

## **Legal Certainty Analysis of the Protection and Financing of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia**

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### **Abstract**

*Legal certainty plays a crucial role in supporting the development and sustainability of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia. This research demonstrates that clear regulations and consistent implementation provide legal protection for UMKM, thereby encouraging business growth and increasing competitiveness. However, challenges remain, such as low legal literacy, licensing barriers, and intellectual property rights issues, which hinder the sustainability of UMKM. Collaboration between the government and UMKM is key to creating a conducive and legally protected business environment. The implications of this research are the need to strengthen regulations, promote legal awareness, and empower UMKM to contribute more significantly to the national economy.*

**keywords:** *UMKM; Legal Certainty; Protection; Financing*

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### **A. Introduction**

Indonesia is a country rich in natural resources. The management of these resources can be carried out by the people, which in turn drives the national economy. One of the key drivers of the people's economy is Usaha Mikro, Kecil, dan Menengah (UMKM). UMKM are productive economic businesses owned by individuals or business entities with assets and annual revenue as regulated by law. Within Indonesia's economy, UMKM play a vital role due to their

strategic contribution to improving community welfare<sup>1</sup>. According to data from Badan Pusat Statistik (BPS) in 2024, the number of micro enterprises in Indonesia reached 4,107,397, while small enterprises numbered 306,046<sup>2</sup>. This demonstrates the significant role of UMKM in absorbing labor and contributing to economic growth in national development<sup>3</sup>.

Despite this vital role, UMKM confront persistent challenges, including limited access to capital, marketing constraints, intense competition, restricted access to raw materials, insufficient technical and managerial skills, weak financial literacy, and a regulatory environment characterized by complex licensing procedures and frequently changing laws<sup>4</sup>. Among the challenges encountered, two aspects play a pivotal role in the sustainability of UMKM, namely legal protection and access to financing.

Legal certainty constitutes a fundamental element essential to the operational sustainability of UMKM in Indonesia. In the absence of legal certainty, UMKM actors face significant difficulties in securing their rights as legal subjects, including intellectual property rights, contractual rights in business arrangements, and protection against legal disputes. Legal certainty is also closely intertwined with streamlined licensing procedures, regulatory clarity, and the consistent implementation of policies at the practical level. Although regulatory frameworks governing UMKM protection—such as Undang - Undang Nomor 20 of 2008 on UMKM and the Undang-

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<sup>1</sup> Syafrida Hafni Sahir dkk., *Pengembangan dan Manajemen UMKM*, Medan: Yayasan Kita Menulis, (2024), p.146

<sup>2</sup> BPS, Jumlah Perusahaan Industri Skala Mikro dan Kecil Menurut Provinsi (Unit), 2024, <https://www.bps.go.id/id/statistics-table/2/NDQwIzI=/jumlah-perusahaan-industri-skala-mikro-dan-kecil-menurut-provinsi.html>

<sup>3</sup> Sandha Bustan Arifin, Lukman Munawar Fauzi, Dahly Sukmapryandhika, “Pemberdayaan Usaha Mikro, Kecil dan Menengah dalam Pengembangan Digitalisasi Pemasaran Produk Berdasarkan Government Regulation No. 7 Of 2021 oleh Pemerintah Daerah Kota Tasikmalaya”, *Jurnal Prinsip* 4, No.2 (2025): 1-20, DOI:<https://doi.org/10.36859/prinsip.v1i1.2918>

<sup>4</sup> Wuri Sumampouw, Kana Kurnia, Imam Ridho Arrobi, “Perlindungan Hukum Terhadap Usaha Mikro Kecil dan Menengah Pasca Berlakunya Undang-Undang Cipta Kerja”, *Jurnal de Jure* 13, No.1 (2021): 24-39, DOI: 10.36277/jurnaldejure.v13i1.506

Undang Cipta Kerja—are already in place, their implementation in practice remains frequently inconsistent<sup>5</sup>. Consequently, many UMKM actors encounter difficulties in understanding and fulfilling their legal obligations, as well as in accessing various government assistance and financing programs. This situation is further exacerbated by regulatory ambiguity and inconsistency, along with overlaps between statutory provisions and their implementing regulations, all of which generate confusion and barriers for UMKM actors in carrying out their business activities.

