

## **LEGAL REFORMS AND THE JOB CREATION ACT IMPLEMENTATION FOR MICRO, SMALL, AND MEDIUM ENTERPRISES (MSMES) IN INDONESIA: POLICY IMPLICATIONS AND PRACTICAL CHALLENGES**

**LISTA HURUSTIATI**

Doctoral of Law Program, Jayabaya University  
[listahur@gmail.com](mailto:listahur@gmail.com)

**YUHELSON**

Jayabaya University  
[yuhelson@jayabaya.ac.id](mailto:yuhelson@jayabaya.ac.id)

**MARYANO**

Jayabaya University  
[maryano@jayabaya.ac.id](mailto:maryano@jayabaya.ac.id)

**ANUPONG MAUNCHAIYA**

International College, Rajamangala University of Technology Krungthep  
[Anupong.m@mail.rmutk.ac.th](mailto:Anupong.m@mail.rmutk.ac.th)

### **ABSTRACT**

This study explores the legal reforms aimed at supporting Micro, Small, and Medium Enterprises (MSMEs) in Indonesia and investigates the implementation of labor copyright law in MSMEs business licensing. The research analyzes the policy implications and practical challenges associated with these initiatives. It examines the legal frameworks, policy shifts, and regulatory measures introduced to foster MSMEs growth. Additionally, it delves into the dynamics of labor copyright law implementation within the MSMEs sector, considering the challenges faced by MSMEs owners, employees, and regulatory authorities. By integrating these two areas of study, this article offers insights into the implications and challenges of legal reforms and labor copyright protection, providing recommendations for enhancing the legal framework to support the interests of MSMEs stakeholders.

**KEY WORD:** Legal reforms, MSMEs, Labor copyright law, Policy implications, Practical challenges.

### **INTRODUCTION**

As a developing country with a large population and an abundance of natural resources, Indonesia recognizes the critical role that micro, small, and medium enterprises (MSMEs) play in its economic development and growth. SME growth is an important driver of inclusive economic growth, job creation and poverty reduction. Populist economies are based on microenterprises, small businesses, and small businesses ([Inayah, 2019](#)). In view of their importance to the national economy, MSMEs must be provided with economic policies that offer greater

convenience, support, protection and empowerment ([Government Regulation of the Republic of Indonesia Number 7 of 2021](#)). Therefore, their role in the economic development of the country is crucial, as they increase employment and provide a wide range of economic services to the community, contribute to income equality and growth, promote economic growth, and contribute to the realization of state stability. To reduce income inequality and poverty, empowering MSMEs is a strategic decision to increase the income of low-income groups ([Reza Hendra Putra, 2021](#)). It does so through strengthening business capacity and management capabilities. However, MSMEs in Indonesia face many challenges, including limited access to capital, poor infrastructure, burdensome regulations, and lack of institutional support.

In order to address these issues and encourage the expansion of small and medium enterprises (MSMEs), the Indonesian government has been implementing legal reforms and the passage of [The Job Creation Act. Law No. 11 of 2020](#), was passed with the intention of improving the business climate in Indonesia, reducing red tape and streamlining regulations. The law aims to stimulate economic activity, attract domestic and foreign investment, and create employment opportunities. Taking into account the special needs and difficulties of MSMEs, the implementation of the Job Creation Act includes special provisions for MSMEs. These provisions will make it easier for MSMEs to access financing. They will also reduce regulatory burdens and streamline bureaucratic procedures. The law also includes measures to support innovation, encourage entrepreneurship and improve the competitiveness of MSMEs.

Prior to the enactment of the Job Creation Act, there was a lot of confusion or overlap in the laws and/or implementing regulations as well as the various institutions that issued them (permits), which cost business owners and entrepreneurs a lot of money and time. Many institutions and various overlapping rules and regulations make it difficult and time-consuming to start an enterprise in Indonesia. Due to the high cost of each business license, many MSMEs are reluctant to obtain any of the many required licenses. For example, for MSMEs with capital of less than IDR 1 billion, the cost of a business license is IDR 4 million, not including the additional cost of expediting the issuance of the license ([Gapuraoffice, n.d.](#)). Items such as trade licenses and location permits are not included in these costs.

