handled by more than 1 (one) agency, namely UPT Perijinan and Dinas in charge. This makes the licensing process still hampered and convoluted, and there is a need for a new breakthrough that is handled by 1 (one) unit only, so that it can be completed quickly and at little cost, in accordance with the development of science and technology today.

The development of the growth of the trade business sector in Bangli Regency is currently growing quite rapidly because the trade business can improve the standard of living

and the economy of the people, which is part of the potential or region. This is also balanced with the legal awareness of private parties to obtain a trade business license (SIUP), which is a guarantee or legal umbrella for private parties in carrying out trade business activities.

The Department of Industry and Trade of Bangli Regency is in accordance with its authority to issue SIUP, which is authorized to supervise SIUP licenses owned by private parties. This supervision is carried out as a control from the apparatus in charge of the SIUP license so that the provisions in the license sector can run effectively. It is also a control so that companies that conduct trading activities that are not in accordance with the contents of their SIUP and companies that do not have a SIUP can be identified or found. Mengenai pengawasan terdapat jenis pengawasan yang didasarkan pada sudut pandang yang berbeda-beda. Terhadap pelaksanaan dari pada Surat Izin Perdagangan (SIUP) bila dilihat status lembaga yang dapat melakukan pengawasan akan ditemukan dua jenis pengawasan yaitu :

1. Formal Supervision

Formal supervision is supervision carried out by authorized (official) agencies or officials or those appointed to companies that have obtained a Trade Business License in carrying out their business.

2. Informal Supervision

Informal supervision is supervision carried out by the community either directly or indirectly (Irawan, n.d.2003). As for supervision with regard to work methods, which can simply be interpreted as a method and steps taken in carrying out monitoring, inspection, and assessment in order to be able to express everything that wants to be known about the implementation of a company. Then supervision can be divided into two types, namely:

- a. Indirect supervision, is supervision carried out by supervisors without visiting the place of implementation of the company, by analyzing all documents relating to the object being supervised and also using oral report material regarding trade business activities.
- b. Direct supervision, is supervision carried out by supervisors by visiting and conducting inspections at the place of the object being supervised. Seeing directly from near the implementation of activities is the right action so that it can be known directly if there are business deviations that should not be implemented. If deemed necessary, instructions and instructions or decisions regarding deviations that occur can be given (Handari, 2005).

Based on Article 15 and Article 16 of the Presidential Regulation of the Republic of Indonesia Number 112 of 2007 concerning the Arrangement and Development of Traditional Markets, Shopping Centers and Modern Stores, states:

Article 15

1. The Government and Regional Governments either individually or jointly in accordance with their respective fields of duties shall provide guidance and supervision of Traditional Markets, Shopping Centers, and Modern Stores.
2. In the context of fostering Traditional Markets, the Regional Government:
 - a. Pursuing alternative sources of funding for the empowerment of Traditional Markets in accordance with the provisions of applicable laws and regulations;

- b. Improve the competence of Traditional Market traders and managers;
 - c. Prioritizing the opportunity to obtain a place of business for existing Traditional Market traders before renovating or relocating the Traditional Market;
 - d. Evaluate the management of Traditional Markets.
- 3) In the context of fostering Shopping Centers and Modern Stores, the Regional Government shall:
- a. Empowering Shopping Centers and Modern Stores in fostering Traditional Markets;
 - b. Supervise the implementation of the partnership as referred to in this Presidential Regulation.

Article 16

In the context of supervision by the Government, as referred to in Article 15, at the request of the Minister, Shopping Centers, and Modern Stores are required to provide sales data and/or information in accordance with the provisions of laws and regulations.

Supervision is carried out in order to evaluate and monitor trade business activities carried out by the community. In the implementation of supervision, if a trading business activity is found that does not have an SIUP license or violates the provisions of the SIUP license, the supervisory team can conduct coaching directly or in writing in the form of a warning. If the guidance or warning is not complied with by the trading business operator, the authorized officer will process administrative sanctions in the form of closing the trading business for entrepreneurs who do not have a trading business license (SIUP) and revoking the trading business license (SIUP) for entrepreneurs who run their business activities deviating from the provisions of their SIUP license.

