



Legal Analysis of Micro-Medium Business Legalization Movement Program in Banyumas Regency

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Abstract. The existence of MSMEs in Indonesia, especially in the post-pandemic period, is essential to support strong and inclusive economic stability and growth. Unfortunately, the awareness of MSMEs to protect intellectual property is still low. The research results in the first year showed that many MSME actors paid little attention to legal and regulatory aspects. To increase the economic potential of MSMEs, the government has carried out many programs, some of which are the Banyumas Micro and Medium Enterprises Legalization Movement (Gelas Umi Kece Mas) as well as financial assistance and assistance programs, but this has not yet received significant results. Therefore, it is necessary to conduct further research that analyzes the MSMEs legalization process. In this paper, a legal analysis will be provided regarding the identification of problems in the legalization process for MSMEs, especially in terms of Intellectual Property Rights (IPR) registration, namely the lack of understanding and ability of MSME actors to take care of licensing requirements and other files that are online in nature so that continuous assistance is needed at the regional level as a whole. The second thing is about policies and synchronization of government institutions, both central and regional, related to the management of Intellectual Property Rights in the existing MSMEs legality process that has been implemented but is still not optimal, so it cannot be maximally helping businesses actors legalize their MSMEs.

Keywords: Legal Awareness, Legalization of IPR Registration, MSME.

1. Introduction

The Covid-19 pandemic has pressured the Indonesian economy to the point of experiencing a recession. Amid this situation, Micro, Small and Medium Enterprises (MSMEs) have proven to survive and become a supporter of the Indonesian economy.[1] The existence of Indonesian MSMEs is vital in supporting stability and solid and inclusive economic growth.[2] MSMEs are considered to be able to recover faster than large-scale businesses. Unfortunately, the awareness of MSME actors to protect intellectual property is still low. Few MSMEs are found to pay less attention to legal and regulatory aspects.[3] To increase the economic potential of MSMEs, there are many aspects that MSME actors need to pay attention to.[4]

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One crucial aspect for MSMEs is to protect the intellectual property of their products, be it brands, patents, copyrights or industrial designs [5]. DJKI Kemenkumham records that from 2019 to 2021, applications for IP registration from MSMEs only 76,294 applications were submitted, whereas the number of MSMEs in Indonesia is around 65.4 million. It is urgent to encourage MSME actors to improve intellectual property protection to achieve economic independence in Indonesia. Through the Directorate General of Intellectual Property, the Ministry of Law and Human Rights supports MSMEs for IP registration, including incentives for registration and maintenance rates for MSMEs, completion of registration documents on time, Virtual Counters, and simplification of registration requirements. It shows that many conveniences and cost reductions for applications of intellectual property registration to MSME actors have been provided. Furthermore, DJKI has also innovated public services by launching the IPROLINE (Intellectual Property Online) application and virtual counter (Lokvit) to increase IP protection while reducing the practice of illegal levies at the same time. Implementation of MSME ideas must be a priority to obtain protection. This is because intellectual property provides added value to a product. If MSMEs get optimal economic benefits, the existence of these MSMEs could ultimately restore the national economy.[6]

The number of MSMEs in Banyumas is around 53,778, recorded with a low percentage of legality and IP registration. The government has made many efforts to create legal awareness in managing legality and IPR in MSMEs, such as funding assistance programs. Head of the Banyumas Regency Cooperative and MSME Labor Service, Joko Wiyono, said that the president's assistance to small business actors would be divided into 4-5 stages. In the first stage, on August 12, there were around 10,158 MSMEs. Then, in the second stage, on August 19, there were 17,457 MSMEs. In the third stage, on August 28, there were 9,687 MSMEs and in the fourth stage, on September 2, 16,485 MSMEs amounting to Rp. 2.4 million. Joko Wiyono said that the money could be used for anything because what was important was for business stimulus so that MSME actors could still exist amid the pandemic.[7] In other words, the goal is for the MSME to survive amidst the pandemic so that it inevitably affects the products being sold by MSME.

