



Implementation of regional regulation number 4 of 2017 concerning the implementation of franchises, shopping centers and modern stores saruni jaya study at the Pandeglang regency licensing service

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ABSTRACT

This study uses a qualitative approach with descriptive methods. Data collection techniques include interviews, documentation, and literature studies. Informants in this study came from DPMPTSP officials, business actors, and the local community to provide a real picture of the regulation's implementation. The results indicate that the implementation still faces major barriers, such as modern stores that fail to meet licensing and zoning requirements. Oversight has not been maximized, and law enforcement remains weak. Therefore, the author suggests strengthening supervision, improving human resource capacity within DPMPTSP, and encouraging businesses to establish active partnerships with local MSMEs to create inclusive and equitable economic growth. This study concludes that the existence of the "Saruni Jaya" shopping center in Pandeglang Regency has not fully complied with Regional Regulation Number 4 of 2017, particularly regarding licensing, zoning, and partnership obligations with MSMEs, and that law enforcement against violations of the regulation remains weak, thereby preventing the regulatory objectives from being optimally achieved.

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1. Introduction

The most dominant form of inconsistency between the legal provisions in Regional Regulation Number 4 of 2017 concerning the Implementation of Franchises, Shopping Centers, and Modern Stores and field practices found in the case of Saruni Jaya in Pandeglang Regency lies in the licensing and zoning aspects of business locations. Normatively, the Regional Regulation stipulates that the establishment of modern stores must observe a minimum distance from traditional markets and have complete business permits and comply with the regional spatial plan. However, in practice, Saruni Jaya operates in areas adjacent to traditional markets and several local businesses without going through a transparent and coordinated licensing process between agencies. Furthermore, the provisions for partnerships with MSMEs as required by the

Regional Regulation are not implemented effectively, because there is no monitoring and evaluation mechanism to ensure real cooperation between franchisees and local traders. This condition indicates a gap between regulations and implementation in the field, caused by weak regional government oversight, overlapping authority between agencies, and a low commitment to upholding the principles of justice and economic protection for small communities as mandated in the Regional Regulation.

The weak oversight by the regional government regarding the implementation of Regional Regulation Number 4 of 2017 concerning the Management of Franchises, Shopping Centers, and Modern Stores in Pandeglang Regency is caused by various interrelated structural and institutional factors. Limited human resources competent in the field of supervision and minimal budget allocation are the main obstacles to conducting routine monitoring and enforcing sanctions. Furthermore, suboptimal coordination between regional apparatus organizations (OPD), such as between the Licensing Service, the Trade Service, and the Spatial Planning Service, leads to overlapping authority and weak follow-up on violations. Local political factors and economic interests also affect the independence of supervision, where pressure or intervention often results in indecisive legal action. Furthermore, low participation of the public and small business actors in reporting violations and the absence of an integrated supervisory information system further undermine the effectiveness of the Regional Regulation's implementation. As a result, supervision tends to be reactive, not risk-based, and does not provide a deterrent effect for violators, so that the Regulation's main objective of creating a balance between modern stores and small and medium enterprises has not been fully achieved.

Pandeglang Regency Regional Regulation (Perda) Number 4 of 2017 is an amendment to Perda Number 12 of 2010 concerning Guidelines for the Implementation of Franchises, Shopping Centers, and Modern Stores. This Perda aims to regulate and control the implementation of franchises, shopping centers, and modern stores in Pandeglang Regency to be more proportional and protect traditional markets and small and medium enterprises. Constitutional Law (HTN) and Regional Regulations (Perda) have a close relationship in the Indonesian legal system (Hanifati & Prasetyo, 2019). HTN provides the constitutional basis and structure for the formation and implementation of Perda, which is an implementation of the principle of regional autonomy in the Unitary State of the Republic of Indonesia (NKRI). Regional economic development is an integral part of national development that aims to create equitable and sustainable economic growth. In the context of regional autonomy, local governments are given broad authority to manage resources and regulate policies in order to encourage local economic growth, including in terms of regulating and supervising rapidly growing business activities such as franchises, shopping centers, and modern stores (Permana, 2024). Franchises and modern stores are business forms that are growing rapidly along with economic growth and changes in people's lifestyles (Kurniadi & Ihsan, 2025). The existence of franchises, shopping centers, and modern stores offers easy access to basic necessities and daily consumption, distribution efficiency, and high business competitiveness. However, on the other hand, the development of this business also raises serious challenges to the sustainability of small and medium enterprises (SMEs) and traditional traders who are still the backbone of the local economy (Aidi & Farida, 2019).

