

**REGULATION OF THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA**  
**NUMBER 23 OF 2021**  
**ON**  
**GUIDELINE FOR DEVELOPMENT, ADMINISTRATION, AND MANAGEMENT OF**  
**SHOPPING CENTER AND CONVENIENCE STORE<sup>1</sup>**

BY THE GRACE OF GOD ALMIGHTY

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

Considering:

that in order to implement provisions under Article 91 paragraph (2), Article 94 paragraph (3), Article 98 paragraph (5), and Article 101 paragraph (3) of Regulation of the Government [Number 29 of 2021](#) on Organization of Trade Sector, it is deemed necessary to establish Regulation of the Minister of Trade on Guideline for Development, Administration, and Management of Shopping Center and Convenience Store;

In view of:

1. Article 17 paragraph (3) of 1945 Constitution of the Republic of Indonesia;
2. Law [Number 39 of 2008](#) on State Ministry (State Gazette of the Republic of Indonesia of 2008 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 4916);
3. Law [Number 7 of 2014](#) on Trade, (State Gazette of the Republic of Indonesia of 2014 Number 45, Supplement to the State Gazette of the Republic of Indonesia Number 5512);

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4. Law [Number 11 of 2020](#) on Job Creation (State Gazette of the Republic of Indonesia of 2020 Number 245, Supplement to the State Gazette of the Republic of Indonesia Number 6573);
5. Regulation of the Government [Number 29 of 2021](#) on Organization of Trade Sector (State Gazette of the Republic of Indonesia of 2021 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 6641);
6. Regulation of the President [Number 48 of 2015](#) on Ministry of Trade (State Gazette of the Republic of Indonesia of 2015 Number 90);
7. Regulation of the Minister of Trade [Number 80 of 2020](#) on Organization and Work Procedure of Ministry of Trade (Official Gazette of the Republic of Indonesia of 2020 Number 1190);

HAS DECIDED:

To establish:

REGULATION OF THE MINISTER OF TRADE ON DEVELOPMENT, ADMINISTRATION, AND MANAGEMENT OF SHOPPING CENTER AND CONVENIENCE STORE.

SAMPINGAN  
SAMPÉ KAYA  
**CHAPTER 1**  
**GENERAL PROVISIONS**

**Article 1**

Under this Regulation of the Minister of Trade, the following definitions are employed:

1. Businesses are natural person or enterprise which operates business and/or activity within certain sector.
2. Store is building with the business function that is used to sell goods and consists of only a single seller.
3. Convenience Store is Store which uses the system of self-service, selling various types of Goods in retail that takes form as minimarket, supermarket, department store, hypermarket, or wholesale in the forms of wholesaler.

4. Shopping Center is a certain are which consists of one or several premises that are constructed vertically or horizontally, which is sold or leased to Businesses or self-operated in order to perform the activities of Trade of Goods.
5. Public Market is business premises which is administered, constructed, and operated by Government, Regional Government, private sector, State-Owned Enterprise, and/or Regionally-Owned Enterprise, which takes form as Store, kiosk, booth, and tent which is owned/operated by small-and-medium-scale seller, independently by the public, or cooperatives, as well as UMK-M [Micro, Small, and Medium Enterprises], using the process of sale and purchase of Goods through bargaining.
6. Supplier is Businesses which regularly supply goods to Convenience Store with the purpose of being resold through business cooperation.
7. Micro, Small, and Medium Businesses, hereinafter abbreviated as UMK-M [*Usaha Mikro, Kecil, dan Menengah*], are micro business, small business, and medium business as referred to under Law on Micro, Small, and Medium Businesses.
8. Partnership is cooperation in the forms of business connection, either directly or indirectly, on the basis of principles of mutual need, trust, strengthening, and benefit, which involves UMK-M with large business.
9. Trade Requirements are requirements in cooperation agreement between Convenience Store and/or Convenience Store's network operator with supplier, in connection with the supply of traded goods in Convenience Store.
10. Regional Government is regional head as the organizing element of regional government, who leads the implementation of governmental affairs which become the authority of autonomous region.
11. Minister is minister who organizes governmental affairs within Trade sector.

