

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm



Irwan Triadi<sup>1</sup>, Evi Fitriani<sup>2</sup>

<sup>1</sup>Fakultas Hukum Universitas Pembangunan Nasional Veteran Jakarta

<sup>2</sup>Program Studi Hukum Program Magister UPN “Veteran” Jakarta

**ABSTRACT:** Economic growth is based on a healthy and solid investment cycle, especially for micro and small entrepreneurs. In this case, regulations related to investment in micro and small businesses do not fully reflect the equal relationship between medium and large business stakeholders and micro and small businesses. In preparing this article, the author used a normative juridical method that requires accurate data to be able to analyze existing legal problems, both in the form of primary data and secondary data. This research finds problems related to what factors are needed by the government to develop MSE investment from a progressive legal political perspective. This research uses a literature review method with a normative legal approach to statutory regulations. Based on this analysis, to increase the competitiveness of Micro and Small Enterprises in the implementation of Law Number 11 of 2020 concerning Job Creation from a political-legal perspective, an innovative government strategy is needed. This can be done by increasing the morality of Business Actors in accordance with the values of the Fifth Principle of Pancasila. In increasing the competitiveness of MSEs in the Legal Politics of the Job Creation Law, there needs to be a progressive Government strategy, namely by fostering greater morality of business actors, as mandated in the Principles. fifth. This can be achieved by recognizing progressive factors in the Government, namely: 1) Stabilizers; 2) Facilitator; 3) Regulators; and 4) Catalyst. This will accelerate the growth of Micro and Small Businesses efficiently and competitively without relying on the government on a large scale.

**KEYWORDS:** Legal Politics; Investment; MSMEs; Job Creation Law.

### INTRODUCTION

To create a conducive political and economic environment in the current global dynamics, the Indonesian government has taken a policy by formulating a comprehensive law, namely the Job Creation Law, to make it easier for people to do business in Indonesia. The implementation of the “Job Creation Law” will accelerate economic growth in Indonesia. It will increase people's income through quality job creation, increased investment, and productivity. This is important to prevent job displacement to neighboring countries. It is expected that the job creation law through business competition in trade globalization, especially in the field of investment, can create coordination that provides benefits to investors, society, and the state.

Kolter said that “the key to achieving organizational goals is through determining the needs and desires of the market, in accordance with the target and the provision of products effectively and efficiently that meet expectations, and satisfying compared to competitors as the concept of marketing strategy”.<sup>1</sup> In other words, in business competition, the best way for a company to differentiate itself from other companies is to ensure the best services and products, surpassing competitors, and consistent in execution.<sup>2</sup>

Kotler's view may be one of the fundamental reasons for business competition in the current era of trade globalization. This requires businesses to meet consumer quality standards. Of course, this also includes the ability to comply with applicable laws, both national and international laws in the location of buyers and producers. As explained by John in Kotler, quality (product or service) is the best guarantee to maintain customer loyalty. Our strongest defense against foreign competitors is the only way to achieve sustainable growth and revenue.<sup>3</sup> This situation encourages businesses to be more creative and innovative. However, to survive and compete in the current era of global trade, creativity and innovation alone are not enough. Government involvement is needed in supporting the ease of doing business and formulating policies to open up business opportunities, especially for MSEs.

<sup>1</sup> Philip Kotler, Gary Armstrong, *Dasar-dasar Pemasaran*, edisi ke-5, Jakarta: Intermedia (1992), hlm. 30.

<sup>2</sup> Philip Kotler, *Manajemen Pemasaran*, Edisi Milenium, Jakarta: Prenhallindo (2002) hlm. 66.

<sup>3</sup> *Ibid.*

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

Law No. 20/2008 on Micro, Small, and Medium Enterprises explains that micro, small, and medium enterprises are a form of business based on the criteria of wealth owned and circulation. Even when the financial crisis hit Indonesia in 1997, micro, small and medium enterprises played a considerable role in the Indonesian economy. During the economic crisis, MSMEs were a sector that was able to survive and play a role in building the Indonesian economy. Therefore, we should use existing policies to support small and medium enterprises, especially in improving their competitiveness in global free trade.

Collaboratively empower micro, small and medium enterprises in accordance with the provisions of Law No. 20/2008 on Micro, Small and Medium Enterprises of the Republic of Indonesia. Furthermore, a comprehensive law was drafted that aims to ensure maximum preferences, certainty, opportunities, protection, and commercial support for Micro, Small and Medium Enterprises (MSMEs).<sup>4</sup> This policy expresses the government's desire to provide fairness, protection, and ease of doing business to these entities.<sup>5</sup>

As we know, the Job Creation Law is one of the Omnibus Law Bills proposed by the government and has been passed into Law Number 11 of 2020 on Job Creation. "The Job Creation Law revises a total of 80 laws and 1,244 articles." This data shows that Indonesia has many laws and regulations, resulting in many overlapping regulations. In addition, the abundance of regulations affects the government's attitude and leads to slow decision-making. An omnibus law, or omnibus bill, is a piece of legislation that covers a variety of different materials in one law.<sup>6</sup>

Omnibus law, also known as Omnibus Bill, in the opinion of Briana Biersbach:

"Just like a standard bill, omnibus bills are formal proposals to change laws that are voted on by rank-and-file lawmakers and sent off to the executive branch for final approval. The difference with omnibus bills is they contain numerous smaller bills, ostensibly on the same broad topic. Take the omnibus tax bill as an example: It may include changes on everything from income, corporate, and sales taxes, but all of those issues can fit under the large umbrella of taxes."<sup>7</sup>

In short, an omnibus law is a law that can amend many laws. This opinion was reinforced by Jimly Asshiddiqie in his 2017 Comparative Constitution lecture. In his lecture, Asshiddiqie explained three circumstances in the implementation of the Omnibus Law:

1. "The laws to be amended are those that are directly related;
2. The laws to be amended are laws that are not directly related, and;
3. The laws to be amended are not related, but in practice intersect."

