

Anticipation of Monopoly Practices for Umkm in the Indonesian Capital Partner Area

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ABSTRACT

The purpose of this study is to find out the legal protection of Small and Medium Enterprises (SMEs) against monopolistic practices at the nation's capital/IKN and find out the role of the government to eradicate the monopolistic practices against Small and Medium Enterprises (SMEs) at the nation's capital/IKN in the business competition. The conclusion showed 1) the legal protection against UMKM consist of preventive legal protection and repressive legal protection at the nation's capital/IKN. Preventive protection such as prevention, the Big Businessman has forbidden to make agreements and other acts which tend to make damages to other businessman competitor and if the agreement makes unfair business competition for UMKM. However the repressive protection such as giving sanctions like administrative sanction, criminal punishment principal, and another criminal punishment. 2) the role of the government to eradicate the monopoly practice business at the nation's capital/IKN has been regulated in several regulations. This government role such as providing the financial facility, infrastructure, the information facilities services, the partnerships and easy business licensing, providing facilities and incentives, and managing the partnerships and structuring modern market locations.

Key words: Legal Protection, UMKM, Monopoly Practice.

Introduction

A capital city (a capital; capital city; political capital) is a city designed as the centre of a country's government; physically the capital city generally functions as the centre of offices and a gathering place for government leaders. Derived from the Latin caput, meaning head, it is associated with the word capitol, meaning the location of the main government centre.¹ The capital has an important function, the capital is always used as the main target in warfare, because controlling the capital will be a guarantee of being able to control most of the enemies or opponents, so that it can

¹ Muhammad Yahya, "Pemindahan Ibu Kota Negara Maju Dan Sejahtera," *Jurnal Studi Agama Dan Masyarakat* 14, no. 1 (2018): 21–30.

lower morale to defeat the enemy (military).² The synergy between IKN and partner regions in East Kalimantan also supports environmental conservation efforts and sustainable natural resource management. Through open dialogue and participation of all stakeholders, relevant and effective strategies and programmes can be created for sustainable development in East Kalimantan. With strong commitment and solid cooperation from all parties, the synergy between IKN and partner regions in East Kalimantan is expected to continue to have a significant positive impact on the progress of the region.³ IKN partner local governments must be committed to supporting the preparation, development, relocation and implementation of IKN special areas based on the needs of IKN and accommodating the results of mapping the potential of partner regions.⁴ Through collaboration, of course, in the development of economic sectors in East Kalimantan including agriculture, mining, tourism and other industries as well as the development of MSMEs will be able to create a strong commitment and solid cooperation with partner regions.⁵ The news from the government related to the relocation of the National Capital City (IKN) to East Kalimantan Province in order to build a more advanced Indonesia to carry out an activity that leads to a better change than before. Regarding the relocation of the National Capital, there are six conditions of consideration in determining the new capital region. These conditions are ⁶

1. The area is well networked and connected to centres of political activity.
2. Low population density.
3. Low disaster risk.
4. Good environmental carrying capacity.
5. Safe from the perspective of national defence and resilience.
6. Has the potential to be developed as a new economic growth area.

² Yahya.

³ "Sinergi IKN Dan Daerah Mitra Bawa Dampak Positif Pada Pembangunan Kaltim - Diskominfo Prov. Kaltim," accessed April 30, 2024, <https://diskominfo.kaltimprov.go.id/pemerintahan/sinergi-ikn-dan-daerah-mitra-bawa-dampak-positif-pada-pembangunan-kaltim>.

⁴ "Pembangunan Daerah Mitra Yang Terintegrasi Dan Sinergis Sebagai Superhub Ekonomi Dalam Mendukung IKN," accessed April 30, 2024, <https://ditjenbinaadwil.kemendagri.go.id/berita/detail/pembangunan-daerah-mitra-yang-terintegrasi-dan-sinergis-sebagai-superhub-ekonomi-dalam-mendukung-ikn>.

⁵ "Sinergi IKN Dan Daerah Mitra Bawa Dampak Positif Pada Pembangunan Kaltim - Diskominfo Prov. Kaltim."