In addition to the financial assistance program, the Banyumas Regency Government, through the local One-Stop Investment and Integrated Services Service (DPMPTSP), encourages micro, small and medium enterprises (MSMEs) to have legality. This effort is shown by launching the Banyumas Micro and Medium Enterprises Legalization Movement (Gelas Umi Kece Mas). This is our innovation to optimize the legalization of MSMEs in Banyumas. In providing this service, there is also synergy with the Cooperative and Small and Medium Enterprises Employment Service, the Health Service, the Banyumas Micro, Small and Medium Enterprises Association (Aspikmas), and the Banyumas District Family Welfare Empowerment Team. One of the aspects of

legality that is prioritized is also the IPR (Intellectual Property Rights) aspect.[8] Thus, after obtaining several permits, the MSMEs could apply for a trademark through the IPR service from the Ministry of Law and Human Rights at the Banyumas Regency MPP. With the existence of IPR here, we also collaborate with Dinnakerkop-UKM, which, if we go through general registration, the PNBP payment (non-tax state revenue) is Rp. 1,850,000, but later, with a recommendation from the Banyumas Regency Government, it is enough to pay Rp. 500,000. In the future, the Banyumas Regency Government will be able to provide subsidies in the payment of PNBP of Rp. 500,000 so that MSMEs are not too burdened. This is an effort so that during the Covid-19 pandemic, like now, MSMEs could compete by having guaranteed legality and quality standards. Apart from that, the Banyumas Regency Government also collaborates with advanced modern shops to participate in the marketing process of MSME products, where one of the obligations that must be fulfilled before being given a modern shop license extension service is by fulfilling the conditions for partnering with MSMEs.

Another program the government provides is Funding Assistance for Intellectual Property Rights Registration. Low awareness and the burden of costs still need to be considered as reasons for micro, small, and medium enterprises in the regions to register their product intellectual property rights (IPR). Head of the MSME Facilitation and Financing Section, Banyumas Regency Industry, Trade and Cooperatives Service, Endang Pujiutari, revealed that until now, there are still many operators and MSMEs in the Banyumas area who have not registered their products to obtain IPR. Endang said that most business actors are still unaware of the importance of IPR registration. According to her, MSMEs are generally more focused on daily production activities and put aside the product patents they employ. In fact, IPR will guarantee that MSME products are not imitated or produced by other business actors. Often, MSME actors must be encouraged first so they will be enthusiastic about pursuing things like this IPR.[9] Therefore, the Banyumas Regency Government will continue to promote the implementation of socialization activities about the importance of IPR for every business actor. Moreover, these administrative matters will be beneficial when the ASEAN Economic Community (AEC) takes effect at the end of 2025. MSMEs must have a legal basis for their products when entering the free market, which is full of competition.[10] Furthermore, many MSME actors have yet to manage IPR because their products do not meet standard specifications to be eligible for a patent. For this reason, the regional government continues to encourage business actors to improve product quality, production processes, packaging, business management, and marketing locations. In addition, the financing aspect of product registration is considered a burden for business actors. The Department of Industry encourages 5P standards, from production quality to packaging and others. This year, Endang said that the Ministry of Cooperatives and SMEs facilitated IPR registration for 50 cooperatives and MSMEs in the Banyumas Regency to increase

competitiveness. She revealed several products from MSMEs in her area, such as food and beverage, convection and craft products sectors that receive assistance from the central government. A total of 50 MSMEs encouraged by the regional government will be registered free of charge to have patent rights for their products. This year, Banyumas Regency is one of the regions that has received assistance from the Ministry of Cooperatives and SMEs of The Republic of Indonesia for IPR registration facilities for 50 MSMEs.

With the various easiness and programs that the government has provided, they have yet to significantly enhance the legal awareness of MSME actors to manage business legality and protect their intellectual property rights. This problem becomes a consideration for researchers to conduct research about “Legal Analysis of Micro-Medium Business Legalization Movement Program in Banyumas Regency”. This article will analyzes how ideally the legal awareness development model for MSME actors is related to the Halal Certification Program in Banyumas Regency. The purposes of his paper is to provide a legal analysis of the rules for halal certification for MSMEs, an analysis of the level of legal awareness related to halal certification in Banyumas Regency.

