The Easta Journal Law and Human Rights
Vol. 5, No. 01, October 2026, pp. 51 – 61
ISSN: 2985-7112, DOI: 10.58812/eslhr.v5i01

Legal Protection for Micro, Small, and Medium Enterprises (MSMEs) Following the Enactment of Law Number 6 of 2023 on Job Creation

Heri Prasetyo[1], Ali Johardi Wirogioto[2], Teguh Satya Bhakti[3]
[1,2,3] Magister Ilmu Hukum, Universitas Krisnadwipayana, Jakarta

Article Info

Article history:

Received Oct, 2026
Revised Oct, 2026
Accepted Oct, 2026

Keywords:

Job Creation;
Legal Protection;
MSMEs

ABSTRACT

Micro, Small, and Medium Enterprises (MSMEs) play a strategic role in national economic development by creating employment, increasing household income, and promoting economic equality. To support MSME development, the government enacted Law Number 6 of 2023 on Job Creation, which facilitates business licensing, financing access, and enterprise empowerment. Nevertheless, its implementation continues to face problems that may obstruct effective legal protection for MSME operators. This study aims to analyze the normative framework of MSME legal protection under Law Number 6 of 2023 on Job Creation and assess its effectiveness after the law's enactment through Case Decision Number 02/KPPU-K/2023. It employs normative legal research using statutory, conceptual, and case approaches. Secondary data comprising primary, secondary, and tertiary legal materials are analyzed qualitatively and presented descriptively and analytically. The findings indicate that the legal protection framework under Law Number 6 of 2023 encompasses simplified risk-based licensing, financing facilitation, business empowerment, partnerships, and safeguards against unfair business competition. These provisions reflect preventive and repressive legal protection as articulated in legal protection theory. Furthermore, Case Decision Number 02/KPPU-K/2023 illustrates the important role of competition law enforcement in maintaining a healthy business environment and protecting MSMEs against conduct that could undermine their market position. Nevertheless, stronger supervision, increased legal literacy among MSME operators, and consistent law enforcement remain necessary to achieve optimal legal protection.

This is an open access article under the CC BY-SA license.

Corresponding Author:

Name: Ali Johardi Wirogioto
Institution: Magister Ilmu Hukum, Universitas Krisnadwipayana, Jakarta
Email: ali.johardi@unkris.ac.id

1. INTRODUCTION

Micro, Small, and Medium Enterprises (MSMEs) occupy a strategic position in Indonesia's economic structure. This sector absorbs substantial employment, expands business opportunities, promotes a more equitable distribution of income, and maintains national economic stability, especially during economic slowdowns [1]. The flexibility of MSMEs and their ability to adapt to market changes make them one of the main drivers of economic growth. Accordingly, the sustainability of MSMEs

requires regulatory support that not only encourages business expansion but also provides legal protection and guarantees legal certainty for business operators [2].

The government subsequently enacted Law Number 6 of 2023 on Job Creation as an improvement to regulatory reform policies aimed at increasing investment and improving the business climate. For MSMEs, this law introduced several changes, including simplified risk-based licensing, easier access to financing, stronger business empowerment, and broader partnership opportunities. These changes demonstrate the government's commitment to strengthening the position of MSMEs in the national economy. However, successful regulation depends not only on the completeness of its legal provisions but also on the effectiveness of its implementation in protecting business operators [3].

The implementation of Law Number 6 of 2023 continues to face several problems. MSME operators still confront limited legal literacy, weak oversight of empowerment programs, and unfair business competition that may restrict their development opportunities [4]. These circumstances demonstrate that regulatory facilitation is not always accompanied by effective legal protection. Consequently, the law's goals of providing legal certainty and improving MSME competitiveness have yet to be fully achieved.

Previous studies have examined legal protection for MSMEs following the enactment of Law Number 11 of 2020 on Job Creation. Research by Wuri Sumampouw and colleagues emphasized the general effectiveness of legal protection [5]; R. Juli Moertiono focused on simplifying business licensing [6]; and Hasyim and colleagues examined protection in MSME contractual relationships [7]. These studies showed that regulatory facilitation has not entirely eliminated the obstacles MSMEs face in conducting business. However, they continued to rely on the framework of Law Number 11 of 2020 and therefore did not account for regulatory developments following Law Number 6 of 2023.