Another critical aspect is financing, as access to capital constitutes one of the principal determinants of business continuity in the management of UMKM. Although the government has introduced various policies such as loan restructuring, payment relief, and capital assistance, a considerable number of UMKM have yet to benefit from these measures in an equitable manner<sup>6</sup>. Regulatory limitations and complex procedures frequently constitute major obstacles for UMKM in accessing financing. In the absence of clear and coherent regulations, UMKM are vulnerable to financial losses stemming from volatile market conditions or weak regulatory safeguards.

Indeed, financing is a critical aspect of UMKM continuity, particularly in relation to capital adequacy. Under existing regulations, micro enterprises may possess up to IDR 1 billion in capital—excluding land and business premises—with an annual turnover not exceeding IDR 2 billion. Small enterprises are categorized as having capital between IDR 1 billion and IDR 5 billion—also excluding land and business premises—with annual turnover ranging from IDR 2 billion to IDR 15 billion. Medium enterprises, meanwhile, have capital between IDR 5 billion and IDR 10 billion, with annual turnover ranging from IDR 15 billion to IDR 50 billion. Given these variations in capital structure and annual

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<sup>5</sup> Abdul Ramadhan, Syafrida Syafrida, “Perlindungan Hukum Law No. 6 Of 2023 Tentang Cipta Kerja Terhadap Penguatan Bisnis Pelaku Usaha UMKM”, *COMSERVA* 4, No.5 (2024): 1468-1480, DOI:<https://doi.org/10.59141/comserva.v4i5.2161>

<sup>6</sup> Siska Indah Vilonia Sopamena dkk., “Perlindungan Hukum UMKM dalam Memasuki Era Baru Pasca Pandemi”, *Sanisa* 2, No.2 (2022): 92-99, DOI : [10.47268/sanisa.v2i2.1211](https://doi.org/10.47268/sanisa.v2i2.1211)

revenue among enterprise categories, sufficient access to capital is indispensable to support economic circulation and enable annual sales growth that contributes to national economic welfare.

Accordingly, legal certainty and financing for UMKM are essential to assess the extent to which existing regulations effectively protect micro and small business actors.

Previous studies have examined legal protection and UMKM financing extensively, predominantly through normative approaches that analyze prevailing regulations and government policies. However, a major limitation within the existing body of research is the tendency to address legal protection and financing as separate domains. This study seeks to bridge that gap by conducting an integrated analysis of legal certainty in UMKM protection and financing in Indonesia. Employing a normative legal research method—drawing upon primary, secondary, and tertiary legal materials—this research utilizes qualitative analysis to identify legal issues and formulate policy recommendations. The normative approach facilitates a deeper understanding of relevant regulatory frameworks and enables the formulation of more contextually grounded and applicable policy proposals.

Unlike prior research that predominantly adopts empirical or comparative methods, this normative approach provides substantive scholarly contributions to the development of regulatory policies that more effectively support the sustainability and growth of UMKM in Indonesia. Based on this rationale, the present study formulates the following research questions:

1. What legal provisions govern the protection and financing of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia?
2. What are the implications of legal certainty for the development and sustainability of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia?

## **B. Discussion**

## **Legal Provisions Governing the Protection and Financing of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia**

UMKM, or Usaha Mikro, Kecil, dan Menengah, refers to business entities owned by individuals or legal entities that meet specific criteria in terms of business scale, capital, and assets. UMKM emerged as creative and productive economic units with standardized operational structures designed to meet the needs of business actors.<sup>7</sup> This sector functions as a backbone of the Indonesian economy, contributing approximately 60 percent of the national income. For this reason, UMKM must be supported by clear and reliable legal certainty, not only as a form of legal protection but also as a means for the government to facilitate economic development.