As the global economy continues to grow, there is a tendency for people to choose to shop in modern managed markets. The more people's income increases, the more their lifestyle and lifestyle increases. People today with a modern lifestyle tend to prefer markets with a modern management system. Besides being managed in a modern way, in this place buyers can easily find and choose the items they are looking for, the conditions are cleaner, more comfortable, and practical, and offer a more complete selection.

Modern markets are not much different from traditional markets. In modern markets, sellers and buyers do not have to transact directly, but buyers only need to see the price tag (barcode) listed on the goods, the service is carried out independently (self-service) or served by salespeople. Examples of modern markets include supermarkets, hypermarkets, supermarkets, minimarkets, and convenience stores. Besides providing locally produced goods, modern markets also provide imported goods. Goods offered in modern markets have a more guaranteed quality because they go through stricter selection. Goods that do not meet the qualification requirements tend not to be traded, and modern markets generally have a measured inventory of goods in the warehouse. Modern markets usually exist in buildings that are relatively more luxurious than public market buildings, always equipped with air conditioning (AC), and a more comfortable and clean atmosphere, the products offered to buyers are grouped so that consumers find it easier to get the goods they need, easy to reach

and more complete, available bags or shopping baskets, and product information available through reading machines (computers).

Regarding the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers and Modern Stores, Article 2 states:

Article 2

- (1) The Regional Government is obliged to provide protection to Traditional Markets and business actors in it.
- (2) Efforts to protect Traditional Markets as referred to in paragraph (1) include:
 - a. empowerment of Traditional Market; and
 - b. structuring Traditional Markets, Shopping Centers and Modern Stores.

Traditional Market Empowerment is emphasized in Article 3 and Article 4 of Bangli Regency Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores, namely:

Article 3

- (1) The Regional Government shall empower traders and business actors within the Traditional Market.
- (2) The empowerment as referred to in paragraph (1) includes:
 - a. improving the quality and arrangement of market physical facilities and business actors within the Traditional Market;
 - b. improve the competence of traders and business actors in the Traditional Market;
 - c. improving the professionalism of market managers
 - d. facilitating the formation of a forum or association of traders as a means of fighting for the rights and interests of Traditional Market traders; and
 - e. seeking alternative sources of funding for the empowerment of traders and business actors in the Traditional Market.

Article 4

- (1) The Regional Government empowers the management of Traditional Markets.
- (2) Traditional Market empowerment can be carried out in the form of business climate growth and business development.
- (3) Business climate growth as referred to in paragraph (2) includes aspects:
 - a. funding;
 - b. facilities and infrastructure
 - c. partnership
 - d. business licensing; and
 - e. business opportunities.
- (4) Business development as referred to in paragraph (2) is the facilitation of business development by the Regional Government in the field of:
 - a. human resources
 - b. production and processing; and
 - c. marketing.

- (5) Further provisions regarding the procedures for empowering Traditional Markets are regulated by Regent Regulation.

Further on the Arrangement of Traditional Markets, Shopping Centers, and Modern Stores, respectively described in Article 5 to Article 16, namely:

Article 5

Structuring Traditional Markets, Shopping Centers, and Modern Stores as referred to in Article 2 paragraph (2) letter b is carried out in the form of:

- a. Limiting the number and time of operations and regulating the distance between Traditional Markets Shopping Centers and Modern Stores;
- b. Determining strategic and profitable business locations for Traditional Markets;
- c. Facilitate clarity and legal certainty about the right to use the market land occupied;
- d. Regulate the service mechanism in the Traditional Market; and
- e. Prioritize the opportunity to obtain a place of business for existing Traditional Market traders before revitalizing or relocating the Traditional Market.

Article 6

- (1) The location of the Traditional Market establishment must refer to the regional spatial plan and/or detailed spatial plan, including the zoning regulations.
- (2) Provide a parking area at least as large as the parking needs of 1 (one) four-wheeled vehicle for every 100m² (one hundred square meters) of Traditional Market sales floor area.
- (3) Provide facilities that ensure a clean, healthy, safe, orderly Traditional Market, public space, and comfortable green open space.
- (4) Provision and management of the parking area as referred to in paragraph (2) letter b can be carried out based on cooperation between the management of the Traditional Market and other parties.
- (5) Traditional Markets can be located on any road network system, including a local road network system or neighborhood roads in a part or local or neighborhood service area in the Region.

