

Product Protection of Micro, Small and Medium Enterprises (MSMEs) in Franchise Licensing Arrangement in Indonesia

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Abstract

This article discusses the protection of Micro, Small and Medium Enterprises (MSMEs) in structuring franchise licensing in Indonesia and how the implementation of government and local government policies on the form of MSME protection guarantees, especially on MSME products that are sold or distributed in partnerships between MSME actors and franchise businesses (Franchisee), especially Minimarkets, Supermarkets. The research method used is the Normative Method with a Statue Approach, and uses qualitative descriptive analysis to analyze the data. The results of this study indicate that the guarantee of protection of MSME products is evidenced by the existence of Regional Regulations governing this matter. However, when viewed from the existing implementation in the regions, it has not fully guaranteed the protection of MSME products because there are still regions that still do not have regulations regarding the Empowerment and Protection of MSMEs, especially MSME products in the arrangement of franchise licensing.

Keywords: protection, MSMEs, Franchise

I. Introduction

In the current era of globalization, the growth of various types of businesses is very rapid. The advancement of information and communication technology today is able to encourage the creativity of everyone in running and/or creating a business. With the advancement of technology and information today, it allows everyone from individuals to associations to create and/or create businesses. The community is often familiar with Micro, Small and Medium Enterprises or hereinafter referred to as MSMEs. Micro, Small, and Medium Enterprises (MSMEs) are a category of businesses that have a small or medium scale in terms of assets, turnover, and number of employees. The definition of MSMEs contained in Law (UU) Number 20 of 2008 concerning Micro, Small and Medium Enterprises in Article 1, namely what is meant by micro-enterprises, namely production businesses owned by individuals or individuals and / or sole proprietors who meet the criteria for micro-enterprises as specified in the law. A small business is a financially viable individual business operated by an individual/business entity that is not a subsidiary or affiliate of an online business, directly or indirectly owns, controls, or is part of a business entity. A medium or large company that meets the criteria of a small business based on relevant laws. Medium-sized enterprises are productive financial businesses that are independent and run by individuals or corporations that are not subsidiaries or affiliates of corporations that are directly or indirectly owned, controlled by, or partly owned by small or large corporations with a net final amount or annual turnover according to law.

The rapid growth rate of MSMEs in Indonesia has significantly had a positive impact on economic growth in Indonesia, besides having a positive impact on the community itself, namely the emergence of economic independence and being able to create business opportunities and employment for the community around where the MSMEs grow. The ease of information related to the development and types of MSMEs makes several types of MSME models easy to find and even easy to do, as for the most common type of business model in Indonesia is MSMEs whose type of business model is in the form of a franchise business or often referred to as (Franchise). The Indonesian franchisee association argues that franchising means a system of distribution of goods and services to end consumers, in which the franchisor (franchise) grants rights to individuals, people or companies that manage the business, including trademarks, names, systems, procedures and methods that have been identified over a period of time and cover a certain area [1].

Along with the rapid growth of the quantity of franchises in Indonesia, making the Government of Indonesia as a country that provides legal certainty to every economic activity, one of which is this franchise activity, the Government of Indonesia regulates specifically related to this franchise mechanism in legislation, namely in Government Regulation (PP) No. 42 of 2007 concerning Franchising, regulating the criteria, franchise agreements, obligations of franchisors, franchise registration, guidance and supervision, and sanctions for franchisors so that there is no gap between small, medium and large businesses. Regulations on the implementation of franchising are made in order to further improve business order and legal certainty for both franchisees and franchisors[2]. Regulations such as Government Regulation (PP) Number 42 of 2007 concerning Franchising and Minister of Trade Regulation (Permendag) Number 71 of 2019 concerning the Implementation of Franchising, which serves as a deterrent to fraud related to MSMEs, especially in the franchise business. However, in terms of franchise licensing, the protection of MSME products is something that must be taken seriously[3]. The goal is to guarantee business operations and achieve legal certainty in your company. Therefore, it is one of the duties of the government and local governments to ensure the legal protection of MSME products [4].

The efforts made by the government are solely to provide protection for all MSME products which are increasingly rapid types of threats that can have a negative impact on the growth rate of these MSMEs. As a legal entity, it is appropriate for the government to develop basic concepts for a certain period of government, including legal guidelines to coordinate legal development in the national economy. MSMEs in Indonesia lack protection making it difficult to develop, and are often misunderstood by the government, business community and citizens. Limited capital, poor quality human resources, and weak technical skills are not seen as aspects of MSMEs' shortcomings, but instead are seen as a result of the absence of proper protection and empowerment. Everyone now knows that the government's micro-economic policies are often misguided, and there is no proper protection of micro-enterprises from competition[5]. As for one of the fraudulent practices that are often found in the community, such as selling fake or imitation products for products that already have a big name, or even with the same brand and selling goods that are not suitable. If these practices are allowed, it will indirectly reduce the quality of MSMEs and be able to affect economic growth and community economic independence. Therefore, the

important role of the Government as the policy maker and the person in charge and executor of state duties is to provide protection from fraudulent practices of MSMEs.

Legal certainty for MSMEs is very important as the first line of defense when MSMEs run their businesses, one of the things that also needs legal protection is related to the use of trademarks and other intellectual property rights in the context of franchising. In a franchise system, there is a contractual agreement between the brand owner and the party receiving the license, which contains various provisions related to the use of trademarks, copyrights, trade secrets, and other aspects related to MSME products and businesses. This partnership agreement in the franchise business is one aspect of legal protection to the parties so as not to cause harm to other parties, starting from providing legal protection to Intellectual Property Rights. This is because the agreement has the potential to become a strong legal indicator to emphasize legal protection for parties trapped in the franchise system. The Franchise Agreement has specifically regulated the protection of intellectual property rights, by promising certain restrictions that must be adhered to by the franchisee, which directly or indirectly aims to protect the intellectual property rights of the franchisor [6].

