



JURIDICAL ANALYSIS OF BUSINESS CONVENIENCE FOR MICRO, SMALL AND MEDIUM ENTERPRISES (MSMEs) IN MEDAN CITY

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ABSTRACT

The problems faced by MSME business actors are licensing and capital issues to continue their business in the midst of the COVID-19 pandemic. So special attention is needed for MSME actors from the Government during a pandemic. This research uses normative legal research and empirical legal research. Therefore, the data used include primary data and secondary data. Data were collected using library research and field research using interview methods. The results of the study indicate that the ease of doing business permits for MSME business actors according to the job creation law will be freed from business licensing fees and will provide cost relief for small businesses. The Government's policy is to provide social assistance to MSMEs affected by COVID-19 in the amount of 2.4 million Rupiah. Obstacles Faced First, there are obstacles in terms of licensing, the second is obstacles in distributing BPUM, and the third is the obstacles to providing capital credit for Micro, Small and Medium Enterprises (MSMEs).

Keywords: *Ease, MSMEs, Covid-19*

1. INTRODUCTION

The development of MSMEs in Indonesia is inseparable from various problems. Some of the common problems faced by MSMEs are limited capital, difficulties with raw materials at affordable prices and good quality, limited technology, good quality human resources, market information and marketing difficulties. Currently, there are at least 60 million MSMEs in Indonesia. Data from the Ministry of Cooperatives and Small and Medium Enterprises states that the MSME segment is able to absorb 96.8% of the national workforce. Meanwhile, the large business segment was only able to absorb the remaining 3.2%. The contribution of MSMEs to gross national product (GDP) reached 61% and 39% came from large businesses. In practice, in terms of financing, MSMEs only get 19% of the portion of bank financing to third parties based on Indonesian banking statistics 2019. Thus, it is important for the government to pay attention to the protection and empowerment of MSMEs through policies that are pro MSMEs.¹

However, in practice there are still many MSMEs that do not get attention, plus during a pandemic like today, many MSME actors are out of business due to no capital to run their business again. The Medan City Government itself, through the MSME Service, said the total number of MSME actors was 1,603 units, including 1,480 micro-enterprises, 112 small-scale businesses and 11 medium-sized businesses. In addition, the slowdown in growth due to the Covid-19 pandemic has had an impact on SMEs in Medan City.² Many of them have been forced to go out of business because of the lack of income to meet their needs, or their income has declined during the pandemic.³

For MSMEs, permits such as Micro and Small Business Permits (IUMK) are intended to provide protection, legal certainty, assistance, and ease of access to financing through banks and non-bank institutions as well as to obtain convenience in empowerment from the government,

¹ Sulasi Rongiyati. *Pengaturan Kemudahan Berusaha Untuk Umkm Dalam Ruu Cipta Kerja, Kajian Singkat Terhadap Isu Aktual Dan Strategis*, Vol. XII, No.13/I/Puslit/Juli/2020, h. 2

² <https://www.kompas.tv/article/196533/pemkot-medan-sebut-200-ukm-lebih-telah-gabung-di-pasar-digital> diakses tanggal 10 Juni 2022, Pukul 14.36 WIB

³ <https://money.kompas.com/read/2020/08/03/170220126/ini-sejumlah-faktor-yang-menyebabkan-bisnis-umkm-merosot-selama-pandemi> diakses tanggal 10 Juni 2022, Pukul 14.54 WIB.

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regional governments, and/or other institutions, as referred to in Article 2 of Presidential Regulation No. 98 of 2014 concerning Licensing for Micro and Small Enterprises. At the practical level, the issue of business licensing in Indonesia is considered non-standardized.⁴ The Medan City Government is also currently providing enormous support for MSMEs by conducting a one kelurahan program one business center. In addition to being able to introduce and promote MSME products in each sub-district, this program can also improve the community's economy in the midst of the Covid-19 Pandemic.

The formulation of the problem in this study are:

1. How is the ease of doing business permits for MSME business actors according to the Job Creation Law?
2. What is the Government's Policy in Saving MSMEs during the Covid-19 Pandemic?
3. What are the Obstacles Faced in the Implementation of Ease for MSME Actors during the Covid-19 Period in Medan City?

In accordance with the formulation of the problem above, the objectives of this study are:

1. To find out about the ease of business permits for MSME business actors according to the Job Creation Law.
2. To find out about Government Policies in Saving MSMEs during the Covid-19 Pandemic.
3. To find out the obstacles faced in the application of facilities for MSME actors during the Covid-19 period in the city of Medan.