In Indonesia, UMKM are protected under various statutory regulations, the most prominent being Law No. 20 of 2008 concerning UMKM. This law regulates the definition and criteria of UMKM, business climate development, enterprise development, financing, guarantees, and partnerships between UMKM and larger businesses. Article 3 of the UMKM Law stipulates that micro, small, and medium enterprises aim to grow and develop in order to build a national economy grounded in equitable economic democracy. Article 5 further elaborates the objectives of UMKM empowerment, namely:

1. Establishing a balanced, progressive, and equitable national economic structure;
2. Strengthening and developing the capacity of UMKM to become resilient and independent enterprises;
3. Enhancing the role of UMKM in regional development, job creation, income distribution, economic growth, and poverty alleviation.

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<sup>7</sup> Harsono, *Tiap Orang Bisa Menjadi Pengusaha Sukses Melalui UMKM* (Depok: Raja Grafindo Persada, 2014), 4.

These provisions demonstrate the significant contribution of UMKM to Indonesia's economic sustainability. For instance, UMKM contributed approximately 60.34 percent to the national GDP in 2019. In addition to Law No. 20 of 2008, legal protection for UMKM is reinforced by Government Regulation No. 7 of 2021 on the Ease of Doing Business, Protection, and Empowerment of Cooperatives and UMKM. This regulation serves as an essential legal basis enabling UMKM actors to obtain legal protection and clear regulatory guidance in their business activities.

Article 37 of Government Regulation No. 7 of 2021 stipulates that UMKM engaged in medium and high-risk business activities must obtain a Business License and must also hold product standard certificates or business standard certificates in accordance with the applicable legal framework. For low-risk business activities, UMKM is granted a Business Identification Number (Nomor Induk Berusaha/NIB), which also acts as a single business license. The NIB for micro and small enterprises functions as both an identity and legal proof, enabling them to conduct business activities.

Although regulations on licensing aim to provide assurance and legal certainty for UMKM, various obstacles persist in practice. These include low levels of legal literacy among business actors, issues related to intellectual property rights, and exploitation by larger enterprises. Such issues frequently hinder the growth and sustainability of UMKM. Consequently, Article 50 of Government Regulation No. 7 of 2021 provides that both central and regional governments may offer legal assistance and support services, such as legal consultations, mediation, document preparation, out-of-court assistance, and legal representation in court.

Provisions concerning UMKM financing are further regulated under Law No. 20 of 2008. Article 21 outlines that the central and regional governments are responsible for providing financing for micro and small enterprises. Badan Usaha Milik Negara (BUMN) may allocate part of its annual profits to provide financing in the form of loans, guarantees, grants, and other financing schemes. The central government, regional governments, and the private sector may also

offer grants, facilitate access to foreign aid, and mobilize other lawful and non-binding financing sources for micro and small enterprises. Additionally, the government may assist UMKM through simplified licensing processes, reduced fees, and various forms of fiscal and non-fiscal incentives.

Article 21 of Law No. 20 of 2008 identifies several governmental efforts to expand financing sources, including:

1. Expansion of financing sourced from banking credit and non-bank financial institutions;
2. Development of venture capital institutions;
3. Institutionalization of factoring transactions;
4. Strengthening cooperation between micro and small enterprises through savings and loan cooperatives, as well as conventional and sharia financial service cooperatives;
5. Development of alternative financing sources consistent with prevailing regulations.

