

## **COMPARISON OF MSME POLICY LEGAL IN VARIOUS COUNTRIES**

### ***PERBANDINGAN HUKUM KEBIJAKAN UMKM DI BERBAGAI NEGARA***

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Volume 3, Number 1, March 2025

Received: January 31, 2025 Accepted: January 31, 2025 Online Published: March 27, 2025.

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#### **ABSTRACT**

Micro, Small and Medium Enterprises or commonly known as MSMEs have an important role in the current global economy, especially in Indonesia. However, the regulations and policies governing this sector in each country are different, depending on the legal system and economic policies implemented in that country. This study aims to analyze and compare legal policies related to MSMEs in several countries, including Indonesia, the United States, Japan and Germany. By using normative and comparative research methods, the results of this research reveal the various approaches taken by these countries in supporting MSMEs, both in terms of regulations, tax incentives, access to capital and legal protection. The policies taken by each country are policies that encourage the growth and development of MSMEs in that country where there are several similarities and differences related to existing regulations in Indonesia itself, for this reason there needs to be a common perception between institutions that have programs development of MSMEs to synergize to support existing policies as a form of implementation.

**Keywords : MSMEs; Comparative Law; Economic Policy; Regulation; Implementation.**

## **ABSTRAK**

*Usaha Mikro, Kecil, dan Menengah atau biasa dikenal dengan sebutan UMKM memiliki peran penting dalam perekonomian global saat ini khususnya di Indonesia. Namun, regulasi dan kebijakan yang mengatur sektor ini di tiap negara memiliki perbedaan, tergantung kepada sistem hukum dan kebijakan ekonomi yang diterapkan di negara tersebut. Studi ini bertujuan untuk menganalisis dan membandingkan kebijakan hukum terkait UMKM di beberapa negara, termasuk Indonesia, Amerika Serikat, Jepang, dan Jerman. Dengan menggunakan metode penelitian normatif dan komparatif, hasil penelitian ini mengungkapkan berbagai pendekatan yang diambil oleh negara-negara tersebut dalam mendukung UMKM, baik dari segi regulasi, insentif pajak, akses permodalan, maupun perlindungan hukum. Kebijakan yang diambil dari masing-masing negara merupakan kebijakan yang mendorong terkait pertumbuhan dan perkembangan dari UMKM di negara tersebut dimana ada beberapa persamaan dan perbedaan terkait dengan regulasi yang ada di negara Indonesia sendiri, untuk itu perlu adanya persamaan persepsi antara lembaga-lembaga yang memiliki program pengembangan terhadap UMKM untuk bersinergi mendukung kebijakan yang telah hadir sebagai bentuk implementasinya.*

**Kata Kunci : UMKM; Perbandingan Hukum; Kebijakan Ekonomi; Regulasi; Implementasi.**

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## **I. INTRODUCTION**

MSMEs are the backbone of the economy and contribute greatly to the Indonesian economy. However, this sector still faces various challenges, such as capital, digitalization and regulations. Government support through digital policies and innovation is very important to encourage MSMEs to develop more rapidly. MSMEs are a business sector consisting of small to medium scale businesses, which have an important role in economic growth, job creation and community empowerment.

The MSME phenomenon has become an important pillar in the economies of many countries, including Indonesia. MSMEs have a big role in creating jobs, improving community welfare, and local economic growth. Micro, Small and Medium Enterprises, commonly known as (MSMEs), are a sector that has a major contribution to economic growth in many countries. However, differences in legal systems and economic policies result in variations in the regulations and policies governing this sector. This study

aims to compare legal policies implemented in several countries and identify the advantages and challenges in each system.<sup>1</sup>

Regulations are a legal umbrella that provides legal certainty for the public and business actors involved in economic activities in each country. This policy is related to how the government implements it through existing programs from each stakeholder and related institutions. The Indonesian government provides a People's Business Credit program with lower interest to help MSMEs access business capital. Apart from that, microfinance institutions also help provide access to financing for MSMEs that are not yet reached by banks.