The government has issued Regulation of the Minister of Trade (Permendag) Number 71 of 2019 concerning the Implementation of Franchises, the implementation of which must be based on Government Regulation (PP) Number 42 of 2007 concerning Franchises. Therefore, the role of the government is considered very important in the process of structuring franchise licensing, especially minimarkets, through government policies by issuing Regional Regulations so that the existence of traditional markets is not hampered [7]. At the practical level, it turns out that there are still minimarket businesses that operate without fulfilling the required licenses. One type of modern retail business that is intensively operating and utilizing this franchise system is a minimarket. Minimarket is a kind of self-service based on retail franchises that sell all kinds of goods, food, and other household needs, but not as complete and as large as supermarkets [8]. This can be seen from the rapid expansion of minimarkets in small towns such as Alfamart and Indomaret which have now reached the surrounding community. Data obtained from the Indomaret website shows that as of 2023, there are approximately 21,801 Indomaret outlet locations, and Alfamart which currently has around 16,492 outlets spread throughout Indonesia [9].

The proliferation of supermarkets / minimarkets has a positive impact as well as a negative impact on the people of Indonesia, because the presence of modern retail is more profitable for people who are not traders. Based on evidence that occurs in the community, it is often found that there are minimarkets or supermarkets that still do not have clear business licenses, there are minimarkets that stand and operate on village area roads, not many partnerships have been established between minimarkets and MSMEs so that there are still frequent sales of MSME products in minimarkets without an agreement, extending the operational / opening time of minimarkets to 24 hours in the sense of a full day [10]. Based on this description, it is then necessary to conduct an analysis in reviewing more deeply the relevant laws and regulations in structuring franchise licensing, especially in the modern retail business section, namely minimarkets that sell MSME products in it, whether they have guaranteed legal

protection or not. This shows that the application of this protection has not been fully implemented and applied in the community considering that the presence of laws and regulations and/or policies is carried out in order to provide a means of protection and change legal rights and provisions [11].

Based on the background description above, it has shown that the importance of legal certainty regarding the protection of MSMEs in Indonesia in this paper, therefore based on existing problems, researchers want to examine the protection of MSME products with the title MSME Product Protection in Franchise Licensing Arrangements in Indonesia. Which researchers will discuss several main problem formulations as follows:

1. Has the franchise arrangement in Indonesia guaranteed the protection of MSME products?
2. How is the implementation of MSME product protection in structuring franchise licensing in the regions?

II. Method

The The research method used in writing this article is Normative. The approach used is a statutory approach (Statue Approach), considering that researchers analyze several laws and regulations as the focus of research. The primary legal materials include:

- a) Law (UU) Number 08 of 2008 concerning Micro, Small and Medium Enterprises
- b) Government Regulation (PP) Number 42 of 2007 on Franchising
- c) Regulation of the Minister of Trade (Permendag) Number 71 of 2019 concerning the Implementation of Franchises
- d) 16 Provincial Regulations in Indonesia that regulate the Empowerment and Protection of MSMEs:
 - - East Java Provincial Regulation No. 06/2011 on the Empowerment of MSMEs
 - - West Java Provincial Regulation Number 10 of 2010 Concerning the Empowerment and Development of Cooperatives, MSMEs
 - - Central Java Provincial Regulation Number 13 of 2013 Concerning the Empowerment of MSMEs
 - - Bali Provincial Regulation Number 03 of 2012 Concerning the Protection, Empowerment, and Development of Cooperatives, MSMEs
 - - Lampung Provincial Regulation Number 03 of 2016 Concerning the Protection, and Empowerment of MSMEs
 - - Yogyakarta Special Region Provincial Regulation No. 09/2017 on the Empowerment and Protection of Creative Industries, Cooperatives and Small Businesses
 - - Banten Provincial Regulation No. 02/2016 on the Empowerment, Development, and Protection of Cooperatives and Small Businesses
 - - North Sumatra Provincial Regulation Number 07 of 2004 Concerning the Development of MSMEs
 - - South Sulawesi Provincial Regulation Number 07 of 2019 Concerning the Empowerment of Cooperatives and Small Businesses

- - Jambi Provincial Regulation Number 04 of 2016 Concerning the Empowerment and Development of Cooperatives, MSMEs
- - Bengkulu Provincial Regulation Number 02 of 2014 Concerning the Empowerment of MSMEs
- - Bangka Belitung Islands Provincial Regulation Number 13 of 2017 Concerning the Empowerment of Cooperatives and SMEs
- - West Nusa Tenggara Provincial Regulation Number 02 of 2017 Concerning the Empowerment, Development and Protection of Cooperatives and Small Businesses
- - East Kalimantan Provincial Regulation Number 04 of 2012 Concerning the Empowerment of Cooperatives and MSMEs
- - Central Sulawesi Provincial Regulation Number 02 of 2019 Concerning the Empowerment and Development of Cooperatives and Small Businesses
- - Gorontalo Provincial Regulation Number 02 of 2017 Concerning the Empowerment of Small Businesses

Meanwhile, secondary legal materials include Journal Articles, and Books related to Micro, Small and Medium Enterprises (MSMEs). Primary data and secondary data obtained through this research activity will be selected according to certain objectives, then it will be analyzed qualitatively, then presented descriptively, namely by describing, explaining, and describing in accordance with the problems in the study with deductive reasoning, namely by drawing specific conclusions from general matters. The method of processing legal materials is done by selecting legal materials, namely by examining legal materials to find out whether the legal materials to be analyzed are complete and in accordance with the subject matter and by systematizing legal materials, namely the preparation of legal materials.

