

Implications of Local Regulations on Street Vendors for Corporate Partners of Micro and Small Business in Depok City

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Abstract

This study focuses on the impact of local regulations governing street vendors on corporate partners and micro, small, and medium enterprises (MSMEs) in Depok City. In this context, street vendors play an important role in the local economy and require regulation to ensure sustainability and proper management of public spaces. This study aims to analyze how the implementation of the Perda affects corporate cart partners and MSMEs, with the goal of identifying the challenges and opportunities faced by these businesses. The research method used is a normative legal approach supplemented by in-depth interviews to obtain rich and detailed data from MSMEs, PKL, corporate partners, and relevant stakeholders. This study also employs policy analysis using a legal and conceptual approach to evaluate the effectiveness of existing regulations. The results and discussion reveal that SME partners strongly agree with the on-the-ground conditions in Depok City, where frequent raids on SMEs significantly hinder their economic activities. However, on the other hand, based on interviews with the team from the Depok City Cooperative and SME Department, it was explained that SMEs that are raided need to be mentored to gain knowledge and understanding regarding Depok City Regulation No. 3 of 2024 on the Protection, Empowerment, Development of Micro Businesses, as well as the Regulation and Empowerment of Street Vendors. This will at least provide protection and meet the needs of SMEs in Depok City. Thus, the implications of this regulation have a positive impact on SMEs and street vendors in driving the economy of Depok City.

INTRODUCTION

Street vendors, commonly abbreviated as PKL, are people who conduct trade and commercial activities in areas designated for pedestrians, known as sidewalks. The term PKL is often associated with vendors who use carts or pushcarts as part of their business. There is an interesting interpretation of the term PKL related to the concept of “kaki lima” (five legs).¹ This interpretation refers to the two legs of the vendor combined with the three “legs” of the cart, which are usually wheels or a combination of wheels and support stands. This unique characterization underscores the integral role that carts play in the operations of many street vendors.²

In 2023, the West Java Central Statistics Agency stated that the majority of Indonesia's population works in the informal sector, accounting for 55.15% of total employment.³ These informal sector workers are spread throughout the country, including in the city of Depok, which is a major urban center in West Java Province. Depok is strategically located south of Jakarta, between Jakarta and Bogor.⁴ Furthermore, Article 1 paragraph 14 of Depok City Regulation Number 3 of 2024 concerning the Protection, Empowerment, Development of Micro Businesses, and the Structuring and Empowerment of Street Vendors, street vendors are business actors who conduct trading activities using mobile or stationary business facilities, using city infrastructure, social facilities, public facilities, land, and buildings owned by the government and/or private entities that are temporary/non-permanent in nature.

In conducting mobile businesses, street vendors use carts or pushcarts as their place of business. These carts have a practical and flexible design, allowing street vendors to sell in various locations with ease. By using carts, street vendors can bring their merchandise to strategic locations, such as roadsides, parks, or crowded areas. In addition, carts also provide the advantage of mobility, as street vendors can quickly move to another location if necessary, for example during certain operating hours or if the previous location is not busy enough.

Street vendors are recognized by the Depok City Government as one of the main drivers of the local economy that needs to be supported, protected, and given business

¹ Doni Christian Nainggolan and others, “Penataan Pedagang Kaki Lima (Pkl) Satpol Pp Kota Depok Sesuai Peraturan Wali Kota Depok Nomor 16 Tahun 2012 Tentang Pembinaan Dan Pengawasan Ketertiban Umum,” *Jurnal Pendidikan Sejarah Dan Riset Sosial Humaniora* 3, no. 1 (2022): 108–12.

² Wahab Ohoirenan and others, “Rancang Bangun Gerobak Portable Pedagang Kaki Lima,” *Jurnal Teknik AMATA* 4, no. 2 (2023): 59–64.

³ CNBC Indonesia, “Jokowi Mau Lengser, Jumlah Pekerja Informal Meledak, RI Dalam Bahaya,” 2024.

⁴ Adibah Amintasria Lasahido, “Peran Satuan Polisi Pamong Praja Dalam Penyelenggaraan Ketertiban Umum Dan Ketenteraman Masyarakat Di Kota Depok Provinsi Jawa Barat,” *Jurnal Renaissance* 6, no. 2 (2021): 829–43.

opportunities.⁵ This aims to help them develop, increase their capacity, and become resilient, independent, and highly competitive businesses. Street vendors are a rapidly growing urban phenomenon, dominating the city space.⁶ This activity is often understood as an activity that does not have a specific place, so public spaces become the only alternative for them to run their businesses. The use of public spaces has become a characteristic inherent to the existence of street vendors.

However, managing street vendors is not an easy task because it involves various factors that make their arrangement a very complex issue.⁷ One of the challenges in managing street vendors is their large numbers and the need for sufficient space to support their activities. Such large spaces are usually located in public areas or crowded locations, as these places offer greater profit opportunities.⁸ On the other hand, public spaces are also needed by other user groups, who equally require places to carry out their activities. This often triggers conflicts between groups of public space users, creating challenges in fair and effective management and organization.

Therefore, local regulations are needed as a system capable of managing, regulating, and supervising street vendor activities in the context of urban planning and the sustainability of micro and small businesses (MSMEs).⁹ Management efforts by the government aim to provide more organized and legal trading locations for street vendors. Thus, vendors no longer occupy areas that are prohibited for trading activities. In addition, this step also serves to better organize the urban environment, in line with the city greening program. At the same time, the interests of the city and other communities are still maintained. The urban environment becomes more organized, free from clutter and congestion, and more supportive of sustainability for all parties.

Reflecting on regions that have previously implemented local regulations as a preventive measure in regulating street vendors, one example is DKI Jakarta Governor Regulation No. 10 of 2015 concerning the Arrangement and Empowerment of Street

⁵ Sutiana Sutiana, "Dampak Revitalisasi Jalur Pejalan Kaki Terhadap Intensitas Pengguna Jalur Pejalan Kaki Di Jl. Margonda Raya Kota Depok" (Institut Teknologi Sains Bandung, 2023).