This study addresses a gap in earlier research by analyzing the normative framework of legal protection under Law Number 6 of 2023 on Job Creation. Rather than focusing solely on changes in legal provisions, the analysis also examines how those provisions operate in practice through Case Decision Number 02/KPPU-K/2023. This approach provides a more comprehensive understanding of the relationship among regulation-making, policy implementation, and law enforcement in protecting MSME interests.

Case Decision Number 02/KPPU-K/2023 demonstrates that legal protection for MSMEs also depends on the effectiveness of competition law enforcement. Unfair business competition may limit MSMEs' development opportunities despite the administrative benefits provided by the state. Legal protection for MSMEs must therefore be understood as an integrated combination of preventive regulatory policies and repressive enforcement mechanisms, allowing businesses to enjoy both legal certainty and fair economic opportunities.

Against this background, the study examines two principal issues: the normative framework of legal protection for MSMEs under Law Number 6 of 2023 on Job Creation and the effectiveness of that protection after its enactment, as illustrated by Case Decision Number 02/KPPU-K/2023. The findings are expected to enrich scholarship in economic and business law while providing recommendations for improving MSME legal protection policies so that the objectives of the Job Creation Law may be achieved more effectively.

2. RESEARCH METHOD

This study employs normative legal research with a descriptive-analytical design [8]. This approach focuses on legal norms contained in legislation, doctrine, and court decisions concerning the legal protection of Micro, Small, and Medium Enterprises (MSMEs) following Law Number 6 of 2023 on Job Creation. Rather than collecting field data,

the study systematically analyzes applicable legal provisions and their implementation in protecting MSME operators [9].

The data consist of secondary sources obtained through library research [10]. These include primary legal materials comprising legislation and court decisions, particularly Law Number 6 of 2023 on Job Creation and MSME-related regulations; secondary materials such as books, scholarly articles, research findings, and expert opinions; and tertiary materials, including legal dictionaries and encyclopedias that clarify legal terms and concepts. All legal materials were collected by searching, reading, and reviewing literature relevant to the research subject [11].

The materials were analyzed qualitatively by explaining and relating them through theories of legal protection and legal certainty to develop a comprehensive understanding of MSME legal protection and its implementation [12]. The findings are presented descriptively and analytically, systematically explaining the normative legal protection framework and the effectiveness of Law Number 6 of 2023 on Job Creation in providing legal certainty to MSME operators [13].

3. RESULTS AND DISCUSSION

3.1 Normative Framework of Legal Protection for MSMEs Under Law Number 6 of 2023 on Job Creation

National economic development has long been designed to promote public welfare through the equitable management of economic resources, as mandated by Article 33 of the 1945 Constitution of the Republic of Indonesia. This constitutional mandate emphasizes that economic activity should not merely pursue growth but should also create equal business opportunities and improve the welfare of all citizens. Within this framework, Micro, Small, and Medium Enterprises (MSMEs) occupy a highly strategic position because they absorb labor, distribute income more broadly, and serve as a major driver of community economic activity. Their substantial contribution to the national economy means MSMEs are not merely economic actors but also instruments for realizing the economic democracy envisioned by the Constitution [14].

This constitutional orientation was reinforced by People's Consultative Assembly Decree Number XVI/MPR/1998 concerning Economic Policy within the Framework of Economic Democracy, which positions MSMEs as a principal force in the people's economy. The decree calls on national economic policy to provide greater opportunities, support, and protection for micro, small, and medium enterprises, enabling them to grow independently and remain competitive. Such protection should not be understood as charity or mere government assistance, but as a consequence of the state's responsibility to establish a more equitable economic structure. The state must ensure that MSME operators have equal opportunities to access licensing, financing, markets, technology, and protection against practices that may inhibit their growth. This perspective illustrates that MSME legal protection forms part of the welfare-state principle, under which law functions as an instrument for ensuring economic justice rather than merely as an administrative control mechanism.