III. Main Heading of the Analysis or Results

A. Guarantee of MSME Product Protection in Franchising Arrangement in Indonesia

At present, the franchising arrangement in Indonesia is still developing and several efforts from the government have been made to strengthen the protection of MSME products in the franchise business. However, it still cannot be said that the franchising arrangement has fully guaranteed the protection of MSME products comprehensively or as a whole. In practice, the protection of MSME products in franchising is highly dependent on the partnership between franchisors and franchise partners. Some of the issues that can arise include high cost requirements to set up a franchise, obligations to purchase products from certain suppliers, or contract terms that are unfavorable to franchise partners. The business world will not develop without a clear license according to the law, and the license functions because the business world really needs

it [12]. A license is an act performed by a one-sided government based on laws and regulations to be applied to concrete events according to certain procedures and requirements. The elements in licensing are juridical instruments, laws and regulations, government organs, concrete events, procedures and requirements. Licenses can be seen as a guideline and at the same time a guarantee for their business activities¹. With licensing, it is possible to make a positive contribution to economic efficiency, especially to find sources of regional income, state revenue, and at the same time encourage the pace of investment. The license is issued by the government to create safe and orderly conditions so that activities can run properly and for active development activities [13].

The government has actually also provided a form of guaranteed protection for MSMEs as formulated in Law (UU) Number 20/2008 concerning Micro, Small and Medium Enterprises (MSMEs) Article 35 Paragraph 1, which reads that “Large businesses are prohibited from owning or controlling Micro, Small and Medium Enterprises as their business partners in the implementation of partnership relationships”. This law regulates the criteria for businesses that can be considered as Micro, Small and Medium Enterprises, business empowerment and development, financing, partnerships. The regulation of these matters shows that there is legal protection for MSMEs [14]. However, if seen in practice, it still cannot be said to run effectively considering the absence of a supervisory mechanism from the government. On the other hand, these provisions are considered only a formality because often MSME actors are only used as parties involved in the partnership as capital providers, but they are not involved in the business operations being carried out (Silent Partner), so that the goal of empowering MSMEs is still not maximally achieved. The empowerment of MSMEs basically requires special attention and protection from the government considering the large number of MSME actors in Indonesia. In connection with this, each type of business needs to be further empowered to take advantage of business opportunities to answer the challenges of economic development in the future.

Regarding Micro, Small and Medium Enterprises (MSMEs), namely Law (UU) Number 20 of 2008 concerning MSMEs in part of Article 1 Paragraph 9 which states that “Business Climate is a condition pursued by the Government and Regional Governments to empower Micro, Small and Medium Enterprises synergistically through the establishment of various laws and policies in various aspects of economic life so that Micro, Small and Medium Enterprises obtain the widest possible business favoritism, certainty, opportunity, protection and support”. Guaranteeing the protection of MSME products in the arrangement of franchise licensing in Law (Law) No. 20/2008 on MSMEs can be provided if there is a franchise agreement between local MSME businesses as stated in Article 29 paragraph 2 which reads “Franchisors and franchisees prioritize the use of domestically produced goods and/or materials as long as they meet the quality standards of goods and services provided and/or sold under the franchise agreement”. This means that the regulations that have been mentioned guarantee protection for MSME products as long as there is an agreement between the franchisor and franchisee. Franchisors are required to provide clear and transparent information to potential partners/franchisees about business terms and conditions, start-up costs, royalties (legally regulated payments), support provided, and rights and

¹ Ibid, h. 73-74.

obligations by both parties. This is to help reduce the risk of fraud or practices that harm partners/franchisees, including MSMEs.

As for sanctions if there are things that violate the provisions that have been mentioned, there are in Law (UU) Number 20 of 2008 concerning MSMEs Article 39, namely administrative sanctions in the form of revocation of business licenses and a maximum fine of Rp. 5,000,000,000.00 (Five Billion Rupiah) to Rp. 10,000,000,000.00 (One Billion Rupiah) by the authorized agency. Government Regulation (PP) No. 42/2007 on Franchising Articles 16, 17, and 18 are administrative sanctions in the form of written warnings, fines, and revocation of Franchise Registration Certificate. Regulation of the Minister of Trade (Permendag) Number 71 of 2019 concerning Franchising Articles 29, 30, 31, and 32, namely administrative sanctions in the form of written warnings, revocation of STPW, and revocation of business licenses/operational/commercial licenses by the issuing official in accordance with statutory provisions.

Further regulation is carried out by Government Regulation (PP) Number 42 of 2007 concerning Franchising, which in article 9 paragraphs 1 and 2 explains that franchising must prioritize the use of domestically produced goods/services which are determined in writing through partnership cooperation. In its implementation, the government also stipulated Regulation of the Minister of Trade (Permendag) Number 71 of 2019 concerning Franchising. With this regulation, there is a guarantee of legal protection for MSME products against franchise licensing arrangements. The following is a table that mentions the arrangements regarding the guarantee of protection of MSME products in franchising in Indonesia:

Tabel 1. Regulasi mengenai Usaha Mikro Kecil dan Menengah (UMKM)

No.	REGULATIONS	ARTICLE	SOUNDS	NORM ANALYSIS
1.	Law No. 20/2008 on Micro, Small and Medium Enterprises	CHAPTER VIII : PARTNERSHIP - Article 26 - Article 29 paragrah 2	Article 26 : Partnerships will be implemented according to the following models: a. core plasma b. subcontracting c. concession	MSMEs when running their business can cooperate with other parties, in the form of partnerships. One of them is by establishing a partnership with a franchise. In MSME partnerships with franchises, there is a

- Article
30
paragrap
hs 1 and
2

d. general trading

e. sales and representation
and

f. other forms of partnership,
such as:

Profit sharing, operational
cooperation, joint ventures
and outsourcing.

Article 29 paragraph 2:

Franchisors and franchisees
shall prioritize the use of
domestically produced goods
and/or materials to the extent
that they meet the quality
standards of the goods and
services provided and/or sold
under the franchise
agreement.

Article 30 paragraphs 1 and 2:

(1) Partnerships with the
general business model as
referred to in article 26 (d)
may be carried out in the
form of marketing
cooperation, offering
locations or receiving
supplies from large
companies with micro, small
and medium enterprises,
which are carried out openly.