2. Problems

The following research issues have arisen and will be addressed in this writing, such as:

- a. How is the legal analysis and problem identification regarding the MSME legalization process?
- b. How is the government policy, both central and regional, regarding the management of IPR in the legality process for MSMEs at the central and regional levels?

3. Method

The research method used will be a qualitative approach with a sociological juridical analysis approach. The qualitative method is intended as a systematic effort in legal research, including rules and techniques, for researchers to study a socio-juridical phenomenon to find the truth and gain knowledge. Meanwhile, the analytical approach uses a sociological juridical approach, namely a research approach that examines the legal perceptions and behavior of people (humans and legal entities) and society and the effectiveness of enacting positive law in society. The specifications of this research are more descriptive [11]. The locations for collecting data for this research are 1) Banyumas Regency Government; 2) Department of Manpower and MSMEs; 3) MSME players in Banyumas. This research method was initially chosen using samples taken by purposive

sampling or criteria-based selection followed by Snowball Sampling [12]. Through purposive sampling with criteria-based selection, researchers tend to choose sources who are considered knowledgeable and trustworthy to be sources of solid data and know in-depth. In contrast, snowball sampling searches for continuous informants/samples who only stop when they no longer find information.[11]

4. Discussion

4.1. Legal Analysis and Problem Identification on the MSMEs Legalization Process

Micro, Small, and Medium Enterprises (MSMEs) are productive economic enterprises born as one of human activities fulfilling their daily needs. In addition, MSMEs also support the community and regional economy.[13] Therefore, MSME actors are required to be able to compete in the free market era. As for competing in this free market era, one of the conditions is the fulfilment of business legality. However, the management of business legality is still not well known by the public, especially MSME actors.[14] Business legality is information for the public, especially for parties interested in identity and matters relating to the business world and companies that are established, work and domiciled in the territory of the Republic of Indonesia.[15] Business Legality is an essential element as an indicator of identity that a business entity is legal and legally valid so that the community recognizes it. In other words, the company's legality must be valid and meet the requirements of the applicable legalization so that various documents protect the company's existence and that it is legal in the eyes of the law during the government in power at that time. The legality documents required for MSME businesses include certificates of establishment of business entities, company tax identification numbers, business licenses, environmental permits, product distribution permits and other documents.[16]

The Covid-19 outbreak has severely strained Indonesia's economy, causing it to enter a recession. Micro, Small, and Medium-Sized Enterprises (MSMEs) have demonstrated their ability to thrive in such circumstances and help lift the Indonesian economy. The existence of MSMEs in Indonesia is essential for promoting economic growth that is stable and inclusive.[17] MSMEs are thought to be more resilient than huge corporations. Regrettably, there is currently little awareness among MSME actors about the need to preserve intellectual property. Few MSMEs have been found to pay less attention to legal and regulatory issues less attention.[18] Meanwhile, there are numerous factors that MSME actors need to consider to improve the economic potential of MSMEs.

One critical feature for MSMEs is safeguarding their goods' intellectual property, whether in the form of brands, patents, copyrights, or industrial designs.[19] According to DJKI Kemenkumham, only 76,294 applications for IP registration from MSMEs were submitted between 2019 and 2021, even though Indonesia has around 65.4 million

MSMEs. Encouraging MSME actors to improve intellectual property protection for Indonesia to attain economic independence is critical.[20] The Ministry of Law and Human Rights, through the Directorate General of Intellectual Property, assists MSMEs with IP registration, including incentives for registration and maintenance rates for MSMEs, timely completion of registration documents, Virtual Counters, and simplification of registration requirements. It demonstrates that significant conveniences and cost reductions for intellectual property registration applications to MSME actors have been offered. Furthermore, DJKI has pioneered public services to strengthen intellectual property protection while eliminating the practice of illegal levies.