2. RESEARCH METHODS

The research used in this study is a combination of normative and empirical legal research. Normative legal research is a type of research conducted by analyzing applicable legal norms. According to Soerjono Soekanto, normative legal research includes:⁵

- a. Research on the basics of law;
- b. Research on legal systematics;
- c. Research on the level of legal synchronization;
- d. Legal history research;
- e. Comparative law research.

In this case, the research was conducted by analyzing legal norms, namely Undang-Undang No 11 Tahun 2020 concerning Job Creation and the laws and regulations related to this research and also regarding legal principles and legal principles.

Furthermore,⁶ This research also uses an empirical legal approach which is defined as "research that examines and analyzes the legal behavior of individuals or communities in relation to the law and the data sources used are derived from primary data, which are obtained directly from within the community".

The data used in writing this thesis consists of primary legal materials, secondary legal materials, and tertiary legal materials as follows:

- a. Primary legal materials
 1. Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
 2. Undang-Undang Nomor 25 Tahun 1992 About Cooperative;
 3. Undang-Undang Nomor 20 Tahun 2008 About Micro, Small and Medium Enterprises;
 4. Undang-Undang Nomor 11 Tahun 2020 About Job Creation

⁴ Sulasi Rongiyati. *Pengaturan Kemudahan Berusaha Untuk Umkm Dalam Ruu Cipta Kerja, Kajian Singkat Terhadap Isu Aktual Dan Strategis, Op.Cit.*, h. 4

⁵ Soerjono Soekanto, *Op.Cit.* h.51

⁶ Salim HS dan Erlies Septiana Nurbani, *Penerapan Teori Hukum pada Penelitian Tesis dan Disertasi*, Rajawali Pers, Jakarta, 2013, h. 21.



5. Peraturan Pemerintah Nomor 24 Tahun 2018 regarding Electronically Integrated Business Licensing Services
6. Peraturan Pemerintah Nomor 5 Tahun 2021 About the Implementation of Risk-Based Business Licensing
7. Peraturan Pemerintah Nomor 6 Tahun 2021 About the Implementation of Business Licensing in the Regions
8. Peraturan Pemerintah Nomor 7 Tahun 2021 Concerning the Ease, Protection and Empowerment of Cooperatives and Enterprises, Micro, Small and Medium Enterprises.

b. Secondary legal material

Secondary legal materials, namely legal materials that provide explanations of primary legal materials such as books, legal experts' papers, theses, journals, papers, and electronic media relevant to this research, especially discussions of constitutional law which will provide clues where to go. this research is directed.

c. Tertiary legal materials

Tertiary legal materials are materials used to support and provide instructions or explanations for primary legal materials and secondary legal materials, such as Indonesian dictionaries and legal dictionaries.

The location of this research is in Medan City which is limited to 3 (three) sub-districts namely Medan Sunggal District, Medan Kota District and Medan Petisah District.

In this study used data collection tools, namely, library research (library research), observation. The tool used to collect data in this research is through document studies with literature searches to collect data through primary, primary, and secondary legal materials and supported by interviews.

In analyzing the problems discussed, the analysis carried out is to collect data and legal materials that are relevant to the object of research, choose legal rules or doctrines that are in accordance with the object of research, then systematize and explain the correlation, and finally with draw conclusions deductively, namely studying from general things first to specific things which will lead to problem solving.

3. RESEARCH RESULT AND DISCUSSION

3.1. Ease of Business Permits for MSME Business Actors

Basically, job creation is an effort to create jobs through facilitating, protecting, and empowering cooperatives and micro, small and medium enterprises, improving the investment ecosystem and facilitating business, and central government investment and accelerating national strategic projects.⁷ Thus, the ease of doing business in the cooperative sector and UMK-M is a government effort in an effort to create the widest possible employment opportunities. Then it is further explained that Business Licensing is a legality granted to Business Actors to start and run their business and/or activities.⁸ Therefore, a business license is an absolute capital that must be held by every business actor when he starts his business in any field of activity, including Cooperatives and SMEs.

In order to realize the ease of business licensing, the central government and local governments in accordance with their respective authorities are required to conduct guidance and registration for micro and small businesses based on norms, standards, procedures and criteria. Then registration for micro and small businesses is given convenience in the media, because registration can be done online (online) or larynx (manual), namely by attaching an Identity Card (KTP) and a Business Certificate from the government at the neighborhood level. Online registration as intended will be given a business registration number through an electronic business licensing system.