⁶ Anida Yasmin, Musda Asmara, and Sidiq Aulia, "Implementasi Peraturan Daerah Rejang Lebong Tentang Penataan Dan Pemberdayaan Pedagang Kaki Lima Dalam Perspektif Fiqh Siyash Di Pasar Pagi Curup Tengah" (Intitut Agama Islam Negeri Curup, 2025).

⁷ Lira Adelina Hutagalung et al., "Deskripsi Dinamika Ekonomi Pedagang Kaki Lima:(Studi Kasus: Pedagang Kaki Lima Di Tarutung)," *WISSEN: Jurnal Ilmu Sosial Dan Humaniora* 3, no. 2 (2025): 64–77.

⁸ Nia Rizky Rohmani et al., "Pola Pemanfaatan Ruang Usaha Dari UMKM Kaki Lima Di Koridor Inspeksi Banjir Kanal Timur Kecamatan Duren Sawit, DKI Jakarta," *Jurnal Penataan Ruang* 17, no. 1 (2022): 19–33.

⁹ Muhammad Arya Persada, Rosyidah Fatmawati, and Murtanti Jani Rahayu, "Dampak Penataan Pedagang Kaki Lima (PKL) Di Taman Pakujoyo Terhadap Kondisi Sosial Ekonomi," *Desa-Kota: Jurnal Perencanaan Wilayah, Kota, Dan Permukiman* 5, no. 2 (2023): 78–86.

Vendors. Effective and sustainable policies must be balanced by unbiased practices. The DKI Jakarta Regional Government's policy in regulating the existence of street vendors is an effort to restore the function of road areas in accordance with their intended use.¹⁰

The scope of street vendor management covers physical and non-physical empowerment aspects.¹¹ This management aims to organize the existence of street vendors by considering both physical and non-physical components, as well as taking into account their characteristics and potential so that they are in line with the surrounding environment. Basically, policy implementation must be a means to ensure that policy objectives can be achieved effectively without exaggerating or diminishing their objectives. One of the problems that often arises is ambiguity in policy implementation, which causes confusion and errors in the process of controlling and organizing street vendors. Therefore, solid synergy and harmonization between the government and the Civil Service Police Unit (Satpol PP) is needed.

According to Article 1 paragraph 1 of Government Regulation No. 16 of 2018, the Civil Service Police Unit (Satpol PP) is a regional apparatus formed to enforce Regional Regulations and Regional Head Regulations, maintain public order and community peace, and provide protection to the community. The role of Satpol PP is very important in improving the orderliness of street vendors, including through the supervision and control of vendors selling on sidewalks or roadsides. As enforcers of regional regulations, Satpol PP is tasked with maintaining public order and community peace.

In addition, they also play a role in implementing policies related to the arrangement of street vendors, working together with the government to disseminate information about regional regulations, and ensuring that enforcement is carried out in a structured manner and in accordance with applicable regulations.¹² This shows the need for collaboration among all elements of society to create a neat and beautiful city, which can be realized through Depok City Regulation Number 3 of 2024 concerning the Protection, Empowerment, Development of Micro Businesses, and the Management and Empowerment of Street Vendors.

The research written by Windy Asmara Putri Rumbrawer, Yoseb Boari, and Endah Dwi Lestari, entitled "The Impact of Covid-19 on MSMEs (Case Study of Street Vendors in VIM Village)," discusses street vendors who are part of Micro, Small and Medium

¹⁰ Yayat Sujatna, "Implementasi Kebijakan Penataan Pedagang Kaki Lima Di Kawasan Kota Tua Jakarta," *JPM (Jurnal Pemberdayaan Masyarakat)* 3, no. 2 (2018): 307–14.

¹¹ Sujatna.

¹² Unik Desthiani, "Peran Komunikasi Satuan Polisi Pamong Praja (Satpol Pp) Dalam Memberikan Pembinaan Kepada Pedagang Kaki Lima (Pkl)," *Jurnal Sekretari Universitas Pamulang* 6, no. 2 (2019): 231.

Enterprises (MSMEs) and are one of the most profitable informal business sectors, selling various goods in public places, on the side of the road, and on sidewalks. According to information provided by the Office of Industry, Trade, Cooperatives, and Small and Medium Enterprises (Perindakop and UMKM) of Jayapura City, as of 2019, there were around 3,000 vendors serving approximately 500,000 residents of Jayapura City. The average growth (in the number of street vendors) is 5-10 percent per year. As one of the sectors that absorbs the most labor in Indonesia, MSMEs are considered very important for national economic growth and are one of the sectors that absorb the most labor. Therefore, the government continues to encourage the development of MSMEs through various programs and policies that increase competitiveness and productivity, particularly policies regarding the empowerment of street vendors, which are realized through local regulations.¹³

The research written by Mila Mufira and Elegi Nur Aisah, entitled "The Dynamics of Street Vendors in Jember City Square Amidst Globalization Competition: The Role of Local MSMEs in the Economic Growth of Jember City" discusses the government's involvement in the economic activities of street vendors (PKL). In reality, it is not uncommon for government involvement in the economic activities of street vendors (PKL) to result in conflicting situations and conditions. In other words, the government, which should facilitate access for street vendors, instead creates local policies that cause differences between street vendors and certain groups in society. Therefore, this situation causes inequality and injustice, which in turn has a negative impact on street vendors because they do not have many opportunities to do business. The government must provide a special area that is neatly arranged, clean, and environmentally friendly, as well as provide training and improve facilities so that street vendors can compete better. It is hoped that street vendors will remain an important part of the regional economy in an era of increasing globalization with the right support.