This philosophy provided part of the foundation for Law Number 6 of 2023 on Job Creation. The law was intended not only to simplify regulations, increase investment, and create employment, but also to transform the state's approach to protecting MSMEs. Under earlier arrangements, protection was largely provided through sector-specific guidance and assistance programs. Law Number 6 of 2023 broadened this approach by treating legal certainty in doing business as an integral component of legal protection. This marked a paradigm shift away from

government-assistance-oriented protection toward a model that recognizes MSMEs as legal subjects entitled to regulatory certainty, ease of doing business, access to economic resources, and equal treatment within the national economic system. Under this paradigm, legal protection is no longer merely a response to disputes involving MSMEs; it is built into the regulatory system from the outset to create a fair, competitive, and sustainable business environment.

The legal protection framework under Law Number 6 of 2023 on Job Creation reflects a fundamental change in approach. MSME protection no longer relies on incidental guidance and assistance, but is established through a regulatory system that provides legal certainty from the moment a business begins operating. Under this approach, the state does not merely intervene when disputes or business obstacles arise; instead, it creates legal instruments that enable MSMEs to operate in a simpler, more predictable, and more accessible regulatory environment. Legal protection thus shifts from a reactive approach to a preventive approach that provides safeguards from the earliest stage of business establishment.

This change is evident in the adoption of a Risk-Based Approach to business licensing in Indonesia. Before Law Number 6 of 2023 came into effect, licensing was often considered a major obstacle to MSME development. Numerous permit categories, lengthy bureaucratic procedures, and authority dispersed across multiple agencies forced entrepreneurs to devote substantial time and money merely to obtain business legality. These conditions not only discouraged new businesses but also prompted some MSMEs to operate without formal registration, thereby limiting their access to legal protection and government programs. Through risk-based licensing, the state has reoriented permits from instruments of administrative control toward instruments facilitating business activities while taking into account the risk level of each activity.

This approach is implemented through the Online Single Submission (OSS) system, which integrates licensing procedures electronically. OSS simplifies administrative relations between businesses and the government by combining registration, license issuance, and compliance requirements within a single integrated system. Such integration reduces overlapping institutional authority and increases transparency in public services. From a legal protection perspective, OSS not only accelerates administration but also provides certainty regarding procedures, requirements, and service time frames, reducing complicated bureaucracy and opportunities for abuse of authority. This procedural certainty is an essential form of legal protection because it ensures that every MSME operator receives services according to the same standards.

This shift in the legal framework was reinforced through the Business Identification Number (NIB), which serves as a legal identity for businesses, particularly those classified as low risk. The NIB is not merely a substitute for previously fragmented licensing documents. It transforms the legal relationship between the state and MSME operators because its issuance constitutes official recognition of a business. Before obtaining legal status, MSMEs frequently faced limited access to bank financing, low confidence among business partners, fewer opportunities to participate in public procurement, and barriers to government empowerment programs. After receiving an NIB, their legal position becomes stronger because the business is formally recognized within the state's administrative system, providing a legal basis for exercising rights guaranteed under legislation.

Legally, the NIB serves a function beyond administration by

acting as a gateway to various forms of state-provided legal protection. Formal business status enables access to financing facilities, empowerment programs, business partnerships, government incentives, and opportunities to participate in public procurement. A previously passive relationship becomes one with clearer rights and obligations for both sides. The state must not only issue business registration but also ensure equal access to legally guaranteed facilities for compliant MSMEs. The normative framework under Law Number 6 of 2023 demonstrates that MSME protection is built upon legal certainty from the establishment stage. This reflects preventive legal protection as described by Philipus M. Hadjon: safeguards established through a legal system that prevents obstacles and disputes before business activities commence.