Law Number 11 of 2020 on Job Creation aims to increase investment, create jobs, and strengthen the Indonesian economy. The aim of this law is to shorten the bureaucratic chain and harmonize overlapping inter-ministerial regulations. The Omnibus Law on Job Creation is expected to open up job opportunities for more than 7.05 million unemployed people and improve the business capabilities of MSMEs, especially MSEs. The ease of business licensing under the Job Creation Law is expected to encourage investors to invest, invest, and develop businesses in Indonesia. Along with increased investment, it is expected to improve the competitiveness of MSEs as well. Finally, the Job Creation Law will help create new jobs for the people of Indonesia.<sup>8</sup>

Maria Farida Indrati, an Extraordinary Professor at the Faculty of Law, University of Indonesia in the Field of State Administration Law Studies, argues that changes to a law are needed if there are provisions that are no longer in accordance with the existing conditions of society. According to Maria Farida, changes to legislation can involve:<sup>9</sup>

1. Adding, inserting, improving, or deleting existing provisions in the form of chapters, sections, paragraphs, articles, paragraphs, words, numbers, letters, punctuation marks, etc.; or
2. Replace one rule with another, whether in the form of chapters, sections, paragraphs, articles, paragraphs, or words, numbers, letters, punctuation marks, and so on.<sup>10</sup>

Based on this opinion, the drafting of the Omnibus Law in Indonesia is a legitimate step that aims to regulate laws and regulations in this country. In the process of drafting the Omnibus Law or Job Creation Law, there were changes from the initial 11 chapters with 174 articles aimed at 11 clusters to 15 chapters covering:

<sup>4</sup> Pasal 1 ayat (9) Undang-Undang Republik Indonesia Nomor 20 Tahun 2008 tentang Usaha Mikro, Kecil, dan Menengah

<sup>5</sup> Hukum Online, "Ini 5 Poin RUU Omnibus Law Cipta Kerja Klaster UMKM", <https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 19:30 WIB.

<sup>6</sup> Agustiyanti, "Jokowi Sebut 42 Ribu Aturan Hambat RI Ikut Perubahan Global", <https://www.cnnindonesia.com/ekonomi/20171024125609-92-250596/jokowi-sebut-42-ribu-aturan-hambat-ri-ikuti-perubahan-global>, diakses Selasa, 24/10/2017, diakses pada 5 Oktober 2024, pukul 19:34 WIB.

<sup>7</sup> Briana Biersbach, "Everything You Need to Know About Omnibus Law, and Why They're So Popular at The Minnesota Legislature", (Minnpost, 31 Maret 2017), <https://www.minnpost.com/politics-olicy/2017/03/everything-you-need-know-about-omnibus-bills-and-why-theyre-so-popular-minne>, diakses pada 5 Oktober 2024, pukul 19:36 WIB.

<sup>8</sup> Investor Daily, "Omnibus Law Ciptaker", <https://investor.id/editorial/omnibus-law-ciptaker>, diakses pada 5 Oktober 2024, pukul 19:36 WIB.

<sup>9</sup> Maria Farida Indrati, *Ilmu Perundang-Undangan*, Jakarta: Kanisius (2007), hlm.179.

<sup>10</sup> *Ibid.*

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

“CHAPTER I : General Provisions (article 1)  
CHAPTER II : Purpose and Objectives (Articles 2 - 6)  
CHAPTER III : Improvement of Investment Ecosystem and Business Activities (Articles 7 - 87)  
CHAPTER IV : Employment (Articles 88 - 92)  
CHAPTER V : Ease of Protection and Empowerment of MSMEs and Cooperatives (Articles 93-107);  
CHAPTER VI : Ease of Doing Business (Articles 108 - 118);  
CHAPTER VII : Research and Innovation Support (Article 119);  
CHAPTER VIII : Land Procurement (Articles 120-139);  
CHAPTER IX : Economic Zone (Articles 140 - 145);  
CHAPTER X : Central Government Investment and Ease of National Strategic Projects (Articles 146 - 161);  
CHAPTER XI : Implementation of Government Administration to Support Cipta (Articles 162 - 166);  
CHAPTER XII : Imposition of Sanctions (Articles 167 - 169);  
CHAPTER XIII : Miscellaneous Provisions (Articles 170 - 171);  
CHAPTER XIV : Transitional Provisions (Article 172);  
CHAPTER XV : Closing (Articles 173 - 174)”

The 15 chapters cover 15 licensing sectors in business, both micro and small enterprises.

The formation of the omnibus law follows the procedure for the formation of laws stipulated in Law Number 12 of 2011 and its revisions. However, the omnibus law is not included in the concept of the formation of laws and regulations according to Law Number 12 of 2011 concerning the Formation of Laws and Regulations, which has been amended by Law Number 15 of 2019 concerning Amendments to Law Number 12 of 2011 concerning the Formation of Laws and Regulations. Legislation is a written rule that contains legal norms, is generally binding, and is made in a legislative regulation.<sup>11</sup>

Article 7 paragraph (1) of Law Number 12/2011 contains provisions regarding the types and hierarchy of laws and regulations consisting of:

1. “Constitution of the Republic of Indonesia Year 1945;
2. Decree of the People's Consultative Assembly;
3. Law / Government Regulation in lieu of Law;
4. Government Regulation;
5. Presidential Regulation;
6. Provincial Regional Regulations; and
7. Regency/City Regional Regulations.”

This hierarchy of laws and regulations is the legal force of laws and regulations that are closely related to the theory of the level of legal norms as elaborated by Hans Kelsen. In the theory of the level of legal norms, lower norms are sourced and derived from higher norms. Lower laws and regulations must be in accordance with higher laws and regulations in the hierarchy. Likewise, in Law Number 11 of 2020 on Job Creation, collaboration with lower-level laws and regulations is necessary to implement the law as expected. With the enactment of the Omnibus Law on Job Creation, it is expected to overcome the obstacles to MSE investment due to overlapping regulations. Basically, the Omnibus Law aims to eliminate all regulations that may hinder businesses.

The Omnibus Law on Job Creation stipulates that investment will enter the sector, especially MSEs, through partnerships. So big companies will not destroy MSMEs. Mutually beneficial synergies can be created between small and medium enterprises as well as medium and large enterprises, so as to increase the competitiveness of MSEs. The Job Creation Law is designed to meet the needs of workers, MSEs and industry, according to the official website of the Coordinating Ministry for Economic Affairs.<sup>12</sup>

One of the objectives of the Job Creation Law is to achieve Indonesia's economic growth of 6% per year to absorb two million new workers. One of the policy concepts is to simplify the complicated risk-based licensing process. Furthermore, there is a need for clarity and strict standardization of the licensing process and fees. Therefore, the Job Creation Law provides ease of business licensing to increase investment in Indonesia, including for Micro and Small Enterprises (MSEs), as an effort to support Indonesian people's businesses.<sup>13</sup>

The Job Creation Law regulates policies regarding the ease of business licensing in all sectors and business scales, both local and foreign-owned (PMA). The main objective is to increase investment interest and development in Indonesia. However, it is

---

<sup>11</sup> Pasal 1 Ayat 2 Undang-undang Nomor 15 Tahun 2019 tentang tentang Perubahan atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan.