Research on the Role and Responsibilities of Local Government in the Regulation of Street Vendors (PKL) in Karawang Regency, namely Karawang Regency Regulation Number 4 of 2015 concerning the Regulation and Empowerment of Street Vendors (Perda 4/2015). The roles carried out by the local government in Perda 4/2015 include preparing locations for street vendors to sell in accordance with the place and time. This is a preventive measure by the local government to prevent street vendors from using prohibited places to sell. Second, directing street vendors to register with the relevant

¹³ W A P Rumbrawer, Y Boari, and E D Lestari, "Dampak Covid-19 Terhadap UMKM (Studi Kasus Pedagang Kaki Lima Di Kelurahan VIM)," *Jurnal Samudra Ekonomi Dan Bisnis* 14, no. 2 (2023): 341-54.

agency. This aims to enable the government to know and control the number of street vendors in Karawang Regency. Third, empowerment. The goal is for street vendors to increase their business income and improve their business capabilities through access to capital, coaching, and technical guidance. Fourth, monitoring and evaluation of the structuring and empowerment of street vendors. Fifth, coaching and supervision of street vendors. This includes the government's authority to provide periodic information to street vendors so that they can understand what policies are prohibited and permitted by the region.¹⁴

Meanwhile, another study in Gowa Regency found that the structuring and coaching of street vendors has not been as effective as it should be. The Gowa Regency Government, which is responsible for regulating and enforcing laws related to street vendors, does not fully comply with the needs of the community, especially the residents of Mangngalli Village, Gowa Regency. The Gowa Regency Government has issued Gowa Regency Regulation Number 5 of 2009 concerning the Arrangement and Guidance of Street Vendors (Perda 5/2009), which specifically regulates street vendors. According to residents of Mangngalli Village, Gowa Regency, the factors affecting the implementation of Perda 5/2009 are that the local government has not fulfilled its responsibility for guidance and management, which is within its authority, resulting in a lack of information dissemination regarding the management and guidance of street vendors, and the government has not provided a suitable place for the management and guidance of street vendors.¹⁵

In addition, the assessment of Sidoarjo Regency Local Regulation No. 3 of 2016 concerning the Organization and Empowerment of Street Vendors was carried out using policy evaluation criteria consisting of six criteria, namely effectiveness, efficiency, adequacy, equity, responsiveness, and accuracy. Based on this analysis, it was concluded that the implementation of Regional Regulation No. 3 of 2016 was not going well. As stipulated in Local Regulation No. 3 of 2016, the process of structuring and empowering Gading Fajar street vendors did not run smoothly due to a lack of coordination between the relevant parties, namely the Sidoarjo Regency Cooperative and Micro Business Office and the Sidoarjo Regency Public Order Agency. The Sidoarjo Regency Cooperative and

¹⁴ Sukmawati Sukmawati, Muhammad Gary Gagarin Akbar, and Muhamad Abas, "Peran Satuan Polisi Pamong Praja Dalam Menertibkan Pedagang Kaki Lima Untuk Menjamin Ketertiban Umum Di Kabupaten Karawang," *MORALITY: Jurnal Ilmu Hukum* 10, no. 1 (2024): 142–55, <http://dx.doi.org/10.52947/morality.v10i1.675>.

¹⁵ Buyung Romadhoni Romadhoni et al., "Pemberdayaan Umkm Dalam Rangka Peningkatan Kesejahteraan Masyarakat Di Kabupaten Gowa," *Jurnal Ilmiah Manajemen, Ekonomi, & Akuntansi (MEA)* 6, no. 3 (2022): 1074–88.

Micro Business Office must have direct supervision in handling the structuring and supervision of Gading Fajar street vendors. In addition, to implement the restructuring and empowerment of Gading Fajar street vendors, it is necessary to form a collaborative team to carry it out so that all parties can work together effectively. Furthermore, there needs to be a discussion about the budget for the restructuring and empowerment of Gading Fajar street vendors to ensure that the relocation site provided is well maintained and functions properly.¹⁶

Based on the background discussed above, the research questions for this study are: 1) how does the implementation and impact of the Depok City Regulation concerning street vendors on corporate partners; and 2) what strategies can be proposed to create a mutually beneficial relationship between corporate partners and MSMEs.

METHODS

This research method uses normative juridical analysis supplemented with interviews and surveys aimed at analyzing policies, regulations, and rules that impact the development of MSMEs in Depok City.¹⁷ The normative method allows researchers to evaluate the extent to which the existing legal and policy frameworks support the sustainability and growth of micro, small, and medium enterprises in this region. This normative analysis includes a review of policy documents, local regulations, and government programs related to MSME development. The technical data analysis is carried out descriptively and qualitatively to gain an in-depth understanding of the challenges, opportunities, and adaptation strategies faced by micro, small, and medium enterprises (MSMEs) in Depok City.¹⁸ This approach was chosen because it allows researchers to understand in more detail the experiences and perspectives of business actors in a dynamic local context, especially amid economic changes caused by technological developments, policy changes, or crisis situations, such as a pandemic. To complement this, the study also used in-depth interviews to explore the views, experiences, and needs of MSME actors and parties involved in the MSME ecosystem. In-depth interviews were chosen because they can provide richer and more in-depth data, allowing researchers to understand issues from various perspectives. This approach also

¹⁶ Rahayu Mardikaningsih, "Keberhasilan Berwirausaha Ditinjau Dari Faktor Keterampilan Dan Efikasi Diri: Studi Kasus Pada Pedagang Kaki Lima Di Gading Fajar Sidoarjo," *Jurnal Ekonomi Dan Bisnis* 13, no. 2 (2023): 33–41.

¹⁷ Soerjono dan Sri Mahmudji Soekanto, *Penelitian Hukum Normatif, Suatu Tujuan Singkat* (Jakarta: Raja Grafindo Persada, 2003). Lihat juga Zuchri Abdussamad, *Metode Penelitian Kualitatif* (Makassar: CV. Syakir Media Press, 2021).

¹⁸ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

provides space to explore factors not covered in policy documents, such as practical experiences and social dynamics that affect MSMEs in Depok City.

