# Collaborative Governance of MSMEs On Legal Protection for Online Transactions During the Covid19 Pandemic

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#### **ABSTRAK**

The Covid-19 pandemic affects many aspects of people's lives, particularly the economic component, which is so important. During the Covid-19 epidemic, large-scale social restriction legislation made it impossible for MSME actors in the production process to market their products, resulting in a fall in revenues. The evolution of globalization and the use of the internet necessitates a shift in habit from traditional sales to e-commerce, which is being used by MSME actors to survive the Covid 19 pandemic. Ecommerce marketing can assist MSME actors in running their businesses efficiently and practically without being constrained by distance and space. Secondary data from journals, academic reports, books, and the outcomes of past research on SMEs is used in this qualitative study. The government's attitude toward ensuring security in online transactions is examined in this study, which focuses on MSMEs that were affected by large-scale social restrictions and social isolation during the Covid19 pandemic. The conclusion reached is that the government, in this case as a policymaker, has provided legal clarity to protect consumers who transact through online media with Law Number 8 of 1999 concerning Seller's Rights, which has been properly regulated so that sellers feel safe from fraud when transacting. There is still a need to focus on the government's role in enabling the issue of procedures for electronic registration and publication of trading enterprises.

Keywords: MSMEs, Covid19, Government

#### INTRODUCTION

The Covid 19 epidemic, which happened globally, including in Indonesia, at the start of 2020, sparked unfavorable sentiment about a variety of business operations, particularly the MSME sector. The Covid 19 epidemic has had a detrimental influence on the MSME sector, which has impeded its expansion. Because the Physical Distancing and Large-Scale Social Restrictions (*PSBB*) campaign is considered capable of accelerating the response and preventing the spread of Covid 19, which is rapidly expanding, where the movement of MSME businesses, such as showrooms or promotions, is hampered by physical distance (Marlinah, 2020).

Micro, small, and medium businesses (MSMEs) are critical for national development, particularly economic development. Micro, Small, and Medium Enterprises (MSMEs) play a critical and strategic role in the national

economy. Because MSMEs are so prevalent in the Indonesian economy, this circumstance is quite likely to occur because of the vast number of industries in every sector of the economy; significant employment potential; and the contribution of SMEs to the construction of the economy (GDP) (Sarfiah et al., 2019).

Government Regulation Number 21 of 2020 concerning Large-Scale Social Restrictions was established in response to the Covid-19 Pandemic, to restrict the movement of people and products and require individuals to stay at home if there is no immediate necessity. This has an influence on small MSMEs' activity, as well as fewer clients shopping directly than on normal days. As a result, business actors might transform themselves by opening stores or selling online via e-commerce (Hardilawati, 2020).

E-commerce is a means of using electronic devices to sell, buy, and promote items (Kotler & Armstrong, 2010). The distribution, buying, selling, and marketing of items and services via electronic methods such as the internet, television, the World Wide Web, or other computer networks is referred to as e-commerce (Harmayani et al., 2020). E-commerce arose as a result of ever-faster technological advancements and increased economic growth (Palinggi & Limbongan, 2020).

During the transition phase, the Indonesian government has embraced "The New Normal." Other implementations, such as incorporating e-commerce information systems into corporate operations, are also possible for MSMEs. For small firms, information technology, often known as e-commerce, can provide sales variety, allowing for speedier delivery of selected goods to customers without the need for a face-to-face meeting Can supply MSMEs with real-time data to allow speedy paperless transactions, as well as transmit and receive offers swiftly and efficiently (Wahyu et al., 2020).

During the covid19 epidemic, this project aims to continue research and analyze the collaborative governance of MSMEs on legal protection for online transactions.

## LITERATURE REVIEW

#### E-commerce

The trade of goods or services over computer networks, such as the Internet, is known as electronic commerce, or e-commerce. Although other types of activity, such as operations management or traditional payments, may also be used, modern e-commerce often employs the internet (www.) for at least one form of

transaction. E-commerce may employ one or more of the following concepts:

- Direct-to-consumer retail sales using an online shopping website
- Participation in business-to-consumer (B2C) or consumer-to-consumer (C2C) online marketplaces.
- B2B (business-to-business) sales.
- Use web contacts and social media to gather and use demographic data.
- Electronic data sharing between businesses (B2B) (Pradana, 2015).