⁶ Nicodemus R Toun, "Analisis Kesiapan Pemerintah Provinsi Kalimantan Tengah Dalam Wacana Pemindahan Ibu Kota Negara Republik Indonesia Ke Kota Palangkaraya," *Academia Praja: Jurnal Ilmu Politik, Pemerintahan, Dan Administrasi Publik* 1, no. 01 (2018): 129–48.

Law Number 3 of 2022 concerning the National Capital City (IKN Law) provides an understanding related to the National Capital City. The State Capital called Nusantara is a special regional government unit at the provincial level whose territory is the seat of the State Capital as stipulated and regulated by this Law. The capital city has an important function. This is because the capital city is a city designed as the centre of a country's government. The capital city has become a symbol of government and statehood, as well as a place where political, economic and cultural content develops.⁷ Article 2 of the IKN Law states that the Capital City of the Archipelago has a vision as a world city for all that is built and managed with the aim of:

- a. to be a sustainable city in the world;
- b. as a driver of the Indonesian economy in the future; and
- c. be a symbol of national identity that represents the diversity of the Indonesian nation, based on Pancasila and the Constitution of the Republic of Indonesia.

The development of partner regions certainly requires the role of the IKN Authority as part of developing its territory but also connected to the development of partner regions and even with the development of Eastern Indonesia. The government argues that the main reason for moving IKN out of Java is economic equalisation. Government and business activities centred on Java Island, especially DKI Jakarta, have hampered the growth of new economic centres outside Java Island. Head of the National Development Planning Agency (Bappenas), Bambang Brodjonegoro, added that regional disparities in aggregate have hampered the national economic growth rate. With the plan to relocate the IKN, the government hopes to accelerate economic equality while reducing the gap between Java and outside Java.⁸ The relocation of IKN is a step to build a more advanced Indonesia by making changes that are better than before, and as an effort to influence the ability of the community to increase. In the midst of increasing people's abilities, it will cause economic turmoil in the business sector such as Micro, Small and Medium Enterprises (MSMEs), therefore people who have MSMEs in IKN need legal protection and the role of the government against monopolistic practices that will occur later.

⁷ Toun.

⁸ Sahat Aditua Fandhitya Silalahi, "Dampak Ekonomi Dan Risiko Pemindahan Ibu Kota Negara," *Info Singkat* 11, no. 16 (2019): 19–24.

In terms of legal protection, there is Law Number 5 of 1999 concerning Prohibition of Monopolistic Practices and Unfair Business Competition which aims to safeguard the public interest and increase national economic efficiency as one of the efforts to improve people's welfare, create a climate of fair business competition, so as to ensure equal business opportunities for large business actors, medium business actors, and small business actors.

Based on Article 14 of Law Number 5 of 1999, 'business actors are prohibited from entering into agreements with other business actors aimed at controlling the production of a number of products included in the production series of certain goods and or services in which each production series or the results of management or further processes'. Either in a series directly or indirectly, which may result in unfair business competition and or harm the public.

How is legal protection for MSMEs related to the occurrence of trade monopoly practices in IKN in the perspective of business competition law? 2. What is the role of the government in overcoming the occurrence of monopolistic practices against MSMEs in IKN in business competition? This study aims to determine and examine the legal protection for MSMEs related to the occurrence of trade monopoly practices in IKN in the perspective of business competition law and examine the role of the government in tackling the occurrence of monopolistic practices against MSMEs in IKN in business competition. The method used in this paper is normative juridical research method or doctrinal legal research. Normative juridical research consists of a statutory approach and a conceptual approach. The statute approach is carried out by examining all laws and regulations that are related to the legal issues being addressed.⁹ Meanwhile, the conceptual approach is carried out by studying the views and doctrines in legal science, researchers will find ideas that give rise to legal understandings, legal concepts, and legal principles that are relevant to the problems faced.¹⁰ The legal sources of normative research consist only of primary legal materials, secondary legal materials and tertiary legal materials. The three legal materials are in written form (library). This research is guided by Law No. 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition. The approach methods used

⁹ Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2021).