Article 7

The Local Government controls the growth of Shopping Centers and Modern Stores through the arrangement of the location of Shopping Centers and Modern Stores.

Article 8

- (1) The location of the establishment of Shopping Centers and Modern Stores must refer to the regional spatial plan and detailed spatial plan, including the zoning regulations.
- (2) The establishment of Shopping Centers and Modern Stores must :
 - a. analyze the socio-economic condition of the community, which includes:
 1. the structure of the population by livelihood and education;
 2. household economic income level;
 3. partnership plans with MSMEs
 4. labor absorption
 5. resilience and growth of Traditional Markets as a facility for MSMEs;
 6. availability of social facilities and public facilities;

7. positive and negative impacts of the establishment of shopping centers and Modern Stores on Traditional Markets or traditional retail stores that have existed previously;
and
 8. corporate social responsibility directed at assistance for the management of Traditional Markets.
- b. Pay attention to the distance between Shopping Centers and/or Modern Stores and Traditional Markets that have existed before;
1. Provide a parking area at least as large as the parking needs of 1 (one) unit of four-wheeled vehicles for every 60 m² (sixty square meters) of sales floor area of Shopping Centers and/or Modern Stores, and can be carried out based on cooperation between the management of Shopping Centers and/or Modern Stores with other parties; and
 2. Provide facilities that ensure Shopping Centers and Modern Stores are clean, healthy, safe, orderly, comfortable public and green open spaces.
- c. The determination of the distance of Shopping Centers and Modern Stores must consider
1. the location of the establishment of Shopping Centers and Modern Stores or Traditional Markets with existing Shopping Centers and Modern Stores or Traditional Markets;
 2. healthy business climate between Shopping Centers and Modern Stores and Traditional Markets;
 3. accessibility of the area or traffic flow;
 4. infrastructure support or limitations; and
 5. development of new settlements
- (3) Analysis of the socio-economic conditions of the community and the existence of Traditional Markets and MSMEs as referred to in paragraph (2) letter a is a study conducted by competent independent agencies/institutions.
- (4) The results of the analysis of the socio-economic condition of the community are complementary documents that are inseparable from the requirements for submitting an Application Letter:
- a. establishment permit of Shopping Center or Modern Store; or
 - b. business license of Shopping Center or Modern Store.
- (5) Provision and management of parking areas as referred to in paragraph (2) letter c can be carried out based on cooperation between the manager of Shopping Centers and/or Modern Stores with other parties.
- (6) Exempted from the provisions of conducting an analysis of the socio-economic conditions of the community as referred to in paragraph (2) letter a for Minimarkets.
- (7) Further provisions regarding the socio-economic analysis as referred to in paragraph (2) letter a shall be regulated by a Regent Regulation.

Article 9

- (1) The establishment of a Minimarket either stand-alone or integrated with Shopping Centers or other buildings must pay attention to:
- a. population density;
 - b. development of new settlements;

- c. regional accessibility or traffic flow;
 - d. support or availability of infrastructure; and
 - e. the existence of stalls or shops in the surrounding area that are smaller than the Minimarket in question.
- (2) Minimarkets can be located on any road network, including neighborhood road network systems in neighborhood service areas within cities/urban areas.
 - (3) The establishment of Minimarket as referred to in paragraph (1) shall be given priority to business actors whose domicile is in accordance with the location of the Minimarket.
 - (4) The number of Minimarkets for each sub-district is adjusted to the area by considering:
 - a. spatial planning;
 - b. the condition of the local area; and
 - c. the needs of the community.
 - (5) Further provisions regarding the number of minimarkets as referred to in paragraph (4) shall be regulated by Regent Regulation.

Article 10

Supermarket and department store locations:

- a. may not be located on the neighborhood road network system;
- b. may not be located in neighborhood service areas within the city/shops.

Article 11

Hypermarket and Shopping Center locations:

- a. Can only be located at the access of arterial or collector road network system; and
- b. may not be located in local or neighborhood service areas within cities/urban areas.

Article 12

Convenience stores may only be located at access points of the arterial or primary collector or secondary arterial road network system.