⁷ Pasal 1 angka 1 Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja

⁸ Pasal 1 angka 4 Undang-Undang Nomor 11 Tahun 2020 Tentang Cipta Kerja

3.2. Government Policy in Saving MSMEs during the Covid-19 Pandemic

In order to resolve and overcome the impending economic crisis in Indonesia, the Indonesian government has paid attention to the existence of MSMEs. The government's reason for making MSMEs to help the economic crisis is none other than the contribution of MSMEs in the past. Flashback to the economic crisis that occurred in 1998, MSMEs at that time also became heroes because they were able to increase the value of exports by up to 350 percent. Where in the situation before the COVID-19 pandemic, the role of MSMEs in 2019 had reached 60.34 percent of the National GDP, 14.17 percent of the export value, 58.18 percent investment value, and has opened up more than 90 percent employment opportunities.⁹

However, since the emergence of the COVID-19 outbreak, the decline in income and the existence of MSMEs has slowly experienced a very drastic decline. In addition, there are still other problems felt by MSME actors, including the lack of human resources to the absence of institutional support. Seeing the potential and opportunities owned by MSMEs and not wanting the Indonesian economy to fall further into a crisis, the Indonesian government will provide social assistance to MSMEs affected by COVID-19. One form of assistance issued by President Jokowi is in the form of presidential assistance or presidential assistance to SMEs in the amount of Rp. 2.4 million. As an initial stage, the number of MSMEs that will receive this assistance is 9.1 million MSMEs.

In addition to a program from the Ministry of Cooperatives and Small and Medium Enterprises in the form of an e-catalog, the Ministry of Cooperatives and Small and Medium Enterprises has also issued the MSME Foster Brother program to address and overcome the gap in technological knowledge by MSME actors. This effort also aims to realize the target of 2 million MSME players switching to digital use in their business by the end of 2020. In this program, the Ministry of Cooperatives and Small and Medium Enterprises collaborates with a marketplace that will help provide guidance to MSMEs in switching to digital. With this target, at least it takes a long stage and support from all parties to again increase the role of MSMEs in the midst of the COVID-19 pandemic.¹⁰

In addition to the policy of assistance and assistance for MSME actors, the Indonesian government led by President Joko Widodo initiated a pre-employment card program policy. Where President Jokowi has issued Peraturan Presiden Nomor 76 Tahun 2020, where the regulation has changed the previous regulation, namely: Peraturan Presiden Nomor 36 Tahun 2020. One form of change is the intent and purpose of the pre-employment card program. Initially, the pre-employment card program only aimed to increase labor productivity. Now the use of the program has been added to one more point. The goal is to develop entrepreneurship because in the pre-employment card program, MSME actors can register later.¹¹

Where in the regulation, it is stated that the purpose of the pre-employment card program is to develop the competence of the workforce, increase the productivity and competitiveness of the workforce, and to develop entrepreneurship. The change in the objectives of the pre-employment card program has also changed the criteria for participants. Apart from job seekers, this program can also be followed by laid-off workers. Then to workers or laborers who need an increase in work competence. There are two criteria for this group, the first being repatriated workers and the second being workers who are not the breadwinners, including micro, small and medium enterprises.¹²

⁹ KOMPASPEDIA, “Perkembangan Kebijakan Pemerintah Terhadap UMKM Di Indonesia,” diakses melalui <https://kompaspedia.kompas.id/baca/paparan-topik/perkembangan-kebijakan-pemerintah-terhadap-umkm-di-indonesia>, Pada tanggal 12 Juli 2022 Pukul 13.11 WIB

¹⁰ *Ibid*, hlm. 97

¹¹ *Ibid*, hlm. 98

¹² *Ibid*



3.3. Obstacles Faced in Implementing Ease for MSME Actors during the Covid-19 Period in Medan City

Licensing services currently available are cross-sectoral and cross-authoritative, so that the process of making business licenses has resulted in many procedures being followed which in the end makes Indonesia's ranking lag far behind neighboring countries in Southeast Asia such as Singapore and Malaysia in terms of ease of doing business in Indonesia.

Simplification of the licensing process is urgent and needs to be reorganized and the use of technology is a must. The birth of PP No. 24/2018 as one of the efforts to arrange business licensing in Indonesia by utilizing technology. It tries to integrate PTSP and Online Single Submission (OSS) services, so that the licensing process becomes more effective, efficient and modern in serving.¹³

The long and convoluted licensing process is still the scourge of the business world in the country. Although improvements have been made by the government, in practice in the field, especially in the regions, business permits still take a long time. The problem is lack of capital, very inconvenient bureaucracy and ignorance of procedures.