From a welfare-state perspective, MSME legal protection does not always take the form of dispute resolution or sanctions against legal violations. The state is also obliged to establish conditions that enable businesses to operate sustainably. Accordingly, Law Number 6 of 2023 on Job Creation treats access to financing as an instrument of legal protection. This policy responds to the reality that limited capital remains a principal obstacle to MSME growth. Without adequate financing, business legality obtained through licensing cannot deliver optimal benefits. Legal protection thus means not only recognizing MSMEs as legal subjects but also guaranteeing equal opportunities to obtain financing, incentives, and economic support necessary for business development.

This normative framework is implemented through policies that expand access to credit, financing facilities, incentives, and business partnerships. Rather than treating financing as social assistance, the regulation positions it as an instrument for creating equal opportunity in economic activity. Easier access to loans and financing schemes enables MSMEs to increase production capacity, expand markets, and enhance competitiveness. Incentives and partnerships also demonstrate state support for entrepreneurs whose resources are limited compared with large businesses. The state therefore does more than reduce administrative barriers; it develops an ecosystem that provides more equitable growth opportunities for all economic actors.

Such legal protection is evident in provisions prohibiting large businesses from owning or controlling MSMEs that are their business partners. The prohibition emphasizes that partnership relations must not become subordinate or exploitative. Normatively, partnerships must be founded on mutual need, trust, reinforcement, and benefit to safeguard MSMEs' bargaining positions. If control by large businesses were permitted, partnerships could become instruments of domination that destroy MSME independence and conflict with the economic democracy mandated by Article 33 of the 1945 Constitution. This prohibition is therefore more than regulation of commercial relationships; it is legal protection designed to balance market structures, prevent abuses of economic power, and preserve opportunities for MSMEs to grow independently.

The digital economy has also transformed the framework of MSME legal protection. In the digital era, simplified licensing and formal recognition alone are insufficient; protection must ensure equitable access to digital ecosystems that have become new arenas for economic activity. Marketplaces, social media, and digital platforms have altered marketing, distribution, and relationships between businesses and consumers. This transformation offers MSMEs broader

opportunities to sell products beyond geographic boundaries, reduce promotional costs, and establish more direct customer relationships. Digitalization is therefore not merely a business instrument but also a component of legal protection because it creates fairer opportunities for MSMEs to compete with better-capitalized and more extensively networked enterprises.

At the same time, the movement of economic activity into digital environments creates legal risks that require adequate regulatory responses. Electronic transactions raise questions concerning contractual certainty, data protection, payment security, and possible abuses of dominant positions by digital platforms. Marketplace algorithms and digital promotion systems can also affect MSME product visibility, potentially creating competitive imbalances unless regulated fairly. MSME legal protection must therefore go beyond access to digital technology and ensure transparent, accountable digital economic governance that promotes fair competition.

An analysis of Law Number 6 of 2023 on Job Creation indicates that its MSME protection framework predominantly adopts Philipus M. Hadjon's concept of preventive legal protection. This policy choice is reflected in instruments designed to prevent legal obstacles before businesses begin operating. Simplified risk-based licensing, Business Identification Numbers (NIB), greater access to financing, strengthened partnerships, and wider market access are forms of state intervention intended to establish legal certainty at the outset. Through this approach, the state does not wait for disputes to arise before offering protection; it builds a regulatory system that reduces potential conflicts and minimizes the administrative barriers traditionally faced by MSMEs.

The predominance of preventive protection signifies a shift in legal policy from a corrective to an anticipatory approach. Previously, MSME protection was more commonly provided after entrepreneurs had suffered losses, through administrative mechanisms or court proceedings. Law Number 6 of 2023 instead seeks to reduce the likelihood of harm by simplifying regulation and creating more favorable business conditions. Under Philipus M. Hadjon's theory, this approach gives MSMEs greater freedom to conduct business safely because their rights, obligations, and procedures are established in advance. Legal protection is thus understood not only as dispute resolution but also as the prevention of disputes through clear and workable regulation.

Law Number 6 of 2023 nevertheless provides repressive protection mechanisms when MSME rights are violated. Such protection takes the form of supervision, law enforcement, and dispute resolution concerning practices harmful to MSMEs, especially unfair business competition. In this context, the Business Competition Supervisory Commission (KPPU) plays a strategic role in ensuring that the benefits afforded to MSMEs are not undermined by abuses of dominance, monopolistic conduct, or other unfair business practices. In other words, preventive regulatory protection must be accompanied by repressive mechanisms capable of restoring MSME rights after violations occur.