MSMEs in Indonesia have enormous potential to drive the country's economic growth. Government support, digitalization and a large market sector are factors that strengthen the existence of MSMEs. However, challenges such as access to capital, competition from imported products, and lack of innovation remain obstacles that need to be overcome. The government and private sector need to continue to provide support through training, increasing access to capital, and facilitating regulations to ensure MSMEs continue to grow and be competitive.<sup>2</sup>

A comparison of MSME policy laws in various countries is important to understand how countries with different economic systems support and develop the MSME sector. Each country has an approach tailored to its needs and socio-economic conditions. For example, developed countries such as Germany and Japan have policies that focus more on innovation and legal protection, while developing countries such as Indonesia focus more on access to capital and ease of regulation.<sup>3</sup>

Comparative law is a branch of study in legal science that discusses comparisons between different legal systems. The main aim of comparative law is to understand the differences and similarities between various legal systems implemented in different countries or jurisdictions. Through this comparison, we can analyze how law works in different contexts, as well as how each country or legal system responds to social, economic, and political problems.

Indonesia still faces challenges in terms of bureaucracy, access to capital and legal protection for MSMEs. Meanwhile, Germany has strong regulations

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<sup>1</sup> Lukmanul Hakim, Okta Ainita, (2023), Implementasi Peraturan Pemerintah Nomor 7 Tahun 2021 Tentang Kemudahan, Perlindungan, Pemberdayaan, Koperasi dan UKM Dalam Rangka Pembangunan Ekonomi Nasional, Journal Of Constitutional Law Society, 10.36448/cls.v2i2.53 , Tahun 2023, Hlm 127

<sup>2</sup> Mohammad agus fuat dan Roy Valiant Salomo, Implementasi Kebijakan Peraturan Pemerintah Nomor 7 Tahun 2021 yang Berkaitan dengan Pemberdayaan UMKM dalam Pengadaan Barang dan Jasa di Kementerian Koperasi dan UMKM, BRILIANT: Jurnal Riset dan Konseptual Volume 8 Nomor 2, Mei 2023, Hlm 284.

<sup>3</sup> Ihwan Susila, (2007), Analisis Efisiensi Usaha Mikro, jurnal ekonomi pembangunan vol. 8, No. 2, desember 2007, Hlm 223

in protecting business contracts and access to financing, while Japan implements a more flexible legal system supported by technology and a conducive business ecosystem. This study recommends the adoption of more adaptive policies in Indonesia, especially in simplifying regulations, increasing financial access, and strengthening legal protection for MSMEs. By adopting best practices from other countries, MSMEs in Indonesia can be more competitive and contribute optimally to the national economy.

Through this comparative study, effective strategies and policies can be found to be implemented to support the development of MSMEs in various countries, especially in facing the challenges of globalization and digitalization. However, differences in legal systems and economic policies result in variations in the regulations and policies governing this sector. This study aims to compare legal policies implemented in several countries and identify the advantages and challenges in each system.<sup>4</sup>

Based on the background above, the main problem in this research focuses on several main questions as follows: What is the form of comparative law in various countries such as the United States, Japan, Germany and Indonesia?.

## **II. METHOD**

This research uses normative research methods with a comparative legal approach. Data was collected through literature studies, statutory regulations, and policy analysis from various countries that were the object of research.<sup>5</sup> This research method will examine legal rules using secondary data originating from primary legal materials, secondary legal materials and tertiary legal materials. Then, analysis is carried out on the data obtained from secondary data which is processed into descriptive analytical data, namely to describe or analyze a research result.<sup>6</sup> This method is used to find a broad conclusion so it is hoped that this method can provide an illustration of how the legal rules in two or more countries are different. An overview of the comparison of laws and existing policies in each country that is the object of research as well as analyzing the differences and similarities that exist to find solutions to the problems faced.<sup>7</sup>

## **III. ANALYSIS AND DISCUSSION**

In an increasingly connected Borderless world, comparative law is essential to facilitate international transactions, interstate relations, and

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<sup>4</sup> Tulus Tambunan, (2002). Usaha Kecil dan Menengah di Indonesia "Beberapa Isu Penting". Jakarta: Salemba Empat, Hlm 43

<sup>5</sup> Zainuddin Ali, (2009) Metode Penelitian Hukum, Sinar Grafika, Jakarta, Hlm 7.

<sup>6</sup> Soerjono Soekanto, (2018) Pengantar Penelitian Hukum, Cetakan 8, UI-Press, Jakarta, Hlm 12.