## **Article 2**

- (1) Location for establishment of Shopping Center and Convenience Store refers to:
  - a. spatial planning on regency/city level; or
  - b. detailed spatial planning on regency/city level.

- (2) Governor of DKI Jakarta or local regent/mayor determines zonation of location for establishment of Shopping Center and Convenience Store which is addressed in detailed spatial planning on regency/city level.
- (3) In case detailed spatial planning on regency/city level as referred to in paragraph (1) is unavailable, determination of zonation of location for establishment of Shopping Center and Convenience Store is performed based on spatial planning on regency/city level.

### **Article 3**

Determination of zonation of location for establishment of Shopping Center and Convenience Store as referred to under Article 2 paragraph (2) and paragraph (3) is performed with considerations given toward:

- a. socio-economic condition of local community, as well as existence of Public Market and UMK-M within local zone or area or region;
- b. spatial use in the event of maintaining balance between the number of Public Market with Shopping Center and Convenience Store;
- c. distance between Shopping Center and Convenience Store with Public Market or traditional retail Store; and
- d. technical standard of spatial planning for Shopping Center and Convenience Store in accordance with provisions under laws and regulations.

### **Article 4**

Socio-economic condition of local community as referred to under Article 3 letter a encompasses:

- a. structure of population according to occupation and education;
- b. level of household economic income;
- c. density level and population growth in each region according to the recent year's census data of Central Bureau of Statistics;
- d. potential of Partnership with UMK-M;
- e. potential of recruitment of workforce;
- f. resilience and growth of Public Market as mean for UMK-M;

- g. availability of social facility and public facility; and
- h. positive and negative impacts from establishment of Shopping Center and Convenience Store against existing Public Market or traditional retail Store.

### **Article 5**

- (1) Distance between Shopping Center and Convenience Store with public Market or traditional retail Store as referred to under Article 3 letter c is determined by local Regional Government.
- (2) Establishment of Shopping Center and Convenience Store must comply with provisions which are established by local Regional Government as referred to in paragraph (1).
- (3) Local Regional Government, in the course of determining distance as referred to in paragraph (1), should give considerations toward:
  - a. density level and population growth in each region according to the recent year's census data of Central Bureau of Statistics;
  - b. economic potential of local region;
  - c. region's accessibility (traffic);
  - d. security support and availability of infrastructure;
  - e. development of new residential area;
  - f. lifestyle of local community; and/or
  - g. operational hours of Convenience Store which are in synergy and do not eliminate business of surrounding traditional retail Store.

### **Article 6**

- (1) Operational hours of supermarket, hypermarket, and department store must comply with these provisions:
  - a. for Monday up to Friday, 10.00 o'clock up to 22.00 o'clock of local time; and
  - b. for Saturday and Sunday, 10.00 o'clock up to 23.00 o'clock of local time.
- (2) For religious holiday or national holiday, as well as other certain day or condition, Governor of DKI Jakarta or regent/mayor may determine operational hours of

supermarket, hypermarket, and department store which differ from operational hours as referred to in paragraph (1).

### **Article 7**

- (1) Partnership in the course of developing UMK-M at Shopping Center and Convenience Store may be performed using general trade and/or franchise schemes.
- (2) Partnership using general trade scheme as referred to in paragraph (1) may be performed in the forms of:
  - a. marketing cooperation;
  - b. provision of business premises; and/or
  - c. provision of supply.
- (3) Marketing cooperation as referred to in paragraph (2) letter a may be performed in the forms of marketing of goods as produced by UMK-M that are packaged or repackaged using mark of owner of goods, mark of Convenience Store, or another mark which is agreed, in the event of increasing the selling value of goods.
- (4) Provision of business premises as referred to in paragraph (2) letter b is performed in the forms of providing business spot in the area of Shopping Center to UMK-M player in accordance with agreed designation.
- (5) Operator of Shopping Center must provide and/or offer:
  - a. strategic and proportional business spot in the event of partnership with selling price or lease fee that is align with ability of micro business and small business; and/or
  - b. strategic and proportional promotional spot and/or business spot for branding and/or marketing of domestic product which uses domestic mark.
- (6) Strategic business spot as referred to in paragraph (5) is situated at location which is easily accessible by visitor.
- (7) Obligation of providing business spot and/or promotional spot for micro business and small business and/or marketing of domestic product which uses domestic mark as referred to in paragraph (5) is at least 30% (thirty-percent) of space area of Shopping Center in accordance with provisions under laws and regulations.

