

LEGAL PROTECTION OF UMKM ASSOCIATIONS UNDER THE JOB CREATION LAW IN NORTH BENGKULU

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Abstract: In the era of Society 5.0, Micro, Small, and Medium Enterprises are a cornerstone in driving Indonesia's economic development, playing a critical role in increasing the Gross Domestic Product (GDP) and absorbing a significant portion of the workforce. In North Bengkulu, MSMEs face various challenges, yet these challenges also present opportunities for innovation and growth. The North Bengkulu MSME Association has initiated movements such as "I Love North Bengkulu Products" (G-ARU) to promote local products and enhance community support. However, cooperation between MSMEs and government institutions, specifically the Department of Investment and One-Stop Integrated Services (DPMPTSP), requires improvement, particularly in implementing Law No. 6 of 2023 on Job Creation. While this law aims to simplify business processes and promote partnerships, many MSME actors remain unfamiliar with the new regulatory framework, resulting in implementation gaps. This study employs an empirical legal (socio-legal) approach with a descriptive research method, collecting data through interviews and literature review to analyze the partnership dynamics between MSMEs and DPMPTSP. The findings reveal that although cooperation has yielded benefits in business training, licensing facilitation, and market access, issues remain regarding the transparency of agreements and the effectiveness of promotional activities. The current partnership model favors associations and government agencies more than the MSME actors, indicating a need for clearer regulations, better communication, and more equitable benefit-sharing mechanisms.

Di era Society 5.0, Usaha Mikro, Kecil, dan Menengah (UMKM) menjadi tumpuan penggerak pembangunan ekonomi Indonesia, berperan krusial dalam meningkatkan Produk Domestik Bruto (PDB) dan menyerap sebagian besar tenaga kerja. Di Bengkulu Utara, UMKM menghadapi berbagai tantangan, namun tantangan tersebut juga menghadirkan peluang untuk berinovasi dan berkembang. Asosiasi UMKM Bengkulu Utara telah menginisiasi gerakan seperti "Aku

Cinta Produk Bengkulu Utara" (G-ARU) untuk mempromosikan produk lokal dan meningkatkan dukungan masyarakat. Namun, kerja sama antara UMKM dan lembaga pemerintah, khususnya Dinas Penanaman Modal dan Pelayanan Terpadu Satu Pintu (DPMPTSP), perlu ditingkatkan, khususnya dalam mengimplementasikan Undang-Undang Nomor 6 Tahun 2023 tentang Cipta Kerja. Meskipun undang-undang ini bertujuan untuk menyederhanakan proses bisnis dan mendorong kemitraan, banyak pelaku UMKM yang belum memahami kerangka regulasi baru tersebut, sehingga menimbulkan kesenjangan implementasi. Penelitian ini menggunakan pendekatan hukum empiris (sosio-hukum) dengan metode penelitian deskriptif, pengumpulan data melalui wawancara dan telaah pustaka untuk menganalisis dinamika kemitraan antara UMKM dan DPMPTSP. Hasil penelitian menunjukkan bahwa meskipun kerja sama telah memberikan manfaat dalam hal pelatihan usaha, kemudahan perizinan, dan akses pasar, namun masih terdapat permasalahan terkait transparansi perjanjian dan efektivitas kegiatan promosi. Model kemitraan yang berlaku saat ini lebih berpihak pada asosiasi dan instansi pemerintah dibandingkan pelaku UMKM, sehingga diperlukan regulasi yang lebih jelas, komunikasi yang lebih baik, dan mekanisme pembagian keuntungan yang lebih adil.

Keywords: Job Creation Law; Legal Protection; UMKM Associations.

INTRODUCTION

In the Society 5.0 era, the amalgamation of technology and human-centric innovation is pivotal in enhancing Micro, Small, and Medium Enterprises (MSMEs) as essential catalysts for Indonesia's economic development. Micro, Small, and Medium Enterprises (MSMEs) function as job creators and as catalysts for innovation and economic development at local and national levels (Anzellyta and Fittria, 2022). Data from the Ministry of Cooperatives and MSMEs indicates that Indonesia has roughly 64.2 million MSMEs, which contribute 61.07% to the national GDP, amounting to approximately IDR 8,573.89 trillion. Moreover, MSMEs generate employment for around 117 million individuals, constituting 97% of the population and comprising roughly 60.4% of total investments documented in 2021 (Kemenkeu.go.id, 2024).