The Job Creation Act provides convenience to business actors by allowing them to register in the Online Single Submission (OSS) system, which is a manifestation of the mandate of the Job Creation Act, and as a follow-up, the issuance of [Government Regulation No. 7 of 2021](#), which supports and encourages the need for such a regulation. For the purpose of implementing risk-based business licensing in an electronically integrated business licensing system, the OSS is an integrated electronic system managed and organized by the OSS institution. Business actors will be able to obtain a business identification number (NIB) as a business license by registering through the OSS ([Desi Arianing Arrum, 2019](#)). In addition, The Job Creation Act will facilitate the operation of low-risk enterprises by providing them with a single license, the NIB, which serves as both the identity of the enterprise and its legal identification.

However, current legislation is not fully integrated. It has not been able to fully address the legal requirements for accelerating The Job Creation Act. Therefore, adjustments are needed ([Achmad Amiruddin, 2020](#)). Among others, the

following are regulated in this [government regulation](#): a) facilitation, protection and empowerment of cooperatives; b) facilitation, protection and empowerment of MSMEs; c) implementation of incubation; and d) special allocation of funds for facilitation, protection and empowerment of cooperatives and MSMEs. While the implementation of the Job Creation Act and legal reforms have positive policy implications for SMEs, there are a number of practical issues that need to be addressed before they can be effectively implemented. Some of these challenges include the following

**Institutional capacity:** Effective implementation of legal reforms requires strong institutional capacity at all levels of government. Adequate training, resources, and coordination mechanisms must be in place to ensure that government organizations responsible for implementing the law are prepared to handle the increased workload and provide effective support to SMEs.

**Regulatory clarity:** Regulations must be clear and unambiguous for SMEs to understand their rights, obligations and the procedures they must follow. Ambiguity or inconsistency in the law can lead to misinterpretation, defeat the purpose of the law, and cause confusion. Therefore, it is important to ensure that regulations are written precisely and clearly.

**Stakeholder engagement:** It is essential to involve stakeholders in the policy development and implementation process, including SME associations, chambers of commerce, and relevant industry experts. Their views can provide insightful information on the practical difficulties faced by SMEs and identify areas where additional reforms are needed.

In addition, the implementation of legal reforms, in particular the Job Creation Act, has a number of policy implications for MSMEs in Indonesia. First, the law aims to reduce the compliance burden on MSMEs by streamlining regulations and administrative processes. This could make it easier to do business, attract investment, and create an environment that's conducive to MSME growth. In addition, the law's focus on improving MSMEs' access to finance has significant policy implications. Due to a lack of credit history, inadequate collateral, and risk aversion on the part of lenders, MSMEs often struggle to obtain adequate financing. The law introduces measures to address these issues, including encouraging financial institutions to offer specialized financial products for MSMEs, establishing credit guarantee mechanisms, and promoting the use of technology-based lending platforms. By improving MSMEs' access to capital, these policy initiatives hope to help them grow, invest in technology, and innovate. The Job Creation Act also encourages MSMEs to formalize by registering and complying with regulations. Formalization can give MSMEs access to government support programs, legal protection, and opportunities to participate in formal supply chains. The law aims to create an enabling environment for MSMEs to move from the informal to the formal sector, thereby improving their sustainability and long-term viability. Therefore, given the existence of the Job Creation Act and government regulations on business licensing for MSMEs, it would be interesting to conduct a study on the urgency of legal reform. Thus, whether the various regulations created by the Indonesian government are appropriate or whether more review is needed. The outcome will be the optimal implementation of legal regulations and legal protection of MSMEs in the context of improving social welfare.