The government also regulates UMKM financing under Law No. 11 Of 2020 concerning the Cipta Kerja (Job Creation Law). The law's preamble emphasizes that UMK (Usaha Mikro dan Kecil) are granted priority in receiving ease of access, protection, and empowerment, alongside cooperatives, including enhanced worker welfare and protection.<sup>8</sup> Article 92 specifically regulates that micro and small enterprises receive simplified tax administration procedures as part of the process of applying for financing facilities from the central government. Article 92 paragraph (2) further provides that micro and small enterprises applying for business licensing may receive incentives in the form of waived or reduced licensing fees.<sup>9</sup>

Additional regulations also support UMKM financing in Indonesia, such as OJK Regulation No. 17/POJK.03/2014 concerning the Enhancement of the Role of Commercial Banks in UMKM

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<sup>8</sup> Lihat Wuri Sumampouw, Kana Kurnia, dan Imam Ridho Arrobi, "Perlindungan Hukum Terhadap Usaha Mikro Kecil dan Menengah Pasca Berlakunya Undang-Undang Cipta Kerja," *Jurnal de Jure* 13, No. 1 (2021), hlm. 35.

<sup>9</sup> *Ibid.*

Financing. This regulation requires all commercial banks to gradually increase credit distribution to UMKM, with minimum targets of 5 percent in the first year, 10 percent in the second year, and 15 percent in the third year. This policy seeks to improve financial inclusion and reduce disparities in capital access. Banks must include UMKM financing strategies in their Business Plans (RBB), adopt prudential principles, mitigate UMKM credit risks, simplify credit requirements, and report UMKM credit realization to the Financial Services Authority (OJK) regularly.

OJK Regulation No. 10/POJK.05/2022 concerning Information Technology-Based Joint Financing (fintech lending) provides alternative financing options for UMKM lacking access to banking institutions. This regulation requires fintech platforms to disclose transparent information regarding fees, interest rates, financing risks, and debt collection mechanisms. It also enhances consumer protection through interest and fee limitations, mandatory data verification, prohibitions on the misuse of personal data, and ethical debt collection standards. Furthermore, UMKM may also obtain financing through venture capital companies regulated under POJK No. 35/POJK.05/2015 concerning the Operation of Venture Capital Companies.

Given the critical role of UMKM in Indonesia's economy, the government must prioritize clear regulatory frameworks addressing issues of legal protection and financing. The growth of UMKM is highly dependent on such regulatory clarity, especially considering that many UMKM actors come from lower socioeconomic groups with limited knowledge and expertise compared to larger corporations.

### **Implications of Legal Certainty for the Development and Sustainability of Usaha Mikro, Kecil, dan Menengah (UMKM) in Indonesia**

Usaha Mikro, Kecil, dan Menengah (UMKM) have been nationally recognized as one of the largest contributors to Indonesia's economic output. This is evidenced by recent data showing that UMKM contribute up to 60 percent of the Gross Domestic Product (GDP)

and absorb approximately 97 percent of the total workforce in Indonesia.<sup>10</sup> However, this potential has not been fully optimized due to several challenges, one of which is legal certainty. The absence of legal certainty can hinder the growth of UMKM, including their development, innovation, and expansion, while also affecting their long-term sustainability and resilience.

In carrying out economic activities, legal certainty often becomes a recurring problem, as every economic activity requires legal protection. This protection must be accessible to all levels of society so that the rights guaranteed by law can be fully enjoyed.<sup>11</sup> The main purpose of legal protection is to establish boundaries and harmonize the diverse interests present within society. This is important because every individual has different interests. Law exists to ensure that human rights and interests are protected and upheld in society, and therefore holds the authority to classify which interests need to be regulated and protected. Legal protection is derived from legal norms created based on agreements between the public and the government, which represents the interests of the people.

Legal certainty is a condition in which regulations are formulated and conveyed clearly, firmly, and definitively, ensuring that legal clarity can be achieved. This certainty implies the absence of ambiguity or differing interpretations and indicates conformity with established norms so that laws do not contradict or create legal conflicts. Legal certainty emphasizes that the implementation of law must be clear, consistent, reliable, and uninfluenced by subjective factors. The general characteristics found in legal rules show that law is not only achieved through justice and utility but also through ensuring certainty.<sup>12</sup> In the context of UMKM, legal certainty is achieved

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<sup>10</sup> Andinita, 2022, Kontribusi UMKM Terhadap Pertumbuhan Ekonomi Era Digitalisasi Melalui Peran Pemerintah, *Journal of Applied Business and Economic (JABE)* Vol. 9 No. 2. Hlm. 187.