Indonesia comprises numerous provinces, each exhibiting unique attributes and natural resources. Bengkulu Province consists of nine districts and one city, including North Bengkulu, which encounters distinct developmental issues. Notwithstanding the considerable presence of MSMEs, numerous entities continue to face challenges in obtaining vital resources for expansion (Nida, 2020). Entities like the Department of Investment and One-Stop Integrated Services are responsible for facilitating MSME development; nevertheless, the efficacy of these initiatives necessitates additional scrutiny. The North Bengkulu UMKM Association functions as a conduit for MSME stakeholders to cooperate and innovate. The

association aims to encourage local enterprises to tackle current economic issues through projects such as the *Gerakan I Love North Bengkulu Products (G-ARU)* (Akenti, 2022).

The recent enactment of the Job Creation Law (Law No. 6 of 2023) has enhanced the legal protection for MSMEs. This legislation seeks to enhance investment and deliver extensive assistance for MSME development by streamlining laws and guaranteeing clarity for business stakeholders. In accordance with its rules, the government provides various facilities, including support for business establishment, access to training, financial incentives, legal aid and protection, as well as facilitation in organizing cooperatives and establishing commercial partnerships. The implementation of Law No. 6 of 2023 on Job Creation is anticipated to bolster assistance for MSMEs, enabling them to contribute more effectively to the economy of North Bengkulu. This rule is regarded as a mechanism to assist MSMEs in surmounting problems through the provision of incentives and governmental support. Many corporate stakeholders encounter challenges in comprehending the new legal framework, highlighting the necessity for enhanced policy implementation to optimize its advantages.

Jerikha and Rizkia (2024) assert that the Department of Investment and One-Stop Integrated Services is crucial in aiding MSMEs by providing developmental platforms. By collaborating with MSME associations, the department may enhance finance access, offer training, and communicate vital information to promote business growth. Nonetheless, the efficacy of this cooperation necessitates enhancement, especially in fulfilling the legal safeguards stipulated by the Job Creation Law. The efficacy of institutional collaboration predominantly hinges on the caliber of engagement between governmental entities and business stakeholders in promoting equitable and sustainable MSME development (Yerikha and Rizkia, 2024).

The Investment and One-Stop Integrated Services Office is crucial in assisting MSMEs (UMKM) in adhering to current regulations and facilitating their growth. This institution provides access to essential resources, encompassing business knowledge, capacity-building initiatives, and market prospects. These services enable small business stakeholders to more readily secure legal protection and grow their firms. Data from North Bengkulu Regency indicates substantial growth in the number of MSMEs from 2019 to 2023. In 2019, there existed 6,130 MSME units. This figure escalated significantly in 2020, culminating at 37,742 units by 2021. The growth was consistent, with 38,263 units in 2022 and increasing to 39,717 units in 2023. This tendency indicates a favorable progression in MSME development, while also highlighting the growing necessity for ongoing institutional assistance and legal protection systems (Bengkuluutarakab.go.id).

The main focus of the research conducted was legal protection for all rights of the food UMKM Association, especially in the field of partnerships (cooperation) with Department of Investment and Integrated Services One and Integrated Services One. Since the enactment of Law No. 6 of 2023 on Job Creation, the legal safeguarding of Micro, Small, and Medium Enterprises (MSMEs/UMKM) has garnered increasing scholarly attention. This law is regarded as a significant legal milestone for MSMEs, aimed at enhancing Indonesia's

investment climate and optimizing corporate procedures. Rahardjo (2023) asserts that the law provides legal protection, training, financial access, and streamlined licensing, among other elements, as components of a broader support system for MSMEs. Hidayat (2021) and other scholars emphasize that the Department of Investment and One-Stop Integrated Services orchestrates licensing services and advisory initiatives to facilitate the development of UMKM. Particularly in rural and developing regions such as North Bengkulu, these services aim to bridge the divide between policy formulation and implementation. The clarity and dissemination of regulatory information remain inadequate, so constraining UMKM's ability to fully exercise their rights.

The research by Yusuf and Nurlaila (2022) emphasizes the necessity of collaboration between government agencies. These collaborations offer mutual benefits regarding access to capital, legal expertise, and market expansion. Nevertheless, they underscore challenges related to administrative intricacy and legal acumen among UMKM participants. The role of the UMKM association is deemed essential. As stated by Akenti (2022), entities like as the North Bengkulu UMKM Association not only promote local products through initiatives like *Gerakan I Love North Bengkulu Products (G-ARU)* but also facilitate collective bargaining and legal advocacy. Their success, however, occasionally depends on their ability to navigate legal processes and collaborate with groups. Legal scholars such as Setiawan (2023) assert that while the Job Creation Law provides a comprehensive framework, particularly on partnerships, intellectual property, and conflict resolution, it necessitates more robust implementation regulations at the regional level to protect UMKM rights.