According to research conducted by Handayani, (2018) employing an e-commerce-based sales information system allows customers to buy things online instead of going to the store directly. Facilitate marketing using online media with a broader reach than banner advertisements. It's simple to save data and print reports that may be saved and accessed on the internet.

According to research conducted by Srisadono, (2018) E-commerce companies effectively use social media, including promotions, quizzes, product information, brand information, and entertainment content to draw consumers' attention. To attract new customers and convert them into loyal customers, they use social media. In addition to assessing the Brand Community in the E-commerce business, it's also important to look at how social media campaigns can be successful and boost E-ROI commerce (Return on Investment). In 2018, five topics are being explored in the E-commerce industry. The following are the five items: When it comes to purchasing, the trend is to go online. Mobile wallets (such as Gopay, TCash, and Pay Pro) are becoming more popular. Delivery services are becoming more efficient. Instant sellers, stalls are being moved, and online ticket sales are increasing. The existence of a community is critical since any information offered by any brand will be more easily communicated in a community, even reached out to their intended audiences.

According to research conducted by Zakiah et al., (2019) E-commerce can assist partners in supporting their business processes in marketing and selling knitted products so that they may compete worldwide.

#### **Digital Marketing**

Digital marketing is the activity of leveraging online digital platforms such as social networks to advertise and do market research (Purwana et al., 2017). For product marketing, digital use of social media such as Instagram, Facebook, Twitter, and other social media is beneficial. It can be done through e-commerce and other media in addition to digital marketing. With the rapid advancement of technology, MSME actors must study and comprehend digital marketing.

According to research undertaken by Putra, (2016) a people's economy must be used to create collective wealth and welfare. Support for micro, small, and medium companies (MSMEs), so that MSME goods are not only sold domestically, but also outside the city, and grow, is the true form of people's economy. Furthermore, if information technology is used to assist, product promotion is no longer limited by geography or time. Furthermore, not only from the government, but also from the community, community involvement, and government funding will open new doors for people who want to start small and medium businesses. The emergence of community involvement leads to the

establishment of new businesses or the expansion of current ones, as well as the creation of new jobs for the community.

According to research Hardilawati, (2020) the Covid-19 pandemic in Indonesia caused economic instability, particularly among small and medium-sized enterprises. These MSME actors have a direct impact on the government's request in the form of a decline in sales turnover. And the implementation of *PSBB*, which permits people to work from home, forcing many MSMEs to close for an extended length of time. As a result, MSME actors must have a plan in place to grow in the face of a pandemic and be prepared to adapt to shifting conditions.

There are numerous survival methods that SMEs should employ to keep their businesses afloat, including (1) selling through e-commerce because many clients are already doing their buying online. (2) Using digital technology to reach a larger audience with goods (digital marketing). (3) Improving both the form and quality of activities as well as the quality of commodities. (4). Customer relationship marketing (CRM) is a strategy for boosting customer happiness and trust.

The Covid-19 pandemic in Indonesia had a significant impact on people's habits of using E-commerce to suit their demands, according to research undertaken by Permana et al., (2021) this rise began in the first quarter of 2020, corresponding with the first Covid-19 cases in Indonesia, and has continued to rise to a high of 38 percent in the second quarter.

In the middle of a pandemic, MSME actors select digital marketing and social media features to enhance their product marketing coverage, according to research conducted by Santoso, (2020) it has been established that using social media for digital marketing keeps clients informed about the things they are selling or shipping.