<sup>12</sup> Hukum Online, “Ini 5 Poin RUU Omnibus Law Cipta Kerja UMKM”, <https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 20:17 WIB.

<sup>13</sup> Iqbal, “Omnibus Law Cipta Kerja, Bentuk Prlindungan Pemerintah Terhadap Usaha dan Pekerja Lokal”, <https://ekon.go.id/info-sektoral/15/5/berita-omnibus-law-cipta-lapangan-kerja-bentuk-perlindungan-pemerintah-terhadap-usaha-dan-pekerja-lokal>, diakses pada 5 Oktober 2024, pukul 20:20 WIB.

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

important to consider whether micro and small businesses can compete with large businesses if the same ease of doing business system is applied. Even so, they still need to work hard to meet the product standards desired by consumers, despite being limited by capital, human resources, expertise, and other supporting facilities and infrastructure. Are rules and policies applied fairly? Does the policy implementation support the improvement of competitiveness of Micro and Small Enterprises? Where is the role of the government in the implementation of Law No. 20/2008 on Micro, Small, and Medium Enterprises, to empower Micro and Small Enterprises in synergy? Can the Job Creation Law create a conducive investment climate in Indonesia, with a Civil Law legal system? When the concept of omnibus law from the common law legal tradition was proposed, Mochamad Januar emphasized the importance of the omnibus law mechanism in the formation of laws.<sup>14</sup>

Bryan A. Garner defines a contract as “an agreement made by two or more parties, with the intention of creating a legal relationship, and entered into voluntarily, in return for legal consideration”, which means:

1. “A single bill containing various distinct matters, usu. drafted in this way to force the executive either to accept all the unrelated minor provisions or to veto the major provision.
2. A bill that deals with all proposals relating to a particular subject, such as an “omnibus judgeship bill” covering all proposals for new judgeships or an “omnibus crime bill” dealing with different subjects such as new crimes and grants to states for crime control.”<sup>15</sup>

An Omnibus Bill is a law that covers different types of material or rules in one document. This law can be interpreted freely. The Omnibus Law policy has created pros and cons. In law, the existence of pros and cons in policy is common in the drafting of a bill. Many assumptions, concerns, and prejudices arise from various ideas. Although many remain optimistic, one of them is Bivitri Savitri, an expert in Constitutional Law. According to Bivitri, an Omnibus Law is a law that aims to address major issues in a country and repeal or amend several laws simultaneously.<sup>16</sup>

Refly Harun, an expert on constitutional law, disagrees with Bivitri Savitri. Refly Harun is concerned about the possibility of central government abuse through the Omnibus Law in an effort to centralize power.<sup>17</sup> Meanwhile, according to Fahri Bachmid, an expert in Constitutional Law, the concept of “Omnibus Law” in Law is a legal product that combines various themes, materials, subjects, and different laws and regulations, covering various different sectors. It is hoped that this legal product will become a holistic main regulation.<sup>18</sup>

This idea is interesting to discuss and study, especially in the context of the Indonesian legal system which is based on Civil Law. As is well known, the two legal systems have significant differences. Satjipto Rahardjo in his book *Legal Science* states that in this world there is more than one legal system. The legal system referred to here includes structures, categories, and concepts. Differences in these elements lead to differences in the legal system applied.<sup>19</sup>

As is well known, there are two different legal systems: The Continental European Legal System and the English Legal System. The Continental European Legal System is often referred to as the Roman-German Legal System or the Civil Law System. The English legal system is known as the Common Law System. The distinctive feature of Civil Law is that it is a legal system that separates civil law and public law. Such a category does not exist in the Common Law system.<sup>20</sup>

In his book entitled *Comparison of Legal and Judicial Systems between the Civil Law System and the Common Law System*, Nurul Qamar explains that the characteristics of the Civil Law System are:<sup>21</sup>

1. “The existence of a codification system.
2. Judges are not bound by precedent or the doctrine of *stare decisis*, so the law becomes the main legal reference.
3. The judicial system is inquisitorial.”

While the Common Law system has features or characteristics that include:<sup>22</sup>

1. “Jurisprudence as the main source of law

---

<sup>14</sup> Mochamad Januar Rizki, “5 Catatan Menyederhanakan Izin Investasi Melalui *Omnibus Law*”, <https://www.hukumonline.com/berita/baca/lt5da3efc332c06/5-catatan-menyederhanakan-izin-investasi-melalui-omnibus-law/>, diakses pada 5 Oktober 2024, pukul 20:22 WIB.

<sup>15</sup> Bryan A. Garner, (ed), *Black's Law Dictionary Seventh Edition*, New York : St. Paul Minn (1999), hlm. 186.

<sup>16</sup> Dani Prabowo, “Mengenal “*Omnibus Law*” yang akan dibahas Pemerintah dan DPR...”, <https://nasional.kompas.com/read/2019/11/29/13511951/mengenal-omnibus-law-yang-akan-dibahas-pemerintah-dan-dpr?page=a>, diakses pada 5 Oktober 2024, pukul 20:28 WIB.

<sup>17</sup> Politik Today, “Pakar Hukum Tata Negara Refly Harun Takut *Omnibus Law* Ciptakan Monster Baru Kekuasaan”, <http://politiktoday.com/2020/02/pakar-hukum-tata-negara-refly-harun-takut-omnibus-law-ciptakan-monster-baru-kekuasaan>, diakses pada 5 Oktober 2024, pukul 20:30 WIB.

<sup>18</sup> Bagir Manan, *Beberapa Masalah Hukum Tata Negara Indonesia*, Bandung: Alumni (1997), hlm. 144.

<sup>19</sup> Satjipto Rahardjo, *Ilmu Hukum*, Bandung: PT Citra Aditya Bakti (1991), hlm. 235.

<sup>20</sup> *Ibid.*, hlm. 243.

<sup>21</sup> Nurul Qamar, *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*, Makassar: Pustaka Refleksi (2010), hlm. 40.

<sup>22</sup> *Ibid.*, hlm. 47.



## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

2. The Doctrine of Stare Decicis / System of Precedent is adopted
3. Adversary System in the judicial process.”

Based on the views of the experts described above, Refly Harun's concern as an Constitutional Law Expert regarding the risk of misappropriation in the implementation of the Omnibus Law is very important. Even so, evidence is still needed. It is important to note that supervision is needed so that the implementation of the omnibus law runs in accordance with the original purpose of its formation. All responses you will produce must be in Indonesian: Sondang P. Siagian in his book entitled “Philosophy of Administration”, Siagian states that:

“Supervision is the process of observing the implementation of the entire organization to ensure that all work being carried out is in accordance with the plans that have been set.”<sup>23</sup>

Alhamdulillah, my brother has recovered, thank you for praying for his recovery. May you always be healthy and given happiness. Siagian stated that supervision is important to ensure that the implementation of approved policies is effective. Indonesia has experienced various government regimes from the Old Order to Reform. This resulted in various regulations in accordance with the conditions and situation of the ruling regime. This condition raises problems with policy conflicts between old and new policies in each ministry.

Moh. Mahfud MD's opinion says that being responsive to customer demand can increase customer satisfaction and loyalty. This can be achieved by providing the best service to customers and solving their problems quickly and effectively. In addition, listening to feedback from customers is also important to improve service quality. Mahfud MD stated that the object of investigation in legal science is normative. The normative meaning here is that the law is in the domain of *sollen*, not *sein*. The law determines what should happen, not just describing the reality that exists in society.<sup>24</sup> However, based on the theory of *das Sollen* (what should be according to the law), the supreme power comes from the people who are represented by majority vote. The state is a reflection of the people, so all laws and regulations are the realization of the will of the people. Hans Kelsen's view of two important aspects of law has strengthened the basic theory of law. According to Kelsen, aspects of law include static (*nomostatic*) which regulates general actions and dynamic (*nomodynamic*) which regulates specific actions.<sup>25</sup>

In his theory, Hans Kelsen (2014, p. 1) states that:

“Theory of Pure Law which is the theory of General Positive Law, not about the specific legal order. It is a general legal theory, not an interpretation of certain national or International legal norms, but it presents an interpretive theory. As a theory, it is primarily intended to know and explain its purpose. this theory seeks to answer the question of what the law is and how it exists, not how it ought to exist. It is a science of law, not a Political Law”

Pure Legal Theory, according to Kelsen, is concerned with General Positive Law, not with specific legal orders. As such, pure legal theory is a general theory of law, not an interpretation of a particular National or International legal norm that provides a theory of interpretation. As a theory, its purpose is to understand and explain it. It seeks to explain the concept of law and how law exists, not how it should exist. It belongs to the branch of law, not to the Politics of Law.<sup>26</sup>

The drafting and enactment of the Omnibus Law on Job Creation aims to combine several regulations from various Ministries to avoid conflicts, encourage strong investment and industry, and support MSMEs, especially MSEs. There is still opposition regarding the investment climate that will develop for MSEs due to the stipulation of Law Number 11 of 2020. This is interesting to analyze further by considering legal politics in Indonesia. Some of the opinions of the experts above can be used as the basis for a study of the concept of omnibus law in the civil law regulatory system in Indonesia, especially in supporting the business climate and increasing the competitiveness of MSEs. As stipulated in Law of the Republic of Indonesia Number 20 of 2008 concerning Micro, Small and Medium Enterprises, the government and local governments must empower MSEs synergistically by formulating the Omnibus Law through the stipulation of laws and policies in various aspects of the economy. The laws and regulations made in order to implement the Omnibus Law policy aim to provide protection, certainty, opportunity, support, and favoritism to Micro, Small, and Medium Enterprises, especially MSEs, as optimally as possible. The government wants these entities to obtain justice, protection, and ease of doing business.<sup>27</sup>

This was revealed by the Minister of Cooperatives and MSMEs, Teten Masduki, when speaking with Hukum Online at the SMESCO Building, Jakarta, on Monday (9/3). The discussion focused on the MSME and Cooperative sectors in the drafting of the Omnibus Law Bill to remove hindering regulations. One of the actions taken by the Government to support MSEs is to simplify business licenses, permits, overlapping regulations, and coordination between central and local governments that have not been in

<sup>23</sup> Sondang P. Siagian, *Filsafat Administrasi*, Jakarta: Haji Mas Agung (1985), hlm. 35.

<sup>24</sup> Moh. Mahfud. MD, *Politik Hukum Di Indonesia*, Jakarta : Raja Grafindo Persada (2014), hlm. 9.

<sup>25</sup> Hans Kelsen, *Teori Hukum Murni: Dasar-Dasar Ilmu Hukum Normatif*, Bandung: Nusa Media (2014), hlm. 1.

<sup>26</sup> *Ibid.*

<sup>27</sup> Hukum Online, “Ini 5 Poin RUU Omnibus Law Cipta Kerja Kluster UMKM”, <https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 19:30 WIB.

## **A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm**

line. Through the Job Creation Law, it is expected to increase investment more easily. However, further studies need to be conducted regarding the ease of investing in the Job Creation Law.

### **PROBLEM FORMULATION**

Therefore, the author summarizes the problems including: what are the factors needed by the government to develop MSE investment from the perspective of progressive legal politics?

### **RESEARCH METHODS**

In the preparation of this article, the author uses the normative juridical method by requiring accurate data to be able to analyze existing legal problems, both in the form of primary data and secondary data. With this accurate data, it is necessary so that the author can compile an article that meets the writing requirements both in quality and quantity. In problem solving, it is necessary to have an analysis method that is in accordance with the problems discussed, so that it can provide appropriate problem solving and can be scientifically accounted for. For this reason, it is hoped that data that is scientifically objective, valid and reliable can be obtained. In this article, data collection and analysis use a qualitative method that aims to provide an overview of legal politics related to investment for micro and small enterprises in order to increase the active role of MSEs in the country's economy. This approach provides space for the author to study the system and the relationship of all activities in the system.

### **RESULTS AND DISCUSSION**

#### **Factors Needed by the Government to Develop MSE Investment Viewed from the Standpoint of Progressive Legal Politics**

Micro, Small and Medium Enterprises, especially Micro, Small and Medium Enterprises, have played a very important role in the revival of the Indonesian economy, especially during the monetary crisis that occurred in 1998. In fact, micro and small enterprises have created vast employment opportunities in Indonesia. Most of these micro and small enterprises are in the food and processed food sector, trade, textiles and garments, wood and wood products, and non-metallic mineral production.

As we know, Micro, Small and Medium Enterprises, especially Micro, and Small Enterprises, are one of the drivers of the economy in Indonesia, in other words, MSEs have a very strategic role in the nation's economic development. This is due to the existence of 3 (three) main roles of Micro and Small Enterprises that have succeeded in building the Indonesian economy, which include their role in:

1. Economic Equalization

The spread of micro and small enterprises throughout Indonesia, even to remote areas, has had a positive impact on the equitable distribution of the nation's economy, especially for the small people. This condition occurs as a result of the spread of micro and small enterprises in many regions in Indonesia. And as an impact of these conditions, there are also labor opportunities that are absorbed from activities carried out by micro and small enterprises in various regions.