Article 13

- (1) The distance between Shopping Centers and Modern Stores and Traditional Markets is at least 500 m (five hundred meters).
- (2) The distance between non-networked Modern Stores and traditional markets is further regulated by Regent Regulation.

Article 14

- (3) The operating hours of hypermarkets, department stores and supermarkets are as follows:
 - a. Monday to Friday, 09.00 a.m. to 22.00 p.m.
 - b. Saturday and Sunday, 09.00 a.m. to 23.00 p.m.
- (4) Waktu operasional perkulakan berlaku untuk setiap hari dimulai pukul 09.00 wita sampai dengan pukul 22.00 wita.
 - a. Minimarket operational time is every day from 08.00 am to 22.00 pm.
 - b. For religious holidays, national holidays, or other certain days start at 08.00 am until 23.00 pm.
 - c. Operating time for Modern Stores located around public service places such as Hospitals and Special Tourism Destination Areas is given every day for 24 Hours

Article 15

- (1) Business actors who violate the provisions as referred to in Article 14 shall be subject to administrative sanctions in the form of:
 - a. written warning;

- b. suspension of business license; and
 - c. revocation of business license
- (2) Suspension of business license shall be imposed if a written warning has been given consecutively 3 (three) times with a grace period between one warning and another warning of 7 (seven) working days.
- (3) Revocation of a business license shall be imposed if the business actor does not comply with the warning as referred to in paragraph (2).

Article 16

- (1) The sales system and types of merchandise of Modern Stores are as follows:
- a. minimarkets, supermarkets, and hypermarkets selling retail consumer goods mainly food products and other household products;
 - b. department stores selling retail consumer goods mainly clothing products and equipment with the arrangement of goods based on gender and/or age level of consumers; and
 - c. wholesalers selling wholesale consumer goods.
- (2) The limitation of the sales floor area of a Modern Store is as follows:
- a. minimarket, less than 400 m² (four hundred square meters);
 - b. supermarket, department store, more than 400 m² (four hundred square meters);
 - c. hypermarket, department store, more than 5,000 m² (five thousand square meters);

This is evident from the results of the author's interview with Mr. I Wayan Gunawan, Head of the Bangli Regency Industry and Trade Office, he said that: The implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers and Modern Stores in Bangli Regency has not been running optimally, this is due to legal factors, namely the Regional Regulation has not regulated concretely, the implementing apparatus in this case Satpol PP has not dared to act decisively and last but not least the culture of the community has not been supportive, where people are still afraid to act if there are people's markets, shopping centers and convenience stores that violate the provisions.

Obstacles in the Implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets Shopping Centers and Modern Stores in Bangli Regency

The definition of obstacles according to the Big Indonesian Dictionary "Obstacles are obstacles or obstacles". (Dani, 2001) Obstacles have a very important meaning in every task or job. A task or job will not be carried out if there is an obstacle that interferes with the work. Obstacles are conditions that can cause implementation to be disrupted and not carried out properly. Every human being always has obstacles in everyday life, either from themselves or from outside humans. In this case, in the arrangement and guidance of people's markets, shopping centers, and supermarkets, there are obstacles.

The market plays a very important role in people's lives to fulfill the needs of the community such as the primary human need, namely the need for food. In addition, the benefits of the market for the community are to fulfill social, economic, cultural, political, and other elements. The market is also one of the most important institutions in the order of human life because the market is one of the drivers of the dynamics of economic life oriented towards the welfare of people's lives.

People's markets are places where sellers and buyers meet directly and there is usually a bargaining process, and people's markets also only have simple buildings such as stalls or outlets opened by sellers or market managers. Public markets are markets that have natural

competitive advantages. Strategic location, large selling area, a complete variety of goods, low prices, and a bargaining system that shows intimacy between sellers and buyers. In addition to these advantages, the people's market is also one of the economic boosters for the lower middle class and clearly has a good effect on their lives.