RESULT AND DISCUSSION

1. Implementation and Impact of Depok City Regulation concerning Street Vendors on Corporate Partners

When legislation is enacted and becomes generally applicable, there are legal consequences to its enforcement.¹⁹ The enforcement of legislation must also take into account its content and substance so that it does not cause bias in its implementation. This has led to numerous interpretations and inconsistencies in practice, giving the impression of ambiguity in the law. The possibility of inconsistencies in substance results in different legal consequences when the legislation is enacted. Consistency in substance also results in a balance between individual rights and social rights as a whole. The content of legislation must represent the pluralism of the objects to be regulated, as well as the community that will be the object of the regulations.²⁰ This is important considering that the condition of legislation in Indonesia does not always take a substantial approach, but rather a political approach, so that the formation of legislation tends to fulfill political interests rather than populist interests.²¹

The concept of legislation is closely related to the concept of freedom, which is limited by a social contract agreed upon by all parties, so that freedom can be restricted.²² This is reinforced by John Locke's theory that in order to protect themselves from all forms of disturbance to their lives, freedom, and property, humans naturally unite in social life so that they have complete power to defend and provide security for their lives, freedom, and property.²³ The position of the regulations that bind them is known to all people or communities that are subject to the regulations.²⁴ With these agreed-upon regulations, everyone agrees to join society and establish political institutions under the highest level

¹⁹ Zaka Firma Aditya; M. Reza Winata, "Rekonstruksi Hierarki Peraturan Perundang-Undangan Di Indonesia," *Negara Hukum* 9, no. 1 (2018): 79-100.

²⁰ M Syamsudin, "Keadilan Prosedural Dan Substantif Dalam Putusan Sengketa Tanah Magersari," *Jurnal Yudisial* 7, no. 1 (2014): 18-33.

²¹ Rahayu Prasetyaningsih, "Menakar Kekuasaan Presiden Dalam Pembentukan Peraturan Perundang-Undangan Menurut Undang-Undang Dasar 1945," *PADJADJARAN Jurnal Ilmu Hukum (Journal of Law)* 4, no. 2 (2017): 263-80.

²² Asep Mahbub Junaedi and Siti Ngainnur Rohmah, "Relevansi Hak Kebebasan Mengeluarkan Pendapat Dalam Pasal 28E Ayat 3 Undang Undang Dasar 1945 Negara Republik Indonesia Terhadap Kajian Fiqih Siyasah," *Mizan: Journal of Islamic Law* 4, no. 2 (2020): 225-48.

²³ Bedri Gencer, "Sovereignty and the Separation of Powers in John Locke," *European Legacy* 15, no. 3 (2010): 323-39.

²⁴ Cora Elly Novianti, "Demokrasi Dan Sistem Pemerintahan," *Jurnal Konstitusi*, 2013.

of government, obligating the entire community to comply with the decisions of these agreed-upon institutions. This is taken from the will and decision of the majority while still protecting the needs and desires of the minority without disrupting the political stability of the majority.

John Locke's explanation of this is very close to the concept of a constitution.²⁵ However, it is possible that this concept could be implemented on a smaller scale. According to him, the social contract does not mean the absolute and arbitrary surrender of power to the government as the authority holder.²⁶ Granting authority to the government as the rule-maker does not necessarily expand its authority, but rather limits its authority by granting authority to the people. This aims to ensure that all members of society who enter into agreements benefit from and enjoy the welfare provided by all policies that have been formulated on the basis of a social contract.²⁷ This context also refers to the government's authority to formulate legislation to ensure order, welfare, and legal certainty for society itself.

In the concept of a modern constitutional state according to A. Hamid S. Attamimi, one of the absolute functions of legislation is as an effective method and means available to the state to regulate and direct the lives of citizens or the community in achieving their established goals.²⁸ This function also shows that the existence of the community's aspirations is expected to be achieved and implemented in legislation drafted and passed by the government as the authority. This shows that the government, in this case, represents the state itself in drafting, passing, and enforcing legislation. Thus, a constitutional state that grants authority to the government also reflects the characteristics of a constitutional state in the form of a government based on legislation so that all government actions must be based on the law in order to create public welfare as the main objective.²⁹

Every piece of legislation that has been enacted is subject to the principle of legal fiction, which is stated as *indereen wordt geacht de wet te kennen* (everyone is deemed to

²⁵ Rafi Caesario Rusmanda et al., "Pemikiran John Locke Tentang Hak Alamiah Dan Masyarakat," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 3, no. 01 (2025).

²⁶ Mohamad Nur Wahyudi, "Teori Kontrak Sosial (Studi Komparasi Teori Politik Menurut Imam Al-Mawardi, Thomas Hobbes Dan John Lock)," *An-Nawa: Jurnal Studi Islam* 4, no. 2 (2022): 113–25.

²⁷ M Ilham Kishardian et al., "Teori Alamiah Dalam Pandangan John Locke," *Nusantara: Jurnal Pendidikan, Seni, Sains Dan Sosial Humaniora* 1, no. 01 (2022).

²⁸ A Hamid S Attamimi, "Peranan Keputusan Presiden Republik Indonesia Dalam Penyelenggaraan Pemerintahan Negara," *Suatu Studi Analisis Mengenai Keputusan Presiden Yang Berfungsi Pengaturan Dalam Kurun Waktu Pelita I--Pelita IV*, 1990.

²⁹ Zahermann Armandz Muabezi, "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)," *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 421–46.

know the law).³⁰ This confirms that it is not permissible to reject legal prosecution of a legal subject on the grounds of not knowing about the regulation in question. Although literally it is only a fiction, here we can see the binding force of the regulation in accordance with the scope of the rules, the objects regulated, and the institutions that issued them. All of these things are interrelated and create harmony in the enforcement of a legal rule.