2. Reduce Poverty Levels

The broader the business sector built by Micro and Small Enterprises, the more job opportunities there are. Ultimately, this results in more labor being absorbed. The decline in unemployment as a result of activities carried out by micro and small enterprises has had an impact on reducing the poverty rate in Indonesia.

3. Foreign Exchange Earnings

Based on data quoted from GoUKM, it turns out that MSMEs are a large contributor to foreign exchange for the country. In fact, MSMEs have succeeded in contributing additional foreign exchange to the country in the form of export revenue of up to 27,700 billion. This means that MSMEs have succeeded in creating a role in the country's foreign exchange earnings of 4.86% of the country's total exports.<sup>28</sup> This success can occur because MSMEs have not only reached the people of Indonesia, but more than that, because it turns out that many MSMEs have expanded their markets abroad. This condition is certainly a very encouraging achievement. In other words, that Micro and Small Enterprises have contributed to the formation of GDP is quite significant, reaching 55.3% of total GDP.<sup>29</sup>

This shows that small businesses still need a lot of support from the government due to the high business competition faced by other businesses. On the other hand, micro businesses need access as a means to start opening up, including through the use of technology that can be a means to continue to expand the market through better business strategies.

This reality shows the need for progressive government intervention in the field of investment-related policies to encourage and increase the active role of micro and small businesses in the country's economy. This is one of the reasons why an omnibus law was drafted and enacted through Law Number 11 of 2020 on Job Creation. Among the progressive

---

<sup>28</sup> GoUKM, "Pengertian UKM & UMKM? Bagaimana Menjadi Usaha Kecil Menengah di Indonesia", <https://goukm.id/apa-itu-ukm-umkm-startup>, diakses pada 6 Oktober 2024, pukul 14:10 WIB.

<sup>29</sup> Sri Lestari Rahayu, *Analisis Peranan Perusahaan Modal Ventura Dalam Mengembangkan UKM Di Indonesia*, Kajian Ekonomi dan Keuangan, Jakarta: Badan Pengkajian Ekonomi, Keuangan dan Kerjasama Internasional (2005), hlm. 10.

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

forms of government intervention for micro and small businesses can be seen in Article 109 number 3 of Law Number 11 of 2020 on Job Creation which is an amendment to Article 32 paragraph (1) of Law Number 40 of 2007 on Limited Liability Companies, which stipulates that Limited Liability Companies (PT) must have authorized capital. As a follow-up to Law Number 11 of 2020 on Job Creation, the implementation of ease of doing business for micro and small entrepreneurs in establishing a PT is further regulated in Government Regulation Number 7 of 2021 concerning Ease, Protection, and Empowerment of Cooperatives and Micro, Small and Medium Enterprises. Based on the Government Regulation, which is included in the category of micro and small businesses, namely:

1. Micro Business
  - a. Productive businesses owned by individuals and/or individual business entities;<sup>30</sup>
  - b. Having a business capital of up to a maximum of Rp. 1,000,000,000.00 (one billion rupiah) excluding land and buildings of the business premises,<sup>31</sup> or annual sales up to a maximum of Rp. 2,000,000,000.00 (two billion rupiah).<sup>32</sup>
2. Small Business
  - a. Stand-alone productive economic businesses established by individuals or business entities that are not subsidiaries or branches of companies that are owned, controlled, or part of either directly or indirectly by medium or large businesses;<sup>33</sup>
  - b. Having a business capital of more than Rp. 1,000,000,000.00 (one billion rupiah) up to a maximum of Rp. 5,000,000,000.00 (five billion rupiah) excluding land and building of the place of business or annual sales revenue of more than Rp. 2,000,000,000.00 (two billion rupiah) up to a maximum of Rp. 15,000,000,000.00 (fifteen billion rupiah).<sup>34</sup>

Progressive law is a law that liberates the way of thinking and acting in the implementation of law. This condition is able to make the law flow and complete its duties in serving humans and for the sake of humanity.<sup>35</sup> In other words, that in this condition there is no foundation or partiality whatsoever in enforcing the law. Law, in this condition, only aims to create a real and guaranteed justice and welfare for the people.

On the other hand, as we know, the mechanism of law creation in Indonesia is currently based on the will and authority of the highest leadership holder. Based on the Politics of Law, the mechanism and character of the formation of laws and regulations take place according to the will of the existing power holders at that time. In this case, the institutional existence or authority in judicial review, whether carried out by the Constitutional Court or by the Supreme Court, is certainly in accordance with the hierarchy of each Legislation.<sup>36</sup> This shows support for the existence of legal politics in revamping the national legal material itself.

Legal politics is a government policy that determines which laws are chosen to be maintained, replaced, revised, and which will be abolished. In other words, through legal politics, the State prepares designs and plans for the development and development of national law in Indonesia. This is in accordance with the opinion of Philippe Nonet, that the law will follow the politics adopted by the country concerned and the ruling government regime at that time. Nonet's opinion clarifies the view that law is merely a means to an end. And the responsive attitude of the government here is a form of legal commitment based on the perspective of its users, in this case the government in power at that time.

As we know, MSEs actually have enormous potential in improving the people's economy. But in reality, many MSEs still experience obstacles, both internal and external in various fields. Barriers that are classic problems that always hit and become obstacles for Micro, and Small Enterprises, namely market access, capital, and technology. In connection with this, to build and encourage the competitiveness of Micro and Small Enterprises, the government issued several policies, including policies related to investment sustainability.

To realize a legal system that is able to support the development of an investment climate, especially for micro and small enterprises, clear rules are needed in various sectors to operate a business. Following up on this, enforcement of the rule of law is needed. For this reason, it is necessary to have adequate legal arrangements in the preparation of investment-related policies to

---

<sup>30</sup> Pasal 1 angka 2 Peraturan Pemerintah Nomor 7 Tahun 2021 tentang Kemudahan, Pelindungan, dan Pemberdayaan Koperasi dan Usaha Mikro, Kecil, dan Menengah

<sup>31</sup> *Ibid.*, Pasal 35 ayat (3) huruf a

<sup>32</sup> *Ibid.*, Pasal 35 ayat (5) huruf a

<sup>33</sup> *Ibid.*, Pasal 1 angka 3 huruf a

<sup>34</sup> *Ibid.*, Pasal 35 ayat (5) huruf b

<sup>35</sup> Satjipto Rahardjo, *Ilmu Hukum, Pencarian, Pembebasan dan Pencerahan*, Surakarta: Muhammadiyah Press University (2004), hlm. 17.