Current research underscores that while the Job Creation Law and government entities such as DPMPTSP establish a foundation for UMKM growth, the actual legal protection is contingent upon local implementation, legal knowledge, and institutional synergy. Additional empirical research are necessary to evaluate the effectiveness of these measures in specific regions, such as North Bengkulu.

RESEARCH METHOD

This study utilizes a descriptive qualitative research design to offer a detailed representation of the legal protections granted to Micro, Small, and Medium Enterprises groups in North Bengkulu. Descriptive study systematically delineates a population, scenario, or phenomena without altering variables. It addresses the "what," "where," "when," and "how" inquiries, offering a concise overview of the present circumstances. An empirical legal (socio-legal) approach is employed, merging legal analysis with social scientific approaches. This methodology analyzes the functioning of law within society, taking into account both legal frameworks and the social settings in which they operate. It is especially adept in comprehending the practical ramifications of laws and policies on particular communities or groups. The study used a non-random purposive sample method, choosing participants according to their pertinence to the research aims. This approach facilitates the intentional selection of persons with certain qualities or experiences relevant to the study, including

members of UMKM associations and officials from the Department of Investment and Integrated Services and One-Stop Integrated Services. Data collection Primary data was gathered via semi-structured interviews with essential stakeholders, comprising members of UMKM associations and government officials. This strategy enables a comprehensive comprehension of participants' viewpoints and experiences. Secondary Data derived from legal documents, policy papers, and pertinent literature to situate the findings within established legal and policy frameworks.

The data is examined through a qualitative descriptive analysis method, which entails recognizing patterns, themes, and categories to construct a cohesive narrative. This approach is proficient in analyzing intricate qualitative data and offering a detailed comprehension of the research subject.

RESULT AND DISCUSSION

Based on Law No. 6 of 2023 concerning Job Creation, this study was carried out in North Bengkulu with the purpose of investigating the legal protection of UMKM (Micro, Small, and Medium Enterprises) rights. The investigation was carried out in collaboration with the Department of Investment and Integrated Services (DPMPTSP) and the UMKM Association. The information was gathered by conducting interviews with individuals involved in UMKM as well as officials from relevant institutions.

An interview was conducted with five performers from UMKM in order to gain their perspectives and experiences. Heri, he voiced his discontent with the profit-sharing arrangement that had been developed inside the partnership. It was mentioned by him that the price of his product was 10,000 Indonesian Rupiah when it was sold independently. The price, on the other hand, decreased to IDR 8,000 when it was sold through the association, with the remaining IDR 2,000 being split between the association and the agency. Considering this to be a financial disadvantage, he made the decision to sell his products independently. As an additional point of interest, he stated that the promotional efforts did not result in any increase in sales and that he saw a lack of legal clarity on his rights. Wandu discovered that joining the UMKM association provided him with a number of advantages, such as the opportunity to receive training in business, assistance with promotional activities, and simpler access to raw materials. In spite of this, he stated that he did not fully comprehend the partnership agreement and the legal requirements that were imposed on the partnership. This indicates that there was a lack of information dissemination regarding the legal rights and responsibilities of UMKM that were held within the partnership.

Generally speaking, the interviews with UMKM actors suggested that there were gaps in legal understanding, unequal sharing of profits, and difficulties in achieving actual benefits from the relationship between the two organizations. The Chair of the UMKM Association in North Bengkulu, Harzonzori, indicated that the association played a significant role in terms of assisting micro, small, and medium-sized enterprises (MSMEs) and fostering

investment in accordance with Law No. 6 of 2023. Permits for businesses, access to money, and the implementation of a variety of development programs were all made easier by the associated organization. For the purpose of serving as a hub for investment promotion and the empowerment of micro, small, and medium-sized enterprises (MSME), an innovative initiative known as the "Integrated Investment and Service Promotion House". The objectives of the collaboration were reaffirmed by Edwin Junaidi. These objectives include the establishment of a more structured promotional strategy to encourage investment and the growth of UMKM. Through the provision of integrated support, he reaffirmed the commitment to hasten the process of economic development. Eko Untung, paid attention to the modifications that were brought about by Law No. 6 of 2023, particularly with regard to the simplification of business licensing and the creation of flexible laws to boost the competitiveness of MSME. It was his firm belief that continued policy advice and partnership would assist micro, small, and medium-sized enterprises in making greater use of legislative provisions for their progress.