(2) Fulfillment of the goods
and services needs of large
companies by prioritizing the
purchase of products
produced by small

requirement that
franchisors and
franchisees prioritize the
use of products from local
MSMEs, as long as these
products have met the
quality standards for the
feasibility of
goods/services and are
determined in writing by
the franchisor that
establishes the
partnership in accordance
with the provisions of the
applicable laws and
regulations.

		enterprises or micro-enterprises, as long as they meet the required quality standards of goods and services.
2.	Government Regulation (PP) No. 42 of 2007 on Franchising	<p>CHAPTER IV: OBLIGATIONS OF THE FRANCHISOR</p> <p>Article 9 paragraphs 1 and 2</p> <p>(1) Franchisors and franchisees shall give priority to the use of goods and/or services produced in Germany, provided that they meet the quality requirements for goods and/or services set out in writing by the franchisor.</p> <p>(2) Franchisors are obliged to cooperate as concessionaires or suppliers of goods and/or services with small and medium-sized entrepreneurs in their region, provided that they meet the requirements set by the franchisor.</p>
3.	Regulation of the Minister of Trade (PERMEN DAG) No. 71/2019 on the Implementation of Franchising	<p>CHAPTER V: USE OF DOMESTIC PRODUCTS</p> <p>Article 18 paragraphs 1, 2, and 3</p> <p>(1) Franchisors as referred to in Article 4 shall prioritize the use of domestically produced goods and/or services to the extent that they meet the quality standards of goods and/or services set by the franchisor, which shall be stipulated in writing.</p> <p>(2) Franchisors will cooperate with small and medium enterprises in the region as Franchisees or suppliers of goods and/or services to the extent that</p>

they meet the requirements set by the Franchisor.

(3) The priority of using domestically produced goods and/or services as referred to in paragraph (1) shall be carried out based on laws and regulations.

Based on the table listed above, it can be seen that when running their businesses, MSMEs are obliged to cooperate with other businesses in the form of partnerships. The form of partnership made possible by the regulation is in the form of cooperation/partnership carried out according to the pattern:

- a. Inti-plasma
- b. Subcontracting
- c. Franchise
- d. General trading
- e. Distribution and agency
- f. Other forms of partnership, such as: profit-sharing systems, operational cooperation, joint ventures, and outsourcing, and one of them is with a franchise (Franchisee).

Franchising is a large business that creates opportunities and prioritizes micro, small and medium enterprises (MSMEs) and other capable and prioritized businesses. In the MSME-franchise partnership, there are special requirements for franchisors and franchisees to prioritize the use of products from local MSME products, as long as the products concerned meet the quality requirements of the quality of goods and have been submitted for approval by the franchisor in accordance with applicable laws and regulations. This proves that there is a guarantee of legal protection for MSMEs, especially for products produced by MSMEs due to the existence of a partnership that has a requirement for franchisees and franchisors to prioritize the use of domestic products that are feasible and can be distributed by franchises in structuring franchise licensing in Indonesia.

B. Implementation of MSME product protection in structuring franchise licensing in the regions

In the implementation of MSMEs, of course, a form of legal protection from the government is needed. Local governments can make local regulations (Perda) governing the protection of MSME products in the franchise licensing arrangement. The local

regulation must contain provisions that protect MSMEs, such as provisions related to franchise requirements, brand protection, product quality, and procedures for dispute resolution between MSMEs and franchisees. What is meant by legal protection itself is a form of legal effort provided by the government to provide a sense of security, both in mind and physically from various kinds of disturbances and threats from any party [15].

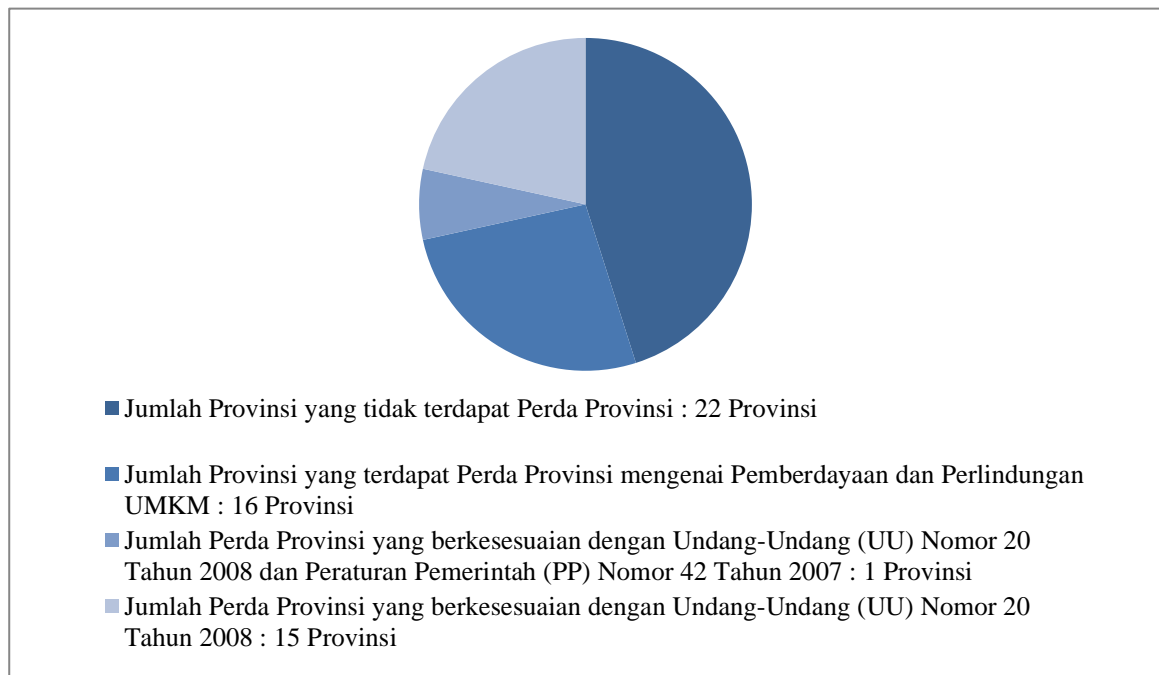
Legal protection serves to realize legal objectives, such as justice, benefit, and legal certainty. Legal protection is in the form of legal assistance and assistance services provided by the government. The Central Government and Local Governments are obliged to provide guarantees of legal protection for MSMEs, especially for products produced by MSMEs that are sold in franchise businesses. The policy of the government as part of a form of public service to the community, which is certainly based on the authority as a state that perceives the concept of the state of law (*rechstaat*). Which as the concept of a state of law based on Pancasila so that all legal provisions provided by the government must fulfill a sense of justice for the whole community. So from this, every policy towards structuring franchise licensing must be able to protect MSMEs, especially MSME products [16].