¹⁰ Muhammad Syamsudin, *Operasionalisasi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2007).

in this writing are 1. Statutory Approach. 2. Conceptual Approach. The data collection / legal materials technique in this study is carried out by collecting all legal materials relevant to the problem being studied through document studies with the stages of inventory, systematization, synchronization, and harmonization of various related legal documents. The collection of legal materials (library materials) is carried out by reviewing and analyzing existing library materials in the form of laws, or other regulations and books (literature) so that they can answer Monopoly Practices for MSMEs in the Mitra Ibu Kota Nusantara Area.

Theoretical Review

The Position of the Business Competition Supervisory Commission as an Independent Institution.

Independent state institutions, auxiliary state institutions can be part of the existing state power functions (legislative, executive, and judiciary) or formed outside of the state power functions. Independent state institutions that have the function of adjudicating (quasi-judicial) have been given legality by the constitution through Article 24 Paragraph (3) of the 1945 Constitution of the Republic of Indonesia which provides space for the presence of new bodies or institutions that function as quasi-judicial as long as they are regulated by law. Indonesia has begun to have many independent state institutions with quasi-judicial functions since the amendment to the 1945 Constitution of the Republic of Indonesia, which finally gave rise to several state institutions that have authority in the executive and judicial fields (quasi-judicial). Among them are the Business Competition Supervisory Commission, the Indonesian Broadcasting Commission, the Information Commission, the Election Supervisory Agency, and the Ombudsman. Although several examples of independent state institutions with quasi-judicial functions have different authorities, all of them have the same authority, namely to be an institution that has the authority to adjudicate cases or disputes in their respective fields.¹¹

The proliferation of independent state institutions ironically does not reduce the problems experienced by the state at all. Their duties and authorities tend to overlap so that the pattern of relations between state institutions is not well connected, so that conflicts between institutions cannot be avoided. In addition, the large number of

¹¹ Eki Furqon, "Kedudukan Lembaga Negara Independen Berfungsi Quasi Peradilan Dalam Sistem Ketatanegaraan Indonesia," *Nurani Hukum* 3, no. 1 (2020): 77–85.

independent state institutions also creates a burden on the state's finances. In addition, the emergence of so many state institutions also indicates that the government is slow in managing the transmission of democracy.

So that every time there is a new law that regulates the general public, it is always accompanied by the existence of a new institution. An independent state institution is interpreted as the state's desire to form a new institution whose members are all from non-state parties, so that they are given state jurisdiction and facilitated by the state by not becoming state employees. The formation of this independent institution was formed as an assistance function, not as a main function. The formation of this institution is due to the existence of certain goals that are to be achieved in a country that are considered unachievable if only through the main institution. After the amendment to the 1945 Constitution, the emergence of state institutions was very rapid, the number of independent state institutions resulted in overlapping so that relations between state institutions and conflicts that could not be avoided. so that a solution is needed so that the authority of the independent state institution can run effectively and efficiently, including the need to strengthen these institutions through the constitution so that they have a strong legal basis and can carry out the function of checks and balances, minimize the authority of the DPR in choosing the leadership of independent institutions, Granting Independent Authority, Affirmation of Non-partisan Provisions.¹²

The development of the economic sector is certainly related to how the economic process runs, which of course the economy is run by business actors. The relationship between business actors and the digital economy resulted in the enactment of Law Number 5 of 1999 concerning the Prohibition of Anti-Monopoly Practices as the legal basis is Article 27 paragraph 1 of the 1945 Constitution of the Republic of Indonesia which states that all citizens have equal standing before the law and government and are required to uphold the law and government without exception.

As a result of this provision, the state is obliged to oversee and maintain the entire series or process of production, distribution and/or marketing in the economic sector must be carried out on the basis of laws and regulations as Article 27 Paragraph (1) of

¹² Irma Mangar and Muhammad Rosyid Ridho, "Lembaga Independen Negara Dalam Ketatanegaraan Indonesia," *Definisi: Jurnal Agama Dan Sosial Humaniora* 1, no. 2 (2022): 75–84.

the 1945 Constitution of the Republic of Indonesia states that in achieving the welfare and prosperity of the people and is mandated in the Fifth Principle of Pancasila.

