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Pendevlopment and legal protection for UMKM for improvement Tocommunity welfare

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SayKey

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ABSTRACT

Mmicro, small and medium enterprises have a strategic role in strengthening the people's economy nationally. The government needs to pay more attention to strategies and policies for empowering UMKM. This paper discusses the problems related to the development of UMKM that aim to improve welfare for the community and forms of protection for UMKM. This study uses a normative-juridical method with an analytical-descriptive approach. The results of the study show that problems related to the development of UMKM consist of several things, including marketing difficulties, financial limitations, limited human resources, problems with raw materials, and limited knowledge of modern technology. Until now, the form of legal protection for UMKM that the government has provided has only been through the simplicity of the requirements and procedures for applying for business licenses, the development procedures, and the procedures for providing administrative witnesses and controlling the empowerment of UMKM. The government needs to provide assistance to business actors who need counseling and legal assistance. The government should also be able to maintain a balanced market price, and there should be strict sanctions for business actors who monopolize prices. The central government has taken steps to make efforts to provide welfare for UMKM in terms of being provided with ease in dealing with administrative documents as well as the existence of more specific legal protection, which is realized by the existence of the Job Creation Law,

1. Introduction

PeNational economic development is based on article 33 paragraph (1) of the Constitution

1945 which has the aim of improving the welfare of society as a whole, and not aiming to provide welfare to a particular person or group. Therefore, the national economy must be composed of joint efforts based on the principle of kinship in order to achieve prosperity and prosperity. In order to realize people's welfare, it is necessary to make various efforts, one of the efforts is to increase the competitiveness of UMKM businesses today.

Micro, Small and Medium Enterprises or known as UMKM are businesses or creative businesses that have met business standards that exist to serve as a livelihood in meeting the needs of the perpetrators. Based on Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises, what is defined as small business is an activity that provides benefits and a creative economy that stands alone, meaning that the owner and business implementer come from a person or business entity that does not depend on business units. other businesses and are not bound by

medium or large companies and not its part branches.

UMKM are business innovations that can become an important pillar for this country which is categorized as a developing country, with an increase in entrepreneurs it can certainly improve people's welfare. With the existence of entrepreneurs, of course the daily needs of the community will be more easily fulfilled and this is in line with the 1945 Constitution article 33 paragraph (4) which means that UMKM are important for the economy of a society that is free and can work with the help of individual governments.

UMKM in Indonesia is a business sector that can survive in various economic conditions. For example, during the financial crisis in 1997 to 1998, at that time many large entrepreneurs went bankrupt and ended up bankrupt because production activities stopped and the value of the rupiah currency decreased against the dollar, which resulted in the Indonesian economy falling. However, this is in contrast to the situation of small and medium enterprises which can actually maintain their business even up to increasing in number.¹

Jif seen from the enormous benefits and contribution of UMKM to the Indonesian economy, the development of Indonesian UMKM with the aim of increasing people's welfare is of course very much needed. Even so, in the implementation of Indonesian UMKM have several obstacles. Obstacles that are difficult for perpetrators to face

¹Hafni, R., & Rozali, A. (2017). Analysis of Micro, Small and Medium Enterprises (UMKM) on Labor Absorption in Indonesia. Economics and Studies Development of small businesses is a problem related to capital, financial management, access to marketing and business focus that is not appropriate because it is dominantly focused on multi-business. In addition, UMKM business opportunities are getting tighter

because large business actors can carry out activities carried out by UMKM actors.

Another obstacle experienced by UMKM actors is the difficulty in obtaining business licenses or business legality. Legality here means giving permits and legal entity status to business actors, especially UMKM based on applicable laws. UMKM business license is divided into

2 types, namely business licenses in the form of legalization of legal entity forms from related companies and business activity permits issued by the party or institution concerned. Approval or validity of the organization's legal substance is the power of the Ministry of Law and Human Rights, which is then given to a person who is authorized by the government or commonly called a notary. This makes the costs required in terms of business licensing a little heavy for small and medium enterprises.²

PeUMKM problems related to several issues such as the existence of structural imbalances in the procurement of mastery of resources, then not being firm in favor of the state in efforts to develop the people's economy in policies and developing strategies in the industrial world, market structures that are constantly developing and experiencing renewal, human resource performance which

²Susilo Wardani. (2017, April). *Umkm Development Licensing Policy as an Effort to Realize a Welfare State in the Era of Global Economic Liberalization*. Scientific Publications, 122-141.

has limitations on traditional matters in the form of human resources, capital and access for financial institutions, technology, management, marketing and information. The occurrence of distortions that make economic conditions ineffective will disrupt the economy of agents in order to provide maximum results for national welfare and the uncertainty of a policy concerning efforts to carry out development.