When contextualized with the existing legal regulations in Depok relating to street vendors, there is the Depok City Regional Regulation Number 3 of 2024 concerning the Protection, Empowerment, Development of Micro Businesses, and the Structuring and Empowerment of Street Vendors (Perda No. 3/2024). As is well known, the formulation of regulations is highly dependent on legislative and executive institutions at the regional level, namely the Regional Representative Council and the Governor/Regent/Mayor according to their respective levels.³¹ The binding force of regional regulations is also adjusted to the level and location of the region. The context of Local Regulation No. 3/2024 is a legal product issued by the Depok City DPRD and the Mayor of Depok City.³² The binding force of this regulation is limited to the city of Depok, and the object of this regulation is micro businesses that exist and operate in the city of Depok. Thus, the legal consequences and implications of these regulations will only be felt by micro-businesses located there, as well as the officials who enforce these regulations. Therefore, the implementation of these regulations can be effective when considering the scope and assessment of business actors directly, even though they also apply automatically and have an effect on the concept of legal fiction that applies within the scope of Depok City in accordance with the implementation of these regulations.

The concept of legal fiction does not necessarily mean that all communities or citizens residing in that domicile will be aware of Local Regulation No. 3/2024. From data collected from direct surveys, 6 (six) out of 8 (eight) respondents, who were independent street vendors and partners, admitted that they were not aware of this regulation.³³ This is the biggest task for the city of Depok, especially for the Depok City Cooperative and MSME Office. The fact that more business actors are unaware of this local regulation

³⁰ Andi Yuliani, "Daya Ikat Pengundangan Peraturan Perundang-Undangan," *Jurnal Legislasi Indonesia* 14, no. 4 (2017): 429–38.

³¹ Nadia Ayu Febriani, Ryan Muthiara Wasti, and others, "Politik Hukum Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Kedua Undang-Undang Nomor 12 Tahun 2011," *Ajudikasi: Jurnal Ilmu Hukum* 7, no. 1 (2023): 35–58.

³² Yuliani, "Daya Ikat Pengundangan Peraturan Perundang-Undangan."

³³ Survey results from the team with MSME entrepreneurs from Gerobakan Mandiri and Gerobakan Mitra in Depok City on July 16, 2025.

makes it the duty of regulators to immediately disseminate information to micro and small business actors. This context is also in line with the ease of licensing for MSME business actors in Depok so that they can access it more easily. The implication of this ignorance will lead to the ineffectiveness of the implementation of Local Regulation No. 3/2024.

Then, Local Regulation No. 3/2024 should make it easier for business actors to obtain access to licensing and capital. The enactment of this regulation is good news for all micro and small business actors in Depok. However, four out of eight MSMEs admitted that they did not participate in training or guidance programs from the MSME Office. This context shows that the facilities provided by the government are not being maximized by business actors, resulting in suboptimal program absorption and minimal access to capital for business actors. The actual legal situation with the established regulations is not always in line with expectations. Local Regulation No. 3/2024 was introduced to provide convenience for SMEs, but it turns out that not all SMEs are aware of the needs of their businesses, even though they are aware of the existence of this local regulation.

Enforcement is an option for business actors who consciously do not comply with the existing regulations. Although this is a consequence of Local Regulation No. 3/2024, it is reasonable because business actors are facilitated by this local regulation, even though they do not comply with it. Although the data obtained in the field shows that 2 (two) out of 8 (eight) business actors admitted to having been subject to enforcement, the other 6 (six) have never been subject to enforcement by the government. The implication of this local regulation has actually led to enforcement.³⁴ This enforcement is not only directed at business operators who trade in places prohibited by the Depok city government, but also at business operators who do not have business licenses. Of course, the context of this crackdown is not like that of illegal traders who are forcibly cracked down on by the Public Order Agency (Satpol PP), but rather an elegant crackdown that simply reminds these business operators to immediately apply for business licenses, which have been made easier thanks to Local Regulation No. 3/2024. Therefore, this difference in enforcement is certainly fair because business operators who do not have permits are not necessarily violating the provisions on trading locations in the city of Depok. It's just that they do not have OSS-based business permits for their businesses, so they need to apply for them.

³⁴ Survey results from the team with MSME entrepreneurs from Gerobakan Mandiri and Gerobakan Mitra in Depok City on July 16, 2025.

In terms of enforcement, affected businesses must also receive an explanation from the Depok City Public Order Agency or the Industry and Trade Office. This provides legal certainty and concrete solutions to businesses so that they feel empowered by the government, rather than alienated by the government as the authority responsible for empowering MSMEs. However, the data obtained is balanced, with 4 (four) out of 8 (eight) MSME cart business operators admitting that they received an explanation when they were regulated, while the other 4 (four) did not receive an explanation and were only regulated in the form of relocation.³⁵ This means that the regulators who have the authority did not provide an explanation, giving the impression that the regulators view regulation as the solution. In fact, concrete solutions for business operators are needed so that they are not only regulated, but also receive information so that they can move up the ladder and have easier access to capital through business licensing from the Depok City Cooperative and MSME Office.

Although in the context of regulation, these business operators are rarely affected, they feel that it is not right to trade in the area where they do business. Six out of eight business operators feel that it is wrong to trade in their area. As is known, eight business operators run their businesses on the sidewalk of Jalan Margonda, Depok City.³⁶ From the survey that has been conducted, this shows that the majority of business operators are aware of the wrongfulness of trading there. According to an interview with Ms. Dewi, a civil servant at the Depok City Cooperative and SME Office, street vendors can conduct their business as long as they do not stay in the same place for too long, requiring them to be mobile in marketing their products.³⁷

In addition to this, the provisions of Local Regulation No. 3/2024 will actually encourage entrepreneurship and create a favorable investment climate based on MSMEs in the city of Depok. This is as stated in the preamble to Local Regulation No. 3/2024, which states that *"micro businesses are one of the pillars of the people's economic strength and need to be given facilities, support, protection, and empowerment to expand employment, increase community income, encourage economic growth, and achieve national stability."* The context of promoting economic growth aligns with creating an investment climate and ecosystem in the city of Depok. Investments in Depok City, especially in 2020, amounted to IDR 7,887,879,521,390.00, which is in line with Depok City Regional Regulation No. 9 of 2021

³⁵ Survey results from the team with MSME entrepreneurs from Gerobakan Mandiri and Gerobakan Mitra in Depok City on July 16, 2025.