Results and Discussion

Legal Protection for MSMEs related to the Occurrence of Monopolistic Trade Practices in the IKN from the Perspective of Business Competition Law

Legal protection is regulated through Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition to ensure the sustainability of Micro, Small and Medium Enterprises which are a form of manifestation of economic democracy based on the principles of equality and justice. The current situation has certainly allowed small-scale entrepreneurs to be able to encourage their business activities and increase business opportunities for every Indonesian society in good competitive conditions, so that there is no centralization of economic power in exclusive entrepreneurs alone. Business actors as explained in Article 1 of Law Number 5 of 1999, namely every individual or business entity, whether in the form of a legal entity or not a legal entity that is established and domiciled or carries out activities within the jurisdiction of the State of Indonesia, either individually or together through an agreement.

Organizing various business activities in the economic sector. To maintain healthy competition among business actors, based on Article 30 to Article 37 of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition which regulates the duties and authorities of a commission to maintain healthy business competition, it is explicitly stated that a commission will be established, hereinafter referred to as the Business Competition Supervisory Commission (KPPU) which is independent and was established based on Presidential Decree No. 75 of 1999 concerning the Business Competition Supervisory Commission. KPPU is an institution that can resolve business competition cases that have a multifunction role and expertise so that it is considered capable of resolving and accelerating the case handling process. As mandated by Law Number 5 of 1999, KPPU has very broad authority, covering the executive, legislative, judicial and consultative areas. However, in carrying out its functions, this institution has authority that seems to overlap. Because it can act as an investigator (investigative function),

investigator, examiner, prosecutor (prosecuting function), decision maker (adjudication) and also a consultative function (consultative function).¹³

In terms of supervision and enforcement of Large Businesses carried out by the Business Competition Supervisory Commission, which carries out supervision in the form of:

1. Supervision of partnership agreements made by Large Business actors and/or medium business actors with MSMEs, with the main focus of supervision being whether or not there is a partnership agreement and whether or not the requirements of the partnership agreement are met.
2. Supervision of the implementation of partnerships which is the focus of supervision is the potential for alleged ownership and/or control or potential abuse of bargaining position.
3. Furthermore, Article 34 of the Business Competition Supervisory Commission Regulation Number 1 of 2015 provides even more authority to the TPPK.

The text of Article 34 is as follows: In addition to the duties and authorities as referred to in Article 33, the Partnership Implementation Supervision Team has other authorities, as follows:

- a) invite and request information from Business Actors, Government or other stakeholders;
- b) conduct correspondence with related parties in order to obtain data and information related to research;
- c) obtain data, letters, documents and related information from Micro, small, medium and large businesses, government or stakeholders
- d) obtain data, letters, documents and related information from other work units within the Commission;
- e) coordinate with other related institutions or agencies;
- f) collect information from academics and independent sources;
- g) collect data and information from consumers;
- h) process and analyze data and information; and/or
- i) cooperate with third parties in order to collect and process data.

¹³ Mustafa Kamal Rokan, *Hukum Persaingan Usaha : Teori Dan Praktiknya Di Indonesia* (RajaGrafindo Persada, 2012).

After the TPPK has completed its supervision, the TPPK reports to the KPPU Commission Meeting. Then the KPPU can provide recommendations in the form of: coaching, registration of partnership agreements and revocation of business licenses by authorized agencies, suggestions or considerations, and/or follow-up to initiative cases in accordance with KPPU Regulation No. 1 of 2019 concerning Procedures for Handling Partnership Implementation Cases (Perkom No. 1 of 2019). Preventive legal protection for MSME actors based on the Business Competition Law which consists of the following :

- a) Preventing Business Actors from entering into price fixing agreements.
- b) Preventing Business Actors from Discriminating on Prices Against Consumers
- c) Preventing Business Actors from Entering into Price Fixing Agreements Below Market Prices.
- d) Preventing Business Actors from Entering into Price Fixing Agreements for Goods and/or Services to be Resold Below the Agreed Price.

The enactment of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition and the establishment of the Business Competition Supervisory Commission as a public institution, law enforcer and independent referee for issues related to business competition practices is one of the important milestones in the economic system in Indonesia, which is one of the important instruments for implementing a market economy system.