It is only fitting that the success of UMKM in getting out of the economic crisis in Indonesia is used as clear evidence that UMKM are more independent in economic activities because they have the ability to do business without involving support from other parties. Seen from the capital and technology used is private ownership. Business independence is very important for economic actors to be able to compete with other businesses in the struggle for the market so that the importance of UMKM in national economic activities. From these reasons, it is only natural that UMKM do not need to be doubted by the existence of ancient thinking that says small people's businesses are very important.

The contribution and the existence of problems that are being passed by UMKM actors show that the need for legal protection for UMKM is because UMKM are the strongest pillars in the Indonesian economy which can develop and become a competitive business sector. The development of UMKM is not easy to do if the legal protection provided by the government is still not firm and there are still many shortcomings. It is aligned with

the existence of the Job Creation Law which initially reaped polemic in the community. Even though the public has responded with pros and cons, the Job Creation Law still provides many changes and guarantees for UMKM. With the existence of the Job Creation Law, public authorities believe that UMKM can continue to develop and spread their wings and can compete in other business sectors.

Based on the background that has been described, this writing is intended to answer problems in the development of UMKM in order to improve welfare in society and legal protection for UMKM.

2. RESEARCH METHOD

Legal research in this writing uses normative legal research with a normative juridical approach that focuses on the use of materials and secondary data research materials supported by data from libraries. In addition, it also uses a statutory approach (statute approach) and a comparative approach (comparative approach).³If you look at the specifications, this research is included in descriptive analysis, namely research that describes and analyzes problems related to legal protection for UMKM in order to improve people's welfare. The process of obtaining the data obtained is in order to be able to support the results of research conducted through

³Johny Ibrahim, *Theory and Research Methodology Normative Law*, (Malang: Bayu Media Publishing, 2006), p. 302.

library research or library research using secondary data, namely finding books, concepts, theories and opinions of experts and findings related to the subject matter that will analyze problems related to the development of UMKM in improving a prosperous society and the legal protection of UMKM.

3. RESULTS AND DISCUSSION

Problems in Development

UMKM in the Context of Improvement

Community welfare

Sethe increasingly important position of small businesses in the Indonesian economy, especially after the crisis that hit Indonesia. This can be seen from the financial emergency in 1997-1998 which made various large organizations fail and the rupiah conversion scale decreased, but this was different for UMKM. At that time, UMKM were not shaken at all, in fact they experienced an increase in number and tended to survive. The crisis that has occurred has provided evidence that the resilience of UMKM is more resilient than many large businesses. Not only that, the distribution is also more appropriate through the development of small businesses due to the large number and generally labor-intensive nature. Another reason is that, given current conditions, investments that can still continue are investments in sectors where most of the work is done by UMKM, such as textiles and garments, crafts and agriculture.

Due to the impact of the crisis that hit, of course now the government is starting to look at and focus on developing UMKM in Indonesia

Indonesia. Based on the opinion of the ministry of UMKM cooperatives, UMKM have several functions in improving the national economy, namely in various business units the position of UMKM must be at the highest level, meaning that UMKM must be superior compared to other units, UMKM must make places or sources that absorb the largest workforce in Indonesia that have the ability to advance national economic activity and improve the quality of Indonesian society, UMKM need to reform as a business unit that will create new markets, UMKM should participate in maintaining the balance of international transactions through trading activities, although attention to small businesses is not a new thing in the policies of the Indonesian government, until now the development that has been carried out has not been effectively felt.