In guaranteeing the protection of MSME products against the arrangement of franchise licensing in Indonesia, the government has issued regional regulations that are used to regulate MSMEs, especially in the form of legal protection guarantees. The protection in question is in the form of guidance and supervision. In addition to providing legal protection guarantees, the government must also provide empowerment in the form of access to financial loans for business, training that includes marketing and financial business management, coaching and consultation including technical guidance and legal consultation. The government can provide protection regarding intellectual property rights of MSMEs, such as trademarks, copyrights, and patents through the legal system that applies in the area. Several provincial regulations governing MSMEs have been updated and are in line with Law (UU) No. 20/2008 on MSMEs, Government Regulation (PP) No. 42/2007 on Franchising, and Minister of Trade Regulation (Permendag) No. 71/2019 on Franchising. Currently, out of 38 provinces in Indonesia, there are only 16 provinces that have provincial regulations governing the empowerment and protection of MSMEs. If detailed again, there is only 1 Province that complies with Government Regulation (PP) Number 42 of 2007 concerning Franchising. Meanwhile, the remaining 15 Provincial Regulations are only in accordance with Law (UU) Number 20 of 2008 concerning MSMEs. From this data, it can be concluded that there are still 22 Provinces that do not have Provincial Regulations governing the Empowerment and Protection of MSMEs in Indonesia.

The provincial regulation shows that there is a guarantee of protection for MSME products, as evidenced by the requirement for franchise businesses to sell/distribute local MSME products during the partnership. However, not all regions in Indonesia have regulations on the empowerment and protection of MSMEs. There are Provincial Regulations that have regulated this matter but are still not in full compliance with the Minister of Trade Regulation (Permendag) Number 71 of 2019 concerning Franchising. These Provincial Regulations on average only comply with Law (UU) No. 20/2008 on

MSMEs, considering that the regulation is indeed the first reference to regulate Micro, Small and Medium Enterprises in Indonesia.

Figure 1: Circular Diagram of the number of Provinces with Regulations on the Protection of MSMEs in Indonesia



Based on the regulations that have been found by researchers, the government is obliged to provide protection for MSMEs. The form of MSME protection can be in the form of empowerment aspects, such as:

- a) Access to information and training: Access to information on markets, business trends, technology, government policies. Training on business management, financial management, marketing management.
- b) Coaching: Providing guidance, moral support and motivation.
- c) Access to capital and financing: Credit loans for business capital/low interest rate loans.
- d) Technology provision and infrastructure: Providing internet access, building co-production centers, facilitating the use of digital technology.
- e) Encouraging partnerships and networks: Facilitate the establishment of partnerships and networks between MSMEs and other companies.

- f) Legal protection and Intellectual Property Rights: Providing legal assistance, securing intellectual property rights for MSMEs in order to protect products, trademarks and innovations from infringement.
- g) Certification and standardization: Encourage MSMEs to obtain certain quality/standard certifications so that the products produced are of good quality.
- h) Promotion and marketing: Assist MSMEs in product promotion and marketing through various channels, including digital marketing, trade shows and e-commerce platforms.
- i) Market development: Ease of accessing new markets both outside and within the country by helping to fulfill applicable requirements and regulations.
- j) Social protection and insurance: Providing social protection programs and health insurance and business insurance.

MSME empowerment is carried out through a comprehensive and integrated approach, by combining several forms of empowerment that have been mentioned to increase the capacity and opportunities for MSMEs to grow and develop.

The following is a list of Provincial Regulations that regulate the protection and empowerment of MSMEs in Indonesia:

East Java Provincial Regulation No. 06/2011 on MSME Empowerment in the Business Protection section in Article 29, explains that in essence the local government is obliged to provide protection guarantees to MSMEs as an effort to ensure the continuity of MSME development in partnership / cooperation with large businesses. The protection guarantee is in the form of empowerment services and legal consultation assistance services. In addition, the regulation provides empowerment efforts for MSMEs such as capital facilitation, education and training, IPR facilitation, and involvement in the PJB process carried out by local government agencies.

West Java Provincial Regulation Number 10 of 2010 concerning Empowerment and Development of Cooperatives, MSMEs in the Business Protection section in Article 33, explains that the Regional Government must be obliged to provide protection guarantees in the form of empowerment and development for cooperatives and MSMEs with the aim of preventing unfair business competition. In the regulation, empowerment and development provided by the government is in the form of financing and loan guarantees.

Central Java Provincial Regulation No. 13/2013 on MSME Empowerment in the Business Protection section in Article 39, explains that local governments must provide protection to MSMEs, the legal protection efforts are solely used to prevent things that harm MSMEs. The legal protection efforts referred to are in the form of providing empowerment services and providing legal consultation assistance, as well as protection of intellectual property rights.

Bali Provincial Regulation No. 03/2012 on the Protection, Empowerment, and Development of Cooperatives, MSMEs in the Business Protection section in Article

24 explains that the protection provided by local governments is in the form of providing guarantees of protection, empowerment and development for MSMEs and cooperatives by taking into account the elements of fair business competition. The regulation also explains the forms of protection and empowerment of MSMEs in the form of education, training, capital strengthening, and legal consultation assistance services.

Lampung Provincial Regulation No. 03/2016 on the Protection and Empowerment of MSMEs in the Business Protection section in Article 20 explains that local governments and elements of society in the business world are required to provide protection for MSMEs. The intended business protection aims to ensure the development of MSMEs in establishing cooperation with large businesses. The regulation also explains the forms of protection and empowerment of MSMEs in the form of business assistance, capital facilities. As for protection in the form of legal consultation, defense and business for MSMEs.