<sup>7</sup> Mukti Fajar dan Yulianto Achmad, (2015), Dualisme Penelitian Hukum Normatif dan Empiris, Pustaka Pelajar, Yogyakarta, Hlm 156.

global policy. Comparative Law also includes policies implemented by governments or legislative bodies in each country. For example, consumer protection policies, banking policies, or policies related to MSMEs (Micro, Small and Medium Enterprises). By studying different approaches to the same legal problem, we can improve the effectiveness of the law in our own country. Comparative law helps in forming and developing international law that regulates relations between countries. Comparative law provides greater insight into how the law functions in different places and allows us to develop better and fairer legal policies or systems.

Comparative law is a study that compares legal systems in various countries or jurisdictions to understand the similarities, differences and characteristics of each. This knowledge helps in developing national law, increases understanding of foreign legal systems, and supports international legal cooperation.

According to Expert Opinion Konrad Zweigert & Hein Kötz Comparative law is the study of the similarities and differences between legal systems in various countries, which aims to find general principles in law and identify the uniqueness of each legal system. Meanwhile, John Henry Merryman provided an opinion regarding comparative law which aims to understand foreign law, improve the national legal system, and contribute to legal harmonization at the international level. René David said that comparative law is an analytical method used to classify legal systems in the world and understand how law develops in the social, economic and political context of a country.

By comparing legal systems in various countries, the government can find the best policies in funding, taxation and legal protection for MSMEs. Adopt a more efficient legal model in business licensing, such as the Online Single Submission (OSS) system in Indonesia. Adjust policies to support digitalization and export of MSME products. For example: Japan has a legal protection policy for MSMEs in business contracts, which can be a reference for Indonesia in protecting MSMEs from monopolistic practices or business injustice.

Comparative legal studies help design regulations that are more adaptive to technological developments and business trends. Several countries have legal systems that are more flexible in accommodating startups and digital businesses, which can be an inspiration for MSME regulations in Indonesia. Comparative law is the systematic study of the similarities and differences between legal systems in different countries. This study aims to understand how law develops in different social, economic and political contexts, and to find more effective legal solutions. The legal comparisons that can be seen from the development of regulations related to MSMEs can be seen from various fields, technology and digitalization, where the legal comparisons that

can be seen from various countries such as the United States, Japan, Germany and Indonesia include the following:

**a. Regulations in the United States**

The main regulations in the Small Business Act, then Small Business Administration (SBA) government support in the form of providing low-interest loans and technical assistance. The challenges are in intense competition and complex federal regulations.

The United States implements Micro, Small and Medium Enterprises (MSMEs) known as Small and Medium-Sized Enterprises or Small Businesses. MSMEs have a huge role in the US economy, creating jobs and driving innovation in various sectors. MSMEs contribute about 44% of US Gross Domestic Product. Over 99% of businesses in the US are MSMEs, meaning the majority of companies in the US are small to medium sized. MSMEs create two out of three new jobs in the US every year.

The next thing that is different is that taxes and business policies are often designed to encourage the growth of MSMEs, such as tax incentives for small businesses. Ease of setting up a company, including fast and simple legal procedures.

MSMEs in the US are growing rapidly due to strong financial support, an advanced technological ecosystem, and a culture of innovation. However, they also face major challenges such as competition with large companies and the need to continuously adapt to technology. Indonesia can take lessons from the US in terms of easier funding, simpler regulations, and strengthening the digital ecosystem so that MSMEs can develop and compete in the global market.<sup>8</sup>

**b. Regulations in Japan**

This is different from Japan, where the main regulation is through the Small and Medium-sized Enterprise Basic Act. Apart from that, Japanese government support implements subsidies, tax incentives and training programs for MSMEs. The challenges related to MSMEs in Japan are the decline in the number of MSMEs due to the aging population.

In Japan, Micro, Small and Medium Enterprises (MSMEs) are known as Small and Medium Enterprises (SMEs) or (Chūshō Kigyō). MSMEs have a very large role in the Japanese economy, especially in technological innovation, manufacturing and creative industries.

MSMEs contribute more than 50% of Japan's GDP. Around 99.7% of all companies in Japan are MSMEs. MSMEs absorb around 70% of the workforce in Japan, showing an important role in job creation. The Japanese

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<sup>8</sup> Fitria, F., & Priyono, M. (2018). "Perbandingan Kebijakan Hukum UMKM Indonesia dan Amerika Serikat: Perspektif Akses Pembiayaan dan Perlindungan Hukum." *Jurnal Hukum Pembangunan*, Vol. 9 No. (3), Hlm 225.

government through the SME Agency (Japanese MSME Agency) provides assistance in the form of low-interest loans, subsidies and training. Lighter tax policies for MSMEs to encourage small business growth. MSMEs in Japan are known for their high level of innovation in technology, precision manufacturing and high quality products. Many MSMEs are the main suppliers for large companies such as Toyota, Sony and Honda.