Legal protection provided by Law Number 5 of 1999 for MSME actors in the IKN is a manifestation of the implementation of economic democracy which, among other things, contains the principles of justice, togetherness, and fairness. This situation can certainly encourage the creation of business opportunities for every citizen in an atmosphere of healthy and fair competition, so that there is no concentration of economic power in certain business actors in the IKN. Legal protection through Law Number 5 of 1999 can provide opportunities for MSME actors in the IKN to be able to advance and develop their business activities. As for repressive legal protection for MSME actors in the IKN based on Law Number 5 of 1999 which consists of the following: Administrative Sanctions, Principal Criminal and Additional Criminal. The impact caused by business competition on the development of MSMEs will affect the behavior of competition that enters on a large scale, therefore anticipation of unfair

business competition practices needs to be carried out, especially in the IKN partner areas.

The Role of Government in Overcoming the Occurrence of Monopolistic Practices against MSMEs in the IKN in Business Competition.

The government has a big role in being responsible for the needs of the community, which in this case is the role in overcoming the occurrence of monopolistic practices against MSMEs in the IKN because the relocation of the Capital City to East Kalimantan has caused a lot of population movement into the IKN area and of course there is a big opportunity for monopolistic practices against MSMEs in the IKN. In order to maximize the function of MSMEs in the national economy, the government is also trying so that Micro, Small and Medium Enterprises can continue to develop in the free market era. KPPU recommends that the implementation of policies and procedures for location, spatial planning, legality, social environment and operating hours be immediately perfected and made effective. In addition, it also urges the Central Government and Regional Governments to play an active role in protecting Micro, Small and Medium Enterprises in the midst of the many modern markets, so that they can immediately foster Micro, Small and Medium Enterprises entrepreneurs to have strong competitiveness and be able to do business together and side by side with Large Business actors. To support the sustainability of Micro, Small and Medium Enterprises, the Central Government and Regional Governments can provide facilities and incentives as regulated in Article 124 of PP Number 7 of 2021 which reads as follows:

- a. Micro and Small Businesses are given tax administration facilities/simplification in the context of submitting financing facilities from the Central Government in accordance with the provisions of laws and regulations in the field of taxation.;
- b. Certain Micro and Small Businesses may be given income tax incentives in accordance with the provisions of laws and regulations in the field of income tax.
- c. Income tax incentives as referred to in paragraph 2 are given based on a single database as referred to in Article.
- d. Micro and Small Businesses are given incentives in the form of reductions, have limited capital in relief, or exemption from regional taxes and/or regional levies in accordance with the provisions of laws and regulations.
- e. Micro and Small Businesses are given incentives as referred to in paragraph 4 must meet :
 - 1) just starting production or operations
 - 2) business turnover of a maximum of Rp. 7,500,000,000.00 (seven billion five hundred million rupiah) per year

- 3) conducting business in the agriculture, plantation, livestock, industry, services, transportation, 1-star hotels/jalut hotels/hostels/homestays/guest houses, boarding houses, camping grounds/other short-term accommodation, restaurants/cafes/stalls; and/or
- 4) participating in government procurement of goods/services electronically.

f. The incentives referred to in paragraph 4 include :

- a. Land and building tax for rural and urban sectors
- b. Land and building acquisition fees, and
- c. Regional levies

Business development, the Central Government and Regional Governments provide cheap and easy financing for MSMEs. In addition, the Central Government and Regional Governments provide training to improve financial literacy and assistance in accessing financing to MSMEs. This is as regulated in Article 28 of PP Number 7 of 2021. In terms of partnerships, the Central Government and Regional Governments have a role to regulate partnerships between Large and Medium Enterprises with MSMEs. This is as regulated in Article 118 of PP Number 7 of 2021. In implementing partnerships, the Business Competition Supervisory Commission is tasked with supervising the implementation of partnerships as regulated in Article 119 of PP Number 7 of 2021. So that the Central Government and Regional Governments must strive to create a conducive business sector that is able to create jobs, income, and invite community groups to play a role in building social interactions, economic activities, and politics. Therefore, the role of the Central Government and Regional Governments through various public policies is very important in facilitating the implementation of the correct market mechanism so that deviations that occur in the market can be avoided.