Yogyakarta Special Region Provincial Regulation No. 09/2017 on the Empowerment and Protection of Creative Industries, Cooperatives and Small Businesses in the Business Protection section in Article 19, explains that local governments are obliged to provide business protection guarantees to creative industries, cooperatives and small businesses in the area. The protection provided is in the form of a conducive business climate, partnership/cooperation, trade arrangements, IPR facilitation, and legal assistance.

Banten Provincial Regulation No. 02 Th. 2016 concerning Empowerment, Development, and Protection of Cooperatives and Small Businesses in the Business Protection section in Article 9 explains the empowerment, development and protection provided by local governments for MSMEs in the form of training, mentoring, funding, marketing/promotion, IPR facilities, ease in establishing cooperation with other businesses.

North Sumatra Provincial Regulation No. 07/2004 on SME Development in the Business Protection section in Article 42 explains that local governments and elements of the business world must be obliged to provide protection to cooperatives and SMEs. The form of protection provided by the local government includes guidance and development by providing funds from the APBD in each fiscal year.

South Sulawesi Provincial Regulation Number 07 of 2019 concerning Empowerment of Cooperatives and Small Businesses in the Business Protection section in Article 30, explains that local governments along with agencies and elements of society related to the business world are required to provide guarantees of protection to cooperatives and small businesses as a form of effort for the development of cooperatives and small businesses in cooperation with large businesses. The protection in question is such as the prevention of market control from certain business groups that are detrimental to cooperatives and small businesses. Protection is provided in the form of empowerment service efforts and the provision of legal consultation assistance services to cooperatives and small businesses.

Jambi Provincial Regulation Number 04 of 2016 concerning Empowerment and Development of Cooperatives, MSMEs in the Business Protection section in Article 14 explains that the form of business protection provided by the regional government includes empowerment and development of cooperatives and MSMEs by involving elements of the community so that they are able to develop their business.

Bengkulu Province Regional Regulation No. 02/2014 on MSME Empowerment in the Business Protection section in Article 29 explains that local governments and elements of society are obliged to provide business protection to MSMEs as a form of effort to ensure the development of MSMEs in cooperation with large businesses. The form of protection includes empowerment and legal consultation services for MSMEs.

Regional Regulation of Bangka Belitung Province No. 13/2017 on the Empowerment of Cooperatives and SMEs in the Business Protection section in Article 14 explains that the Regional Government and elements of society are obliged to provide business protection to cooperatives and small businesses. The intended business protection aims to ensure the sustainability of economic activities carried out by cooperatives and small businesses in cooperation with large businesses. The regulation also states that the form of protection includes financing and loan guarantees as business capital.

West Nusa Tenggara Provincial Regulation No. 02/2017 on the Empowerment, Development and Protection of Cooperatives and Small Businesses in the Business Protection section in Article 48 explains that local governments are obliged to provide protection guarantees to cooperatives and small businesses that aim to prevent activities that harm cooperatives and small businesses. The form of protection is in the form of providing empowerment services, providing legal consultation assistance, protection of IPR. In addition, local governments are also obliged to provide protection for cooperatives and small businesses through regulating the establishment of modern shopping centers.

East Kalimantan Provincial Regulation No. 04/2012 on the Empowerment of Cooperatives and MSMEs in the Business Protection section in Article 29 explains that local governments and elements of society doing business in the area are obliged to provide business protection to cooperatives and MSMEs, as an effort to sustain the development of cooperatives and MSMEs in cooperation with large businesses. In this regional regulation, what is meant by protection is in the form of forms of empowerment such as training facilitation, licensing, mentoring, funding, IPR, and marketing.

Central Sulawesi Provincial Regulation Number 02 of 2019 concerning Empowerment and Development of Cooperatives and Small Businesses in the Business Protection section in Article 4 explains that local governments only provide protection for cooperatives. In this regional regulation only mentions empowerment and development of small businesses. Which is where the empowerment of small businesses such as business climate growth, financing, guarantees, partnerships and coordination of small business control.

Gorontalo Province Regional Regulation No. 02/2017 on Small Business Empowerment in the Business Protection section in Article II explains that the Regional Government and elements of society in the business world are obliged to provide business protection to small businesses. The protection effort is a form of guarantee for the development of small businesses in partnership with large businesses. The purpose of the protection is to prevent activities that harm small businesses. Protection is provided in the form of marketing aspects, protection of intellectual property rights, and providing legal consulting services.

Table 1 : List of Provincial Regulations that regulate the Empowerment and Protection of MSMEs in Indonesia

NO.	PROVINCIAL AREA	REGULATION	FORM OF PROTECTION
1.	East Java Province	Regional Regulation No. 06/2011 on the Empowerment of MSMEs (Law No. 20/2008 on MSMEs)	<p>Article 29 states that the protection provided by local governments is in the form of:</p> <ul style="list-style-type: none"> a. prevention in the case of certain individuals or groups controlling the market and concentrating business, which may harm MSMEs b. protecting companies that have strategic interests for certain small and medium enterprises from attempts to monopolize trade and other unfair competition c. protection against discrimination in the provision of resources to umkm d. providing legal advice and advocacy for umkm stakeholders by involving universities.
2.	West Java Province	Perda No. 10/2010 on the Empowerment and Development of Cooperatives, MSMEs (Law No. 20/2008 on MSMEs &	<p>Article 33 states that the form of protection provided by the local government is in the form of:</p> <p>Empowerment and development of cooperatives and MSMEs in the regions such as a. Funding aspects, b. Financing, c. Guarantees, d. Facilities and infrastructure, e. Business information, e. Business</p>