## METHODOLOGY

Normative legal research, which is a type of research that is conducted through the analysis of current legal norms, was the type of research that was used to write this study ([Soerjono Soekanto, 2017](#); [Muhammad Syahrums, 2022](#)). In this study, qualitative methodology was used for the collection of data from books, academic journals, and government regulations and policies, all of which are relevant to MSMEs. According to [Peter Mahmud Marzuki \(2008\)](#), legal research is the process of locating laws, principles, and doctrines to address specific legal issues. Normative legal research is also referred to as document research or library research ([Soerjono Soekanto and Sri Mamudji, 2014](#)), as it is also known as doctrinal legal research and is conducted exclusively through written regulations and other legal materials. Specifically, Law No. 11 of 2020 on Job Creation and the regulations related to this research are the legal norms that are examined in this case to conduct the research.

## RESULTS

The implementation of legal reforms, particularly the Job Creation Act, for micro, small and medium enterprises (SMEs) in Indonesia has significant policy implications and practical difficulties. The research findings and discussion are presented in this section, which also explores the implications and difficulties associated with the implementation of the Job Creation Act and legal reforms. The findings of the study point to several important conclusions about the policy implications and practical difficulties of legal reforms and the application of the Job Creation Act for SMEs in Indonesia.

[Government Regulation No. 7 of 2021](#) provides guidelines for the implementation of the provisions of Articles 87 to 104 of the Employment Creation Law regarding Micro, Small and Medium Enterprises (MSMEs). These regulations establish a series of measures aimed at supporting, protecting and empowering MSMEs. The following are the main benefits of this regulation for MSMEs in terms of facilitation, protection and empowerment:

Expansion of the net worth criterion: By expanding the criteria beyond net worth, the regulation emphasizes that multiple business units can qualify as MSMEs.

Streamlined permit application: MSMEs have easier access to the licensing process, both online and offline.

Integrated partnership and supply chains: The scheme promotes an integrated partnership model with larger enterprises and allows MSMEs to participate in supply chains or logistics of larger enterprises.

Single Database Management: The government will maintain a single database of MSMEs to inform policy making and provide access to relevant stakeholders.

MSME clusters: MSME are organized into clusters based on common product chains, labor skills, or use of similar technologies to facilitate coordination and cooperation.

Accessibility of tax administration: MSMEs will benefit from simplified tax administration processes, including inquiries for funding from the central government, customs incentives for export-oriented enterprises, and income tax incentives.

Simplified registration and intellectual property rights: The process of registering

and obtaining intellectual property rights will be simplified, as will access to imported raw materials and supplementary industrial materials in cases where domestic supply is inadequate.

**Central Government Funding:** The central government will allocate specific funds for the empowerment and development of MSMEs.

**Support services and legal aid:** MSMEs are provided with support services and legal aid to assist them in their operations.

**Domestic Procurement:** At least 40% of products/services procured by the government must come from domestic production of small and medium enterprises and cooperatives.

**Coaching and Legal Aid:** MSMEs will have access to coaching and legal aid in the use of systems/applications for accounting and financial record keeping.

**Promotion and Business Opportunities:** MSMEs will be provided opportunities for promotion and business establishment at highway rest areas and public infrastructure sites.

**Establishment of one person business:** MSMEs will have access to establish businesses as a single person, reducing administrative barriers.

**Halal Certification:** The Ordinance facilitates MSMEs to meet the requirements to become Halal certified.

**Minimum Wage Exemption:** MSMEs are exempted from minimum wage provisions, with wages set through agreements between business owners and employees/workers, ensuring that they are at least equal to the percentage of average consumption in society.

The researcher will explain some key findings regarding the policy implications and practical challenges of legal reforms and the implementation of the Job Creation Act for MSMEs in Indonesia based on the aforementioned research findings.

### **Policy Implications:**

**Increased support and facilitation:** According to the study, the Job Creation Act, as reflected in Government Regulation No. 7 of 2021, introduces measures to provide more support and facilitation to SMEs. The Act allows more companies to benefit from certain programs and incentives, by emphasizing net asset growth as a criterion for classifying companies as MSMEs. To make it easier for MSMEs to comply with regulations, the Act also promotes streamlined permit application procedures, both online and offline.