Partnerships between micro, small, and medium enterprises UMKM with associations and the Investment and Integrated Services Agency One still face various obstacles, especially in terms of legal protection and economic benefits received by business actors. One of the main problems faced is the profit-sharing scheme which is considered less profitable for business actors. The selling price of products entrusted to the association has decreased compared to the independent selling price, where the price difference becomes a profit for the association and related agencies. This causes some business actors to feel more comfortable selling their products independently without going through a partnership mechanism.

Problems in UMKM Partnerships

Problems in UMKM partnerships are detrimental profit sharing scheme, lack of transparency in partnership agreements and Lack of effectiveness in marketing and distribution. One of the most significant challenges that UMKM, associations, and the Investment and Integrated Services Agency come up against while attempting to form relationships One example is the profit-sharing program, which does not generate a benefit for small company representatives. When compared to the selling price of products that are sold individually, the selling price of products that have been entrusted to the association has fallen. This occurs as a result of the association or agency deducting a profit margin from the difference in pricing. As an illustration, if a business actor sells a product on their own for Rp50,000, the price that is established through the association can drop to Rp40,000. The difference of Rp10,000 is the profit or partnership administrative fee that is charged by the association. As a result of this scenario, micro, small, and medium-sized enterprise (MSME) players have the perception that they are not receiving satisfactory economic benefits from the partnership. As a result, many of them prefer to sell their products independently, without going through the available partnership mechanism.

Lack of transparency in partnership agreements, partnerships between micro, small, and medium-sized enterprises and associations and agencies ought to be founded on unambiguous agreements, both verbally and in writing. On the other hand, in actual instances, a significant number of UMKM do not obtain sufficient information concerning their rights and obligations within the partnership. In the lack of a comprehensive written contract that specifies the profit-sharing system, the duration of the partnership, and the responsibilities of each member, the position of business actors is rendered legally weak. Furthermore, the lack of socialization from the association or connected organizations allows micro, small, and medium-sized enterprises to not have a comprehensive understanding of the partnership mechanism. As a result, they frequently merely adhere to the policies that have been established without having any opportunity for negotiation.

Lack of effectiveness in marketing and distribution, through the UMKM cooperation, the goal is to be able to provide small company players with access to markets as well as improvements in economic and competitive conditions. Promotions and distribution efforts carried out by associations, on the other hand, have not always been able to significantly boost sales of products manufactured by micro, small, and medium-sized enterprises. Due to the fact that the distribution strategy being utilized by the organization is not perfect, a significant number of business actors are nevertheless required to rely on independent marketing through social media or online marketplaces. In addition to serving as distribution intermediaries, certain associations do not contribute any significant value to UMKM. These associations do not contribute to the expansion of brand awareness, access to wider markets, or the facilitation of exports.

Relationship with the Job Creation Law

Law No. 6 of 2023, amending Law No. 11 of 2020, elucidates that legislative frameworks can enhance collaboration among micro, small, and medium enterprises and diverse entities, including governmental bodies, associations, and major corporations. Several key points pertinent to the aforementioned difficulties are articles 102 and 103 collaborations must be reciprocal in advantage. Article 102 of the Job Creation Law stipulates that collaboration with UMKM and other entities shall be conducted equitably, transparently, and with mutual benefit. In actual circumstances, the profit-sharing mechanism is more prevalent among intermediary parties than among UMKM participants. This contradicts the principles of justice in partnerships. Article 103 underscores that partnerships must confer advantages to UMKM, including market access, business support, and enhanced production capacity.

Article 84 legal safeguards for UMKM. This article elucidates the protections afforded to UMKM across several sectors. For instance, access regarding licenses, money, and collaborations with other entities. The government should ensure clarity in cooperation to prevent misuse that could result in losses for small business owners. Nonetheless, in practice, this oversight and transparency remain deficient in the execution of partnership agreements, as many UMKM lack a robust negotiating position to assert their rights.

Article 100, requirement for transparency in partnerships. This article asserts that partners collaborating with UMKM must adhere to the ideals of transparency and equity. Every written pledge must be documented, adhering to established guidelines to ensure equitable profit distribution among corporate stakeholders. If groups and agencies fail to offer equitable and transparent agreements, this may contravene the stipulations of the job creation law and could incur administrative penalties.