		Government Regulation No. 42/2007 on Franchising)	information. Facilities and infrastructure, e. Business information, f. Partnership, g. Business licensing, h. Business opportunities, and i. Trade promotion.
3.	Central Java Province	Regional Regulation No. 13 of 2013 on the Empowerment of MSMEs ((Law No. 20 of 2008 on MSMEs)	<p>Article 39 stipulates that the form of protection provided by the local government is in the form of:</p> <p>A. prevention if market control and business concentration by a few people or groups can harm MSMEs;</p> <p>B. Protecting certain strategic businesses for MSMEs from monopolization and other unfair competition;</p> <p>C. Protection against discriminatory practices in the provision of services that empower MSMEs;</p> <p>D. Providing legal advice and advocacy to MSME entities; and</p> <p>E. Protecting intellectual property rights.</p>
4.	Bali Province	Perda No. 03/2012 on the Protection, Empowerment, and Development of Cooperatives, MSMEs (Law No. 20/2008 on MSMEs)	<p>Article 24 states that the form of protection provided by the local government is in the form of:</p> <p>a. Funding; b. Facilities and infrastructure; c. Business information; d. Partnerships; e. Business licenses. Partnerships; e. Business licenses; f. Business opportunities; g. Business licenses. Business opportunities; g. Trade promotion; h. Business protection; and i. Institutional support.</p>
5.	Lampung Province	Regional Regulation Number 09 of 2017 concerning Empowerment and Protection of	<p>Article 20 states that the form of protection provided by the local government is in the form of:</p> <p>a. Institutional development; b.</p>

		Creative Industries, Cooperatives and Small Businesses (Law (UU) Number 20 of 2008 concerning MSMEs)	Development of human resources (HR); c. Facilitation of financing or capital aspects; d. Development in the application of technology; e. Development of the application of technology. Development in the application of technology; e. Development of production; f. Facilitation of marketing and promotion aspects; g. Facilitation of marketing and promotion aspects. Facilitation of marketing and promotion aspects; g. Business protection; and h. Intellectual property rights (HAKI) facilities.
6.	Yogyakarta Special Region Province	Regional Regulation Number 09 of 2017 concerning Empowerment and Protection of Creative Industries, Cooperatives and Small Businesses (Law (UU) Number 20 of 2008 concerning MSMEs)	Article 19 states that protection provided by local governments is in the form of: a. favorable business climate; b. partnership/collaboration; c. trade system agreements; d. promotion of intellectual property rights, halal certification, food production certificates in the domestic industry; e. assistance in the legal process; and/or f. problem and dispute resolution.
7.	Banten Province	Perda No. 02/2016 on the Empowerment, Development, and Protection of Cooperatives and Small Businesses (Law (UU) No. 20/2008 on MSMEs)	Article 9 states that local governments guarantee the empowerment, development, and protection of small businesses in the form of: a. education; b. licensing and institutional strengthening of companies; c. provision of business information services; d. business management support; e. provision of credit guarantees from regional credit guarantee companies; f. strengthening capital through the distribution of contingency funds; g. providing easy access to capital to banks and other financial institutions; h.

			activating or providing facilities and infrastructure; marketing and business promotion; and j. intellectual property rights (hki); k. facilitating partnerships with other companies; and/or l. encouraging the creation of a healthier and more conducive business environment.
8.	North Sumatra Province	Regional Regulation No. 07 of 2004 concerning SME Development	Article 42 states that the form of protection provided by the local government includes: Guidance and institutional development, financial and technical operations. In terms of financial guidance and development, the Regional Government provides funds from the APBD in each fiscal year.
9.	South Sulawesi Province	Perda Number 07 of 2019 concerning the Empowerment of Cooperatives and Small Businesses (Law (UU) Number 20 of 2008 concerning MSMEs)	Article 30 determines that the form of protection provided by the local government is in the form of: a. preventing control of upstream and downstream markets and concentration of business by several people or groups that can harm cooperatives and small businesses; b. protecting certain strategic businesses for cooperatives and small businesses from efforts, especially monopoly/monopoly and oligopoly/monopoly, and other unfair commercial competition; c. protection against discriminatory practices in the provision of services to empower cooperatives and small businesses; and d. providing legal assistance and consulting services to cooperatives and small businesses with the participation of universities.
10.	Jambi Province	Perda Number 04 of 2016 concerning the Empowerment and Development of Cooperatives,	Article 14 states that the forms of protection provided by local governments include aspects: a. Funding/financing; b. Facilities and

		MSMEs (Law (UU) Number 20 of 2008 concerning MSMEs)	infrastructure; c. Business information; d. Partnerships/cooperation; e. Cooperation. Partnership/cooperation; e. Business licensing; f. Opportunities to do business; g. Opportunities to do business. Opportunity to do business; g. Trade promotion; h. Business protection.
II.	Bengkulu Province	Perda No. 02/2014 on the Empowerment of MSMEs (Law No. 20/2008 on MSMEs)	Article 29 states that some forms of business protection from the local government are in the form of: a. Prevention of market control and business concentration by certain individuals or groups that may harm micro, small and medium enterprises (MSMEs); b. Protection of certain strategic businesses for micro, small and medium enterprises (MSMEs) from monopolistic efforts and other unfair competition; c. Protection from discrimination in the provision of empowerment services for micro, small and medium enterprises (MSMEs); and d. Provision of legal consultation and defense services for micro, small and medium enterprises (MSMEs) by involving the participation of universities. Provision of legal consultation and defense services for micro, small and medium enterprises (MSMEs) by involving the participation of universities.
12.	Province of Bangka Belitung	Perda No. 13/2017 on the Empowerment of Cooperatives and SMEs (Law No. 20/2008 on MSMEs)	Article 14 states that forms of business protection from the local government are in the form of empowerment which includes: a. Training education; b. Facilitation in licensing; c. Facilitation in coaching assistance; d. Facilitation in strengthening capital; e. Facilitation in strengthening capital. Facilitation in strengthening capital through banking and non-banking institutions; e. Facilitation in technical