**Integration into supply chains:** The study highlights that the Job Creation Act seeks to integrate MSMEs into supply chains and alliances with larger companies. This will give MSMEs the opportunity to gain access to larger markets, to take advantage of economies of scale, and to increase their ability to compete. The Act promotes mutually beneficial relationships that can help the MSME sector grow and develop by encouraging cooperation between MSMEs and larger companies.

**Access to finance and incentives:** According to the research findings, the law introduces mechanisms to improve MSMEs' access to finance. These include measures such as technology-based lending platforms, customized financial products, and credit guarantee mechanisms. The Act also eases the process of registering a business, provides fiscal incentives, and makes it easier to manage intellectual property rights. The aim of the scheme is to help small and medium-sized enterprises to grow and innovate.

**Formalization and compliance:** The study highlights how, by bringing unregistered businesses into the legal market, the Job Creation Act promotes the formalization of MSMEs. This gives MSMEs access to government support programs, legal protection, and opportunities to participate in formal supply chains. The Act also emphasizes the importance of meeting and complying to regulatory requirements, promoting fair competition for MSME's and enhancing the credibility of MSME's in the market.

**Practical Challenges:**

**Implementation and coordination:** The research findings highlight the real difficulties that MSMEs will face in putting the Job Creation Act and legal reforms into practice. Effective implementation will require coordination among government agencies, adequate funding, and capacity building initiatives. Institutional capacity building at all levels of government will be necessary for effective implementation and support to MSMEs.

**Regulatory clarity and interpretation:** The study emphasizes the importance of precise, unambiguous regulations that help MSMEs understand their rights, obligations and procedures. Ambiguities or contradictions in the law can cause confusion and make it difficult for MSMEs to comply. The precision and clarity of the legal system must be continuously improved to meet these challenges.

**Collaboration and stakeholder engagement:** In the process of policy development and implementation, the study highlights the importance of collaboration and stakeholder engagement. Involving MSME associations, chambers of commerce, and industry experts in the decision-making process can provide insightful information and ensure that reforms address the practical challenges faced by MSMEs. Regular stakeholder consultation and cooperation is beneficial for effective and inclusive policy implementation.

## DISCUSSION

Based on the results of the research above, from the study's findings show how legislative changes and implementation of Indonesia's Job Creation Act could impact national policy. The law introduces measures that will improve MSMEs' access to finance and incentives, support and facilitate their growth, and formalization and compliance. These policy implications can be helpful. This is because MSMEs are crucial in ensuring the continuity of business in Indonesia, as well as the introduction of economic equity at all levels of society ([Indonesian Ministry of Finance, 2021](#); [Ministry of National Development Planning/National Development Planning Agency, 2019](#)). According to the latest data from the [Indonesian Ministry of Cooperatives and MSMEs \(2019\)](#), there are 65,471,134 MSMEs (approximately 99% of all business units), which employ 96.92% (119,562,843 people) of the total workforce, contribute 60.51% (IDR 9,580,762.7 billion) of the country's GDP, 15.65% of all exports, and up to 60.03% of all investments ([Koeswahyono, Maharani, and Liemanto, 2022](#)).

Regulations to enhance the competitiveness of MSMEs, both locally and globally, are therefore crucial. MSMEs also play a strategic role in the domestic economy, as evidenced by their high employment rates, large contributions to GDP, and number of business units. The size of the economy and the relatively low reliance on external trade in goods and services have been successful drivers of economic recovery ([Ssenyonga & Shafiullah, 2021](#)). [Asshiddiqie \(2019\)](#) argues that the idea

of simplifying regulations through an omnibus law will be achieved by making substantive changes, cancelling some regulations, and rearranging them into comprehensive and straightforward regulations. Under the idea of streamlining MSME regulations through the Job Creation Act, an integrated set of regulations is expected to be created. However, there is a risk that the law will have a bad reputation among various parties for its apparent disregard for democracy ([Hadiyati, 2021](#)). This may prevent overlapping regulations ([Rongiyati, 2019](#)).

