

ABSTRACT

NUR HIDAYATI, Hukum Perdata Bisnis, Fakultas Hukum Universitas Brawijaya Maret 2013, Pelaksanaan Kemitraan Antara Pelaku Usaha Toko Modern Dengan Pelaku Usaha Mikro Kecil dan Menengah (Studi Implementasi Pasal 2 Ayat (1) Huruf (d) Peraturan Daerah Kabupaten Malang Nomor 3 Tahun 2012 Tentang Perlindungan dan Pemberdayaan Pasar Tradisional Serta Penataan dan Pengendalian Pusat Perbelanjaan dan Toko Modern), DR. Sihabudin, SH.,MH; Amelia Sri Kusuma Dewi, SH., M.Kn.

Partnership in Article of Malang Regulation District No. 3 of 2012, that the partnership is a partnership in the business relationship, either directly or indirectly, on the basis of the principle of mutual need, trust, strengthen and benefit involving actors Micro, Small and Medium Business with Big Business.

Practically, Modern trade make some partnerships with Cooperation and Micro, Small and Medium business in Malang District *used* the patterns of existing partnerships. There are at least five (5) partnerships The five partnerships are: The pattern of the core Plasma, The Pattern of Subcontracting, The pattern of General Trade, The pattern of franchising, *and* The pattern of agency. Often used some pattern above, the Implementation partnerships between the Modern Stores and Micro, Small and Medium business in Malang District, three (3) ways of Mechanism the Partnership: Direct, Indirect and Collecting. where 3 of them used in Malang District.

A. Introduction

Article 3 (d) of East Java Provincial Regulation, No. 3 of 2008 about the Protection, Empowerment of the Traditional Markets and Structuring Modern Market in East Java Province, mention that "Ensuring the implementation of partnerships between business, micro, and medium enterprises and cooperatives with modern market businesses based on the principles of equality and fairness in conducting business in trade".

This means that in the Provincial Regulation has set about organizing partnerships between actors modern store with the micro small and medium enterprises, which can serve as a referral to the other regions to set up partnerships between actors modern store with the micro small and medium enterprises. So the development of the micro small and medium enterprises can be protected in increasing production.

Furthermore, in Article 2, paragraph (1) (d) of Regulation Malang District No. 3 of 2012 on the Protection Empowerment and the Traditional Market Structuring and Control of Shopping Centers and Modern Stores in Malang, "The Implementation of the protection, empowerment of traditional markets and structuring, and the control of the modern market, conducted by the principles of partnership".

This article does not set clear about the partnership, and the parties. However, in explanation, in Article 1 (32) District Regulations Malang, said that the partnership is a partnership in the business relationship, either directly or indirectly, on the basis of the principle of mutual need, trust, strengthen and benefit involving actors Micro, Small and Medium Business with Big Business.

From the explanation of the partnership as above, implies a moral responsibility employers medium / large to guide and nurture small businesses to be able to expand its business partners so that they can become a reliable partner to benefit and common prosperity.

B. Formulation of The Problem

Based on the background above, the problems can be formulated as below:

1. How is the implementation of partnerships among the business actors of Modern shop with the business actors of Small, Micro, Medium Enterprises in Malang?
2. What are the factors causing barriers and obstacles in the implementation of the settlement enterprise partnerships among the business actors with the perpetrators of Modern Store in Malang?

C. The Methods of The Research

This research is empirical research for assessing the implementation of the partnership between the actors of modern stores with the micro small and medium businesses in the district unfortunate. As mentioned Soerjono Soekanto that a study aiming to find the mere fact (fact-finding). While the research approach used in this study is through sociological juridical approach. identify and conceptualize the law as a social institution real and functional in living systems. That is, this approach examines the issues in accordance with the facts on the ground which is then linked to the norm of law and the legal theories that exist. In this study examines the implementation of the partnership between the actors of modern stores with the micro small and medium enterprises in accordance with article 2, paragraph (1) (d) of Regulation Malang

Types and data sources include primary data and secondary data, primary data store comprises of modern businesses, micro small and medium enterprises, trade and service of industrial markets Malang, service cooperatives and micro small medium Malang, Malang district licensing agency.

While the secondary data refers to literature search results related to problems studied were sourced from the UB library, documentation center of the Faculty of Law Legal Studies UB, and materials from the Internet.

The population in this study are related parties or the authorities in the implementation of partnerships among the business actors modern shop with the perpetrators of SMEs, which includes modern shops businesses in Malang, Malang Regency the perpetrators of SMEs whose products can be sold at modern stores, which are spread at 14 (fourteen) districts, local industry, trade and market Malang, service cooperatives and SMEs Malang, Malang regency and licensing agencies. Sampling in this study using techniques which include businesses Purposive modern stores in Malang that the partnership with the micro small and medium enterprises and the micro small and medium enterprises in fourteen (14) districts in Malang.