Legal policies issued by the Central Government and Regional Governments in the form of licensing regulations should be carried out by Regency/City and detailed planning of the Tata while still paying attention to the principle of balance of interests and business sectors. In improving the skills and abilities of Micro, Small and Medium Enterprises, both the Central Government and Regional Governments are obliged to organize incubation which aims to create new businesses, strengthen and develop the quality of Micro, Small and Medium Enterprises that have economic value and are highly competitive and optimize the use of educated human resources in driving the economy by utilizing science and technology. Institutions that can organize incubation are incubator institutions that can collaborate with other parties from abroad or domestically. Furthermore, Article 133 of PP Number 7 of 2021 regulates the scope of incubation activities. In the elaboration of the Regulation of the Minister of Trade of the Republic of Indonesia Number 53/M-Dag/PER/12/2008 concerning guidelines for the arrangement and development of traditional markets, shopping centers and modern markets, Article 2 paragraph (1) states that the government has provided zoning arrangements/regulations for the existence of Modern Markets.

The regulation states that the location of the establishment of traditional markets, shopping centers and modern markets must refer to the Spatial Plan of the Regency/City including its zoning regulations. This means that the regulation takes into account that the government is making serious efforts to empower

Micro, Small and Medium Enterprises and modern markets, both Alfamart and Indomaret, so that they can grow and develop and compete healthily amidst the rapid development of trade businesses, both on a micro, small and medium scale, including traditional traders and modern markets. So that the Central Government and Regional Governments must strive to create a conducive business sector that is able to create jobs, income, and invite community groups to play a role in building social interaction, economic activity, and politics. Therefore, the role of the Central Government and Regional Governments through various public policies is very important in facilitating the implementation of the correct market mechanism so that deviations that occur in the market can be avoided. Legal policies issued by the Central Government and Regional Governments in the form of licensing regulations should be carried out while still paying attention to the principle of balance of interests and business sectors.

One of the developments of MSMEs in the IKN area, namely Tengin Baru Village, Sepaku District, Penajam Paser Utara Regency, is one of the areas located right in the area of the National Capital City (IKN) of the Archipelago. Preparation of human resources and optimization of natural resources must be carried out properly. Especially the existing mangrove ecosystem area. The preservation of this ecosystem must be carried out not only as a slogan or just a tagline. The participation of all lines starting from the community is very much needed to maximize the existing potential. One of the potentials that can be developed is MSME products, especially food products. A food product cannot be separated from packaging. Therefore, the packaging must be in accordance with the nature of the product. Several rules are also attached to the packaging and labels of food products. In addition to its function as a safeguard for a product from biological and chemical contamination and extending the shelf life, packaging also functions as a tool or media for promotion (self-branding) of a product. For example, in Tengin Baru village there is a processed food product, amplang, which has been running for 15 years, but does not yet have a distribution permit in accordance with applicable regulations. This is an important concern.¹⁴

The mandate of the Indonesian constitution in Article 33 of the Basic Law. The legal product that has been issued, namely Law Number 20 of 2008 concerning MSMEs, does not explicitly regulate the guarantees provided by the government, while MSMEs are hampered by the requirements of banks that conduct credit analysis on prospective customers. In this discussion, it has been stated that there are vague and empty norms in the regulation of MSME Development in Indonesian legislation, then the existing regulations have not been effective by paying attention to law enforcement or implementation, namely legal principles, law enforcers, facilities or facilities, legal awareness of citizens.¹⁵

All the successes achieved by MSMEs have weak points that must be resolved immediately, including lack of capital, both in terms of quantity and source, lack of managerial ability and minimal operational skills in organizing and limited marketing are fundamental things that are always faced by all MSMEs in

¹⁴ Panggulu Ahmad Ramadhani Utoro et al., "Strategi Desain Label Kemasan Dan Positioning Produk UMKM Kawasan Ekosistem Mangrove Di Desa Tengin Baru," *ABDIKU: Jurnal Pengabdian Masyarakat Universitas Mulawarman* 2, no. 1 (2023): 50–55.