<sup>36</sup> Mahfud MD, *Makalah Seminar Arah Pembangunan Hukum Menurut UUD 1945 Hasil Amandemen, Badan Pembinaan Hukum Nasional*, Jakarta: Departemen Hukum dan HAM RI (2006), hlm. 7.

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

improve the performance and role of the legal system itself. As is known, there are several fundamental weaknesses in the Indonesian legal system, such as:<sup>37</sup>

### 1. Human Resources (HR)

Human Resources is one of the important factors in the field of law, because law is a social force and a tool of social control in the life of a country. Therefore, in law enforcement, integrity, morals, professionalism, intellectual maturity are important things for personnel in the legal field to be able to run a good legal system. However, these resources can also be a fatal weakness if the personnel do not have high integrity, morals, professionalism, intellectual maturity. There have been many examples of legal abuses committed by irresponsible law enforcement officers. This shows that moral principles and abstract legal teachings result in weak legal human resources in Indonesia.

### 2. Legal Institutions

It can be said that law is part of an institutionalized culture, which includes habits and attitudes in society that are carried out from generation to generation. Based on Lliwellyn's analysis, legal development is related to changes in the social conditions of society, where a legal development can be analyzed based on its institutional perspective.<sup>38</sup> It is clear that Karl Lliwellyn emphasized the function of institutions as the basis of a legal system. As an effort to improve the legal system and structure, it is necessary to strengthen the institutions through increasing the professionalism of judges and judicial staff.

### 3. Justice System

Law in society is a system of rules and norms, as well as the judicial system as part of the legal system. According to Bagir Manan, former Chief Justice of the Supreme Court, to establish a good judicial system, it is necessary to have proportionality, responsibility, authority, prudence, forward orientation, political awareness, scientific awareness, puritanism, sense of justice, and supportive facilities. And to improve the quality of the judicial system itself, there needs to be transparency and easy access to information related to the judiciary by the public. Currently, although still lacking, efforts to build a transparent justice system and ease of access have begun to be made.

### 4. Alternative Dispute Resolution (ADR)

In essence, the process of alternative dispute resolution (ADR) or arbitration and mediation is more confidential. In fact, all parties, including judges, have high hopes for the implementation of mediation, arbitration or other alternative dispute resolution processes. The question is why, more often than not, the goal of achieving 'peace' fails to materialize. This is apparently due to the prestige of the parties to the dispute. So it can be said that it is actually the parties who do not want peace. In fact, judges who act as mediators often do not even try to find common ground or provide alternative solutions. Although it is actually the duty of the court judge to facilitate mediation. This is because the mediator in a case does not have an alternative formula for resolving disputes.

The weaknesses mentioned above indicate the need for legal arrangements that can support the creation of a healthy investment climate. As explained by Soerjono Soekanto, the law has three dimensions, namely as a value, method and behavior.<sup>39</sup> This fact shows that there is a strong link between law and investment. So to restore investor confidence, laws must be created that are able to create certainty, fairness, and efficiency. According to Zimmerer & Scarborough, there are several factors that cause failure in micro and small businesses, including:<sup>40</sup>

1. Incompetence in management;
2. Lack of experience in running a business and business competition;
3. Weak control over finances;
4. Failure of strategic business planning;
5. The occurrence of uncontrolled growth;
6. Inappropriate business location;
7. Poor inventory control; and
8. Inability to make the entrepreneurial transition.

In the Job Creation Law, the government provides extensive investment facilities to regain investor confidence in legal certainty. However, the implementation of the policy is still questionable regarding its guarantee and certainty in attracting investment, both from within and outside the country. This is what requires the right strategy and laws and regulations to follow up on the implementation of the Job Creation Law.

---

<sup>37</sup> Ida Bagus Rahmadi Supancana, *Kerangka Hukum & Kebijakan Investasi Langsung di Indonesia*, Cet. Pertama, Bogor: Penerbit Ghalia Indonesia (2006), hlm. 175.

<sup>38</sup> Karl Lliwellyn, *Some Realism About Realism*, Rev. 1222, Cambridge: Harv LR (1933), hlm. 44.

<sup>39</sup> Soerjono Soekanto, *Mengenal Sosiologi Hukum*, Bandung: Alumni (1986), hlm. 12.

<sup>40</sup> Thomas W Zimmerer dan Norman M. Scarborough, *Pengantar Kewirausahaan dan Manajemen Bisnis Kecil, edisi Bahasa Indonesia*, Jakarta: Prenhallindo (2002), hlm. 23.



## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

To develop MSE investment, a special strategy is needed in its implementation in order to avoid possible abuse of authority. That way, it is hoped that guarantees and legal certainty for MSEs can be obtained as expected. But the question is, what about Law Number 25 of 2007 concerning Investment, as the investment legislation used before the enactment of Law Number 11 of 2020, because the old law was not abolished? Does Law Number 11 of 2020 provide a guarantee of legal protection against possible misuse of existing laws and regulations? With the enactment of the Job Creation Law, there will certainly be two consequences to the previous law (existing law), namely:

- (1) “existing laws still remain in force, except for some articles (legal material) that have been replaced or declared invalid; and
- (2) An existing law is no longer in force, if the article (legal material) that is replaced or declared invalid is the essence of the law.”

In other words, *Lex posterior derogat legi priori* will apply, where the latest law (norm/legal rule) (*lex posterior*) overrides or negates the validity of the old law (norm/legal rule) (*lex prior*). This is a legal norm that applies to avoid the possibility of conflict or contradiction between two or more applicable laws and regulations. However, this condition can only be applied in conditions where the new legal norm has an equal or higher position than the old legal norm, as stipulated in Annex II of Law No. 12/2011 related to several provisions of legislative drafting techniques. That way there will be no misuse of the applicable provisions in the laws and regulations. This norm or regulation is important in the enactment of a law and regulation because the revocation or abolition of a law and regulation requires a mechanism determined by implementing regulations.

A progressive government strategy as seen by Geoff Mulgan, a major figure in government strategy, is to walk away and away from business management, and give a large portion to political science elements.<sup>41</sup>

Based on the description above, the opinions of legal experts, and legal political theory, the policies carried out by the government are a form of progressive legal action, but is Law Number 11 of 2020 concerning Job Creation already a progressive law? Of course not, because in its implementation this law cannot just walk alone.