Brand has a significant role. With the help of a brand, a product can be distinguished by its origin, quality and guaranteed originality. Sometimes, what makes the price of a product expensive is not the product but the brand. A product will be known to the public through a brand as an identification mark. In interactions and transactions between producers and consumers, brands play the role of representing producers to present themselves as products that make it easier for consumers to find goods or services. It indicates that consumer-recognized brands have economic value as a product quality guarantee. In the legal nuance, a brand is a type of intellectual property right known as a trademark. Brand registration is a crucial thing that must be done in business, especially for micro, small and medium enterprises (MSMEs). This is because trademark registration provides legal protection for business actors by preventing third parties from using their trademarks. Aside from that, brand registration also increases consumer trust in the products being sold. In Indonesia, brand registration complies with the Constitutive Stelsel system, which states that the party who registers a mark first is the only party with the right to the mark (has exclusive ownership of the mark). Third parties must respect the mark registrant's rights as an absolute right while registering a mark.[14] The enormous number may indicate a lack of knowledge of the necessity of trademark registration. Several well-known trademark disputes have arisen due to business actors failing to register them from the beginning.

Therefore, the problems that have been identified, including such as:

- a. There is still a lack of awareness about the registration and legalization of MSME brands. It is challenging to raise awareness of the need to manage the legality of their business in some traditional MSMEs.
- b. Limited program reach due to the limited budget. Based on the study findings, most currently implemented MSME empowerment programs mainly focused on MSME financing, especially from banks and financial institutions. Meanwhile, the portion of the budget for the issue of increasing business capacity is smaller.
- c. Less intensive socialization and education. Education for MSME actors is still lacking in terms of capital. For instance, it is related to financial literacy from banks, where it has only been limited to getting KUR 15 but has yet to reach financial management. Regarding licensing, MSME actors are reluctant to process

permits, which could occur because what is being socialized is more about costs than benefits.

- d. The availability of MSME assistants is still limited. The role of an assistant or companion is needed in developing MSMEs, including the capacity of MSME human resources. However, due to budget constraints, the number of MSME assistants available is minimal. On the other hand, the quality of MSME mentors still needs to be uniformly good. Moreover, a lack of assistance in several MSME HR capacity-building programs still exists. The assistance is only done through one training intervention or socialization in one meeting.
- e. Data quality related to MSME actors is still not optimal. It is difficult to record the micro business actors, especially those who trade tentatively or informally. The absence of data yet to be developed solidly has made utilising MSME business support services not optimal.

Identifying these problems impacts the empowerment program as it is becoming less effective and requiring improvement, whereas, on the other hand, MSME problems vary at each business scale and between sectors.

4.2. Government Policies, Both Central and Regional, Regarding the Management of IPR in the MSME Legality Process

Policies that have been carried out by local and central government, such as:

- a. Provision and Expansion of Access to Finance for Business Actors

In recent years, the government has provided support by providing broader access to financing for MSMEs. Among them is free IPR registration for MSMEs brands, People's Business Credit (KUR), Ultra Micro Credit (UMi), Civil National Capital/PNM, as well as revolving funds through the Revolving Fund Management Agency (LPDB). In addition to the various programs implemented over the past few years, during the pandemic, the government also issued different policy stimuli to maintain the financial and capital capabilities of MSMEs, which were disrupted due to the Covid-19 pandemic. With the constraints of legal awareness that is not yet optimal, the lack of information owned by MSME actors on various financing programs carried out by the government and the low administrative capacity of MSME in the process of managing credit financing, as well as the reluctance of MSME actors (primarily micro) to access capital because the majority of MSMEs use their business to increase their income and survival, it is necessary to provide assistance with ease of financing for MSME[21] actors such as eliminating certain fees for free and providing discounts on the costs of managing MSME legalization.

- b. Various MSME Human Resources (HR) Capacity Building Programs in Assisting the MSME Legalization Program

The empowerment programs that the government has carried out within the framework of increasing the capacity of MSMEs include expanding the capacity of MSME human resources through the MSME legalization assistance program, which could be carried out through various programs and training aimed at improving the competence and abilities of MSME entrepreneurs.

The following are several programs to increase the capacity of MSME human resources in assisting the MSME legalization program that could be carried out:

- 1) Digital marketing training;
- 2) Registration training;
- 3) Entrepreneurial development of entrepreneurs;
- 4) Cooperative and MSME human resources competence improvement services through a consulting approach;
- 5) Empowerment program to open MSME access to sources of financing to increase HR capacity and technological capabilities.