³⁶ Survey results from the team with MSME entrepreneurs from Gerobakan Mandiri and Gerobakan Mitra in Depok City on July 16, 2025.

³⁷ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

concerning the 2021-2026 Depok City Medium-Term Development Plan (Regional Regulation No. 9/2021). Thanks to the existence of Perda No. 3/2024, the investment climate and economic growth in Depok City can grow as expected. However, four out of eight MSME entrepreneurs surveyed did not feel the need to participate in guidance and training from the Depok City Cooperative and MSME Office in order to obtain business licenses and achieve a good investment climate in Depok City.³⁸ This could be an obstacle for Depok City in achieving a good economic ecosystem and could affect Depok City's regional income.

When contextualized with the impact of Local Regulation No. 3/2024 based on explanations and surveys of business actors, the implementation of Local Regulation No. 3 of 2024 inherently creates a significant duality of impact for street vendors in Depok City, who operate within the framework of legal fiction but clash with the social reality on the ground. On the one hand, this regional regulation normatively provides legal consequences in the form of certainty and protection, with the main objective of empowering and formalizing micro businesses through easy licensing and access to capital, which should be a catalyst for economic growth for the people. However, the impact felt directly by traders shows a sharp discrepancy, where most of them (six out of eight respondents) are unaware of the existence of this regulation, thus rendering the principle of legal fiction meaningless and making the local regulation ineffective in changing behavior. This results in the protection and empowerment effects envisioned by the local regulation becoming latent or inactive, while the impact of enforcement, although reported to be rare, remains a legal consequence that looms over traders. This condition is exacerbated by inconsistencies in enforcement, where enforcement sometimes occurs without a solution, creating an image of uncertainty rather than order. Ultimately, the initial impact of the enactment of this local regulation is felt more as an unrealized legal potential than as a real change felt by traders in their daily business activities.

Furthermore, the implications of Local Regulation No. 3 of 2024 also create a paradox between the provision of facilities by the state and the low absorption by the target audience, which has the potential to hinder the macro objectives of the regulation itself. This regional regulation is explicitly designed as a new form of social contract, in which the government provides facilities and protection, and in return, the community (traders) is expected to comply with the rules for the sake of order and mutual prosperity.

³⁸ Survey results from the team with MSME entrepreneurs from Gerobakan Mandiri and Gerobakan Mitra in Depok City on July 16, 2025.

However, data shows that half of the traders surveyed did not take advantage of the coaching program that had been provided, which is the main bridge to accessing licensing and capital facilities. The impact of this low participation is that government programs are not maximized, and the local regulation's goal of increasing the scale of MSMEs and regional income is hampered. As a consequence, the crackdown, although claimed to be more humane, has become the only instrument that feels real for some traders, but it has failed to be balanced with effective empowerment. The most worrying long-term impact is the creation of an ecosystem where regulations exist but are not understood, facilities are available but not utilized, and the noble goal of creating a favorable investment climate for MSMEs, as mandated in the preamble of Local Regulation No. 3/2024, becomes difficult to achieve due to the disconnect between normative policies and the reality of business actors' behavior in the field.

2. Proposed Strategies for Creating Mutually Beneficial Relationships between Corporate Partners and MSMEs

The concept of strategy stems from the granting of autonomy in managing regions thanks to regional autonomy.³⁹ Following the second amendment to the 1945 Constitution of the Republic of Indonesia, particularly Chapter VI on Regional Government, Article 18 paragraph (2) provides the widest possible scope for regions to regulate and manage their own government affairs according to the principles of autonomy and assistance. This article states that "*Provincial, regency, and city governments shall regulate and manage their own governmental affairs according to the principles of autonomy and assistance.*"⁴⁰ This article confirms that all levels of government have the same autonomy in terms of regulating and managing their own governmental affairs according to the principles of autonomy and assistance. However, there are certainly rigid authorities in the regulation of the authorities of each region based on Law Number 23 of 2014 concerning Regional Government (Local Government Law),⁴¹ specifically in this case, Depok City itself as one of the city regions that has been given the authority to manage its own region within the scope of the municipality. Therefore, Depok City must

³⁹ Nurmayana Siregar, "Analisis Pelaksanaan Otonomi Daerah Dalam Perspektif Ekonomi Syariah Untuk Meningkatkan Mutu Pendidikan Masyarakat Di Kabupaten Serdang Bedagai" (Universitas Islam Negeri Sumatera Utara Medan, 2022).

⁴⁰ Pemerintah Republik Indonesia, *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945* (Jakarta: Pemerintah Republik Indonesia, 1945).

⁴¹ Firstnandiar Glica Aini and others, "Tinjauan Hukum Negara Kesatuan Yang Menganut Sistem Otonomi Daerah Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Dalam Penerapan Mekanisme Checks and Balances," *JURNAL PENELITIAN SERAMBI HUKUM* 16, no. 01 (2023): 128-37.

exercise the authority granted and guaranteed by the Local Government Law, specifically in terms of empowering MSMEs in its region.

According to the Local Government Law, municipalities have the authority to collect data, create partnerships, facilitate licensing, strengthen institutions and coordination with stakeholders,⁴² especially in terms of facilitating MSMEs in the city of Depok. The context of MSME empowerment is also given to municipalities by the Local Government Law, which limits the scope of MSME empowerment to micro businesses that are oriented towards scaling up to small businesses.⁴³ This is also in line with Depok City Regulation Number 3 of 2024 concerning the Protection, Empowerment, Development of Micro Businesses, and the Structuring and Empowerment of Street Vendors in the context of Depok City in terms of the empowerment and protection of micro businesses, with the addition of street vendors being categorized as micro businesses in the paradigm of the local regulation.