MSMEs in Japan are growing rapidly due to government support, high technology, and a Kaizen culture that emphasizes continuous innovation. However, Japan also faces challenges such as an aging population and high operational costs. Indonesia can take lessons from Japan in applying technology, improving product quality, and export support for MSMEs to be more competitive in the global market.<sup>9</sup>

### **c. Regulations in Germany**

The main regulation is the Mittelstand Policy, followed by government support in terms of easy access to capital, strong legal protection and technological innovation policies. The challenges faced are around the need for adaptation to technological developments.

Many German MSMEs are export-oriented, with the help of the Chambers of Commerce and Industry (IHK) to reach international markets. Countries such as China, the US and the European Union are the main export destinations for German MSME products. Despite having a lot of government support, bureaucratic procedures in establishing and running MSMEs in Germany are often considered complicated. Strict environmental and labor standards also pose challenges for small businesses.

MSMEs in Germany are growing rapidly thanks to financial support from the government, technological innovation, the vocational education system, and the Mittelstand family business culture. However, challenges such as labor shortages and strict bureaucracy remain obstacles. Indonesia can learn from Germany in terms of strengthening vocational education, research-based innovation, and easy access to funding for MSMEs to be more competitive in the global market.<sup>10</sup>

### **d. Regulations in Indonesia**

Indonesia has main regulations, namely related to Law Number 20 of 2008 concerning MSMEs. Furthermore, changes are related to the criteria for inclusion in the Job Creation Law which has derivative regulations contained in Government Regulation Number 7 of 2021 concerning Convenience,

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<sup>9</sup> Suryanto, H., & Wibowo, E. (2020). "Perbandingan Regulasi UMKM antara Indonesia dan Jepang: Pengaruh terhadap Kinerja UMKM." *Jurnal Hukum Bisnis Indonesia*, Vol 22 No. (1), Hlm 56

<sup>10</sup> Lestari, R., & Jatmiko, M. (2021). "Regulasi Hukum UMKM di Indonesia dan Jerman: Perspektif Pengembangan Usaha." *Jurnal Ekonomi dan Hukum*, 13(2), Hlm 137.

Protection, Empowerment, Cooperatives and SMEs.<sup>11</sup> Apart from that, government support is in the form of capital assistance through People's Business Credit (KUR), tax incentives, and ease of licensing. The challenges faced by Indonesia refer to limited financial access and complex bureaucracy.<sup>12</sup>

The government provides various programs, such as People's Business Credit with low interest to help MSME capital. Assistance from the Ministry of Cooperatives and SMEs, as well as lighter tax policies for small businesses.<sup>13</sup> The business licensing process often takes a long time and requires additional costs, especially for MSMEs that want to expand to a larger scale.<sup>14</sup>

MSMEs in Indonesia have great potential in the national economy with the support of natural resources, entrepreneurial culture and digitalization which continues to develop. However, challenges such as access to capital, innovation, regulation and exports are still the main obstacles. To increase the competitiveness of MSMEs, Indonesia can learn from countries such as Germany, Japan and the US in terms of easy access to financing, research-based innovation and improving product quality for the global market. Apart from that, the latest policies related to policies between governments in other countries provide new colors regarding the implementation of policies in existing factors such as increasing contribution to GDP, access to funding, regulation, digitalization and innovation.<sup>15</sup>

MSMEs in Indonesia have a fairly good legal basis, but implementation in the field is still less than optimal. The success of regulation depends on: Easy access to policies for small MSMEs. It is not only medium MSMEs that benefit. Reducing bureaucratic obstacles Licensing must be really simple and fast. Increasing access to funding without complicated procedures for small MSMEs should make it easier to obtain KUR and other assistance. Strengthening legal protection for MSMEs to be better protected from competition with foreign products and large business monopolies.<sup>16</sup>

MSME regulations in Indonesia are quite good in theory, but their implementation still needs improvement so that they are truly effective in

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<sup>11</sup> Yusuf, A., & Abdullah, R. (2018). "Strategi Pemasaran Digital UMKM di Indonesia: Peluang dan Tantangan." *Jurnal Manajemen dan Kewirausahaan*, 6(1), Hlm 20.

