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Juridical Analysis of the Business Competition of Minimarket Franchises in Jayapura City

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ABSTRACT

The massive expansion of minimarket franchises in Jayapura City triggers structural inequality, threatening the existence of local business actors, and thus demands a holistic synchronization of business competition law. This research aims to examine the synchronization of spatial planning and minimarket licensing zoning regulations, and to analyze the legal protection of construction through a partnership scheme based on Jayapura Municipal Regulation Number 10 of 2018. Utilising a normative juridical research method with a statutory and conceptual approach, this study examines the legal vagueness in regional regulations and the weakness of supervision of private law instruments. The analysis indicates that zoning enforcement operates suboptimally due to the limited coercive power of administrative sanctions, which corporations frequently view as mere operational risks. In the dimension of partnership protection, the phrase “prioritizing local merchants” in the regional regulation is identified as a vague norm that triggers tokenism and perpetuates the abuse of circumstances (misbruik van omstandigheden) in standard agreement drafts. In conclusion, legal protection for local merchants remains vulnerable due to the lack of integration between public spatial planning compliance and private contractual justice. Therefore, this research recommends the issuance of a Mayoral Regulation to stipulate a quantitative percentage for local product absorption in the People-Owned Stores program, and the establishment of a regional task force to audit and cancel exploitative business agreement clauses.

Keywords: Abuse of Circumstances; Business Competition; Local Merchants; Minimarket Franchise; Spatial Planning.

INTRODUCTION

The dynamic economic growth in Jayapura City has triggered a fundamental transformation in the retail trade sector. The massive expansion of modern minimarket franchise networks has altered the business competition landscape in the special autonomy region. This market structure change presents legal challenges for local micro, small, and medium enterprises, given the capital strength of national-scale corporations (Howay et al., 2025). The growth of retail investment uncoupled with spatial planning restrictions potentially creates an inequality that degrades the competitiveness of indigenous merchants.

The presence of networked modern retail raises the urgency of regulatory structuring to prevent monopolistic practices and unfair business competition. The state has a constitutional obligation to intervene in market freedom to protect traditional business entities from the threat of abuse of dominant position (Artharini, 2023; Hartati et al., 2023). The absence of legal instruments restricting the movement of retail corporations risks creating an exploitative business climate. Strictness in building layout regulations and operational licensing serves as an initial instrument to ensure corporations do not monopolize strategic points crucial for the circulation of the grassroots economy.

Yusri (2014) asserts that legal protection for small entrepreneurs constitutes a manifestation of the economic justice concept mandated by the constitution. State intervention is necessary to create a level playing field for community groups most vulnerable to the pressures of global capitalization. Affirmative policies must be

enforced to ensure that regional investment growth does not sacrifice the fundamental rights of local business actors to grow and maintain their market existence.

The business competition law regime in Indonesia has essentially accommodated these protection instruments through Law Number 5 of 1999¹. [Ningsih \(2019\)](#) elaborates that this Law specifically provides exemptions for small business actors from antimonopoly provisions. This exemption provides a dogmatic foundation for regional governments to formulate protectionist policies. This legal loophole permits regional government entities to restrict the movement of large enterprises without being accused of violating the principle of freedom of enterprise.

The Regional Government responds to this market competition dynamic by issuing Jayapura Municipal Regulation Number 10 of 2018. This Regional Regulation is designed as a preventive instrument to manage spatial zoning and limit large retail expansion around traditional merchant areas. Furthermore, the regional government also proposes an affirmative program for People-Owned Stores in 2026 to compel modern retail to accommodate local products ([Korowa, 2025](#)). Nevertheless, this public policy discourse remains juridically vulnerable and demands dogmatic examination because it has not been legitimized by implementing instruments possessing absolute binding power.

Although the public spatial regulatory framework has been established, this legal protection has not addressed the vulnerability dimension of local business actors in the private law realm. The business relationship between minimarket corporations and local entities still leaves a norm synchronization issue, particularly regarding partnership obligations ([Wardoyo, 2026](#)). There are indications of legal vagueness in the quantitative parameters of regional protection, potentially leading to compliance limited to mere formalities by large-scale investors. Moreover, the lack of dogmatic oversight over standard partnership contract drafts is frequently exploited by corporations, which hide behind the principle of freedom of contract to exploit micro-merchants.