Regional economic growth is often characterized by the rapid development of the retail trade sector. The emergence of various franchises, shopping centers, and modern stores has had a significant impact on the community's economic dynamics, both positively through increased investment and job creation, and negatively by creating unfair competition for traditional markets and MSMEs (Ni Made Puspasutari Ujianti et al., 2024). To respond to these dynamics, the Pandeglang Regency Government enacted Regional Regulation No. 4 of 2017 concerning the Implementation of Franchises, Shopping Centers, and Modern Stores. This regulation was intended to serve as a legal instrument to maintain a balance between the development of modern retail and the protection of traditional markets, while simultaneously encouraging the

creation of fair and sustainable trade governance (Bekasi et al., 2025). However, in its implementation, gaps remain between the legal norms stipulated in the Regional Regulation and the reality on the ground. Several modern stores are suspected of operating without proper permits, the distribution of locations is uncontrolled, and there is weak oversight from the Investment and One-Stop Integrated Services Agency (DPMPTSP), the agency responsible for (Chairi et al., 2019).

A study of the Pandeglang Regency Licensing Agency, specifically regarding Saruni Jaya, is crucial to assess the effectiveness of the implementation of Regional Regulation No. 4 of 2017. 4 of 2017. By focusing on licensing mechanisms, supervision, and the obstacles encountered, this study is expected to provide a clear picture of the quality of modern retail trade governance in Pandeglang (Mahda et al., 2025). Problems in implementing regional policies often stem from internal factors such as apparatus capacity, limited resources, and inter-agency coordination, as well as external factors such as economic and political pressures, and low business compliance. Therefore, this study is relevant to examine the relationship between legal norms, administrative practices, and business actors' responses in the context of regional regulations. From a theoretical perspective, this study is based on the theory of public policy implementation (Agus et al., 2020). According to George C. Edwards III, successful implementation is influenced by four main factors: communication, resources, the disposition or attitude of implementers, and bureaucratic structure. This theory is used to analyze the extent to which the Pandeglang DPMPTSP is able to carry out its duties in implementing Regional Regulation No. 4 of 2017. In addition, this study also uses the perspective of legal compliance theory (Fakhri Widiatoro et al., 2024). This theory emphasizes that the success of a regulation is greatly influenced by the legal awareness of the community and business actors (Safitri, 2021). If business actors understand, accept, and are willing to comply with the rules, then the implementation of the regulations will be more effective. Conversely, low legal awareness can weaken the effectiveness of regulations (Hadawiyah, 2019).

In the context of regional autonomy, regional regulations hold a strategic position as legal instruments that adapt national policies to local conditions. Regional Regulation No. 4 of 2017 is a concrete manifestation of regional authority in regulating economic governance, particularly the retail sector. However, this autonomy must be supported by implementation capacity to achieve the regulatory objectives. The implementation of Regional Regulations can also be analyzed through the theory of small business protection. This regulation is intended to maintain the existence of traditional markets and MSMEs so that they are not marginalized by the expansion of modern retail (Hidayatullah, 2021). Therefore, this study not only highlights the administrative legal aspects, but also positions regulations as an instrument of equitable economic development. Based on this description, this study is important to assess the extent to which the implementation of Regional Regulation No. 4 of 2017 in Pandeglang Regency can be effective, particularly in the case of Saruni Jaya (Ni Made Puspasutari Ujianti et al., 2024). The results of this study are expected to contribute both academically in the development of public policy implementation studies, and practically as recommendations for improvements for local governments in the governance of franchise, shopping center, and modern store licensing (Karullah & Putra, 2021).

