

ABSTRAK

Peraturan Wali Kota Surabaya Nomor 116 Tahun 2023 memberikan kesempatan kepada usaha mikro untuk memanfaatkan area parkir toko swalayan sebagai lokasi usaha tanpa dipungut biaya. Namun, dalam praktiknya masih ditemukan pengelola minimarket yang menyewakan lahan parkir kepada pelaku usaha mikro dengan menarik sejumlah biaya tertentu. Kondisi tersebut menunjukkan adanya ketidaksesuaian antara ketentuan hukum dan implementasinya di lapangan yang berpotensi merugikan usaha mikro serta menimbulkan konsekuensi hukum bagi pengelola minimarket. Berdasarkan permasalahan tersebut, penelitian ini mengkaji implikasi hukum penyewaan lahan parkir minimarket kepada usaha mikro terhadap izin usaha minimarket dan bentuk perlindungan hukum bagi usaha mikro akibat pelanggaran ketentuan larangan penyewaan lahan parkir.

Penelitian ini merupakan penelitian hukum empiris dengan pendekatan sosiologi hukum. Lokasi penelitian berada di Kecamatan Kenjeran, Kota Surabaya. Data primer diperoleh melalui wawancara dan observasi terhadap pelaku usaha mikro, pengelola minimarket, serta Satuan Polisi Pamong Praja Kota Surabaya. Data sekunder diperoleh dari peraturan perundang-undangan, buku, jurnal ilmiah, dan dokumen lain yang relevan. Seluruh data dianalisis menggunakan metode analisis kualitatif.

Hasil penelitian menunjukkan bahwa praktik penyewaan lahan parkir minimarket kepada usaha mikro di Kecamatan Kenjeran masih terjadi dan bertentangan dengan Peraturan Wali Kota Surabaya Nomor 116 Tahun 2023. Pelanggaran tersebut dapat menimbulkan konsekuensi hukum berupa sanksi administratif terhadap pengelola minimarket, mulai dari teguran, penghentian kegiatan tertentu, hingga pencabutan izin usaha apabila pelanggaran terus dilakukan. Perlindungan hukum bagi usaha mikro secara preventif telah diatur melalui pemberian hak untuk memanfaatkan area parkir toko swalayan tanpa dipungut biaya. Namun, perlindungan hukum represif bagi usaha mikro belum diatur secara jelas dalam peraturan tersebut karena ketentuan yang ada lebih berfokus pada pemberian sanksi kepada pihak minimarket sebagai pelanggar. Akibatnya, pelaksanaan perlindungan hukum bagi usaha mikro belum berjalan secara optimal dan masih memerlukan penguatan pengawasan serta penegakan hukum oleh pemerintah daerah.

Kata kunci: perizinan usaha, usaha mikro, lahan parkir minimarket, perlindungan hukum, sanksi administratif.

ABSTRACT

Surabaya Mayor Regulation Number 116 of 2023 provides an opportunity for micro-enterprises to utilize the parking areas of modern retail stores as business locations without being charged any rental fees. However, in practice, several minimarket operators continue to lease parking spaces to micro-enterprises and impose certain fees. This condition indicates a discrepancy between legal provisions and their implementation, potentially causing losses to micro-enterprises and creating legal consequences for minimarket operators. Based on these issues, this study examines: (1) the legal implications of leasing minimarket parking areas to micro-enterprises on the business licenses of minimarkets; and (2) the forms of legal protection available to micro-enterprises resulting from violations of the prohibition on leasing parking areas.

This study employs an empirical legal research method using a socio-legal approach. The research was conducted in Kenjeran District, Surabaya City. Primary data were obtained through interviews and observations involving micro-enterprise actors, minimarket operators, and the Surabaya Municipal Police Unit (Satpol PP). Secondary data were collected from legislation, books, academic journals, and other relevant documents. The data were analyzed using qualitative analysis methods.

The results indicate that the practice of leasing minimarket parking areas to micro-enterprises still occurs in Kenjeran District and is contrary to Surabaya Mayor Regulation Number 116 of 2023. Such violations may result in administrative sanctions against minimarket operators, including warnings, suspension of certain business activities, and revocation of business licenses in cases of continued non-compliance. Preventive legal protection for micro-enterprises has been provided through the recognition of their right to use minimarket parking areas without rental charges. However, repressive legal protection for micro-enterprises has not been explicitly regulated, as the existing provisions primarily focus on imposing sanctions on minimarket operators as the violating parties. Consequently, the implementation of legal protection for micro-enterprises remains suboptimal and requires stronger supervision and law enforcement by the local government.

Keywords: *business licensing, micro-enterprises, minimarket parking areas, legal protection, administrative sanctions.*