An examination of previous literature indicates that the discourse on franchise minimarket competition remains heavily dominated by sociological and economic evaluations of financial losses ([Hadisiwi & Rakhman, 2014](#); [Mardhiyah & Safrin, 2021](#); [Nisa et al., 2021](#); [Amelia & Hardiansyah, 2022](#); [Howay et al., 2025](#)). There is yet to be a dogmatic analysis construction that specifically dissects the weaknesses of public regulations regarding spatial planning while simultaneously examining the fairness of private relations in partnership contracts within the Jayapura City jurisdiction. The absence of juridical elaboration on the vagueness of partnership norms and the vulnerability to the abuse of circumstances in these business agreements constitutes a research gap that demands hierarchical prescriptive examination.

¹Law Number 5 of 1999, as amended by Article 118 of Law Number 6 of 2023.

This research aims to examine the synchronization of spatial planning and zoning regulations in minimarket franchise licensing in Jayapura City based on the principle of fair business competition, and to analyze the legal protection construction for local micro, small, and medium enterprises in facing the dominance of large-scale modern retail based on the framework of Jayapura Municipal Regulation Number 10 of 2018 and related regulations. The academic benefit of this study is to enrich the literature on the legal dogmatics of business competition law and regional autonomy law, while its practical benefit is expected to serve as a juridical recommendation foundation for formulating the strictness of administrative sanctions and harmonizing local merchant protection norms.

METHOD

The primary design applied in this research is exclusively established as normative legal research (Qamar & Rezah, 2020). The selection of this research type is based on the problem characteristics that require an examination of legal principles, the synchronisation of statutory regulations, and a doctrinal analysis of spatial planning regulations and the protection of local merchants. The main focus is on discovering the coherence of norms within the regulatory instruments governing modern retail business competition. Therefore, this research design strictly eliminates the collection, testing, and measurement of empirical and sociological data in the field.

To dissect these legal issues comprehensively, this research employs two primary, integrated approach instruments. The first approach is the statute approach, which examines holistically and hierarchically all regulations related to zoning, franchise licensing, and the prohibition of monopolistic practices. The second approach is the conceptual approach, operationalized to manifest the doctrine of legal protection and the principle of balance of interests into the formulation of articles protecting micro, small, and medium enterprises at the regional level.

All data extracted in this research are entirely secondary data classified into three levels of library legal materials (Sampara & Husen, 2016). Primary legal materials consist of the 1945 Constitution, Law Number 5 of 1999, Law Number 20 of 2008², Government Regulation Number 35 of 2024, Ministerial Regulation Number 71 of 2019, and Jayapura Municipal Regulation Number 10 of 2018. Secondary legal materials originate in recent academic literature, providing doctrinal explanations of primary legal materials, while tertiary legal materials encompass legal dictionaries and encyclopedias that provide explanatory guidance on specific doctrinal terminology.

The collection of all these legal materials is carried out using systematic, structured library research techniques. The operational step begins with the inventory and classification stage of legal documents relevant to the subject matter of partnership obligations and the restriction of large retail expansion. After being

²Law Number 20 of 2008, as amended by Article 87 of Law Number 6 of 2023.

classified thematically, these materials are systematised and subsequently examined comprehensively to assess the strictness of sanctions and the normative content of local entrepreneur protection, which may be subject to legal vagueness or hierarchical conflicts.

The collected and curated legal materials are subsequently processed using normative juridical analysis techniques with an evaluative and prescriptive character (Irwansyah, 2020). The analytical steps applied encompass the identification of legal structures, the textual interpretation of regulations, the evaluation of norm synchronization, and the construction of dogmatic argumentation on spatial planning and licensing instruments. The final result of this series of analytical stages is synthesized to produce prescriptions that provide recommendations for resolving business competition legal clashes logically, comprehensively, and with juridical certainty.

RESULTS AND DISCUSSION

A. Synchronization of Spatial Planning and Minimarket Franchise Licensing Zoning Based on the Principle of Business Competition

The expansion of minimarket franchise businesses in autonomous regions demands a fundamental examination of their relationship to the state constitutional hierarchy. Article 33 section (4) of the 1945 Constitution establishes the postulate that the national economy is organized based on the principle of economic democracy by upholding the principle of fair efficiency. This constitutional provision expressly rejects the capitalist free-market competition model that could eliminate small-scale business actors. State intervention through legal instruments imposes a juridical obligation to maintain the balance between national economic progress and the protection of local business entities from the dominance of large investors.