Data collection techniques in this research uses interview techniques, questionnaires, literature study, and study documents. Then the analysis of the data used is descriptive qualitative data in the field and the results of interviews that the author has done an analysis of the phenomena associated field.

D. Research Findings and Discussion

Malang regency is one that is growing in the industrial sector, as evidenced by the number of MSMEs and Modern Stores are increasingly numerous. The data got from the author of Industry, Trade, and Markets, from the existing 33 district in Malang, there are 20 subdistrict having Modern Store and on average there are more than 2 Stores Modern in every district. The following table and the number of people in modern stores the perpetrators of SMEs in Malang district in 2011.

Number of Stores Modern Di district. Malang Year 2011

No	Kecamatan	Indomaret	Alfamart	Swalayan/Toko	Jumlah
1	Dampit	2	3	2	7
2	Pujon	2	2	2	6
3	Lawang	6	4	6	16
4	Pakis	4	3	2	9
5	Jabung	1	1	3	5
6	Kepanjen	10	5	8	23
7	Turen	4	1	7	12
8	Karangploso	3	2	1	6
9	Singosari	6	14	7	27
10	Bululawang	2	2	7	11
11	Dau	1	1	2	4
12	Pakisaji	4	5	3	12
13	Sumberpucung	1	0	3	4
14	Tumpang	1	1	4	6
15	Bantur	1	0	2	3
16	Wajak	1	1	3	5
17	Gondanglegi	2	2	5	9
18	Pagelaran	1	1	1	3
19	Ngantang	1	1	3	5
20	Kasembon	1	1	1	3
Jumlah		54	50	72	176

Sources: Secondary data from the Department of Industry, Trade and Markets, Malang regency, 2013.

Business Communities of Micro, Small and Medium Business in Malang

Year 2012

No.	Kecamatan	Category			Jumlah
		Micro Business	Small Business	Medium Business	
1.	Donomulyo	17	9	4	30
2.	Kalipare	7	10	15	32
3.	Pagak	16	9	5	30
4.	Bantur	14	18	4	36
5.	Gedangan	13	12	6	31
6.	Sumbermanjing	24	13	6	43
7.	Dampit	35	15	7	57
8.	Tirtoyudo	15	14	3	32
9.	Apel Gading	30	14	4	48
10.	Poncokusumo	23	9	9	41
11.	Wajak	25	10	2	37
12.	Turen	12	20	8	40
13.	Bululawang	19	14	9	42
14.	Gondanglegi	9	16	5	30
15.	Pagelaran	29	11	7	47
16.	Kepanjen	20	16	15	51

17.	Sumberpucung	12	13	10	35
18.	Kromengan	17	9	15	41
19.	Ngajum	19	12	6	37
20.	Wonosari	7	9	14	30
21.	Wagir	9	8	17	34
22.	Pakisaji	13	17	13	43
23.	Tajinan	38	9	3	50
24.	Tumpang	10	8	12	32
25.	Pakis	14	11	14	39
26.	Jabung	8	5	6	19
27.	Lawang	10	14	13	37
28.	Singosari	11	11	21	43
29.	Karangploso	11	19	14	44
30.	Dau	18	9	14	41
31.	Pujon	9	13	5	27
32.	Ngantang	22	5	11	38
33.	Kesambon	11	15	13	39
Total		547	370	310	1.227

Sources: Secondary data, from the Department of Cooperatives and SMEs, 2013

The 20 districts which are its modern shops, there are 14 (fourteen) district that has its modern shops businesses in partnership with the perpetrators of SMEs. Then for 19 (Nineteen) other districts, are still in the process of mobilizing to get the partnership.

Implementation of Partnership in Malang

Implementation Mechanism of the Partnership in Malang

Implementation Mechanism of the Partnership in the Malang district includes three (3) ways: Direct Indirect and collecting.

1. Direct

Periodically modern stores visited production centers to get the source directly. This way is often done by modern shops in search of partners, visit the center directly is an effort to get the modern shop the best partners and at the same time be able to assess directly the items required by modern shops.

2. Indirect

The MSME modern the store to offer products. Products offered will be selected strictly before products become commodities in a modern shop.

3. Collecting

Besides the above, in search of his wares, modern store active call SME Griya its Bedali Sigosari. Griya SMEs is a special shopping handicrafts of existing the perpetrators of SMEs in Malang regency, located in Jalan Dr. Sucipto 171 Bedali Singosari. Puri is one of the surest place for the perpetrators of SMEs in selling or promoting the craft, in addition to providing a place like Griya SMEs, Cooperatives and SMEs agencies often conduct training for the perpetrators of SMEs and owners of small shops to develop production.

