

LEGAL PROTECTION OF FLOWER HAWKERS THROUGH THE PROVISION OF LEGALITY AND BRAND RIGHTS (CASE STUDY IN TONGGONDOA VILLAGE PALIBELO DISTRICT OF BIMA REGENCY)

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Abstract

This research is legal research that examines the legal protection of flower snack producers in Tonggondoa Village, Palibelo District, Bima Regency, precisely in RT 03 RW 02 Dusun Doro To'i. The purpose of this research is to provide legal protection in the form of granting legality to flower snacks producers and branding the products of flower snacks in Tonggondoa Village referring to the provisions of the Minister of Trade Regulation Number 77/M-DAG/PER/12/2013 concerning the Issuance of Trading Business Permits and Simultaneous Company Registration Certificates for Trading Companies and Law Number 11 of 2020 concerning Job Creation and Law Number 20 of 2016 concerning Marks and Geographical Indications to improve the welfare of the people in Tonggondoa Village. The method used in this study is an empirical legal research method, with several approaches, including: a statutory approach and a concept approach. The results showed that the flower snack producers in Tonggondoa Village from the legal aspect had not received legality as a business group and the flower snacks produced had not received legal protection in the form of labeling and branding that could increase the selling value of flower snacks. Originality: this research is very important considering that no previous research has been conducted on this matter, considering that the flower snack producers in Tonggondoa Village have been around for a long time but there has not been any effort and attention to the legality of flower snacks producers and legal protection efforts for flower snacks production.

Keywords: Legal Protection, Interest Paid, Legality, Brand Rights

INTRODUCTION

Livelihood as an entrepreneur in modern times today has become the choice of many people. In addition to not requiring a special requirement to become an entrepreneur such as the minimum education taken or how much value is obtained during school education, self-entrepreneurship can be done wherever and whenever we want. According to J.B Say (1803), entrepreneurs are entrepreneurs who are able to manage their resources economically (effectively and efficiently) and low productivity levels become high. According to The Minister of Cooperatives and SMEs Anak Agung Gede Ngurah Puspayoga, the number of entrepreneurs in Indonesia increased from the previous 1.67% to 3.10% of the total number of Indonesian occupations currently (Koinworks.com, 2021). The world of entrepreneurship is synonymous with producing/producing and buying and selling goods/services. One of the business activities that are much in demand is business in the culinary field.

Culinary understanding is an activity related to cooking or cooking activities. Culinary is also interpreted as a processed product in the form of dishes in the form of side dishes, food, and beverages (Kanalinfo.web.id, 2019). The culinary field also develops along with the increasing variety of tastes of each person who is different from each other. Diversity of tastes certainly opens up great business opportunities for entrepreneurship in the culinary world. Starting from daily staples, variations of drinks, and snacks such as pastries and wet cakes. Speaking of snacks, there are modern snacks as well as regional snacks or traditional snacks. Indonesia as a country rich in regional diversity certainly has a variety of traditional regional snacks that are diverse as well. Typical regional snacks also help color the culinary world even though their existence began to be eroded by the existence of food and snacks from foreign cultures that are increasingly popular, especially among teenagers. Although buffeted by the development of the typical regional snack era continues to be developed and maintained until now. In Bima City and Bima Regency also store a myriad of typical snacks. One of them is a flower snack or in the Bima language called Pangaha Bunga.

Pangaha bunga or flower snacks become snacks that are quite in demand by the people of Bima, almost every agenda of milk and flower snacks is never absent. Physically the flower snacks are shaped like flowers with three petals and are known for their hard and savory texture. In Tonggondoa Village located in Palibelo District of Bima Regency precisely at RT 03 RW 02 Doro Toi Hamlet there is a group of mothers who have long started producing flower snacks. However, unfortunately, there has been no effort to certify this business group, in terms of production has not been given legal protection in the form of brands to increase the selling value of the flower snacks.

RESEARCH METHOD

This type of research is empirical research, which is research with field data as the main data source, such as interviews and observations. Empirical research is used to analyze laws that are seen as the behavior of people who are patterned in the lives of people who are always interacting and related in the Aspect of Society (Bambang Sunggono, (2003: 43). The approach used is qualitative is a way of analysis of research results that produces descriptive-analytical data, namely data expressed in writing or orally and also real behavior, which is researched and studied as something intact. (Mukti Fajar ND and Yulianto Achmad, (2010: 192).

The data sources used in empirical research are as follows the first Primary Data, Data obtained directly from major sources such as the behavior of citizens viewed through research. (Soerjono Soekanto, (2014: 25), namely: the producer of flower snacks is located at RT 03 RW 02 Doro Toi Village Tonggondoa Palibelo District Bima Regency. Secondary data is data obtained from the second source that is complimentary. such as law, journal, thesis, dissertation, and others.