The implementation of this economic justice principle is operationally manifested through Law Number 5 of 1999. The market structure is strictly regulated in Article 17 of this Law, which prohibits control over the production or marketing of goods that can trigger unfair competition in society. Furthermore, Article 25 of the Law strictly prohibits any business actor from using its dominant position to hinder competitors from entering the relevant market. These two central norms serve as dogmatic parameters to assess whether the massive modern retail expansion has violated the limits of reasonableness and exploited traditional business actors.

Business competition law in Indonesia is essentially not designed to equalize all economic entities regardless of their structural capacities. Ningsih (2019) underlines the urgency of applying Article 50 letter h of Law Number 5 of 1999, which explicitly exempts small business actors from antimonopoly provisions.

This dogmatic exemption proves that the state legitimately provides affirmative treatment for local entrepreneurs. This legal exemption instrument provides a robust legal foundation for regional governments to stipulate protectionist policies without fearing accusations of violating the principle of freedom of enterprise or hindering the investment climate (Artharini, 2023).

The clash between the norm of freedom of expansion and the mandate to protect the grassroots economy is clearly visible at the implementation level in various regions. An examination of previous literature consistently indicates the occurrence of structural inequality and unbalanced competitive pressure when franchise minimarkets operate without distance restrictions from grocery stores (Muhzinat & Achiria, 2019; Amelia & Hardiansyah, 2022; Howay et al., 2025). This empirical phenomenon validates the dogmatic argument that, without legal intervention in the form of rigid zoning regulations, local business actors will certainly be eliminated from the economic circulation chain in their own region due to their inability to compete on capital terms.

Addressing this conflict of interest, the latest franchise licensing instruments imperatively obligate corporations to comply with regional spatial planning. Article 4 section (3) letter e of Government Regulation Number 35 of 2024 stipulates that the franchise business system must possess standard operating procedures specifically encompassing guidelines for selecting business locations. This article carries the juridical consequence that national-level retail expansion cannot be conducted unilaterally and arbitrarily. Location selection must be synchronised with the detailed city spatial plan to prevent the accumulation of modern outlets at points that serve as centres of economic circulation for indigenous merchants.

The authority over spatial planning and trade zoning falls entirely within the jurisdiction of regional government autonomous entities. Based on Article 10 section (1) letter h of Law Number 6 of 1993, the City Government is granted the primary authority to manage its revenue affairs independently. This constitutional attribution of authority justifies the step taken by the Jayapura City Government to formulate regulations restricting modern retail licenses to protect the survival of local small entrepreneurs. This spatial planning policy aligns with the practice of protecting local economic space, which has also proven essential for maintaining market stability in other regions of Indonesia (Nisa et al., 2021).

Although this authority is inherent to the region, juridical vulnerability frequently arises from the vagueness of the zoning parameters themselves. Corporate-scale modern retail frequently exploits the ambiguity of minimum-distance phrases or uses building-function transition areas to circumvent expansion prohibitions. Precise regulation of business locations is increasingly fundamental amid the modernization of shopping systems that are penetrating conventional boundaries. Kurniasari and Rahman (2023) explain that the abuse

of dominant position by corporations does not only occur through manipulative pricing but also through the strategy of controlling the most strategic distribution points amidst residential areas.

If zoning instruments are not enforced by prescription, large-scale retail corporations will easily monopolise consumer access in densely populated areas (Prasetyo et al., 2024). Therefore, physical distance restriction through spatial licensing selection constitutes an absolute preventive measure to create a level playing field for all market actors (Yenny & Simbolon, 2024). Spatial law enforcement must absolutely not be viewed as discrimination against large-scale corporate investment. The competitive dynamics between traditional stalls and modern stores absolutely demand the presence of the state as a balancer of interests to ensure fair competition (Mardhiyah & Safrin, 2021).

A critical analysis of the failure of zoning enforcement in various regions indicates that administrative sanctions are frequently reduced to mere formality warnings. Retail corporations tend to treat fines and written reprimands merely as operational business costs. To close this exploitation loophole, spatial law enforcement norms must be reconstructed into radical administrative penalization instruments. Violations of the absolute zoning radius stipulated by legislation must be responded to immediately with the permanent revocation of operating licenses, without a mediation process that provides negotiation space for large investors.