The relationship between preventive and repressive measures demonstrates that MSME legal protection is an integrated, mutually reinforcing system. Regulation establishes certainty and business opportunities through various facilitation instruments, while law enforcement ensures an effective response to infringements of MSME rights. KPPU's role in overseeing partnerships, preventing unfair competition, and sanctioning businesses

that violate competition rules forms an inseparable part of this framework. Accordingly, legal protection depends not only on the quality of Law Number 6 of 2023 but also on consistent supervision and enforcement to achieve a genuinely fair business climate.

Under legal certainty theory, Law Number 6 of 2023 on Job Creation seeks to provide certainty for MSMEs by standardizing licensing procedures, simplifying requirements, and clarifying each business operator's rights and obligations. Such certainty is a prerequisite for a favorable business climate because MSMEs can understand the required procedures, obtain legal status through measurable processes, and anticipate the legal consequences of their activities. Legal certainty here concerns not only the existence of norms but also the capacity of those norms to provide entrepreneurs with a sense of security in economic activity.

On closer examination, legal certainty under Law Number 6 of 2023 extends beyond administrative simplification to clarify the relationship between the state and MSMEs. Upon obtaining a Business Identification Number (NIB), an MSME receives legal recognition that enables access to financing, partnerships, public procurement, and empowerment programs. In return, the state must provide transparent, integrated, and nondiscriminatory public services. This reciprocal relationship shows how legal certainty balances rights and obligations and provides a clear foundation for business development. However, legal certainty at the normative level has not been fully matched by certainty in implementation. OSS and risk-based licensing remain affected by differences in local government institutional capacity, digital infrastructure readiness, and officials' understanding of regulatory changes.

Beyond institutional factors, legal certainty is also affected by MSME operators' ability to understand their regulatory rights and duties. Simplified licensing and digital public services cannot deliver optimal benefits when entrepreneurs lack legal or digital literacy. Consequently, legal certainty requires more than clear rules; it also calls for assistance, outreach, and capacity building so that MSMEs can use all the protective instruments provided by the state.

The foregoing analysis shows that Law Number 6 of 2023 established a more comprehensive legal protection framework than its predecessors. It not only simplified administrative procedures but also integrated stronger access to financing, business partnerships, market support, and digital transformation into a unified protection system. Nevertheless, the framework's effectiveness still depends on consistent regulatory implementation, policy harmonization between central and regional governments, and law enforcement that secures MSME rights in practice.

3.2 Effectiveness of MSME Legal Protection Following Law Number 6 of 2023 on Job Creation in Case Decision Number 02/KPPU-K/2023

The effectiveness of legal protection for MSMEs cannot be assessed solely by the number of laws and regulations governing the sector. Legal norms become meaningful only when they provide practical safeguards, create fair business relationships, and protect MSME rights in dealings with businesses possessing greater economic power. Accordingly, Law Number 6 of 2023 on Job Creation must be evaluated not only by how its norms are formulated but also by their ability to address problems that MSME operators have long faced. Ultimately, effective legal protection is demonstrated by regulation's capacity to balance legal relations between large enterprises and MSMEs, thereby realizing the people's economic

empowerment mandated by Article 33 of the 1945 Constitution.

This approach demonstrates that legal protection for MSMEs has a broader dimension than normative legal certainty alone. Effective regulation must operate in practice through supervision, enforcement, and restoration of business operators' rights when violations occur. Thus, protection depends not only on the substance of Law Number 6 of 2023 but also on the ability of enforcement institutions to implement its provisions. If infringements of MSME rights continue without effective remedies, legal protection remains merely normative and provides no tangible benefits for business operators.