- (8) Provision of supply as referred to in paragraph (2) letter c is performed in the forms of provision of Goods from Supplier to Public Market, Shopping Center, and Convenience Store.
- (9) Partnership using franchise scheme as referred to in paragraph (1) is performed based on laws and regulations on franchise.

### **Article 8**

In the course of development of Partnership between Shopping Center and/or Convenience Store with UMK-M, it is performed in the forms of provision of facilitation in these forms:

- a. training;
- b. consultation;
- c. supply of Goods;
- d. capital financing [*permodalan*]; and/or
- e. other forms of assistance.

### **Article 9**

- (1) Convenience Store Businesses which perform cooperation on supply of goods must involve UMK-M player.
- (2) Supply of goods as referred to in paragraph (1) should prioritize domestic production.

### **Article 10**

- (1) Businesses may only own no more than 150 (one-hundred and fifty) Convenience Store outlets which are owned and self-operated.
- (2) In case Businesses have owned 150 (one-hundred and fifty) Convenience Store outlets and will perform further addition of Convenience Store outlets, Businesses must franchise every added Convenience Store outlet.

## Article 11

- (1) Cooperation agreement between Supplier with Convenience Store should address at least Trade Requirements concerning:
  - a. Supplier may only be charged with fees which are directly connected with sale of goods;
  - b. sum of fees which are charged as referred to in letter a is no higher than 15% (fifteen percent) of total fees of Trade Requirements, excluding regular price discount.
  - c. Supplier and Convenience Store jointly create promotional planning, both for new goods and existing goods for agreed time period;
  - d. the use of distribution service of Convenience Store may be mandated to Supplier which is able to distribute its own goods, provided that it fulfills the criteria (time, quality, price of goods, amount) which have been agreed by both parties;
  - e. Supplier may be imposed with penalty if it fails to fulfill amount and punctuality of supply period;
  - f. Convenience Store may be imposed with penalty if it fails to make payment on time;
  - g. penalty as referred to in letter e and letter f is imposed in accordance with agreement of both parties;
  - h. Convenience Store may return goods which are newly marketed to Supplier without being imposed with sanction, provided that, after it was evaluated within time period of 3 (three) months, it fails to fulfill target which has been mutually set; and
  - i. Convenience Store should give written information, no later than 3 (three) months prior, to Supplier if it will perform stop order delisting or reduce type of goods or SKU (stock keeping unit) of Supplier.
- (2) Fees which may be charged as referred to in paragraph (1) letter a take form as:
  - a. regular price discount does not apply for Supplier which applies net price system that is published transparently to all Convenience Stores and has been agreed with Convenience Store;



- b. price discount is still performed periodically for no longer than 3 (three) months and not higher than 1% (one percent);
- c. sum of regular price discount is determined based on percentage of sale transaction from Supplier to Convenience Store, either at the time of transaction or periodically;
- d. special price discount which is granted by Supplier from total net purchase includes return of goods, if Modern Store is able to achieve sale in accordance with trade agreement, with these sale criteria:
  - 1) reaching number which is targeted in accordance with agreement with the rate of 100% (one hundred percent), gets special price discount of no higher than 1% (one percent);
  - 2) exceeding number which is targeted with the rate of 101% (one-hundred and one percent) up to 115% (one hundred and fifteen percent), the excess gets special price discount of no higher than 5% (five percent); or
  - 3) exceeding number which is targeted with the rate of above 115% (one hundred and fifteen percent), the excess gets special price discount of no higher than 10% (ten percent).
- e. promotional price discount is granted to customer or end Consumer within time period which is limited in accordance with agreement between Convenience Store with Supplier;
- f. promotional expenses which are charged to Supplier by Modern Store in accordance with agreement of both parties consist of:
  - 1) promotional expenses through mass media or print media, such as brochure or mailer, which is determined transparently and in fair manner in accordance with tariff from media and other creative fees;
  - 2) promotional expenses at local Store is charged only for promotional area outside of display or on regular shelf of Store, such as floor display, promotional gondola, block shelving, cashier spot, wing gondola, indoor and outdoor Store billboard, and another spot which is used as promotional spot;