The synchronisation between national antimonopoly regulations and regional-level spatial planning regulations demonstrates that preventive legal instruments are sufficiently available. Nevertheless, protection relying solely on physical space restrictions in licensing has not been able to holistically guarantee the economic welfare of local business actors. When a modern retail outlet has fulfilled the requirements for a location permit and operates legally in accordance with zoning, the law must ensure that the entity does not become an exclusive economic power, ignoring the potential of grassroots commodities. Therefore, a thorough legal evaluation is needed to assess the effectiveness of regional legal instruments that require modern retail to enter into binding partnership agreements with local merchant entities.

B. Legal Protection Construction and Partnership Obligations for Local Business Actors Based on Jayapura Municipal Regulation Number 10 of 2018

The success of legal protection for local business actors does not rely solely on physical spatial planning restrictions but demands a dogmatic intervention that binds corporations to social and economic responsibilities. The philosophical foundation of this protection obtains constitutional justification through Article 42 section (1) of Law Number 21 of 2001, which specifically mandates that

people-based economic development must be organized by providing the broadest opportunities to indigenous peoples or local communities. This legal affirmation aligns with the view of [Yusri \(2014\)](#) that economic justice demands the presence of state instruments to ensure vulnerable community groups are not eliminated by the free-market capitalization system. Therefore, the Jayapura City jurisdiction possesses an absolute specialty foundation to protect its grassroots economic structure.

The manifestation of this special autonomy mandate is technically formulated through the enactment of Jayapura Municipal Regulation Number 10 of 2018. Article 1 point 5 of this Municipal Regulation explicitly defines the protection subject, classifying local merchants as indigenous Papuans with micro, small, and medium enterprise scales. Furthermore, Article 8 of the Municipal Regulation provides these entities with absolute protection against the threat of direct competition from distributor companies and large-scale retail. [Hartati et al. \(2023\)](#) assert that modern retail expansion, from the perspective of a state of law, must be controlled through hierarchical regulations ensuring the existence of traditional businesses is not eliminated due to unbalanced market competition.

The strictness of legal partiality at the regional level becomes increasingly evident through the regulation of endemic commodity protection. Based on the formulation of Article 10 of Jayapura Municipal Regulation Number 10 of 2018, distributors and large retailers are absolutely prohibited from trading local products, both in retail and in large quantities. This prohibition constitutes a form of social engineering through legal instruments to sever the potential monopoly of distinctive regional commodities by giant investors. If such textual intervention is not enforced, the competitive quality of traditional stalls will continue to degrade until they are eventually eliminated from the economic supply chain in their own region ([Hadisiwi & Rakhman, 2014](#)).

The operational restriction of large retail is subsequently balanced with the legal obligation to build mutually beneficial economic relations through a partnership scheme. Article 26 of Law Number 20 of 2008³ imperatively obligates the implementation of business partnerships through various patterns, including supply chain and franchise patterns. This provision is further strengthened in Article 26 of Government Regulation Number 35 of 2024, which binds both national-level franchisors and franchisees to mandatory cooperation with local micro, small, and medium enterprises as suppliers of merchandise.

Modern retail compliance with these national partnership regulations is aligned with the local legal mandate outlined in Article 14 of Jayapura Municipal Regulation Number 10 of 2018. Nevertheless, the clause requiring large retailers to “prioritize” local merchants raises a legal vagueness issue. The absence of

³Article 26 Law Number 20 of 2008, as amended by Article 87 point 5 of Law Number 6 of 2023.

quantitative parameters or absolute percentage figures in this phrase differs significantly from the strictness of Article 18 section (2) of Ministerial Regulation Number 71 of 2019. This interpretative loophole is frequently used by corporations to engage in tokenism, namely the practice in which modern retail displays a small portion of local products solely to discharge legal obligations (Simatupang et al., 2025). Consequently, the essence of economic empowerment loses its coercive power in the field.

The concrete manifestation of the effort to patch this protection loophole is evident in the Jayapura City Government's discourse to implement the affirmative program for People-Owned Stores (Korowa, 2025). However, critical legal analysis requires that a public policy discourse cannot serve as a foundation for legal certainty if left unanchored as mere administrative instructions. This policy of transforming retail corporations into facilitator entities must be immediately legitimised by the issuance of a Mayoral Regulation with general binding power. Without an implementing instrument that prescribes technical sanctions and partnership procedures, the program lacks the dogmatic authority to compel giant retailers to surrender their business space to native regional products.