The Data Collection technique is a technique used to collect from one or more predetermined data sources. This study used the interview method which is the way to get information by asking directly to respondents. Then the Data Analysis Technique used by the author is qualitative descriptive, which is an analysis that describes the state or status of phenomena with words or sentences, then separated by category to obtain conclusions. In processing the data or the analysis process, the author presents first the data obtained from the field or the interview.

RESULTS AND DISCUSSION

Tonggondoa Village Flower Hawker Business Manufacturer

The producer of Snack Flowers in Tonggondoa Village consists of a group of housewives who spend time looking for additional income to support daily life by making flower snacks. The beginning of the existence of this group is from the initiative of the owner of the business capital, Mrs. Fatimah commonly known as Wa'l Fa to run a business making traditional snacks typical of Bima. This business began running around 2005 and still survives today, almost 16 years.

Initially, this business was only run individually, Mrs. Fatimah as the owner of the capital finally invited some of her neighbors to get involved in making flower snacks. The current permanent members of the flower snack maker are six people, with Mrs. Fatimah as the chairman and owner of the capital and five permanent members, namely Mrs. Sumarni, Mrs. Kurnia, Mrs. Fatma, Mrs. Umi, and Mrs. Maemunah. This flower snack-making activity takes place every day starting from eight in the morning at Mrs. Kurnia's residence at RT 03 RW 02 Doro Toi Hamlet of Tonggondoa Village. Everyday flower snacks are produced with the range of dough prepared is 8-10 kilograms per day and can produce about 100 packs per day. The basic ingredients of making flower snacks include: a) coconut, b) eggs, c) flour, and d) bibi (bibi is a kind of basic ingredient to make the dough expand). The way of packaging is also very simple, using only small red plastic that is commonly used to carry small items. Perbungkus snack flowers are usually priced at 10,000 rupiahs.

Based on the results of a joint interview with Mrs. Sumarni as one of the members of the flower snack maker, each member's daily income is usually given a fee of 10,000 rupiahs. The capital used to run an interest snack business is the personal capital of Mrs. Fatimah. The benefits obtained are not too great. Never encountered obstacles in running a flower snack business, usually, the activity of making flower snacks stops for several days if it collides with the farming activities of its members. In addition to making flower snacks sometimes also interspersed with making rafting although not as often as making flower snacks. The initial capital in preparing the initial dough is no more than 500,000 for each day. Although it has been running for a long time, the group of flower snack manufacturers has not received an endorsement of its existence. The most important thing is that the right of the brand in the production of flower snacks has never been pursued legal protection.

The legality of Flower Snack Manufacturers

Since 2005, Mrs. Fatimah has been running a flower food production business along with her five other colleagues, namely Mrs. Sumarni, Mrs. Kurnia, Mrs. Fatma, Mrs. Umi, and Mrs. Maemunah. This group of flower hawkers is just a business group without any legal recognition. To obtain legal legality must also pass several legal procedures. The legal basis governing the procedure for obtaining permits for trading activities or business activities is Permen Perdagangan RI Number 77 / M- DAG / PER / 12/2013 Concerning the Issuance of Trade Business Licenses and Company Registration Signs Simultaneously for Trading Companies.

Having a business license is the first step to starting a business. Without a business license, the business that is run has the potential to cause problems that can provide large losses for business actors. For example, business people do not get legal protection, difficult to get financial assistance, difficult to develop a business, to the credibility of the business is in doubt. Therefore, of course, business people need to have a business license before running their business.

Given the importance of business licenses to be owned by business actors, then, of course, knowledge about licensing is important to be known by business actors. If by knowing the management of business licensing, then business actors can manage their business licenses per the field of business they have. Related to business licensing, one of the latest regulations governing business licensing in Indonesia is Law No. 11 of 2020 on Work Copyright (Uu Cipta Kerja). Understanding business licensing after the enactment of the Work Copyright Law is important to know the public, especially for those as business actors. Therefore, the organizers will hold a National Law Webinar with the theme "Post-Enactment Permit of The Work Copyright Law".

To obtain legal recognition in the form of legality for the existence of a group of flower hawkers must pass the stages and legal procedures first. According to Permen Perdagangan RI Number, 77/M- DAG/PER/12/2013 Concerning the Issuance of Trade Business Licenses and Company List Marks Simultaneously For Trading Companies, the requirement to establish a business is to obtain a Trade Business License (SIUP) and Trade Registration Mark (TDP). In this case, the regulated ones in Article 2 Paragraph (1) and (2), namely: (1) Each Trading Company can apply for the issuance of SIUP and TDP simultaneously in the One Door Integrated Service, (2) The application referred to in paragraph (1) can only be made for the issuance of SIUP and TDP for the Trading Company that will start the business. The procedure is included in Article 3 Paragraph (1) to (4), namely:

1. The application as referred to in article 2 paragraph 1 is submitted by the Board, The Person in Charge of the Trading Company or Third Party to the Issuing Officer by filling out the SIUP and TDP application forms.
2. Soup and TDP application form as in paragraph (1) of guidelines to the Regulation of the Minister of Trade on SIUP and regulation of the Minister of Trade on TDP.
3. The application form referred to in paragraph 1 shall be signed by the Board or The Person in Charge of the Trading Company above sufficient stamp duty.