			guidance; f. Facilitation in marketing; and g. Facilitation in marketing. Facilitation for marketing; and g. Facilitation of production and processing.
13.	West Nusa Tenggara Province	Perda No. 02/2017 on Empowerment, Development and Protection of Cooperatives and Small Businesses (Law (UU) No. 20/2008 on MSMEs)	<p>Article 48 states that the form of local government business protection includes:</p> <ol style="list-style-type: none">preventing certain individuals or groups from controlling the market and concentrating on businesses that can harm cooperatives and small businesses;protecting certain strategic businesses for cooperatives and small businesses from monopoly efforts and other unfair competition;protection against discriminatory practices in the provision of services to empower cooperatives and small businesses;providing legal support and advocacy services to cooperatives and small businesses;summer. protection of intellectual property rights (haki). <p>In addition, local government protection can protect cooperatives and small businesses through structuring and supervising the establishment of shopping centers and modern stores, granting business titles for small business cooperatives, supplier and wholesale trade cooperation, hypermarkets, management of department store chains, supermarkets and convenience stores.</p>
14.	East Kalimantan Province	egional Regulation No. 04/2012 on the Empowerment of Cooperatives and MSMEs (Law No. 20/2008 on MSMEs)	<p>Article 29 states that forms of business protection from the local government are in the form of empowerment which includes:</p> <ol style="list-style-type: none">Facilitation of education and training;Facilitation of licensing/institutionalization;Facilitation of business management assistance;d.

			Facilitation of capital strengthening; and d. Facilitation of capital strengthening. Facilitation of capital strengthening; and e. Facilitation of marketing.
15.	Central Sulawesi Province	Perda Number 02 of 2019 concerning Empowerment and Development of Cooperatives and Small Businesses (Law (UU) Number 20 of 2008 concerning MSMEs)	<p>Article 4 The Regional Government in order to provide protection to Cooperatives includes:</p> <p>a. Determining the fields of economic activity that can only be managed and/or run by Cooperatives; and</p> <p>b. Determining the fields of economic activity that have been successfully managed and/or run by Cooperatives to not be managed and/or run by other business entities.</p> <p>The local government in fostering the business climate also provides several forms of empowerment aspects in the form of:</p> <p>a. Financing, b. Facilities and infrastructure, c. Business information, d. Partnerships / cooperation, e. Empowerment. Partnership / cooperation, e. Licensing in business, f. Opportunities to do business, g. Trade promotion, and h. Institutional support.</p>
16.	Gorontalo Province	Perda Number 02 of 2017 on Small Business Empowerment (Law (UU) Number 20 of 2008 on MSMEs)	<p>Article 11 of the local government under the protection of small businesses may include:</p> <p>a. preventing market control and business concentration by certain individuals or groups that may harm small businesses; b. guaranteeing protection of certain strategic businesses for small businesses against monopoly efforts and other unfair competition; c. providing protection in marketing aspects; d. providing protection and taking action against discrimination in the provision of small business empowerment services; e. protecting small</p>

businesses from bankruptcy due to natural disasters; f. guaranteeing intellectual property rights (hki); and g. providing legal advice and protection services to small business entities in carrying out their commercial activities.

From the regulatory data that has been analyzed, it has been found that 16 Provinces in Indonesia already have Regional Regulations to regulate the Empowerment and Protection of MSMEs. Based on the number of existing Provincial Regulations, if it is further detailed, there are 27 District / City Regulations in Prov. East Java, 19 District/City Regulations in Prov. West Java, 19 district/city regulations in Central Java, 3 district/city regulations in Bali, 2 district/city regulations in Bali, and 2 district/city regulations in Bali. Bali, 2 Perda Kab/cities in Prov. Lampung, 3 Perda Kab/cities in Prov. Special Region of Yogyakarta (DIY), 6 district/city regulations in Prov. Banten, 3 Perda Kab/cities in Prov. North Sumatra, 7 Perda Kab/cities in Prov. South Sulawesi, 5 district/city regulations in Prov. Jambi, 1 regency/city regulation in Prov. Bengkulu, 2 Perda Kab/cities in Prov. Bangka Belitung, 2 Perda Kab/cities in Prov. West Nusa Tenggara (NTB), 5 Perda Kab/cities in Prov. East Kalimantan, 4 regency/city regulations in Prov. Central Sulawesi, 1 regency/city regulation in Prov. Gorontalo. Of the total number mentioned, there is also 1 district/city regulation in Prov. West Sulawesi related to the Empowerment of Cooperatives and MSMEs, but there is no Provincial Regulation that regulates more specifically on MSMEs.

IV. Conclusion

Based on the discussion that has been described, it can be concluded that there is a guarantee of protection for Micro, Small and Medium Enterprises in the arrangement of franchise licensing in Indonesia, especially for MSME products sold in the franchise business. The existence of a guarantee of protection for MSME products is evidenced by the requirement of a franchise business that prioritizes the use of domestically produced goods/services or MSME products that are determined in writing through partnership cooperation. The protection guarantee is stated in the provisions of Law (UU) No. 20/2008 on MSMEs Articles 26, 29 and 30, Government Regulation (PP) No. 42/2007 on Franchising Article 9, and Minister of Trade Regulation (PERMENDAG) No. 71/2019 on Franchising Article 18. The implementation of government policies related to protection guarantees for MSME products in the regions cannot be said to be fully regulated in each region. Of the 38 provinces in Indonesia, only 16 provinces have regulations regarding the empowerment and protection of MSMEs. The empowerment

is in the form of access to information and training, access to capital and financing, provision and technology infrastructure, encouraging partnerships and networks, legal protection and Intellectual Property Rights, certification and standardization, promotion and marketing, market development, and social protection and business insurance. As input, the government is expected to provide policies to regions that do not have specific regulations regarding the Empowerment and Protection of MSMEs to increase local economic growth because MSMEs have an important role in the economic growth of a country, especially MSMEs in Indonesia. In the franchise business, it is important for MSME players to protect their intellectual property rights related to brands, designs, or product innovations. Local governments can provide policies that support the protection of MSMEs such as intellectual property rights for MSME players, especially for MSME products in the franchise licensing arrangement and provide guidance and resources to help MSMEs protect and manage these rights. Thus this can help local MSME players develop attractive and more competitive products in the future.

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