Besides the issue of statutory foundation, the law must anticipate manipulation of causes in the formulation of business contract drafts between large retailers and micro-scale suppliers. Corporations frequently dictate standard agreements by hiding behind the principle of freedom of contract, as set out in Article 1338 of the Civil Code. Formally, the valid conditions of an agreement in Article 1320 of the Civil Code appear fulfilled, but dogmatic evaluation reveals the occurrence of abuse of circumstances (*misbruik van omstandigheden*) due to extreme inequality in bargaining positions. The unilateral clause requiring small merchants to bear the cost of returning unsold goods violates the lawful cause condition, rendering the agreement vulnerable to legal cancellation claims (Crisyanti et al., 2023).

The instrument of Article 35 of Law Number 20 of 2008 in parallel strictly prohibits any large enterprise from controlling its business partners exploitatively. Dispute dynamics in partnership agreements prove that unfair competition frequently mutates into predatory business practices behind the contract desk. Therefore, regional government authorities must not act solely as licensing registrars but must also serve as supervisors of the partnership contract substance. A passive supervisory function will allow private law to be abused as an instrument of modern economic exploitation draining profits from local communities.

The effectiveness of a legal protection norm is ultimately tested through the strictness of its coercive sanctioning power. The Regional Government has equipped its legal instruments with repressive tools in Article 25 to Article 28 of Jayapura Municipal Regulation Number 10 of 2018. This series of articles

threatens imprisonment, fines of millions of rupiah, and the confiscation of goods for legal entities proven to violate the prohibition on selling local commodities. On a broader scale, violations of partnership obligations can also be penalised under Article 39 of Law Number 20 of 2008, which provides for maximum administrative sanctions, including permanent revocation of the business licence and fines totalling billions of rupiah for large corporations that attempt to violate the law.

The legal protection framework for local merchants in Jayapura City has a comprehensive normative foundation. The synergy among special autonomy rights, antimonopoly rules, and regional regulation protection instruments creates robust juridical protection. The implementation of this policy demands a repositioning of the regional government's role to courageously impose repressive sanctions consistently and close the loophole of legal vagueness. The renewal and supervision of the protection legal framework must be continuously reconstructed to ensure the creation of contractual justice and the proportionality of rights in every business relationship between franchise corporations and micro business actors in the future (Wardoyo, 2026).

CONCLUSIONS AND SUGGESTIONS

Based on the analysis of the synchronization of spatial planning regulations and the legal protection construction in Jayapura City, it is concluded that the minimarket franchise licensing zoning instrument constitutes an absolute preventive measure to prevent the abuse of dominant position by retail corporations. Nevertheless, the effectiveness of this spatial planning regulation is diminished by the weak coercive power of administrative sanctions, which large investors have thus far treated merely as operational risks. The omission of zoning radius violations not only damages city planning but also violates the constitutional mandate regarding economic justice. Therefore, the strictness of physical distancing restrictions must be enforced through harsh administrative penalisation measures. Every zoning violation must result in the permanent revocation of business licenses without room for compromise.

In the realm of legal protection and partnership obligations, the framework of Jayapura Municipal Regulation Number 10 of 2018 has essentially established a protectionist foundation aligned with the spirit of special autonomy. However, this protection remains vulnerable due to the legal vagueness of the obligation to prioritise local merchants, which lacks definite quantitative parameters. This dogmatic loophole opens the door for corporations to engage in mere business tokenism. Furthermore, protection in the private law realm fails to materialize due to the absence of regional authority supervision over standard partnership contract drafts. This condition perpetuates the practice of abuse of circumstances (*misbruik van omstandigheden*) by corporations that manipulate the principle of freedom of contract to exploit micro-business actors.

Addressing these conclusions, the proposed academic recommendation is to reconstruct the business competition law doctrine, integrating public law compliance in spatial planning and private law justice in partnership contracts as a unified, absolute requirement for modern retail licensing. As a concrete follow-up and policy implication, the Jayapura City Government is recommended to immediately formulate a Mayoral Regulation to legitimise the People-Owned Stores program and grant it imperative legal coercive power, including stipulating a mandatory quantitative target for local product absorption. Furthermore, the regional government must establish a partnership supervision task force possessing the authority to audit and cancel business agreement clauses proven to exploit local merchants, to ensure the creation of a proportional and fair competition arena.

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