4. In the event that the application is submitted by a Third Party as referred to in paragraph (1), it is mandatory to attach a power of attorney that is sufficiently stamped and signed by the Manager or The Person in Charge of the Trading Company.

After Law No. 11 of 2020 passed the registration procedure to establish a business or to obtain the legality of a business has changed. Law No. 11 of 2020 on Work Copyright will provide convenience to Micro, Small, and Medium Enterprises (MSMEs) in managing business licensing (Kompas.com, 2020). MSME actors only register online with KTP to pocket business licenses, register through OSS (Online Single Submission). After some actors have registered online, MSME actors will get a Working Master Number (NIB). The NIB is also a single form of licensing that applies to all business activities. To obtain NIB by the following ordinances: (1) OSS Registration. Since NIBs are created and published by OSS, you automatically have to register yourself first in oss.go.id. OSS registration is not difficult at all, and the requirements required are very simple. Simply select "list" and fill out the registration form in full and valid after that input the captcha code and activate the registration email to activate your OSS account. (2) Complete the Company Data. After successfully logging into the OSS page with your new account, please complete various data. Starting from company data, investment value, shareholders, labor plans, capital ownership, and even details about foreign workers if there are. (3) Fill in the Business Field Continue by filling in information about what business fields or services you run. Filling this field of business can not be filled with data carelessly. At least you have to adjust the inputted information with 5 digits of KBLI. (4) Provide an agreement. After the business field data is filled with the correct data, end the NIB application by providing an agreement. Just check everything that needs to be checked (Karimov.co.id, 2020).

Brand Rights for Flower Snacks

Another problem faced by flower food producers in Tonggondoa Village is in terms of marketing the production of flower snacks. The usual way of packaging for the past 16 years is only wrapped in small red plastic, unattractive, and absolutely no name or brand frills attached. Brand rights that will later be attached to the production of flower snacks will also have a good impact on product packaging that is more attractive to buyers and consumers of flower snacks.

The application to register and obtain brand rights outlined in Chapter III article 4 Paragraph (1) to (9) is as follows:

1. The Application for Registration of the Brand is submitted by the Applicant or his/her Power of Attorney to the Minister electronically or non-electronically in Indonesian.
2. The Application as referred to in the paragraph shall include:
 - a Date, month, and year of application;
 - b The applicant's full name, nationality, and address;
 - c Full name and address of the Power of Attorney if the Application is submitted through the Power of Attorney;
 - d Color if the Brand requested registration uses color elements;
 - e The name of the country and the date of the Brand request which is the first time in case the Application is submitted with Priority Rights; and
 - f Class of goods and/or service class and description of types of goods and/or types of services.
3. The application is signed by the Applicant or his/her Power of Attorney.
4. The application referred to in paragraph (1) is accompanied by the Brand label and proof of payment of fees.
5. The Application Fee for Brand registration is determined per class of goods and/or services.
6. In the case of the Brand as referred to in paragraph (4) in the form of a 3 (three) dimension, the Brand label is attached in the form of characteristics of the Brand.
7. In the case of the Brand as referred to in paragraph (4) in the form of sound, the Brand label attached is in the form of notation and sound recording.
8. The application referred to in paragraph (1) shall be accompanied by a statement of ownership of the Brand requested for registration.
9. Further provisions regarding the cost of the Application as referred to in paragraph (5) are governed by Government Regulations.

CONCLUSION

The results of the study obtained after collecting data and analyzing the data of research results and interviews, it can be concluded that first there has been no legal protection of the group of flower hawkers in Tonggondoa Village and there has been no more government or related agencies attention to the group of flower hawkers in Tonggondoa Village. Second, there is no legal protection or

legislation that regulates legal protection in the form of legality or business licenses against the group of flower snack producers and the granting of Brand Rights for the production of flower snacks in Tonggondoa Village, the selling price of flower snacks is still very standard, namely 10,000 one small red plastic and the Group of flower snack producers in Tonggondoa Village still relies on privately-owned capital to support its production activities. The third granting of business licenses and legality and Brand Rights of flower snack production in Tonggondoa Village is a solution in improving the performance and production of flower snacks in Tonggondoa Village.

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