These programs could help MSME entrepreneurs improve their business skills and competencies and meet the requirements of MSME legality. In addition, by increasing the capacity of MSME human resources, it is hoped that MSME entrepreneurs will be better prepared and able to face increasingly fierce business competition.

c. Factory Sharing to Improve the Quality of MSME Production

One of the strategies to support MSMEs in improving production quality, the Ministry of Cooperatives and Small and Medium Enterprises has begun to build joint production houses (factory sharing). A joint production house is one of the solutions to overcome the problem of processing raw materials. The business model for managing this program is carried out through strengthening cooperative institutions with the hope that through joint production houses, MSME actors will no longer sell raw goods but semi-finished and finished goods so that added value increases. It also promotes Indonesia's superior commodities, which can become the nation's identity. This program is carried out through the synergy of the local government and related agencies, including State-Owned Enterprises (BUMN), the private sector, and the community. This joint production house is also intended for MSMEs who need modern equipment but need help to afford it. So that these MSMEs could use the services of joint production houses owned by regionally owned enterprises (BUMD) or operating cooperatives. However, each MSME cluster has yet to distribute this joint production house evenly. Therefore, not all MSME actors can use joint production house facilities.

d. Several Ministry Programs in Increasing MSME Production

To develop MSME production, the Ministry of Industry has a technology facilitation program and production infrastructure. This program includes production guidance, machine and equipment assistance, and machine restructuring. The Ministry of Industry is also building partnerships to connect small and medium industries with large (private and state-owned) industries as production partners and product suppliers. The partnership program for cooperatives and MSMEs/UKM in the BUMN supply chain is a follow-up to the directives of the President of the Republic of Indonesia. Meanwhile, the Ministry of Industry has programs like packaging houses, management and technical, expertise certification, and product standards to improve product quality and human resources.

5. Conclusion

Based on the explanations above, it could be concluded that the identified problems related to brand legalization of MSMEs in Indonesia are: 1) lack of awareness; 2) Limited program reach due to the limited budget; 3) Less intensive socialization and education; 4) The availability of MSME assistants is still limited; 5) Data quality related to MSME actors is still not optimal. Regulations regarding trademark registration for MSMEs in Indonesia have several aspects that can be explained from a legal perspective. The following are several legal analyzes that can be identified: 1) Legal protection: Trademark registration provides legal protection for MSMEs in Indonesia; 2) The urgency of trademark registration: Even though trademark registration provides legal protection for MSMEs, there are still many MSME actors who have not obtained legal protection for the trademarks they own. 3) Online trademark registration: MSMEs in Indonesia can register their trademarks online via the Directorate General of Intellectual Property Rights website.

Based on the conclusions drawn from this study on the challenges of brand legalization for MSMEs in Indonesia, the following suggestions can serve as potential avenues for future research and practical policy recommendations:

- a. Future research should explore the effectiveness of various awareness campaigns and identify the most effective communication channels and messages that resonate with MSME owners. Innovative and culturally appropriate awareness strategies should be examined to understand how they can be implemented to improve the perception and understanding of trademark importance. Future research also can be done into the allocation of resources and budgetary efficiency of programs aimed at MSMEs. Comparative studies could evaluate different funding models and their success rates in various regions. This could aid in recommending more effective budget distribution strategies for trademark

legalization programs. Reserach on comparative legal studies on trademark registration and protection in different countries also could provide insights into how Indonesia's legal framework could be strengthened. Understanding international best practices can help in crafting laws that provide robust legal backing for MSME trademarks.

b. Practical policy recommendations:

- 1) Implement a national campaign for trademark awareness specifically tailored for MSMEs.
- 2) Increase budgetary allocations for trademark registration support programs, targeting MSME dense regions.
- 3) Develop a structured educational curriculum for MSMEs, focusing on intellectual property rights and their importance.
- 4) Expand the network of MSME assistants and provide them with extensive training to handle trademark registration effectively.
- 5) Create a centralized database for MSMEs to improve the quality of data available for decision-making and enhance the online trademark registration platform to ensure it is more intuitive and accessible for all MSME owners, regardless of their technological proficiency.

The implementation of these suggestions and recommendations could significantly improve the trademark registration landscape for MSMEs in Indonesia, providing them with the legal protection they need to thrive in competitive markets.

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