Musa Hubeis gave a statement that the problems, development and opportunities for UMKM in the national or global economy indicate what things need to be strengthened in the business arena, namely whether or not they can survive and what efforts need to be made to develop in the future with the aim of reaching potential UMKM and dynamic. The main problems are grouped into 3 categories⁴ yes The first is a classic and fundamental problem, for example, limitations in terms of human resources, capital, access to marketing

⁴Hubeis, Musa, *Small Business Prospects In Wovh Business Incubator*, (Bogor: Ghalia Indonesia, 2015).

as well as product development, the second is problems in general, for example, is the responsibility of related agencies in solving fundamental problems related to problems that will be sustainable, such as problems with licensing, taxation and law, and the last is advanced problems, for example, the introduction regarding the export market that is not yet optimal, lack of understanding regarding product design in accordance with the characteristics on the market, issues related to licensing including patents and contract procedures.

PeThe problems in the development of UMKM with the aim of increasing the welfare of society are explained by several factors and characteristics, namely:

- a) The difficulty of marketing, this is one of the many aspects related to marketing problems that UMKM generally have to face. This marketing relates to competitive pressures in the domestic market from the same products made by big companies or from imported products and in export markets;
- b) Financial limitations. In the financial aspect that needs to be faced by UMKM, namely the management of initial capital and access to investment working capital and long-term finance caused by small economies of scale. Often the capital of small entrepreneurs is not enough to carry out their production activities, mainly investment yes now expanding the amount of production and replacing old machines,

- although generally the initial capital comes from the private pockets of UMKM actors;
- c) Limited human resources, limited human resources are a serious obstacle for UMKM, especially in the aspects of entrepreneurship, management, engineering p.srproduction, product development, engineering design, data processing, research and marketing techniques. All of this expertise is needed to carry out defense or to improve product quality, besides that it can also increase production effectiveness and productivity, widen market reach and penetrate new markets;
 - d) Raw material problems. Limited raw materials and other inputs make obstacles that are not easy hadapi for the growth and continuity of production for the majority of UMKM or UMKM centers in a number of industrial sectors who face difficulties in obtaining raw materials or income resulting from the depreciation of the rupiah exchange rate in foreign currencies such as dollars and euros;
 - e) Limited technology. Most UMKM still use old technology, namely using machines tradisional or still use manually. This technological underdevelopment will have an impact on the low quality of the products produced and will lead to low total productivity and efficiency in the production process. The limited technology used by some UMKM is caused by several factors such as limited investment capital
- in purchasing new machines for the perfection of production results, limited information related to new technological developments in the form of the latest machines and production equipment. And limited human resources in using new machines and innovating products or in the production process;
- f) Myrang The ability of small entrepreneurs to determine a management pattern that fits their needs and the stage of business development will result in limitations in managing the business. In this situation, management is a vital thing that needs to be applied to the implementation of any activity because every activity must have elements of planning, implementation and supervision. Based on that, management practices can be applied to various fields and functions in a business, namely planning, organizing, implementing and controlling.
 - g) Partnership. Partnership races against the definition of cooperation between entrepreneurs with different levels, namely between small entrepreneurs and large entrepreneurs, partnerships mean that even though they are at different levels, the relationships that occur are equal relations, namely as partners or partners, not in the form of a relationship between superiors and subordinates;
- From the problems described above, there are still many parties who doubt UMKM in their role in providing welfare for the community. The point of view of people who underestimate and are skeptical of the existence of small businesses

in facing the new world of globalization era economy in the form of a free market, so that doubts arise about the ability of small businesses to increase and restore national economic activity. Another skeptical attitude is that small business money rotates longer than big businesses. This view certainly makes it difficult to create social justice as shared expectations.⁵

Doubts arise due to the fact that there is no understanding of the existence of small businesses in national economic activities, in addition to the assumption that the economy in the era of globalization requires business actors who are reliable and have the ability to compete at the national, regional and international market levels.⁶

Policies towards empowerment must side with the people's economy in the form of concrete actions so that they can catch up with UMKM lagging behind business rivals and free markets. Empowerment of UMKM has an important meaning for the development of the national economy and its role for a prosperous society because UMKM are included in the pillars of economic development which are given protection and given guidance by the government, small businesses have the potential to develop so that they can be directly involved in the global economy and have the ability and independence.

⁵Yuli Rahmini Suci, "Development of UMKM (Micro, Small and Medium Enterprises in Indonesia)" *Cano Ekonomos*, Vol. 6. No. 1, (January, 2017): 51-58.