The effectiveness of legal protection under Law Number 6 of 2023 on Job Creation can be observed in Case Decision Number 02/KPPU-K/2023, which examined a partnership between PT Hardaya Inti Plantations (PT HIP), a large enterprise, and Koperasi Tani Plasma Amanah, its partner in an oil palm nucleus-plasma scheme. The relationship began with a Cooperation Agreement for the Development and Management of an Oil Palm Plantation Project signed on November 5, 2007, subsequently formalized in Deed Number 126 dated April 18, 2008. The partnership was designed as a mutually beneficial arrangement under which the nucleus company was responsible for plantation development, technical guidance, business management, and improving plasma farmers' welfare. In practice, this relationship, which lasted more than fifteen years, gave rise to legal issues revealing an imbalance between the large enterprise and its MSME partner.

KPPU's examination found that the partnership no longer reflected the equality principles prescribed by Law Number 20 of 2008, as amended by Law Number 6 of 2023 on Job Creation. PT HIP was considered to have gone beyond its role as a nucleus company providing guidance and to have exercised both legal and de facto control over the plasma cooperative. This control was reflected in nontransparent management of plantation finances, failure to provide financial statements to cooperative members, failure to distribute members' share of net operating surplus (SHU), and plantation management entirely controlled by the nucleus company. Consequently, the cooperative lacked sufficient scope to exercise oversight or make decisions about plantations that constituted its members' livelihoods.

This control became more evident when PT HIP acquired receivables from Bank Mandiri without Koperasi Tani Plasma Amanah's consent and retained the Freehold Title Certificates (SHM) belonging to plasma farmers, which had previously been pledged as financing collateral. From the partnership perspective, such actions no longer reflected cooperation based on mutual need, trust, support, and benefit. Instead, the nucleus company occupied a highly dominant position, controlling financing, plantation management, and the ownership documents of plasma farmers' land. This imbalance eliminated the cooperative's bargaining power and made it entirely dependent on the nucleus company's decisions. Yet the primary aim of nucleus-plasma partnerships is to promote farmers' economic independence, not strengthen large enterprises' dominance over their partners.

On this basis, the Commission Panel found PT Hardaya Inti Plantations to have violated Article 35(1) of Law Number 20 of 2008, which prohibits large enterprises from owning and/or controlling micro, small, or medium enterprises that are their partners. The decision not only imposed an administrative fine but also ordered several corrective measures, including an independent audit of financial statements, disclosure of plantation management reports to the cooperative,

payment of plasma members' entitlements, return of farmers' freehold title certificates, updating plasma membership records, and amending the partnership agreement to establish a fairer balance of rights and obligations. The operative provisions demonstrate that enforcement seeks not only to sanction violations but also to restore partnerships in accordance with statutory principles.

Case Number 02/KPPU-K/2023 illustrates that control over MSMEs does not necessarily occur through share ownership or corporate acquisitions; it may also arise through economic control, information control, and control over partnership decision-making. PT HIP formally recognized Koperasi Tani Plasma Amanah as a separate legal entity, while simultaneously exercising control over almost every strategic aspect of plasma plantation management. This prevented the cooperative from performing its institutional functions independently and undermined the empowerment objectives of the partnership scheme. Accordingly, KPPU's decision indicates that the prohibition on "controlling" an MSME under Article 35(1) encompasses not only formal or legal control but also de facto control that deprives an MSME of independence in its business activities.

Viewed through Philipus M. Hadjon's theory of legal protection, Case Decision Number 02/KPPU-K/2023 demonstrates that effective protection depends not only on the existence of rules under Law Number 6 of 2023 on Job Creation but also on the state's ability to enforce them. Although the legislation prescribes equal partnerships, prohibits control of MSMEs by large businesses, and requires guidance and supervision, the facts established at trial showed that PT Hardaya Inti Plantations continued to control strategic aspects of plasma plantation management. Consequently, Koperasi Tani Plasma Amanah lost its independence as a business partner, preventing the partnership from fully achieving its MSME empowerment objectives.