<sup>11</sup> Soewandi. (1957). *Hak-hak Dasar dalam Konstitusi-Konstitusi Demokrasi Modern*. Jakarta: PT.Pembangunan, Hal.12

<sup>12</sup> Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, Penerbit Toko GunungAgung, Jakarta, 2002, hlm. 82-83

when UMKM actors can conduct business activities safely under established legal principles, enabling UMKM to optimize their role in advancing the economy.

Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia also regulates the protection of UMKM. This article emphasizes that the state has the responsibility to ensure the development of social welfare and a security system that embraces all elements of society, as well as to empower vulnerable and disadvantaged groups in order to uphold human dignity. To implement the social protection mandated by the Constitution, the government strengthens this obligation by issuing regulations and laws governing the UMKM sector in accordance with Law No. 20 Of 2008, which aims to reinforce the functions and rights of UMKM actors. UMKM also aim to support national economic growth and business development based on the principles of democratic and equitable economics.<sup>13</sup>

Section b and c of the preamble of Law No. 20 of 2008 state that UMKM must be strengthened as a core component of the national economy and as a sector with strategic potential for achieving equitable national economic development, as mandated by the Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVI/MPRRI/1998 concerning Economic Policy in the Framework of Economic Democracy. UMKM must be developed and operated comprehensively, in accordance with their role, function, and sustainability. This can be achieved by ensuring a supportive business environment, mutual cooperation, legal protection, and optimal promotion of business growth. The purpose is to enhance the position, role, and potential of UMKM in promoting

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<sup>13</sup> Indonesia, *Usaha Mikro, Kecil dan Menengah*, Law No. 20 Of 2008., Pasal 3

economic growth, increasing income, generating employment, and addressing poverty<sup>14</sup>.

Furthermore, the concept of UMKM empowerment described in Article 5 of Law No. 20 of 2008 includes several aspects. First, the establishment of a national economic structure that is balanced, developing, and just. Second, the strengthening and expansion of UMKM potential so that UMKM become resilient and independent business entities. Third, increasing the participation of UMKM in creating local jobs, ensuring equitable income distribution, stimulating economic growth, and reducing poverty. Reinforcing the primary role of UMKM, namely maintaining and enhancing national economic stability, the government has also enacted the Undang-Undang Cipta Kerja, which provides support, assistance, guidance, and empowerment for UMKM alongside cooperatives, while ensuring the development of worker protection and welfare.

Chapter V Article 87 of the Omnibus Law on Job Creation amends Article 12 of Law No. 20 of 2008. This change aims to simplify the process and types of business legalities through a one-stop service system, as well as to provide fee reductions or exemptions for micro and small enterprises in obtaining business permits. This simplification includes clearer timelines, transparent costs, adequate security, accountability, facility completeness, easy access, discipline, ethical conduct, and friendly service. As a result, business actors find it easier to access information on licensing procedures, from the application process to the issuance of required documents.

Omnibus Law on Job Creation also introduces changes regarding UMKM financing and guarantees. These include the obligation of the government, State-Owned Enterprises, and large national or foreign corporations to provide financing through various instruments such as loans, guarantees, grants, and other financing forms allocated from annual profits. Through this law, the

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<sup>14</sup> Suhardi, Moh. Taufik Makarao, & Fauziah. (2012). *Hukum Koperasi Usaha Mikro, Kecil, Dan Menengah Di Indonesia*. Jakarta: Akademia Permata, Hal. 4

government guarantees ease in managing business legality, as stated in Article 91, which allows business legality procedures to be carried out both online and offline by submitting only an Identity Card (KTP) and a Letter of Business Domicile (SKU) issued by the neighborhood authority (RT). Business actors must apply for the SKU as proof of appropriate domicile. After registering online, they will obtain an electronic Business Identification Number (NIB), which includes business licensing, Indonesian National Standard (SNI) compliance, and halal certification for applicable businesses. In conducting business activities, UMKM actors must obtain standard certificates and permits. The government thus plays an active role in guiding UMKM to meet product standards and halal certification requirements as needed.<sup>15</sup>