<sup>12</sup> Mulyadi, R. (2014). *Hukum Usaha Mikro, Kecil, dan Menengah di Indonesia: Peluang dan Tantangan*. Yogyakarta: UPP STIM YKPN. Hlm 30

<sup>13</sup> Lukmanul Hakim, Amelia Anwar, (2017), Pembiayaan Murabahah Pada Perbankan Syariah dalam Perspektif Hukum di Indonesia, Al-Urban: Jurnal Ekonomi Syariah dan Filantropi Islam, Vol 1 No. 1 Hlm 214

<sup>14</sup> Budiarto, (2019). *Hukum Bisnis Internasional: Aspek Regulasi UMKM*. Bandung: Alumni. Hlm 23

<sup>15</sup> B.Limbong, (2013). *Ekonomi Kerakyatan dan Nasionalisme Ekonomi*. Jakarta: Margaretha Pustaka. Hlm 68.

<sup>16</sup> Lukmanul Hakim, Etty Mulyati, Djuhaendah Hasan, Tarsisius Murwadi, (2020), Legal Aspects of Micro Business Development Institutions in State Purpose of Welfare, Fiat Justisia: Jurnal Ilmu Hukum Vol. 14 No. 3, Hlm 250.



supporting the growth of MSMEs. There are several factors that hamper the efficiency of MSME regulations in Indonesia, including the following: Lack of socialization means that many MSME actors do not understand existing regulations.<sup>17</sup> Meanwhile, Digitalization Challenges: Not all MSMEs have adequate internet access or the digital skills possessed by individual business actors. Furthermore, the problem of bureaucracy is still slow. Even though OSS has been implemented, there are still technical obstacles. Limited Access to Funding where many MSMEs do not have access to KUR or grant funds. Unbalanced competition means that MSMEs have difficulty competing with imported products and large companies.<sup>18</sup>

Comparison of policies in the United States, Japan, Germany and Indonesia include the following:

<b>Factor</b>	<b>United States of America</b>	<b>Japan</b>	<b>German</b>	<b>Indonesia</b>
<b>Contribution to GDP</b>	44%	>50%	55%	61%
<b>Access Funding</b>	It's easier, many investors	Easy with low interest	It's easy with KfW loans	Still limited, depends on KUR
<b>Regulations</b>	Relatively fast and flexible	Very advanced, manufacturing based	Very high, manufacturing industry focus	Starting to develop, more in the creative sector
<b>Digitalization</b>	Very advanced (Amazon, Shopify, etc.)	Very high (Rakuten, fintech)	Strong, vocational-based (Ausbildung)	Still under development (Shopee, Tokopedia)
<b>Innovation</b>	High, many technology startups	Aging population, high costs	Labor shortage, bureaucracy	Competition with big companies

Source : WorldBank (2021).

<sup>17</sup> Ade Oktariatas, Nunung Rodliyah, Recca Ayu Hapsari, Aditya Mahatidanar Hidayat, Lukmanul Hakim, (2020), Sharia Financial Technology in the Development of Bankable Micro Businesses, International Journal of Financial Research, Vol 11 No. 6, Hlm 207

<sup>18</sup> Eka Travilta Oktaria, Hairudin Hairudin, (2023), Kontribusi Kemampuan Manajerial Terhadap Motivasi Berwirausaha Dan Iklim Usaha Dan Dampaknya Pada Kinerja UMKM, Jurnal Akuntansi dan Keuangan, Vol 14 No. 2. Hlm 15

#### IV. CONCLUSION

Comparative laws in policies related to MSMEs provide many benefits, such as: Improving policies and regulations to support MSMEs; Facilitate access to financing and investment; Providing stronger legal protection for MSMEs; Increasing the competitiveness of MSMEs in international markets; Encourage innovation in regulations and MSME business models. By studying the legal systems of MSMEs in other countries, Indonesia can improve regulations to be more effective in supporting the growth of this sector. A comparison of regulatory policies related to MSMEs shows that each country has a different approach in supporting this sector. Indonesia and the United States focus more on access to capital, while Japan and Germany focus more on innovation and legal protection. This study can be a reference for policy makers to adopt best practices in supporting the development of MSMEs, especially in Indonesia.

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