In addition to its advantages, the people's market also has several weaknesses such as less organized market conditions, weak safety factors, the risk of reducing the scale of goods to be purchased, overcrowding, and a number of other reasons. People's markets generally provide a wide range of household staples, and people's markets are usually located in open places. Buildings in public markets are in the form of shops and lots. Semi-permanent shops are generally used to sell various cakes, clothes, and other goods or furniture. As for the los, which is used to sell fruits, vegetables, fish, meat and so on, the lighting in the people's market is only sufficient, and not air-conditioned. Public markets are clearly able to provide services to the needs of low-income people. People's markets are also part of informal sector businesses that can create and expand community employment, especially for some people who lack the ability and expertise to work in the formal sector due to the low level of education they have. The traders in the people's market usually trade materials from their own products/businesses such as agriculture, rice fields, or fishermen's products/businesses. Structuring the people's market is one of the efforts that must be made by the government so that the people's market will remain with the development of modern markets.

For this reason, according to Presidential Regulation No. 112 of 2007 concerning guidelines for structuring and fostering traditional markets, modern stores, and shopping centers, Part One Article 2 states that the arrangement of traditional markets must pay attention to the following:

- (1) The location of the Traditional Market establishment must refer to the Regency / City Regional Spatial Plan, and the Regency / City Detailed Spatial Plan, including the Zoning Regulations.
- (2) The establishment of a Traditional Market must fulfill the following provisions:
 - a. Take into account the socio-economic conditions of the community and the existence of Traditional Markets, Shopping Centers
 - b. Shopping Centers and Modern Stores as well as Small Businesses, including cooperatives, in the region concerned;
 - c. Provide a parking area at least as large as the parking needs of 1 (one) four-wheeled vehicle for every 100 m² (one hundred meters per square) of Traditional Market sales floor area; and d. Provide facilities that ensure a clean Traditional Market, 's hygienic, safe, orderly, and comfortable public spaces.
- (3) Provision of parking areas as referred to in paragraph (2) letter b can be carried out based on cooperation between the Traditional Market manager and other parties.

So in accordance with Presidential Regulation No. 112 of 2007, the Klungkung Regency government is obliged to organize traditional markets and control modern markets as well as possible. However, in reality, the Klungkung Regency Government is still unable to organize the facilities and infrastructure of the people's market and the modern market because there are still people's markets that have not been renovated and revitalized. Both in terms of buildings, arrangement of traders facilities, and infrastructure.

Based on an interview with Mr. Jetet Iberon, Head of the Bangli Regency One-Stop Integrated Service Office, he said that in implementing the market development program, the Bangli Regency Cooperative, SME, Industry and Trade Office faced a number of obstacles both from internal agencies and external agencies. The obstacles faced include:

- a. Human resources, both employees of the Bangli Regency Industry and Trade Office and the traders. Efforts made to overcome this problem are to form a group of market traders who organize activities such as workshops and training that are timed to suit their needs.
- b. The people's market revitalization fund is still too small
- c. Lack of coordination between agencies within Bangli Regency.
- d. Weak law enforcement of policies that have been applied.

Internal Barriers such as:

- a. Lack of data collection between databases owned by the trade office and also the market head
 - b. Lack of zoning regulations
 - c. Adjustment between the number of traders and also the amount of existing area and type of merchandise
 - d. The Licensing Agency does not have strong authority to further regulate the existence of minimarket businesses,
 - e. The discrepancy between local regulations and reality in the field
2. External Barriers such as:
- a. Lack of an integrated team to control or guide minimarket businesses.
 - b. Lack of providing counseling and guidance on the need for licenses in conducting business activities including minimarket businesses.

Furthermore, Mr. Jetet Iberon, Head of the One Stop Integrated Service Office of Bangli Regency, said that the obstacles in the implementation of Regional Regulation Number 1 of 2016 concerning the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency can be seen from:

- a. The legal factors themselves such as laws and regulations governing the arrangement of people's markets, shopping centers, and supermarkets have not been implemented properly.
- b. Law enforcement factors such as the lack of alertness of officers in terms of taking action against traders who do not have a Trade License.
- c. Facility factors such as less educated and skilled human resources, lack of a good and qualified organization, supporting equipment, and others.
- d. Community factors such as the legal awareness of business actors ignoring the distance between Shopping Centers and Supermarkets and People's Markets of at least 500 m (five hundred meters).