⁶Roswita Hafni and Ahmad Rozali, "Analysis of Micro, Small and Medium Enterprises (UMKM) on Labor Absorption in Indonesia", Vol. 15. No. 2. (2015): 77-96.

business and it has an impact on free market competition later.

If the problem of UMKM development can be handled properly, then the welfare of the community will be guaranteed. This cannot be separated from the philosophical view, the social ideals desired by the 1945 Constitution where the goal of economic development is to create social justice for all Indonesian people. The social ideals of the Constitution 1945 rests on two main principles, namely the principle of economic democracy which will prioritize the democratic principle of economic development in Indonesia, and the principle that refers to human rights, namely prioritizing human rights values that are socio-economic in nature. Therefore the definition of social justice, general welfare and people's prosperity is not just a social or economic phenomenon but a phenomenon of democracy and human rights.

UMKM are independent businesses and are able to stand alone. Data from the banking industry in 2013 which stated that UMKM credit was only around 13.67% and export growth that made up the gross domestic product of 9.29% shows that UMKM independence has long existed. The role of UMKM is vital in structuring the progressive phase directed by the Ministry of Industry and Trade and the Ministry of Cooperatives for SMEs. This is because UMKM are a business sector that has a large number compared to other industrial businesses and is also superior in absorbing labor and is capable of accelerating the process of national economic equality.

Based on the role and contribution of UMKM to the national economy above, it is appropriate

the government provides better services, support and protection and legal remedies for UMKM actors. Apart from its influence on Indonesia's economic growth, UMKM can also provide welfare for the people of Indonesia because one of its contributions is truly felt, namely creating jobs.

PerLegal protection for UMKM

Existing commercial law should be able to answer legal objectives globally, namely law enforcement and justice. Most UMKM are business entities whose scope is not too broad, this is based on the understanding and availability of information. The existence of economic law is a way of achieving legal goals, providing services to the community and creating prosperity and justice for citizens. Legal objects are products that are owned and understood as ownership. The legal subject is an individual or a group of people. In UMKM, the legal object is the business that will be carried out and the legal subjects are employees, owners, investors and other parties involved in it, including the form of the business entity itself. The purpose of law can be achieved through its legal status in society as social engineering, namely the legal position in carrying out social engineering in the development of fair rules for parties who have the interests of the general public in legal practice in the form of laws and social control, namely legal position sought by all citizens. with encouragement from law enforcement. Social control seeks to minimize

gesocial partners that have negative consequences.

No business journey can be imagined without challenges and difficulties. Many things need to be resolved along with the advancement of the business world. The simple challenge is when a company is at the small business level, it can be seen from branding, creation, creative permission and marketing. In developing a business to be able to enter into the import-export business or to get large orders, a small business needs to create a business entity that is in accordance with the conditions of the business itself. Lack of knowledge of business actors in starting a business can actually be detrimental to businesses that have already been established. However, if UMKM actors have sufficient ability to understand related to business prospects that are in line with legal requirements, as well as the type of business being run, it will be more appropriate in UMKM development.

SeAs a rule of law, it is appropriate for the government to develop basic concepts for certain periods of government, including legal guidelines in coordinating the development of national economic law. UMKM in Indonesia lack protection so that it is difficult to develop, besides that they are often defined differently by the government, business circles and citizens. Limited capital, quality human resources, and low technical skills are not considered as aspects

apropor protection and empowerment so that lack of knowledge of MSMEs policy is precisely looked at as the result. No

The government's macroeconomics are often misdirected and there is no protection for micro-enterprises from business competition.

SeAs a country based on law or commonly known as the rule of law, it is appropriate for the government to determine the basic concept which contains legal guidelines related to the direction of developing national law for a certain period of government. The lack of protection for UMKM makes it difficult for Indonesia to develop due to the quality of human resources, limited capital, weak mastery of technology, which are actually seen as a factor for the lack of UMKM, rather than seen from the consequences caused by the lack of adequate protection and empowerment. Anyone will know that policies towards the government's macroeconomic politics are often not on target, have not been able to protect UMKM and are sometimes misdirected due to the large amount of business competition.