The context of the regional regulation provides flexibility and convenience to micro business actors and street vendors who, in this case, are business actors whose businesses are domiciled in Depok. In knowing this further, Dewi is one of the parties directly involved in the implementation of guidance, protection, and empowerment of micro and small businesses in Depok City due to her position as a civil servant at the Depok City Cooperative and MSME Office. Several things are important in observing the real conditions of traders in Depok City, especially the potential for cooperation and programs that have been implemented as Depok City's strategy in creating a mutually beneficial relationship between cooperative partners and MSMEs.⁴⁴

A mutually beneficial relationship must go beyond financial transactions and include the transfer of intellectual capital and technology that can fundamentally improve the competitiveness of MSMEs. Corporations are required to design structured and sustainable capacity building programs, not just one-time training, which include digital financial literacy, marketing strategies on online platforms, and modern business

⁴² Dedis Elvalina, Emilda Firdaus, and Widia Edorita, "Kewenangan Pemerintah Daerah Provinsi Dalam Menerbitkan Izin Pertambangan Berdasarkan Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah" (Riau University, 2016). **Lihat juga** Ni'matul Huda, *Hukum Pemerintahan Daerah* (Bandung: Nusa Media, 2017). **Lihat juga** Salmon Bihuku, "Urusan Pemerintahan Konkuren Menurut Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah," *Lex Administratum* 6, no. 1 (2018).

⁴³ Dian Agung Wicaksono and Faiz Rahman, "Penafsiran Terhadap Kewenangan Mengatur Pemerintahan Daerah Dalam Melaksanakan Urusan Pemerintahan Melalui Pembentukan Peraturan Daerah," *Jurnal Negara Hukum* 11, no. 2 (2020): 231–48.

⁴⁴ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

management. These programs must be measurable, for example, with targets for increasing the turnover or production efficiency of partner MSMEs after a certain period of assistance. A “manager-on-loan” model can be implemented, whereby experts from corporations are assigned for a certain period to assist MSMEs in improving their internal management. In terms of technology, corporations can provide access to licensed software with affordable rental schemes or facilitate the acquisition of appropriate production technology through internal financing schemes. Given that Depok is a city surrounded by various higher education institutions, this strategy can be strengthened through a tripartite partnership scheme between corporations, MSMEs, and academics for applied research. This knowledge transfer must be explicitly stated in the partnership agreement clause as one of the corporations' obligations. Thus, MSMEs not only gain market access but also undergo a transformation of capabilities that enables them to grow independently and sustainably in the future.

Another strategy proposed by the City of Depok is to provide financial assistance and simplified licensing procedures. According to Dewi, based on interviews, this concept is in line with the concept of regional autonomy granted to the City of Depok by law.⁴⁵ The NIB and halal certification facilitation programs are designed to provide access to capital and investment for micro and small businesses so that they can be upgraded. This upgrade concept allows micro businesses to become small businesses, thereby increasing the annual income of micro and small businesses and increasing the regional income of Depok City thanks to the increase in regional income resulting from the upgrade of businesses in Depok City.

However, enforcement against business actors who violate road regulations in Depok City is also necessary. According to Dewi, this enforcement is not actually the authority of the Depok City Cooperative and MSME Office, but rather the authority of the Depok City Trade and Industry Office (Disdagin Kota Depok). Despite the difference in authority in terms of enforcement, the Cooperative and MSME Office continues to provide opportunities for business actors who are subject to enforcement to upgrade from micro business actors to small business actors in accordance with the city's authority in empowering MSMEs.⁴⁶ The Cooperative and MSME Office provides opportunities for all business actors to obtain a business registration number, business license, and even halal certification to support MSME businesses, both corporations and MSMEs

⁴⁵ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

⁴⁶ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

categorized as micro and small businesses (MSMEs). Therefore, synchronization and synergy between the government and business actors are important in maintaining the business ecosystem and increasing Depok City's revenue.

Although business actors are facilitated in terms of access to permits and halal certification, the Depok City Government faces its own challenges in terms of halal certification assistance for MSMEs. In the concept of halal certification, micro and small businesses will obtain self-declared halal certification, which requires assistance from a Halal Inspection Agency (LPH) certified by the Halal Product Guarantee Agency (BPJPH) as referred to in Law No. 33 of 2014 concerning Halal Guarantee (UUJH). According to Dewi, there are many obstacles in terms of halal certification assistance, especially regarding the active involvement of halal assistants required in issuing self-declared halal certificates.⁴⁷ Halal assistants themselves emerged as a result of the CK Law regime, which makes it easier for micro and small businesses to issue halal certification. Their further existence is recognized in Article 5 paragraph (2) of the Minister of Religious Affairs Regulation No. 20 of 2021 concerning Halal Certification for Micro and Small Business Actors (Permenag Halal Certification), which states that *"In providing PPH assistance as referred to in paragraph (1), Islamic community organizations or Islamic religious institutions that are legal entities and/or universities shall appoint PPH assistants."*⁴⁸ This indicates that halal assistance institutions can appoint halal assistants to provide halal assistance.⁴⁹ Further authority is regulated in Article 19 paragraph (2) of the Minister of Religious Affairs Regulation on Halal Certification, which confirms that the authority of PPH assistants is to verify and validate statements by MSME business actors. This concept gives active authority to assistants to directly assist MSMEs in obtaining halal certification.⁵⁰ According to Dewi, this assistance is often hampered at the verification stage, because during the halal certification registration period for MSMEs, there are nearly 200 halal certificates that can be issued, which are often not fully fulfilled by halal assistants. Dewi added that before moving towards a mutually beneficial strategy between corporate partners and MSMEs, the legality of the business must be ensured,

⁴⁷ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

⁴⁸ Wira Marizal and others, "Efektivitas HukuM Sertifikasi Halal Skema Self Declare Bagi Usaha Mikro Dan Kecil Di Desa Sigerongan," *Pro Justice* 2, no. 1 (2024).