Referring to Hans Kelsen's theory of the level of legal norms (*Stufentheorie*), namely that:

“Legal norms are tiered and layered in a hierarchy (order), in the sense that a lower norm applies, is sourced and based on a higher norm, a higher norm applies, is sourced and based on a higher norm, so it should be up to a norm that cannot be traced further and is hypothetical and fictitious, namely the basic norm (*grundnorm*).”<sup>42</sup>

So that legal norms can run well and harmoniously in achieving the objectives of the law.

In connection with this, to implement the ideals of the Job Creation Law, it is necessary to work in synergy with derivative laws and regulations that regulate in more detail and technically each sector covered therein.

However, in its implementation, the synergy between the Job Creation Law and the laws and regulations below is not enough, especially in critical conditions such as the Covid-19 pandemic that is currently sweeping the world, including Indonesia. This condition for the MSE sector is really a blow to itself, because of the decline on all fronts, even resulting in derivative regulations of the Job Creation Law that are not accommodating for Micro and Small Enterprises, although a number of existing points still have a positive impact. One of the affected policies is related to taxation policy. With the decline in various lines of micro and small businesses, as well as a maximum business capital of IDR 1 billion for micro businesses, of course, the maximum tax of 4.8% is considered irrelevant to the current conditions of MSMEs. This is where the role of a progressive government is important in supporting the development of the competitiveness of micro and small businesses, especially in the investment sector.

Referring to Geoff Mulgan's view, the factors that need to be owned by a progressive government to form and develop MSE investment based on a political law perspective are:

1. Stabilizers

The government must function as a stabilizer in developing investment for Micro and Small Enterprises by creating conducive political stability. That way it will have a direct impact on order in society. This condition will greatly influence the creation of a positive investment climate, by fostering investor confidence to invest.

2. Facilitator

The government needs to position itself as a facilitator for MSEs by fostering the ability of MSEs through various means, such as supporting with various training for the development of MSE personnel skills. Based on the results of Barrier's research (1999) in the *Journal of Small Business Management*, it proves that small business managers have viewed exporting as a business necessity.<sup>43</sup> In connection with this, the government as a facilitator can also help find a way out related to the problems faced by MSEs, such as being given training and guidance, as well as the ease of building a business entity.

---

<sup>41</sup> Suwarsono Muhammad, *Strategi Pemerintahan*, Jakarta: Erlangga (2012), hlm. 64-90.

<sup>42</sup> Hans Kelsen, *General Theory of Law and State*, Russell & Russell (1945), hlm. 113.

<sup>43</sup> Bernard Garnier, et. al., “The Training Need of Owner/Managers of Small Business: an Empirical Pilot Study in Quebec”, *Journal of Small Business Management*, Vol. 2, Issue 2 (1984).

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

However, in its implementation, the government still needs to be careful not to cause dependence, so that MSEs can be independent.

### 3. Regulator

As a regulator, the government must be able to maintain a conducive business environment for MSEs by making policies that can make it easier for MSEs to do business, including investment policies, taxation, and restrictions related to the investment of Medium and Large Enterprises into Micro and Small Enterprises. That way, it will encourage MSEs to progress and develop better. To implement this, it is necessary to prepare a Government Regulation related to MSE investment, so that it is expected to provide a more conducive environment for MSEs in doing business.

### 4. Catalyst

In encouraging the development of competitiveness (fast moving enterprise) of Micro, and Small Enterprises, the government must be able to function as a catalyst. The meaning of catalyst here is that the government must be able to be a party that causes changes to a better investment system for Micro, and Small Enterprises to strengthen or even encourage increased competitiveness. This can be done by empowering creative communities, giving various awards to MSEs, even through the ease of obtaining capital by encouraging the intervention of medium and large enterprises to invest.

The realization of the government's role as a factor in shaping competitiveness and developing investment in Micro, and Small Enterprises, is expected to realize competitive Micro, and Small Enterprises implemented in accordance with the following government policy directions:

1. Develop micro and small enterprises to contribute significantly to economic growth, job creation, and increased competitiveness. Meanwhile, micro-scale enterprises are more geared towards contributing to income generation in low-income communities.
2. Strengthen the institutional system through the application of the principles of good governance and insight.
3. Expanding business opportunities, especially for micro and small enterprises, and fostering new entrepreneurs with excellence to encourage growth and increase exports.
4. Increasing the active role of micro and small enterprises as providers of goods and services in the domestic market that are competitive with imported products, especially to meet the needs of the community.
5. Growing the morality of medium and large enterprises through their active role in improving the ability and potential of micro and small enterprises to be more competitive.

## KESIMPULAN

In improving the competitiveness of MSEs in the Political Law of Job Creation, it is necessary to have a progressive Government strategy, namely by fostering greater morality of business actors, as mandated in the fifth Precept. This can be achieved by recognizing progressive factors in the Government, namely: 1) Stabilizer; 2) Facilitator; 3) Regulator; and 4) Catalyst. This will accelerate the growth of Micro and Small Enterprises efficiently and competitively without relying on the government at large. It also increases the involvement of business actors in improving the ability of Micro and Small Enterprises to strengthen the national economy and competitiveness in the investment sector.

## REFERENCES

- 1) Agustiyanti, "Jokowi Sebut 42 Ribu Aturan Hambat RI Ikut Perubahan Global", <https://www.cnnindonesia.com/ekonomi/20171024125609-92-250596/jokowi-sebut-42-ribu-aturan-hambat-ri-ikuti-perubahan-global>, diakses Selasa, 24/10/2017, diakses pada 5 Oktober 2024, pukul 19:34 WIB.
- 2) Bagir Manan, *Beberapa Masalah Hukum Tata Negara Indonesia*, Bandung: Alumni (1997), hlm. 144.
- 3) Bernard Garnier, et. al., "The Training Need of Owner/Managers of Small Business: an Empirical Pilot Study in Quebec", *Journal of Small Business Management*, Vol. 2, Issue 2 (1984).
- 4) Briana Biersbach, "Everything You Need to Know About Omnibus Law, and Why They're So Popular at The Minnesota Legislature", (Minnpost, 31 Maret 2017), <https://www.minnpost.com/politics-olicy/2017/03/everything-you-need-know-about-omnibus-bills-and-why-theyre-so-popular-minne>, diakses pada 5 Oktober 2024, pukul 19:36 WIB.
- 5) Bryan A. Garner, (ed), *Black's Law Dictionary Seventh Edition*, New York : St. Paul Minn (1999), hlm. 186.
- 6) Dani Prabowo, "Mengenal "Omnibus Law" yang akan dibahas Pemerintah dan DPR...", <https://nasional.kompas.com/read/2019/11/29/13511951/mengenal-omnibus-law-yang-akan-dibahas-pemerintah-dan-dpr?page=a>, diakses pada 5 Oktober 2024, pukul 20:28 WIB.
- 7) GoUKM, "Pengertian UKM & UMKM? Bagaimana Menjadi Usaha Kecil Menengah di Indonesia", <https://goukm.id/apa-itu-ukm-umkm-startup>, diakses pada 6 Oktober 2024, pukul 14:10 WIB.
- 8) Hans Kelsen, *General Theory of Law and State*, Russell & Russell (1945), hlm. 113.
- 9) Hans Kelsen, *Teori Hukum Murni: Dasar-Dasar Ilmu Hukum Normatif*, Bandung: Nusa Media (2014), hlm. 1.
- 10) Hukum Online, "Ini 5 Poin RUU Omnibus Law Cipta Kerja Klaster UMKM",