Constraints on the ease of business permits faced by the Medan City Government to MSMEs during the Covid-19 Period, such as the number of MSMEs that are not in the form of formal businesses, the low quality of MSMEs and limited access to information related to the facilities provided by the Medan City Government.¹⁴ Another problem that becomes an obstacle is the synchronization between government regulations and regional regulations, which has an impact on the licensing process cannot be completed at one time and at one door. If this is still the case, it will cause uncertainty both in terms of cost and time.¹⁵

The obstacle to the ease of business permits given by the Medan City Government to MSMEs during the Covid-19 Period, business permits are very difficult, especially for people like me who are still very confused with the online services provided during the Covid-19 period.¹⁶ Currently, the problem with the ease of doing business permits given by the Medan City Government to MSMEs during the Covid-19 period, is that they are not used to using the online method or are afraid of entering wrong data. As an individual business community, when I wanted to open a business, I was initially confused about obtaining permits, which they said can now be done online because I also don't really understand online things like that for fear of incorrect data input".¹⁷

4. CONCLUSIONS AND RECOMMENDATIONS

4.1. Conclusion

1. Ease of Business Permits for MSME Business Actors According to the Job Creation Law, it can be explained that micro-entrepreneurs will be exempted from business licensing fees and will provide cost relief for small businesses. This is part of the government's expectations and evaluations in the context of establishing the Job Creation Act initially, namely the elimination of business costs for Micro and Small Enterprises. The ease of doing business permits is further explained in Article 91 of the Job Creation Law.
2. Government policies in rescuing MSMEs during the Covid-19 pandemic, including the Indonesian government will provide social assistance to MSMEs affected by COVID-19. One form of assistance issued by President Jokowi is in the form of presidential assistance

¹³ Syifa Al-Huzni, *Pelaksanaan Izin Usaha Secara Elektronik Sebagai Upaya Peningkatan Investasi Di Indonesia*, Vol. 15, no. 1, Maret 2021, h. 109

¹⁴ Wawancara dengan Ridho Haykal, Pelaksana tugas (Plt) Kepala Dinas Koperasi dan UKM Provinsi Sumatera Utara, tanggal 14 Desember 2021 Pukul 09. 00 Wib

¹⁵ Wawancara dengan Ridho Haykal, Pelaksana tugas (Plt) Kepala Dinas Koperasi dan UKM Provinsi Sumatera Utara, tanggal 14 Desember 2021 Pukul 09. 10 Wib

¹⁶ Wawancara dengan Kurniawan pelaku usaha yang bermukim di Kecamatan Medan Petisah

¹⁷ Wawancara dengan Kurniawan pelaku usaha yang bermukim di Kecamatan Medan Sunggal

or presidential assistance to SMEs in the amount of Rp. 2.4 million. Furthermore, the government launched an e-catalog. The launch of this e-catalog aims to increase the competitiveness and ability of MSME actors in the digital era, considering that only about 4 to 10 percent of MSME actors are able to compete in the current digital era.

3. Obstacles Faced in Implementing Ease for MSME Actors during the Covid-19 Period In Medan City are divided into three types, namely, First, obstacles in terms of licensing, where the ease of licensing process results in many MSMEs that are not in the form of formal businesses, low quality of MSMEs and limited access to information related to the facilities provided by the Medan City Government. Second, Obstacles in the Distribution of BPUM, where there are parties on behalf of the Medan City MSME Service offering prospective BPUM recipients that they can pass the application file to get BPUM to MSME owners or it can be said that brokers appear on behalf of the agency. And third, Barriers to the Provision of Capital Credit for Micro, Small and Medium Enterprises (MSMEs) where in this obstacle there are problems in several parts, namely the problem of administrative access, limited time, documents that do not meet the requirements, constrained disbursement of funds and information that is not reached by all layers Public.

4.2. Suggestion

1. A new regulation by the government that needs to be reaffirmed with implementing regulations because there are still many things that still need to be further detailed. Because the essence of the Job Creation Law for MSMEs is how to make MSMEs more developed and able to compete with an easy licensing process,
2. In the Job Creation Law, there are facilities provided to encourage the pace of economic growth, both from the MSME level to the entry of foreign investment into Indonesia. However, it is hoped that at the level of implementation in the field, it is supported by adequate bureaucratic reform and qualified human resources, so that later it does not become delinquent which leads to ineffectiveness in pushing the pace of the economy forward.
3. Obstacles faced by the Medan City Government; it is necessary to improve the ease of business permits for MSMEs during the COVID-19 pandemic in Medan City to be better in order to minimize errors when entering data for business actors.

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