2. Method

In this study, the researcher used a normative legal research method, where this research was obtained from interviews with parties who are considered knowledgeable about the problem in accordance with the title of this thesis. This type of normative legal research is often also called doctrinal legal research, which is research conducted or aimed only at legislation, library research, document studies, and other legal materials. And also uses an empirical legal research method, where one type of legal research that not only examines written legal norms or rules (positive law), but also examines how the law is applied and implemented in real life by legal

actors and society This study on the implementation of Regional Regulation No. 4 of 2017 concerning the Management of Franchises, Shopping Centers, and Modern Stores in Pandeglang Regency has several limitations that must be acknowledged to prevent overgeneralization of the results to the entire Pandeglang region. First, this study focused only on a number of sub-districts or specific areas as observation samples, so its findings may not fully reflect the conditions of the entire region with its varying socio-economic and spatial characteristics. Second, field data collection relied heavily on interviews with key informants from government agencies and certain business actors, which could lead to perceptual bias and limited information regarding field supervision practices. Third, the research's time constraints prevented continuous observation to assess long-term supervisory dynamics. Furthermore, access to internal local government documents and modern trade statistics was also limited, resulting in a qualitative and descriptive analysis. Therefore, the results of this study are more appropriately viewed as a contextual description of the supervisory conditions of the Regional Regulation's implementation in the study area, rather than as a comprehensive representation of the overall supervisory dynamics in Pandeglang Regency (Achmad Tarmidzi Anas & Ahmad Andry Budianto, 2023).

3. Analysis and Results

The most influential factor contributing to the low legal awareness of business actors regarding the obligation to partner with local MSMEs in the context of implementing Regional Regulation No. 4 of 2017 in Pandeglang Regency generally stems from a combination of inadequate regulatory socialization, weak oversight, and a low commitment to business ethics. Many modern business actors do not fully understand the legal provisions requiring partnerships with MSMEs because information regarding the substance of the Regional Regulation is rarely disseminated intensively by the local government. Furthermore, the absence of strict sanctions for violations makes the obligation to partner merely an administrative formality, rather than a legal and social responsibility. Economic factors also contribute, with large business actors tending to prioritize efficiency and profit, making them reluctant to involve local MSMEs considered less competitive. Weak coordination between licensing offices, trade offices, and MSME development institutions further exacerbates the situation because there is no integrated monitoring system to ensure that partnerships are actually implemented. As a result, legal awareness of business actors regarding the obligation to partner remains low, and the main objective of the Regional Regulation to create economic justice and empower MSMEs has not been optimally realized.

Legal and administrative indicators that indicate the success or failure of the implementation of Regional Regulation Number 4 of 2017 concerning the Implementation of Franchises, Shopping Centers, and Modern Stores in Pandeglang Regency can be seen from several interrelated aspects. Legally, implementation success is reflected in the extent to which the provisions in the Regional Regulation have been implemented according to regulated norms, such as the conformity of business licensing with zoning requirements, compliance with partnership provisions with local MSMEs, and the effectiveness of the application of sanctions for violations. If the legal mechanism operates consistently and administrative sanctions are applied without discrimination, this indicates legal certainty and the local government's commitment to enforcing the regulation. Conversely, legal failure is evident in the continued presence of modern stores operating without permits, violations of distance regulations between stores, and weak enforcement of sanctions due to political interference or unclear authority between agencies. Meanwhile, from an administrative aspect, indicators of success can be measured through the existence of a transparent and integrated licensing system, an increase in the number of field inspections, and the availability of well-documented monitoring reports. Signs of administrative failure are evident in overlapping permit data,

slow follow-up on violations, minimal coordination between regional government agencies (OPDs), and the absence of routine evaluations of policy implementation. Therefore, the successful implementation of Regional Regulation No. 4 of 2017 depends not only on formal legal compliance but also on effective administrative governance and consistent oversight that reflect transparency, accountability, and fairness in regional government practices.

Pandeglang Regency Regional Regulation (Perda) Number 4 of 2017 amends Perda Number 12 of 2010 concerning Guidelines for the Operation of Franchises, Shopping Centers, and Modern Stores. This regulation aims to regulate and control the operation of franchises, shopping centers, and modern stores in Pandeglang Regency to be more proportional and protect traditional markets and small and medium-sized businesses. Within the context of regional autonomy, local governments are given broad authority to manage resources and establish policies to encourage local economic growth, including the regulation and supervision of rapidly growing business activities such as franchises, shopping centers, and modern stores (Kotler et al., 2023).