The Pattern of Implementation Partnership in Malang

developing and implement partnerships could be with one or more of the patterns of existing partnerships. There are at least five (5) partnerships. The five partnerships are:

1. The pattern of the core Plasma

In the nucleus plasma medium or large business acting as the core and small businesses as

plasma. The company is carrying out the technical stuff, until the marketing of products.

2. The Pattern of Subcontracting

in the pattern of subcontracting, small businesses produce components required by a medium or large businesses as part of its production.

3. The pattern of General Trade

In general trading pattern medium or large business marketing small business products or small business to supply the needs required by a medium or large business partners. In the trade in general, partnerships between large or medium business with a small business can take place in the form of cooperative marketing, providing business location, or receiving supplies from businesses large and medium enterprises or businesses concerned.

4. The pattern of franchising

in The pattern franchising, medium or large business as the franchisor gives the right to use licenses, trademarks, and channel distribution franchisee with the company to help with management guidance. Medium or large business is expanding its business opportunities and by giving priority to small businesses that have the ability to act as franchisee for the concerned business

5. The pattern of agency

In the pattern of the small business agency was given the exclusive right to market the goods and services of medium or large businesses as partners. In this case, small businesses designated as the preferred agent for the business activities that do not require a facility maintenance / repairs that require a separate investment.

Factors Barriers and Obstacles in the Implementation of Completion Partnership

1. Obstacle

a. obstacle Of Modern Performers Stores

Based on the data the authors obtained, it can be concluded that SMEs in developing maximal Actors provisions already in the can from the coaching or training, and the difficulty in following the provisions of MSMEs actors or actors standardization of Modern Store.

b. obstacle Of Actors Micro, Small and Medium Enterprises

Based on the data obtained from the authors description the perpetrators of SMEs, namely the implementation of the agreement does not comply with the agreement, meaning that the the perpetrators of SMEs can not bargain about the agreement made by the business to the perpetrators of SMEs modern stores, the agreement was considered burdensome for the perpetrators of SMEs in partnership . As for the agreement is considered burdensome, among others, is forbidden to change and change the type of products, selling products with lower prices to other retailers, selling similar products at other retailers and brands have to change the name of the modern shop.

2. Efforts to Settlement of obstacle

a. Efforts to Settlement of obstacle from Actors Modern Stores

Modern Stores Actors together in collaboration with the Department of Cooperatives and SMEs, as well as the Department of Industry, Trade and Markets, to provide oversight of the perpetrators of SMEs and provide guidance to come in to provide guidance on a regular basis. Good for providing guidance on production and provide consultation when needed funding the perpetrators of SMEs in producing goods.

b. Efforts to Settlement of obstacle from Actors Micro, Small and Medium Enterprises

SMEs are better able to implement a partnership with modern stores and other large businesses and take advantage of the best of the various forms of guidance and assistance provided by large and medium enterprises. And in order to develop a modern shopping center and shops, the local government should empower the modern shopping centers and stores in developing markets, SMEs, small shops and oversee the implementation of the partnership as stipulated in legislation.

E. Conclusions and Recommendations

1. Conclusion

- a. Implementation Mechanism Partnership In Malang districts include three (3) ways: directly, indirect and collecting. As for the conduct of the partnership in Malang there are some patterns that plasma core patterns, patterns of subcontracting, general trading patterns, patterns and patterns franchised agency.
- b. obstacle Of Modern Performers Stores author based on the data obtained, it can be concluded that SMEs in developing maximal Actors provisions already in the can

from the coaching or training, and the difficulty in following the provisions of MSMEs actors or actors standardization of Modern Store. While the barriers of actors Micro, Small and Medium Enterprises in the implementation of the agreement that is not in accordance with the agreement, meaning that the the perpetrators of SMEs can not bargain about the agreement made by the business to the perpetrators of SMEs modern stores, the agreement was considered burdensome for the perpetrators of SMEs in partnering. Settlement of Efforts to obstacle Of Modern ie Actors Performers Shop Modern shop together in collaboration with the Department of Cooperatives and SMEs, as well as the Department of Industry, Trade and Markets, to provide oversight of the perpetrators of SMEs and provide guidance to come in to provide guidance on a regular basis. While the settlement of the resistance of the Actors of Micro Small and Medium Enterprises MSME participants are better able to implement a partnership with modern stores and other large businesses and take advantage of the best of the various forms of guidance and assistance provided by large and medium enterprises.

2. Recommendations

- a. For the Government, especially in this case is the Department of Industry, Trade, Markets and Cooperatives and SMEs, to better coordinate the handling among the business actors coaching and Modern Stores Actors SMEs, so the partnership will be realized with a good and mutually beneficial relationship with the economy in accordance with Rule Malang Regency.

- b. Modern shops for businesses, to better provide training and coaching to the perpetrators of SMEs that will materialize the cooperation or partnership with a professional.
- c. For the perpetrators of SMEs, in order to further improve its expertise so that the quality of the resulting product will be a product that can compete in the market.