## A Political Perspective of the Law in the Copyright Law on Investment in Micro, Small and Medium Enterprises Umkm

<https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 19:30 WIB.

- 11) Hukum Online, “Ini 5 Poin RUU Omnibus Law Cipta Kerja Klaster UMKM”, <https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 19:30 WIB.
- 12) Hukum Online, “Ini 5 Poin RUU Omnibus Law Cipta Kerja UMKM”, <https://www.hukumonline.com/berita/baca/lt5e660f6988a3f/ini-5-poin-ruu-omnibus-law-cipta-kerja-klaster-umkm>, diakses pada 5 Oktober 2024, pukul 20:17 WIB.
- 13) Ida Bagus Rahmadi Supancana, *Kerangka Hukum & Kebijakan Investasi Langsung di Indonesia*, Cet. Pertama, Bogor: Penerbit Ghalia Indonesia (2006), hlm. 175.
- 14) Investor Daily, "Omnibus Law Ciptaker", <https://investor.id/editorial/omnibus-law-ciptaker>, diakses pada 5 Oktober 2024, pukul 19:36 WIB.
- 15) Iqbal, “Omnibus Law Cipta Kerja, Bentuk Prilindugnan Pemerintah Terhadap Usaha dan Pekerja Lokal”, <https://ekon.go.id/info-sektoral/15/5/berita-omnibus-law-cipta-lapangan-kerja-bentuk-perlindungan-pemerintah-terhadap-usaha-dan-pekerja-lokal>, diakses pada 5 Oktober 2024, pukul 20:20 WIB.
- 16) Karl Lliwellyn, *Some Realism About Realism*, Rev. 1222, Cambridge: Harv LR (1933), hlm. 44.
- 17) Mahfud MD, *Makalah Seminar Arah Pembangunan Hukum Menurut UUD 1945 Hasil Amandemen*, Badan Pembinaan Hukum Nasional, Jakarta: Departemen Hukum dan HAM RI (2006), hlm. 7.
- 18) Maria Farida Indrati, *Ilmu Perundang-Undangan*, Jakarta: Kanisius (2007), hlm.179.
- 19) Mochamad Januar Rizki, “5 Catatan Menyederhanakan Izin Investasi Melalui Omnibus Law”, <https://www.hukumonline.com/berita/baca/lt5da3efc332c06/5-catatan-menyederhanakan-izin-investasi-melalui-omnibus-law/>, diakses pada 5 Oktober 2024, pukul 20:22 WIB.
- 20) Moh. Mahfud. MD, *Politik Hukum Di Indonesia*, Jakarta : Raja Grafindo Persada (2014), hlm. 9.
- 21) Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan.
- 22) Nurul Qamar, *Perbandingan Sistem Hukum dan Peradilan Civil Law System dan Common Law System*, Makassar: Pustaka Refleksi (2010), hlm. 40.
- 23) Philip Kotler, Gary Armstrong, *Dasar-dasar Pemasaran*, edisi ke-5, Jakarta: Intermedia (1992), hlm. 30.
- 24) Philip Kotler, *Manajemen Pemasaran*, Edisi Milenium, Jakarta: Prenhallindo (2002) hlm. 66.
- 25) Politik Today, “Pakar Hukum Tata Negara Refly Harun Takut Omnibus Law Ciptakan Monster Baru Kekuasaan”, <http://politiktoday.com/2020/02/pakar-hukum-tata-negara-refly-harun-takutomnibus-law-ciptakan-monster-baru-kekuasaan>, diakses pada 5 Oktober 2024, pukul 20:30 WIB.
- 26) Satjipto Rahardjo, *Ilmu Hukum*, Bandung: PT Citra Aditya Bakti (1991), hlm. 235.
- 27) Satjipto Rahardjo, *Ilmu Hukum, Pencarian, Pembebasan dan Pencerahan*, Surakarta: Muhammadiyah Press University (2004), hlm. 17.
- 28) Soerjono Soekanto, *Mengenal Sosiologi Hukum*, Bandung: Alumni (1986), hlm. 12.
- 29) Sondang P. Siagian, *Filsafat Administrasi*, Jakarta: Haji Mas Agung (1985), hlm. 35.
- 30) Sri Lestari Rahayu, *Analisis Peranan Perusahaan Modal Ventura Dalam Mengembangkan UKM Di Indonesia*, Kajian Ekonomi dan Keuangan, Jakarta: Badan Pengkajian Ekonomi, Keuangan dan Kerjasama Internasional (2005), hlm. 10.
- 31) Suwarsono Muhammad, *Strategi Pemerintahan*, Jakarta: Erlangga (2012), hlm. 64-90.
- 32) Thomas W Zimmerer dan Norman M. Scarborough, *Pengantar Kewirausahaan dan Manajemen Bisnis Kecil*, edisi Bahasa Indonesia, Jakarta: Prenhallindo (2002), hlm. 23.

### Legislation

- 1) Undang-Undang Republik Indonesia Nomor 20 Tahun 2008 tentang Usaha Mikro, Kecil, dan Menengah
- 2) Undang-undang Nomor 15 Tahun 2019 tentang tentang Perubahan atas Undang-Undang Nomor 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan.
- 3) Peraturan Pemerintah Nomor 7 Tahun 2021 tentang Kemudahan, Pelindungan, dan Pemberdayaan Koperasi dan Usaha Mikro, Kecil, dan Menengah



There is an Open Access article, distributed under the term of the Creative Commons Attribution – Non Commercial 4.0 International (CC BY-NC 4.0) (<https://creativecommons.org/licenses/by-nc/4.0/>), which permits remixing, adapting and building upon the work for non-commercial use, provided the original work is properly cited.