UU no. 20 of 2008 concerning UMKM stipulates that the purpose of having UMKM listed in article 3 which in essence is that Micro, Small and Medium Enterprises aim at developing and growing their business in the context of national economic development based on a just economic democracy. In addition, the purpose of empowering UMKM as defined in article 5 is to realize a national economic structure that is balanced, has justice and can have growth, development and growth of the capabilities of UMKM so that they become businesses that can stand alone and are strong, make improvements

the role of UMKM in developing regions as a place to create jobs, equal income, economic growth and reduce poverty in the community.

Efforts to protect the law in the development of UMKM are due to the rapid growth of businesses that goes hand in hand with increasing population. Therefore, it is necessary to support legal functions that are appropriate and able to uphold justice and also discipline in doing business. With laws that regulate business, business law can provide opportunities for business actors to protect their attitudes and business activities from harming other parties, including citizens who will be affected by externalities.

UU no. 20 of 2008 concerning UMKM has set the target of UMKM as referred to in 5 articles which are described as Actualizing balance, economy and justice for public monetary construction and the structure of the national economy; Micro enterprises and SMEs are growing and proficient in developing their capabilities to create independent businesses; Expanding UMKM employment in the field of regional development, increasing wages, developing finances and alleviating individuals from poverty. UU no. 20 of 2008 related to UMKM very clearly provides rules for public authority in the UMKM sector, this is based on that the task of public authorities is expected to provide security and guidance for UMKM. Along with these regulations, this regulation is also strengthened by Government Regulation (PP) Number 7 of 2021

related to convenience, protection, and empowerment of cooperatives and UMKM. The main concern regulated in this Government Regulation is the duty of all parties in the government to work together in improving UMKM. As well as providing all the needs of UMKM in participating in the procurement of merchandise and administration programs carried out by public authorities. If UMKM are not given legal protection from the state, then UMKM will not be able to develop. Protection is important for UMKM with increasing economic competition.

The government's side towards the UMKM sector is clearly seen through Law no. 20 of 2008 concerning UMKM. Because the government has an interest in providing protection and development of the UMKM sector. Furthermore, this law is followed up with Government Regulation No. 17 of 2013 concerning Implementation of Law no. 20 2008. The most important point is the role of the central government and regional governments in providing facilities for the development of UMKM by giving priority to UMKM to participate in government procurement of goods and services programs.

The government has increased investment and created jobs by developing UMKM. This will certainly increase the welfare of society. This effort is part of Law Number 11 Years 2020 regarding Job Creation. There are seven laws, two of which are laws

No. 20 of 2008 concerning UMKM and Law Number 2 of 1992 regarding Cooperatives which was amended and later became the Job Creation Law.⁷

Pada section of the Job Creation Law states that providing convenience, protection, and empowering UMKM is positioned at the forefront along with cooperatives, including increasing protection and prosperous workers. The special chapter explains several facilities for UMKM, namely, for example in Chapter V, from article 87 to article 104. If you look at article 97 and article 104, UMKM actors and cooperatives are given a share of at least 40% of domestic production for the procurement of government goods and services. Not only that, the Job Creation Bill regulates convenience for UMKM, article 13 of the Job Creation Law also regulates the central government in providing convenience, empowerment and protection for UMKM and cooperatives in carrying out investment. Legal consulting assistance has several forms of protection, namely in the form of developing and fostering UMKM through partnership programs, providing training, increasing competitiveness, innovation and market expansion, access to finance and disseminating information as widely as possible.

The Job Creation Law provides relief and convenience for UMKM, this can be seen from articles 97 and 104 which form the exclusion of provisions related to wages

⁷Otti Ilham Khair, CW (2022, February). Analysis of Job Creation Laws and Ease of Doing Business for Ukm. Syntex Literate: Indonesian Scientific Journal, 7(2),

minimum for SMEs. Article 90B of the Job Creation Law stipulates minimum wage standards for micro-enterprises based on consideration of an agreement between employers and workers at the company without having to follow the minimum wage standards permitted by legal guidelines set by the government. In the Job Creation Law, UMKM do not need to fulfill the obligation to provide award money or bonuses as referred to in article 92.