To expand the scope of empowerment as intended by the Job Creation Law, the government issued two implementing regulations: Government Regulation No. 36 of 2021 concerning Wages and Government Regulation No. 7 of 2021 concerning the Ease of Doing Business, Protection, and Empowerment of Cooperatives and UMKM. These regulations provide exceptions for micro and small businesses, which are not required to follow minimum wage standards for their workers. Instead, the wages provided must be at least 50 percent of the average consumption expenditure and at least 25 percent above the provincial poverty line.<sup>16</sup> These exceptions are based on the requirements set out in Articles 35 and 36 of Government Regulation No. 7 Of 2021.

This regulation also provides certainty for business actors to access government-provided legal assistance services. These services include legal counseling, mediation, document preparation, and out-of-court legal facilitation. To ensure effective implementation of

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<sup>15</sup> Ivlyn, Delpedro Marhaen, Pengaruh Undang-Undang Cipta Kerja Terhadap Digitalisasi UMKM Di Tengah Pandemi, *Jurnal Justisi Universitas Muhammadiyah Sorong*, Vol. 8 No. 2, 2022, Hal 7-8.

<sup>16</sup> Indonesia, Pengupahan, Government Regulation No. 36 Of 2021, Psl. 36 ayat (1)

these legal protection services, Article 51 of Government Regulation No. 7 Of 2021 requires the government to:

1. Identify legal problems faced by UMKM.
2. Ensure transparency in providing information to UMKM to facilitate access to legal protection services.
3. Increase legal awareness among UMKM actors.
4. Provide budget allocations for training or other activities supporting the delivery of legal protection services.
5. Collaborate and ensure participation with institutions, universities, and professional legal organizations.

The development of these regulations has facilitated and ensured legal protection for all UMKM actors. Therefore, cooperation and collaboration between policymakers, especially the government, and UMKM actors as the intended legal subjects, are crucial to enabling effective resolution of issues encountered throughout the operation of UMKM.

### **C. Conclusion**

UMKM constitute business entities owned by individuals or legal bodies that meet specific criteria, including scale of operations, capital, and asset structure. In Indonesia, UMKM play a pivotal role in economic development and therefore require legal certainty, particularly in matters of protection and financing. Regulatory frameworks governing UMKM protection—especially those concerning business licensing—have been established to provide legal assurance and certainty for UMKM actors.

However, in practice, UMKM continues to encounter numerous obstacles, including low levels of legal awareness, issues related to intellectual property rights, and exploitation by larger business entities. These issues frequently constitute major impediments to the advancement of UMKM in Indonesia. Responding to these challenges, recent regulations introduce solutions aimed at strengthening UMKM protection, notably through the provision of legal aid and advisory services. Such services—ranging from legal consultations, mediation, and the preparation of legal documents to

out-of-court assistance and courtroom representation—may be provided by both the Central Government and Regional Governments.

Regulatory provisions on financing stipulate that UMKM may apply for business loans through various financial instruments. The government may further facilitate UMKM financing by providing licensing simplifications, tariff reductions, and other forms of incentives. The evolution of the current regulatory framework has significantly enhanced both the accessibility of financing mechanisms and the degree of legal protection afforded to UMKM actors. These developments enable UMKM to optimize the available policy measures while allowing the government to monitor UMKM activities more effectively, ensuring compliance and long-term business continuity. Accordingly, close collaboration between the government—as the primary regulatory authority—and UMKM actors—as legally recognized subjects—is essential to ensure that challenges arising during business operations can be addressed more efficiently and in accordance with the prevailing legal framework.

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