⁴⁹ Hafiznur Arifin, "Analisis Sistem Sertifikasi Halal Kategori Self Declare," *SINOMIKA Journal: Publikasi Ilmiah Bidang Ekonomi Dan Akuntansi* 1, no. 5 (2023): 1173–80.

⁵⁰ Indah Fitriani Sukri, "Implementasi Undang-Undang Cipta Kerja Terhadap Penyelenggaraan Sertifikasi Halal Dan Produk Halal Di Indonesia," *Majalah Hukum Nasional* 51, no. 1 (2021): 73–94.

both in terms of the legal certainty of the business and the products being traded.⁵¹ Thus, the business actors' strategy can be achieved with both business actors having certainty regarding the products being traded and the legality of their business entities.

The concept of strategy between corporate partners and MSMEs is important when considering the conditions of both business actors, as they both provide legal certainty so that both can benefit from the partnership. Dewi added that partnerships create a balance between the two business actors. When both can demonstrate the legality of their businesses, from licensing to halal certification for the products they sell, then partnerships between them can be realized without any obstacles. The next step is for both business actors to propose mutually beneficial cooperation, and ensure that the cooperation between them does not create a power relationship that leads to a command-and-control relationship between them. The city of Depok has provided a program through the Cooperative and MSME Office for MSMEs in terms of ease of licensing and even the provision of halal certification, so that partnerships between corporations and MSMEs are not difficult to establish.

The concept of state presence is important in providing welfare to its citizens. This is in line with the concept of the welfare state that comes from the concept of the night state (*nachtwasserstaat*), where the state is only active at night and during the day, it is the citizens who run the state.⁵² However, this concept has been shifted by the concept of the welfare state, which shows state intervention in people's lives, especially in their economic activities.⁵³ The welfare state paradigm itself also comes from the active role of the state in ensuring fair and equitable distribution of social welfare and protecting human rights in receiving assistance from the government.⁵⁴ The ease of obtaining business legality, including business licenses and halal certification from the Depok City Government for MSMEs, is one form of the state's active role in helping its citizens gain access to capital and partnerships, thereby making it easier for MSME entrepreneurs to upgrade from micro to small businesses and ensuring macro social welfare. Thus, the strategy of partnership between corporations and MSMEs can begin with business

⁵¹ Interview results with Dewi, a civil servant in Depok City at the Depok City Cooperative and MSME Office on July 16, 2025.

⁵² Zulkarnain Ridlwan, "Negara Hukum Indonesia Kebalikan Nachtwachterstaat," *Fiat Justisia: Jurnal Ilmu Hukum* 5, no. 2 (2011).

⁵³ Bob Roth, "The Welfare State between Juridification and Commodification: How the Frankfurt School Gave up on Economic Democracy," *European Law Open* 2, no. 2 (2023): 386–404.

⁵⁴ Aniken Yustisia Syahnaz, "Korelasi Negara Kesejahteraan Dengan Demokratisasi Kehidupan Masyarakat Sebagai Wujud Negara Paripurna," *Spektrum Hukum* 18, no. 1 (2021).

legality certainty so that it can create trust between the two parties before entering into a partnership.

CONCLUSION

The enactment of a law, which in theory is a manifestation of a social contract to ensure order and welfare as conceptualized by John Locke and A. Hamid S. Attamimi, often faces complex implementation challenges in practice due to inconsistencies in substance and political bias. Depok City Regulation Number 3 of 2024 is a local legal product that specifically aims to empower Micro and Small Enterprises (MSEs) by providing protection and convenience, but its effectiveness is immediately tested by the reality on the ground. The legal fiction inherent in this regional regulation turns out to conflict with the fact that the majority of traders who are subject to the law are unaware of its existence, so that the main objective of the regulation to serve as a guide and facilitator is paralyzed from the outset. The result of this knowledge gap is low uptake of the guidance programs provided by the government, with business operators failing to make maximum use of the facilities offered in terms of licensing and access to capital. Consequently, enforcement measures have had the most significant impact on some traders, which unfortunately are often carried out without any explanation of solutions, giving the impression of punitive rather than empowering action. This condition ultimately creates an ironic duality of impact: the potential for protection and empowerment from local regulations remains a latent legal concept, while the ineffectiveness of socialization and low participation of traders hinder the achievement of a healthy MSME investment climate and the desired regional economic growth. Thus, there is a disconnect between ideal normative policies and the reality of legal subjects' behavior in the field, rendering a regulation that is good in substance powerless in achieving its ultimate goal.

The empowerment strategy for Micro and Small Enterprises (MSEs) in Depok City is rooted in the mandate of regional autonomy granted by the constitution and reinforced by the Regional Government Law, which is then specifically implemented through Local Regulation Number 3 of 2024. Based on this authority, the Depok City Government, through the Cooperative and MSME Office, proactively carries out essential empowerment programs, such as facilitating the acquisition of a Business Identification Number (NIB) and halal certification, with the main objective of accelerating the scaling up of businesses from the micro to small level. The ideal partnership concept proposed between corporations and MSMEs must go beyond mere financial transactions and focus on the transfer of intellectual capital and technology, which are fundamental to

improving the competitiveness of MSMEs in a sustainable manner. However, implementation in the field faces challenges in coordination between agencies, where the authority of the Trade and Industry Agency needs to be synergized with the guidance program of the Cooperative and MSME Agency so that business actors who violate regulations are not only punished but also directed towards empowerment. One of the most significant obstacles identified is in the self-declare halal certification process, which is often hampered at the verification stage due to the lack of activity and capacity of the Halal Product Process (PPH) assistants. Therefore, it is emphasized that the main foundation before a partnership can be established effectively is the guarantee of the legality of MSME businesses, both in terms of business licenses and product certification. The realization of this legal certainty will build a crucial foundation of trust, enabling the creation of a balanced and equal partnership between corporations and MSMEs without exploitative power relations. Ultimately, this overall strategy is a manifestation of the state's role as a welfare state, where active government intervention in facilitating legality and partnerships becomes an instrument to ensure a more equitable distribution of economic welfare for its citizens.

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