¹⁵ Halida Zia, "Pengaturan Pengembangan UMKM Di Indonesia," *Rio Law Jurnal* 1, no. 1 (2020).

pioneering a business venture to be able to grow. Unhealthy business competition and economic pressures that result in a narrow and limited business scope are additional factors that are homework that must be completed by all parties, especially the Government as stakeholders locally and nationally.¹⁶

Strategy for MSMEs who have the same problems as the case study. This strategy can be used by MSMEs as a basis for running marketing with social media. The results of the strategy are described in the Appendix. There are six business objectives that can be used as the initial objectives for adapting social media. MSMEs are expected to know about the direction and purpose of using social media. Furthermore, from these objectives, it is explained again how to achieve these objectives and how to measure whether the objectives have been implemented properly.¹⁷ IKN as the National Capital is the center of a new government that has cultural diversity. In the future, IKN needs to be developed to be better through increasing human resource capacity. For this reason, a community empowerment strategy is needed so that the community is more empowered while still prioritizing local potential and wisdom. The development of the logistics, tourism, and MICE sectors requires support from the government and the community. Not only that, the sustainable agricultural industry and food security are also concerns in the development of IKN.¹⁸ The existence of the IKN is certainly part of the opportunity for new business competition that will give rise to healthy business competition practices and violations of the business competition law.

In fact, the efforts of the East Kalimantan Province Industry, Trade, Cooperatives and SMEs Service in developing UMKM are manifested in the growth of the business climate, the growth of new business units and the development of UMKM which have been carried out well by carrying out seven aspects of service ranging from production, marketing, capital, HR development, institutions to information technology. However, another form of strategy is still needed that will greatly support all of these efforts, namely by forming a center for study, analysis and modeling of a learning center (learning site) which will be intended for the development of business actors in a sustainable and systematic manner.¹⁹

Conclusion

Legal protection for MSME actors in business competition in the IKN consists of two types, namely preventive and repressive. Preventive legal protection is in the form of prevention where Large Business actors are prohibited from making agreements and actions that can harm actors in unfair business competition and provide business opportunities for MSMEs due to the Prohibition of Monopolistic Practices of

¹⁶ Yuli Rahmini Suci, "Perkembangan UMKM (Usaha Mikro Kecil Dan Menengah) Di Indonesia," *Jurnal Ilmiah Cano Ekonomos* 6, no. 1 (2017): 51–58.

¹⁷ Maria Nila Anggia and Muhammad Rifki Shihab, "Strategi Media Sosial Untuk Pengembangan UMKM," *Jurnal Terapan Teknologi Informasi* 2, no. 2 (2018): 159–70.

¹⁸ Syarah Siti Supriyanti et al., "PEMBERDAYAAN MASYARAKAT SEKITAR DI WILAYAH IBU KOTA NUSANTARA," *Masyarakat Indonesia* 49, no. 1 (2023): 93–102.

¹⁹ Dwi Sepriyono Nur, "Pengembangan Usaha Mikro, Kecil Dan Menengah (UMKM) Di Provinsi Kalimantan Timur," *Jurnal Paradigma (JP)* 7, no. 2 (2019): 84–93.

Unfair Business Competition. While repressive legal protection is in the form of imposing penalties for violations committed by business actors consisting of administrative sanctions, principal criminal sanctions and criminal sanctions. The Prohibition of Monopolistic Practices of Unfair Business Competition as part of the government's role in overcoming the occurrence of monopolistic practices in order to maintain a healthy business competition climate for MSME actors in the IKN. The government has a role to foster a business climate by providing funding facilities, facilities and infrastructure, business information facilities, partnerships and easy business licensing. Furthermore, in Government Regulation Number 7 of 2021, the Government has a role to provide convenience and incentives in the form of providing cheap and easy financing, tax incentives, financial literacy, and regulating partnerships between Large Business actors or Medium Business actors with Micro Business actors and/or Small Business actors. Furthermore, the arrangement of locations for modern retail as the development of MSMEs, one of which is in terms of the Arrangement and Development of Traditional Markets, Shopping Centers, and Modern Markets. IKN Partner Regions, namely Samarinda, Balikpapan, Kutai Kartanegara, are an inseparable part of anticipating unfair business competition practices in the IKN Area.

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