From the perspective of repressive protection, KPPU exercised its enforcement function by not only imposing an administrative fine but also ordering remedies such as an independent audit, disclosure of plantation management reports, return of farmers' land title certificates, and amendments to the partnership agreement. Before issuing its decision, KPPU had also delivered several written warnings as a form of guidance to encourage the correction of violations without sanctions. These measures demonstrate that legal protection aims not only to punish wrongdoing but also to restore MSME rights and realign partnerships with principles of justice, balance, and empowerment.

From the perspective of legal certainty theory, Case Decision Number 02/KPPU-K/2023 affirms that the prohibition on large enterprises owning and/or controlling MSMEs as business partners is not merely declaratory but is legally binding and enforceable. Legal certainty is reflected both in the clarity of Article 35(1) of Law Number 20 of 2008 as amended by Law Number 6 of 2023 on Job Creation, and in the state's willingness, acting through KPPU, to impose legal consequences for partnership violations. The decision accordingly confirms that partnerships between large enterprises and MSMEs are subject to legal boundaries that all parties must respect.

Legal certainty is also reflected in the Commission Panel's examination of both the formal partnership agreement and its implementation in practice. Although the relationship between PT Hardaya Inti Plantations and Koperasi Tani Plasma Amanah had existed for years and generated certain economic benefits, KPPU concluded that unlawful control had occurred. This finding was reinforced by administrative sanctions

and orders for an independent audit, amendment of the partnership agreement, settlement of receivables, and restoration of plasma farmers' rights. Legal certainty is therefore achieved not only through sanctions but also through measures that restore legal relationships in accordance with fairness and balance.

At the same time, the case demonstrates that normative legal certainty has not been fully matched by effective implementation. Partnership violations persisted for a considerable period before they were resolved through KPPU proceedings, indicating weaknesses in supervision and early detection of partnership misconduct. Case Decision Number 02/KPPU-K/2023 not only strengthens the certainty of the prohibition on control of MSMEs by large enterprises but also underscores the need for more responsive supervision to safeguard MSME rights promptly and effectively.

Although Case Decision Number 02/KPPU-K/2023 shows that MSME protection mechanisms are functioning, their effectiveness is still limited by several obstacles. Unequal bargaining power between large enterprises and MSMEs places the latter at a disadvantage in negotiations and partnership implementation. Furthermore, violations of MSME rights may continue for years before they are legally resolved, as demonstrated by the long-standing relationship between PT Hardaya Inti Plantations and Koperasi Tani Plasma Amanah before KPPU intervened. These circumstances suggest that the legal protection system has not yet adequately detected and halted misconduct at its earliest stages.

The effectiveness of legal protection is also affected by low levels of legal literacy among MSME operators and inadequate oversight of partnership implementation. Limited understanding of contractual rights and obligations delays recognition of violations and makes it difficult for MSMEs to assert their rights. Although KPPU has exercised oversight through written warnings and case examinations, this case highlights the need for stronger interagency coordination and more proactive supervision to prevent violations earlier and realize the objectives of MSME protection more fully.

The preceding analysis indicates that legal protection for MSMEs following the enactment of Law Number 6 of 2023 on Job Creation has developed positively through both the formulation of norms and their enforcement in Case Decision Number 02/KPPU-K/2023. The decision demonstrates the state's commitment to protecting MSMEs against control by large enterprises and restoring rights violated within partnerships. Nevertheless, effective protection still requires stronger implementation, particularly enhanced supervision, improved MSME bargaining power, and empowerment focused on legal literacy and institutional capacity. These measures would enable protection to deliver not only normative certainty but also genuinely fair, equal, and sustainable partnerships.

4. CONCLUSION

The normative framework of legal protection for Micro, Small, and Medium Enterprises (MSMEs) under Law Number 6 of 2023 on Job Creation is based on facilitation, protection, and empowerment, intended to create legal certainty and strengthen MSME competitiveness. Such protection is implemented through simplified risk-based licensing, formal business recognition through Business Identification Numbers (NIB), easier access to financing, stronger partnerships with large enterprises, human resource empowerment, and expanded access to markets and government procurement. Normatively, these measures reflect preventive legal protection by guaranteeing MSMEs legal certainty in conducting business

while demonstrating the state's commitment to strengthening MSMEs as a principal pillar of the national economy.

