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ANALISIS PELAKSANAAN PERJANJIAN WARALABA PERSPEKTIF PERATURAN PEMERINTAH NOMOR 35 TAHUN 2024 TENTANG WARALABA
(Studi D-Celup Chicken Crispy Kabupaten Sambas)

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Abstract

This research is prompted by the business operations of "D-Celup Chicken Crispy" in Sambas Regency, which exhibit characteristics of a franchise such as the use of a brand, a business system, operational standards, training, the provision of raw materials, and promotional support. In practice, however, several issues have emerged, including a lack of clarity in written agreements, misunderstandings regarding rights and obligations, the status of the Franchise Registration Certificate (STPW), the provision of a prospectus, ongoing operational guidance, rising costs of raw materials, and the resolution of disputes. These issues require examination in light of Government Regulation Number 35 of 2024 concerning Franchising, which came into effect on September 2, 2024, and repealed Government Regulation Number 42 of 2007. The study employs a qualitative method with an empirical approach. Data were collected through interviews, observations, and documentation involving franchisors, franchisees (outlets), and consumers all of whom directly experience the implementation of product and service standards. The research findings indicate that the D-Celup Chicken Crispy partnership has been implemented operationally through the use of the brand, the application of a business system, product training, the supply of raw materials, promotional activities, and quality control. However, full legal compliance with Government Regulation (PP) Number 35 of 2024 cannot be definitively confirmed, as the accounts provided by the franchisor and the partners regarding written agreements are inconsistent. Furthermore, the study did not obtain sufficient evidence to verify compliance with the criteria for a franchise business (Article 4), the provision of a prospectus at least 14 calendar days prior to signing (Article 5), the inclusion of all required clauses in the agreement (Article 6), and the possession of a Franchise Registration Certificate (STPW) (Articles 12–15). Key challenges involve legal, operational, and communication aspects, as well as dispute resolution. Consequently, recommendations focus on the use of clear and accessible written agreements, information transparency, ongoing guidance, and the fulfillment of verifiable licensing requirements.

Keywords: *Franchise Agreement, D-Celup Chicken Crispy, Government Regulation Number 35 of 2024*

Abstrak

Penelitian ini dilatarbelakangi oleh pelaksanaan kerja sama D-Celup Chicken Crispy di Kabupaten Sambas yang memperlihatkan karakteristik waralaba, seperti penggunaan merek, sistem usaha, standar operasional, pelatihan, penyediaan bahan baku, dan dukungan promosi. Dalam praktiknya masih ditemukan ketidakjelasan dokumen perjanjian tertulis, pemahaman hak dan kewajiban, status Surat Tanda Pendaftaran Waralaba (STPW), pemberian prospektus, pembinaan lanjutan, kenaikan biaya bahan baku, serta penyelesaian sengketa. Permasalahan tersebut perlu dikaji berdasarkan Peraturan Pemerintah Nomor 35 Tahun 2024 tentang Waralaba, yang mulai berlaku pada 2 September 2024 dan mencabut Peraturan Pemerintah Nomor 42 Tahun 2007. Penelitian menggunakan metode kualitatif dengan pendekatan empiris. Data dikumpulkan melalui wawancara, observasi, dan dokumentasi terhadap pengelola atau pemberi waralaba, para mitra/outlet, dan konsumen sebagai pihak yang mengalami langsung penerapan standar produk dan pelayanan. Hasil penelitian menunjukkan bahwa kerja sama D-Celup Chicken Crispy telah terlaksana secara operasional melalui penggunaan merek, penerapan sistem usaha, pelatihan produk, pasokan bahan baku,