Franchises and modern stores are business models that have grown rapidly in line with economic growth and changing lifestyles. The existence of franchises, shopping centers, and modern stores offers easy access to basic necessities and daily consumption, distribution efficiency, and high business competitiveness. However, on the other hand, this business development also poses serious challenges to the sustainability of small and medium enterprises (SMEs) and traditional traders, which remain the backbone of the local economy. To address these dynamics, the Pandeglang Regency Government enacted Regional Regulation (Perda) Number 4 of 2017 concerning the Management of Franchises, Shopping Centers, and Modern Stores (Achmad Tarmidzi Anas & Ahmad Andry Budiarto, 2023). This regulation aims to regulate the governance of these businesses to align with regional spatial planning, the principles of fair business competition, and the protection of small and traditional traders as stipulated in Law Number 23 of 2014 concerning Regional Government. This Perda stipulates the requirements for establishing modern stores and franchises, zoning regulations, partnership obligations with small businesses, and the licensing mechanisms that must be met by business actors. However, in practice, the implementation of Perda Number 4 of 2017 still faces several challenges. First, some modern stores still operate without the full permits required by the Perda, or even without official permits at all (Bastiar et al., 2022).

In a study conducted at the Pandeglang Regency Licensing Office, the researcher conducted a direct interview with a resource person named Mr. Adi Wahyudi S.T who is a Functional Officer of Young Expert Licensing Arrangement at the Investment and One-Stop Integrated Service Office (DPMPTSP) of Pandeglang Regency (Ahmad & Ali Ismail Shaleh, 2021). This interview aims to obtain accurate and in-depth data and information regarding the existence of the "Saruni Jaya" shopping center in accordance with Pandeglang Regency Regulation Number 4 of 2017 concerning the implementation of franchises, shopping centers and modern stores. Interview with the resource person, the resource person explained. Mr. Adi opened the interview by explaining that Saruni Jaya is one of the largest shopping centers in Pandeglang Regency which has been established since before Regulation No. 4 of 2017 was enacted. Saruni Jaya is included in the category of non-franchise shopping centers managed by local private parties with a shop unit rental system (tenant) to various types of businesses, both modern and MSMEs (Suhada Nisa et al., 2021). According to the source's explanation, Saruni Jaya has gone through a gradual official licensing process, including a Building Construction Permit (IMB), Building Construction Approval (PBG), and a shopping center operational permit. This process was verified by the DPMPTSP in collaboration with the PUPR Agency and the Industry and Trade Agency. Substantively, Saruni Jaya also does not violate the distance provisions from traditional markets, as its location is in a strategic area of Pandeglang District that has been designated as a commercial zone (Issn et al., 2020). One important article in Regional Regulation No. 4 of 2017 is the obligation of shopping centers and modern stores to provide space for local MSME products. According to Mr. Dedi, Saruni Jaya has implemented

this provision well (Karullah & Putra, 2021). In addition to providing space, Saruni Jaya management is also said to be active in local product promotion activities, such as holding MSME bazaars and Pandeglang culinary festivals. Although the documents and implementation are in accordance, Mr. Adi did not deny that ongoing supervision is still necessary. One of the main challenges is ensuring that each tenant or shop owner also complies with the regulations, especially regarding business permits, service standards, and operating hours. Mr. Adi added that from the results of internal evaluations and surveys (Utami, 2019).