Solutions and remedial actions to ensure that UMKM partnerships operate in accordance with the principles outlined in the job creation law, many measures may be implemented enhancing transparency and social engagement. The government and associations must engage in more comprehensive outreach to UMKM concerning their rights and responsibilities in partnerships. Every partnership agreement must be documented in writing and include specifics regarding the profit-sharing arrangement, duration of collaboration, and responsibilities of each party. Monitoring and grievance systems must be established to enable MSMEs to report damaging partnership practices.

Assessment of profit sharing scheme. The government must oversee and guarantee that the profit-sharing arrangement in partnerships helps not only associations or agencies but also offers equitable advantages to UMKM. Profit-sharing rules must be developed honestly, including equitable profit margins. The government may establish regulations to control the maximum permissible price differential between independently marketed products and those distributed through partnerships.

Enhancing the function of associations in promotion and distribution. UMKM associations must adopt a more proactive approach in assisting entrepreneurs to enhance market access, whether through digital promotion, collaboration with e-commerce platforms, or facilitating exports. The government may offer incentives to associations that successfully enhance the sales of UMKM products, so encouraging these associations to engage more actively in marketing efforts. Furthermore, a policy is required to ensure that associations operate not merely as distribution intermediaries, but also as business facilitators that deliver added value to UMKM.

Conversely, certain commercial entities perceive advantages in joining the group, including access to business training, streamlined procurement of raw materials, and enhanced product advertising. The primary issue that emerges is the insufficient comprehension of the rights and responsibilities under this partnership structure. Numerous business stakeholders acknowledge their lack of clarity concerning the specifics of the partnership agreement, resulting in ambiguity regarding their rights in the event of distribution or payment impediments. This situation indicates that the legal safeguards for MSMEs within the partnership framework have not been adequately disseminated.

Law Number 6 of 2023 about Job Creation must offer unequivocal legal protection for UMKM participants engaged in cooperation arrangements with associations and municipal governments. This legislation governs the facilitation of company operations, encompassing safeguards for small business stakeholders to ensure equitable advantages in collaborations

with other entities. Nonetheless, the execution of this rule continues to encounter numerous challenges in the domain. A primary issue encountered is the absence of openness in the partnership agreement process, resulting in business stakeholders lacking a comprehensive understanding of their rights.

The profit-sharing scheme implemented in partnerships is regarded as a significant element that warrants particular consideration. In certain instances, commercial entities are required to offer their products at market pricing, with the profit margin allocated to the association and pertinent organizations. This situation is seen unfavourable for UMKM reliant on profit margins for their business sustainability. Despite the association's promotional initiatives, their efficacy remains dubious, as several company stakeholders do not perceive a substantial rise in sales attributable to the promotion.

Within the realm of legal protection, numerous corporate entities lack a definitive comprehension of their rights and responsibilities under this partnership framework. This results from insufficient socialization by the association and the pertinent government. Business entities should obtain a comprehensive written instrument elucidating the operational framework of this collaboration mechanism, including their rights in the event of distribution or payment impediments. This clarity enables business stakeholders to comprehend their role in the relationship and mitigate potential losses arising from ambiguous legislation. Despite the advantages of membership in the UMKM association, numerous challenges persist that require resolution, particularly around profit-sharing arrangements, promotional efficacy, and legal safeguards for small business operators. The enactment of the Job Creation Law ought to furnish more legal clarity for UMKM participants, enabling them to contribute to the economic environment while receiving equitable benefits from their collaborations. Consequently, it is imperative to establish clearer laws, enforce stringent oversight, and enhance awareness on the rights and responsibilities of UMKM participants in this partnership framework to ensure the effective implementation of the Job Creation Law, thereby fostering a beneficial influence on UMKM.

CONCLUSION

The results of the research conducted on partnerships between UMKM, associations, and the Investment and Integrated Services Agency One have benefits, such as training, ease of licensing, and market access. However, there are obstacles in the profit-sharing scheme, transparency of agreements, and the effectiveness of promotions that are felt to be less than optimal. Some business actors feel that this scheme is more beneficial to associations and agencies than UMKM. In the context of the Job Creation Law, there should be clear legal protection for UMKM in order to obtain balanced benefits. However, implementation in the field still faces obstacles in the socialization and transparency of regulations. Therefore, strengthening regulations, strict supervision, and wider socialization are needed so that UMKM can understand their rights and obligations in the partnership. [W]

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