The Job Creation Law Number 11 of 2020 provides rules regarding licenses and permits regulated in article 91 which explains that in registering UMKM it only needs to be done online or offline by simply attaching an Identity Card (KTP) and business information obtained through the RT which then business actors will get a Business Identification Number (NIB) through electronic business licensing. Business Identification Number is the main legal license and is valid in all business activities. Furthermore, regarding article 92, UMKM are given the convenience and simplicity of tax administration in applying for financing facilities originating from the central government in accordance with the provisions of the laws and regulations in the field of UMKM taxation,

The Job Creation Law has also been strengthened by issuing implementation guidelines such as Government Regulation Number 7 of 2021.

This P discusses the convenience, protection, and empowerment of cooperatives and UMKM. Based on the PP, both the central government and local governments are required to provide facility services and legally assist UMKM actors without being given a fee. In this PP, Article 48 paragraphs (1), (2) and (3) in particular provide rules regarding legal protection for UMKM, namely that the central government and regional governments have an obligation to provide assistance services and legal assistance for small and micro business actors, assistance services and legal assistance for UMKM, this is based on what is meant by paragraph (1), namely without being provided with fees, assistance services and assistance in the form of legal consultations, legal counselling, dispute resolution (mediation) or assistance outside the court.

For other legal protections it is regulated in PP Number 7 of 2021 which is listed in article 51 which explains that providing assistance services and legal assistance for UMKM from the central government and regional governments, namely the smallest assistance is to identify legal problems faced by UMKM actors, besides that it also provides information for UMKM regarding forms and ways of accessing legal aid and assistance services and also how to allocate budgets to carry out programs of legal assistance and assistance service activities.

Likewise, there are various types of legal guarantees that have been regulated in the PP which explains in article 51 the point is that UMKM will receive legal assistance and assistance. The central and regional governments will at least do this

identification of legal problems that befall UMKM, providing news regarding structures and strategies for obtaining legal administrative guidelines and subsidizing the implementation of legal programs and facilities for UMKM. Given this, legal protection for UMKM should be regulated in Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 7 of 2021 concerning fostering, protecting and strengthening cooperatives carried out by UMKM. If the central and regional governments are more interested in financing, it will certainly be easier to grant permits and provide goods or services to UMKM. Law Number 20 Years 2020 provides new hope for UMKM due to Law no. 20 of 2008 regarding UMKM previously did not provide comprehensive legal protection for UMKM.

Based on the explanation described above, legal protection for UMKM has been properly regulated with Law Number 7 of 2020 concerning Job Creation as well as Government Regulation Number 7 of 2021 concerning Ease, Protection and Empowerment of Cooperatives and UMKM which in terms of the local government and regional regulations have paid more attention to financing for UMKM that need legal assistance and assistance services in the form of counseling and legal consultation, dispute resolution (mediation) and extrajudicial assistance where in Law Number 20 Year 2008 concerning UMKM previously had not regulated comprehensive legal protection for UMKM.

4. CONCLUSION

Pedevlopment of the national economy based on the constitution which has the aim of making improvements for a prosperous society as a whole. The role of UMKM has a significant value for strengthening the people's economy nationally, so it is appropriate for the government to pay more attention to strategies and policies for empowerment, alignments and priorities for UMKM. Problems in the development of UMKM in order to improve the welfare of the community consisting of several factors including marketing difficulties, limited financial and human resources, problems related to raw materials, limited ability to understand new technology, inability of small entrepreneurs in management according to their needs and development stage business and partnerships. If successful in overcoming problems in the process of developing UMKM in the welfare of society. So philosophically, the social ideals desired by the 1945 Constitution are to create justice for all Indonesian people. Socio-economically, the social ideal is to realize general welfare for a prosperous society.

PeUMKM development is one of the efforts made by the government to increase investment and create jobs. The efforts made are contained in Law Number 11 of 2020 concerning Job Creation and Government Regulation Number 7 of 2021 concerning facilitation, protection and empowerment of cooperatives and UMKM. From

From this explanation, it can be concluded that legal protection for UMKM has been well regulated by the existence of the Job Creation Law and PP No. 7 of the year, especially those related to legal protection, because for now the central government and local governments have paid more attention which is related to UMKM financing which need legal assistance and assistance services in the form of counseling and legal consultation, mediation, as well as assistance outside the court. In Law Number 20 Years 2008 concerning UMKM, which previously had not regulated the entire legal protection for UMKM.

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