- 3) promotional expenses to promote goods as owned by Supplier, such as sampling, demo goods, prize, games, and others;
  - 4) expenses which are deducted or cut for promotional activity is performed no later than 3 (three) months after the event based on confirmation of both parties; and
  - 5) promotional expenses which are yet to be expended should be utilized for other promotional activity, both during period in question and for the following period within maximum time period of 3 (three) months in accordance with agreement of both parties.
- g. expenses which are expended for promotion of new goods have already being included in promotional expenses as referred to in letter f;
- h. other expenses outside of expenses as referred to in letter f are not allowed to be charged to Supplier;
- i. administration fees for registration of goods are only for new goods with the amount of fees:
- 1) for hypermarket, no greater than IDR 150,000 (one hundred and fifty thousand rupiahs) for every type of goods of each outlet with the maximum fees of IDR 10,000,000 (ten million rupiahs) for every type of goods at all outlets;
  - 2) for supermarket, no greater than IDR 75,000 (seventy-five thousand rupiahs) for every type of goods of each outlet with the maximum fees of IDR 10,000,000 (ten million rupiahs) for every type of goods at all outlets; and
  - 3) for minimarket, no greater than IDR 50,000 (fifty thousand rupiahs) for every type of goods of each outlet with the maximum fees of IDR 20,000,000 (twenty million rupiahs) for every type of goods at all outlets.
- j. change in administration fees for registration of goods as referred to in letter i may be adjusted annually based on inflation rate.

### **Article 12**

Cooperation agreement between Supplier with department store should address Trade Requirements which fulfill these provisions:

- a. not applying fees for Trade Requirements; and
- b. Supplier of goods to department store is only charged with margin cost and may be charged with additional fees in accordance with agreement of both parties.

### **Article 13**

Shopping Center and Convenience Store should act in fair and reasonable manners in giving service to business partner, either as owner, lease of business spot, or as Supplier, in accordance with agreement of both parties.

### **Article 14**

- (1) Business cooperation agreement for supply of Goods between supplier with Convenience Store Businesses and lease or sale-and-purchase Agreement between Shopping Center and owner or lessee of business pot in Shopping Center should be drawn up in Indonesian language and using IDR, as well as based on Indonesian law.
- (2) In case cooperation agreement as referred to in paragraph (1) involves foreign party, cooperation agreement is also written in foreign language or English.

### **Article 15**

In case Businesses have owned more than 150 (one-hundred and fifty) Convenience Store outlets before this Regulation of the Minister enters into force, Businesses may still maintain ownership of such Convenience Store outlets and must franchise every Convenience Store outlet which is added after this Regulation of the Minister enters into force.

## Article 16

When this Regulation of the Minister enters into force, Regulation of the Minister of Trade [Number 70/M-DAG/PER/12/2013](#) on Guideline for Administration and Management of Public Market, Shopping Center, and Convenience Store (Official Gazette of the Republic of Indonesia of 2013 Number 1520), as amended with Regulation of the Minister of Trade [Number 56/M-DAG/PER/9/2014](#) on Amendment to Regulation of the Minister of Trade [Number 70/M-DAG/PER/12/2013](#) on Guideline for Administration and Management of Public Market, Shopping Center, and Convenience Store (Official Gazette of the Republic of Indonesia of 2014 Number 1342), is revoked and declared to be invalid.



## **Article 17**

This Regulation of the Minister enters into force 30 (thirty) days after its promulgation date.

For the purposes of public cognizance, it has been ordered that the promulgation of this Regulation of the Minister should be achieved through its publication in the Official Gazette of the Republic of Indonesia.

Established in Jakarta

on 1 April 2021

MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA,

signed.

MUHAMMAD LUTFI

Promulgated in Jakarta

on 1 April 2021

DIRECTOR GENERAL OF LAWS AND REGULATIONS OF  
MINISTRY OF LAW AND HUMAN RIGHTS OF THE REPUBLIC OF INDONESIA,

signed.

WIDODO EKATJAHJANA

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