DPMPTSP, the presence of Saruni Jaya received a positive response from the surrounding community. This shopping center is considered to help increase economic activity in the city of Pandeglang Regency (Utami, 2019). Mr. Adi closed the interview by emphasizing that until now, the existence of Saruni Jaya is considered to be in accordance with the provisions of Pandeglang Regency Regulation Number 4 of 2017 (Nursari & Nasrudin, 2025). Both from the administrative side, social implementation, and economic impact, Saruni Jaya is included in the category of orderly and progressive shopping centers. Based on the study of the theory of laws and regulations and the results of interviews with the Office of Investment and One-Stop Integrated Services (DPMPTSP) of Pandeglang Regency, it can be concluded that the existence of the Saruni Jaya shopping center is legally in accordance with the provisions stipulated in Pandeglang Regency Regulation Number 4 of 2017 concerning the Implementation of Franchises, Shopping Centers, and Modern Stores. The theory of laws and regulations emphasizes that a law is binding if it is formed by an authorized institution, according to procedures, and obeyed by legal subjects in the applicable area (Yanti, 2022). In this context, Saruni Jaya as a legal subject has fulfilled the formal aspects of having an operational permit and location conformity with the spatial plan, as well as the material aspects of the involvement of local MSMEs and the implementation of socio-economic functions in accordance with the provisions of the regional regulation. The existence of Saruni Jaya also reflects the function of the regional regulation as an instrument for controlling business activities in the region, as well as a form of protection for the local economy through partnership obligations and zoning regulations (Pasal & Tahun, 2025). This shows that regional regulations formed based on the principle of autonomy can be effective if supported by regional government supervision and compliance from business actors. Thus, the theory of statutory regulations not only explains the process of law formation, but also serves as a basis for assessing the legality and legal compliance of business activities at the regional level, as reflected in the case of Saruni Jaya (Rd M Ferrizqi Adzanny, 2018).

4. Conclusion

Further research on the implementation of Regional Regulation No. 4 of 2017 concerning the Management of Franchises, Shopping Centers, and Modern Stores in Pandeglang Regency could utilize a more comparative and quantitative approach to deepen understanding of the policy's effectiveness. Comparative studies between regions, for example, between Pandeglang Regency and other regencies or cities in Banten Province, which have varying levels of urbanization and retail growth, would provide a contextual overview of successful implementation factors. Such research could also identify best practices in oversight and community engagement. Furthermore, a quantitative approach could be applied by measuring the effectiveness of the regulation through measurable indicators, such as the licensing compliance ratio, the level of sanction enforcement, the growth in the number of modern stores compared to traditional markets, and the economic contribution of MSMEs before and after the implementation of the Regional Regulation. Further research could also examine public and business perceptions of the fairness and transparency of regional policies, allowing for more data-driven and evidence-based policy recommendations. If the implementation of Regional Regulation No. 4 of 2017 continues to be ineffective in the long term, there will be a number of significant legal and economic implications for the sustainability of traditional markets and MSMEs in Pandeglang Regency. From a legal perspective, non-compliance that is allowed to

continue will weaken the authority of the local government and reduce public trust in the regulatory function as an instrument for controlling economic activity. Weak enforcement of sanctions can create a negative precedent in the form of unequal legal treatment between large and small businesses, thereby neglecting the principles of justice and legal certainty. Meanwhile, from an economic perspective, the dominance of modern stores without effective regulations has the potential to suppress the competitiveness of traditional markets and local MSMEs, resulting in decreased incomes for small traders, reduced informal employment, and the displacement of the local economy by a distribution system centralized by large corporations. In the long term, this condition can lead to economic inequality and reduce regional economic resilience, due to the loss of capital circulation at the local community level. Therefore, the effectiveness of the Regional Regulation implementation not only impacts the orderly licensing system but also determines the sustainability of the people's economic ecosystem and legal justice in the development of the Pandeglang region (Nursari & Nasrudin, 2025).

Research on the implementation of Regional Regulation No. 4 of 2017 concerning the Implementation of Franchises, Shopping Centers, and Modern Stores in Pandeglang Regency provides an important contribution to the development of public policy implementation theory in the context of regional autonomy, particularly in understanding the relationship between local institutional capacity, legal compliance, and the effectiveness of regional economic policies. This research shows that the success of policy implementation is determined not only by the quality of regulations, but also by the extent to which local governments are able to manage resources, build cross-sector coordination, and involve community participation in the oversight process. This finding enriches policy implementation theories such as the Van Meter and Van Horn model and Mazmanian and Sabatier, by emphasizing the importance of the regional autonomy context as a variable that influences the dynamics of policy implementation at the local level. In this regard, this research confirms that regional autonomy does not automatically increase policy effectiveness without being balanced by transparent, accountable, and adaptive governance to local socio-economic conditions. Thus, the results of this research contribute to broadening the perspective of public policy implementation from merely procedural aspects to a more contextual and participatory analysis within the framework of government decentralization in Indonesia.

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