However, government is not the only stakeholder in the development and improvement of MSMEs; all stakeholders are involved. Issues of capital, technological capabilities, empowerment policies that focus on the grassroots economy, and improvements to intellectual property itself are all examples of this advancement ([Disemadi, 2022](#)). The intellectual property component supports initiatives to promote Indonesia's creative industries, one of which is MSMEs ([Balqis, 2021](#)). It provides owners material wealth, including economic rights ([Sihombing, 2018](#); [Balqis & Santoso, 2020](#)). Because the business owner can use it in an industry or trade that makes money, economic rights in intellectual property can be considered ([Sihombing, 2018](#)). This shows a real correlation between MSMEs, creative industries and IP in Indonesia.

The existence of the Job Creation Law gives MSME entrepreneurs the assurance that they are legally protected from the aspect of expediting business licensing for entrepreneurs, especially business licensing through the OSS system, where business license registration through the OSS reduces the registration time and bureaucracy. Business operators who register a business license through OSS will receive a business identification number (NIB) and a micro and small business license (IUMK) as a single legality and license for MSME business operators in accordance with Articles 87 and 91 of [the Job Creation Law](#). Not only protection in terms of accelerated licensing, business actors also get legal protection such as ease of doing business, namely MSME business actors get tax fee relief and easily get business capital assistance provided that the NIB has been registered with the OSS institution. Entrepreneurs receive legal protection and ease of doing business, such as tax fee relief for MSME entrepreneurs and easy access to business capital assistance, provided the NIB has been registered with the OSS institution, in addition to protection in the form of expedited licensing.

Consequently, MSMEs play a strategic role in Indonesia's economic recovery through the Job Creation Law and other related regulations. Despite the severe physical and social constraints, MSMEs are still considered excellent programs. Digitization has become the method they have chosen to ensure the longevity of their business. MSMEs are urged to take advantage of the technology-based licensing system, but the risk-based OSS system and the Integrated Business Service Center, which are designed to support businesses as stipulated in the Job Creation Act, have shown great progress in their performance. In addition to direct financial assistance, partnerships and cash transfers are considered appropriate solutions in credit restructuring programs.

## CONCLUSION

The legal reforms and implementation of the Job Creation Act have significant policy implications and practical challenges for Micro, Small, and Medium Enterprises (MSMEs) in Indonesia. The research findings highlight the positive impact of the reforms on SMEs, including enhanced support and facilitation,

integration into supply chains, improved access to financing and incentives, and the promotion of formalization and compliance. These policy implications provide a conducive environment for the growth and development of SMEs, fostering their competitiveness and contribution to the economy.

In addition to these policy implications, a number of practical challenges need to be addressed to ensure the successful implementation of legal reforms. These challenges include the need for strong coordination among government agencies, clarity and interpretation of regulations, and stakeholder participation and cooperation. In order to address these issues, ongoing work is needed to strengthen institutional capacity, improve the clarity of regulations, and involve stakeholders in the decision-making process.

Maintaining a flexible and adaptable strategy is essential to ensuring that MSMEs receive the maximum benefits from the legal reforms and the Job Creation Act. The regulatory framework can be timely adjusted with the help of ongoing engagement with stakeholders, regular monitoring and evaluation of the reforms' effects on MSMEs, and the identification of areas for improvement. Additionally, ongoing assistance in the form of capacity-building projects, information access, and focused assistance will enable MSMEs to navigate the evolving business environment and seize growth opportunities.

In general, an important step towards improving the business climate for MSMEs in Indonesia is the implementation of the Job Creation Law and legal reforms. These reforms have the potential to promote the expansion, competitiveness and sustainability of MSMEs by addressing policy implications and overcoming practical difficulties, ultimately leading to job creation, economic growth and social welfare. With continued study, observation, and improvement of the regulatory framework, MSMEs will continue to thrive and be essential to Indonesia's economy..

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