From the results of interviews with the two officials mentioned above, it can be observed that in the implementation of the development of people's markets, shopping centers, and supermarkets in Klungkung Regency there are several obstacles faced by the Klungkung Regency Government such as, among others, obstacles originating from within the agency that handles, among others, the lack of adequate human resources or personnel, funding constraints for market revitalization are inadequate, lack of coordination between agencies or sections that handle market issues, and weak law enforcement by the authorities. Meanwhile, external constraints such as the lack of counseling or socialization to the community on market establishment issues and the absence of an accurate team that handles market issues.

CONCLUSION

Based on the discussion that has been stated, the following conclusions can be drawn: The implementation of Regional Regulation Number 1 Year 2016 on the Protection and Arrangement of Traditional Markets, Shopping Centers, and Modern Stores in Bangli Regency has not run optimally. This is due to several factors, such as local regulations that are not yet concrete, the courage of Satpol PP to act decisively, and the culture of the community that is not yet supportive, where people are still afraid to act against violations and officials wait for the Regent's orders. Obstacles in the implementation of this regulation include legal factors, such as the laws and regulations have not been implemented properly, the lack of readiness of law enforcers to take action against traders without a Trade License, and facility factors such as the lack of skilled human resources, qualified organizations, and supporting equipment. In addition, community factors such as the low legal awareness of business actors who do not pay attention to the minimum distance of 500 meters between shopping centers, supermarkets, and people's markets are also an obstacle.

REFERENCES

- Adrian, S. (2010). *Licensing Law in the Public Service Sector*. Sinar Grafika.
- Ananta, A., & S. T. (2020). *Local Governance and Market Regulation in Indonesia: Insights from Bangli District*. Indonesian Institute of Governance Studies.
- Ardiansyah, R., & K. D. (2019). *Regulatory frameworks for traditional market preservation in Indonesia: Challenges and opportunities*. *Journal of Urban Planning and Development*.
- Bagir, M. & K. M. (2005). *The Role of Laws and Regulations in the Development of National Laws. Paper on the National Assessment of State Administrative Law*.
- Dani, K. (2001). *Great Dictionary of Indonesian Language*. Library Center.
- Dewi, A. A., & P. Y. P. (2022). *Traditional markets vs. modern stores: A comparative analysis in the context of Bali's local economy*. *Asian Economic Review*, 89–107.
- Handari, N. (2005). *Inherent Supervision in the Government Apparatus Environment*. Erlangga.
- Irawan, S. (n.d.). *Supervision of Regional Regulations and Regional Head Decrees*. Character Building.
- Nugroho, A. (2023). *The role of traditional markets in promoting sustainable local economies: The case of Bali*. *Journal of Sustainable Development*, 37–55.
- Bangli Regency Government. (2019). *Annual Report of the Bangli Regency Trade Office in 2019*. Bangli Regency Trade Office.
- Prasetyo, D. (2019). *The protection of traditional markets in the era of globalization: A study of regional regulations in Bali*. Udayana University Press.
- Sjachran, B. (1996). *Licensing as an Environmental Control Instrument*. KLH collaborates with the Lagal Mandate Compliance and Enforcement Program from BAPEDAL.
- Soehardjo. (2008). *Licensing and Document Management*. Visimedia.
- Stroin, F. A. and S. J. (2005). *Inleiding in het Staatsen Administrastief Rech*. Alphen aan den rijn: Samsom H.D Tjeenkwilink.

- Sujana, I., & S. T. (2021). Economic implications of traditional market regulations in rural regions of Bali. *Journal of Regional Development Studies*. *Journal of Regional Development Studies*, 233–252.
- Triadi, S., & R. A. (2020). The impact of modern retail development on traditional markets in Indonesia: A case study in Bali. *International Journal of Urban Studies*, 457–473.
- Wijaya, S. P., & S. R. (2020). *Governance and Market Dynamics in Traditional and Modern Retail Systems*. . Gadjah Mada University Press.
- Yusuf, M., & K. H. (2021). The impact of local regulations on market competition in Indonesian provinces. *Journal of Economic Policy Research*, 215–238.

Copyright holders:

Ida Bagus Gede Sedana Yoga¹, Made Subawa², I Made Mulyawan Subawa³ (2024)

First publication right:

JoSS - Journal of Social Science



This article is licensed under a [Creative Commons Attribution-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-sa/4.0/)