#### **Government Policy**

According to research conducted by Paryadi, (2018) the rights and obligations of consumers and corporate actors in respect to Indonesian consumer protection legislation are strictly specified under Law Number 8 of 1999 concerning Consumer Protection. Articles 4 and 5 of Law Number 8 of 1999 define consumer rights and obligations, whereas Articles 6 and 7 of Law Number 8 of 1999 control business actors' rights and obligations. These articles regulate the proportion of customers and business players who participate in business processes or trade transactions. Articles 8 to 17 of Law No. 8/1999 limit the components of business actors' conduct that are forbidden. This feature can be employed if it can be demonstrated that the products and/or services traded through e-commerce contravene this paragraph. When clients discover that the products and/or services they ordered do not comply with the rules, the issue of accountability frequently extends to business actors, in this case, traders. Law No. 8 of 1999 covers parts of business actors' obligations from Article 19 through Article 28. This is true when a company acts in a way that is harmful to its customers.

Articles 65 and 66 of Law 7/2014 on Trade, which also regulates trade with electronic systems or e-commerce, regulate e-commerce. The government regulates how online transactions and commerce are clarified by electronic business actors, as well as how these trade rules safeguard clients. Article 65 of the Trade Law requires e-commerce company players to have comprehensive and correct data

and/or information to verify their legality. As part of Article 66 of the Trade Law's mandate, in partnership with other Ministry agencies and key stakeholders, the Ministry of Trade (*Kemendag*) is now formulating e-commerce trading implementing legislation in the form of a Draft Government Regulation.

literatur sitidaknya berisi 2 (dua) bagian: Penelitian Terdahulu dan Landasan Teori. Penelitian terdahulu mengemukakakan penelitian terdahulu yang relevan tentang pembahasan, bagaimana hasil temuannya dan apa keunikan dari penelitian yang dilakukan bila dibandingkan dengan penelitian sebelumnya. Kemudian berisi landasan teori yang digunakan dalam penelitian, bagaimana kesesuaiannya terhadap penelitian, dan bagaimana penjabaran dari teori yang dikemukakan. Landasan teori juga dapat menjadi penjelasan dari variabel yang diteliti (definisi dan pengukuran variabel).

#### **METHODOLOGY**

A qualitative method was applied in the research. Qualitative research methods, according to Semiawan, (2010) is the best way to capture human perception because humans can only know and understand things through direct touch, open-mindedness, inductive processes, and symbolic experiences.

The data for this study was gathered through a literature review, which included secondary data from journals, academic reports, books, and the outcomes of earlier research on SMEs. The information is subsequently processed and analyzed in relation to the problem at hand. After that, it's related to hypotheses, expert opinions, and previous research findings. It will also be put into study findings and instructions for MSMEs to follow when doing research.

## RESULT AND DISCUSSION

The internet was extremely useful during the Covid-19 pandemic and had a great impact on raising MSME income. The buying and selling process has become more efficient and practical, no longer constrained by geography or distance. Of course, this is made possible by proper infrastructure, which eliminates the need for face-toface meetings. PSBB or social distancing can still be used and is predicted to break the Covid- 19 virus's chain of transmission in Indonesia. The progress of boosting MSME revenue in Indonesia is inextricably linked to the current era of electronic commerce, or e-commerce, which is booming. The growth in the graph of purchasing and selling transactions, which continues to rise year after year, demonstrates this. This is a fantastic chance for MSMEs to improve their production, sales, and product delivery without worrying about confusing clients or publicizing their items.

To boost e-commerce sales, companies utilize promotions, quizzes, product information, brand information, and entertaining material. It is easier to advertise the actual items supplied than banner campaigns, thanks to several options from online store sites like Shopee, Bukalapak, and Tokopedia, as well as e-commerce brand communities like Facebook, Twitter, Instagram, and Youtube.

MSME e-commerce practices have the advantage of requiring only electronic devices connected to the internet network for the buying and selling process,

eliminating the need for space and time, lowering expensive activities such as advertising and shipping costs, and facilitating communication between sellers and buyers.

Fear of fraud, such as buying a cat in a sack for which there is no clear assurance, as well as difficulties with the rise of data hacking to break the security system, which can hurt MSME players and consumers in online transactions, are impediments in the practice of ecommerce.