MSME legal protection under Law Number 6 of 2023 on Job Creation has demonstrated its effectiveness through KPPU's supervision and enforcement against partnership violations involving large enterprises and MSMEs. The decision establishes that the state provides tangible protection of MSME rights, particularly by preventing control by large enterprises that conflicts with the principles of equal, mutually supportive, and mutually beneficial partnerships. Nevertheless, such protection is not yet fully effective because violations can continue over prolonged periods, including nontransparent business management, exclusion of MSMEs from decision-making, and bargaining power imbalances between large companies and their MSME partners.

REFERENCES

[1] Z. Asikin, *Hukum Dagang*. Jakarta: RajaGrafindo Persada (Rajawali Pers), 2013. [Online]. Available: https://books.google.com/books/about/Hukum_Dagang.html?id=p-zjzwEACAAJ

[2] A. Sutedi, *Hukum Usaha Mikro, Kecil, dan Menengah*. Jakarta: Sinar Grafika, 2015.

[3] S. Rahardjo, *Ilmu Hukum*. Bandung: Citra Aditya Bakti, 2006.

[4] D. Purcahyono, "Perlindungan Hukum bagi Pelaku UMKM dalam Kontrak Bisnis Digital," *J. Ilmu Hukum, Hum. dan Polit.*, vol. 5, no. 4, pp. 3590–3599, 2025, doi: 10.38035/jihhp.v5i4.4539.

[5] W. Sumampouw, K. Kurnia, and I. R. Arrobi, "Perlindungan Hukum Terhadap Usaha Mikro Kecil dan Menengah Pasca Pemberlakuan Undang-Undang Nomor 11 Tahun 2020 tentang Cipta Kerja," *J. Jure*, vol. 13, no. 1, 2021, doi: 10.36277/jurnaldejure.v13i1.506.

[6] R. J. Moertiono, "Perlindungan Hukum Terhadap Izin Usaha UMKM Pasca Lahirnya UU No. 11 Tahun 2020 tentang Cipta Kerja," *J. Ilm. METADATA*, vol. 5, no. 1, pp. 169–180, 2023, doi: 10.47652/metadata.v5i1.316.

[7] H. Hasyim, D. Panjaitan, P. Sitinjak, and V. Sinaga, "Analisis Perlindungan Hukum terhadap Kontrak Bisnis Pelaku Usaha Mikro, Kecil, dan Menengah (UMKM) di Sektor Grosir," *J. Pendidik. Tambusai*, vol. 9, no. 2, pp. 16766–16769, 2025, doi: 10.31004/jptam.v9i2.28419.

[8] S. Soekanto, *Pengantar Penelitian Hukum*. Jakarta: UI Press, 2014. [Online]. Available: https://simpus.mkri.id/opac/detail/8443

[9] P. M. Marzuki, *Penelitian Hukum*. Jakarta: Kencana, 2017.

[10] Amiruddin and Z. Asikin, *Pengantar Metode Penelitian Hukum*. Jakarta: Rajawali Pers, 2012. [Online]. Available: https://jdih.bpk.go.id/Dokumen/Monografi/F1F9B35D-3AEA-417D-BE44-401A01F41A98

[11] Bambang and Sunggono, *Metodologi Penelitian Hukum*. Jakarta: Raja Grafindo persada, 2016.

[12] J. Ibrahim, "Teori dan metodologi penelitian hukum normatif," *Malang Bayumedia Publ.*, vol. 57, no. 11, 2006.

[13] S. Soekanto, *Penelitian Hukum Normatif*. Jakarta: Rajawali Pers, 2015.

[14] E. Suwarni, K. Sedyastuti, and A. H. Mirza, "Peluang dan Hambatan Pengembangan Usaha Mikro pada Era Ekonomi Digital," *IKRAITH-EKONOMIKA*, vol. 2, no. 2, pp. 29–34, 2019, [Online]. Available: https://journals.upi-yai.ac.id/index.php/IKRAITH-EKONOMIKA/article/view/401