Yen, (2014) Four factors influence e-commerce adoption in West Java, according to a 2014 survey of 400 MSMEs in West Java:

## 1) Complexity level

There is a level of complexity that impedes MSMEs from implementing it; it is still possible and easy to apply for a static web, but MSMEs find it tough, and human resources are less supportive at the payment transaction stage.

2) Information Technology Planning
MSMEs sometimes overlook meticulous
preparation for the long-term viability of
their e-commerce operations in the early
phases. Initial planning and e-commerce
development are included in this
category. The existence of initial
planning and future development that
MSMEs must carry out on their ecommerce, as well as the requirement for
cautious planning phases for MSMEs in
the continuity of their e-commerce.

#### 3) User IT Skill

One of the most common roadblocks is that Indonesian human resources are still perceived to be poor in IT competence. Because of the necessity to participate in quality assurance projects managed by the government and the corporate sector via e-commerce seminars, training, and other means.

### 4) Management Assistance

Employees who are transitioning from traditional company systems to online face changes and consequences as a result of e-commerce. As a result, MSME owners' key position as decision-makers is critical in encouraging and motivating staff to adapt to the challenges they confront.

This demonstrates that the corporate sector and government need to pay more attention to the community or MSMEs in terms of logistics, training, and infrastructure. Things like this should not be overlooked by the government because they have the potential to affect MSMEs' efficiency and effectiveness. Of course, the collaboration between the government and SMEs is supposed to be mutually beneficial.

The government passed Law No. 5 Th. 1999 Concerning the Prohibition of Monopolistic Practices and Unfair Business Competition, which can be utilized to limit business actors' control over the production or sale of goods and services, improve business performance, and improve public welfare. Because if there are no constraints, powerful corporate players will be able to easily carry out monopolies

and unfair commercial competition, particularly during this epidemic.

Making a legislation to maintain transaction security is a difficulty for the government in the development of e-commerce because it might harm customer confidence. During the epidemic, the government must likewise exercise control over harmful trade monopolies.

There are two types of legal sources: 1) the principle of the parties' contractual agreement, in which the parties agree to follow the agreed-upon laws; and 2) the principle of contractual independence, in which business actors can make and decide on the content of the previously agreed-upon agreement. The following sources of business law are based on Indonesian legislation in general: 1) Commercial Law (KUH); 2) Legislation not covered by the Criminal Code, Civil Code, or Commercial Code; and 3) Civil Law (Civil Law) and Public Law (Economic Criminal / Civil Code). While the implementation of e-commerce activities in order to provide legal protection and legal certainty to stakeholders refers to Law No. 11 of 2008 concerning Information and Electronics (UU ITE), ecommerce Road Map (Electronic-Based National Trading System Roadmap) 2017-2019, and Presidential Regulation Number 74 of 2017, the implementation of e-commerce activities in order to provide legal protection and legal certainty to stakeholders refers to Law No. 11 of 2008 concerning Information and Electronics (UU ITE), ecommerce (Sudarmanto, 2020).

The 2017-2019 SPNBE Roadmap includes funding services, taxation, customer protection, education and human resources, network infrastructure, logistics, cyber security, and the development of Implementation Management. The following are the results of SPNBE 2017-2019 in 2018:

- 1) Indonesia's e-commerce plan, which is organized into eight pillars and includes funding, taxation, consumer protection, education, and human resources, communication infrastructure, logistics, cyber security, and executive management, is required among the 62 outcomes (seven main pillars and one supporting pillars). The following are the accomplishments as of the end of 2018:
  - Tax laws for company participants with a gross annual business turnover of up to IDR 4.8 billion as specified in PP No. 23 of 2018 and incentive schemes for venture capital businesses as outlined in PMK No.48 / PMK.03/2018 have also been completed.
  - One of the 20 outputs now underway till 2019 is the development of a national fiber-optic backbone connecting 54 districts/cities. (Project Palapa Ring) The western and middle packages are finished, while the eastern packages are at 87.03 percent completion.
  - The remaining 27 outputs are derivatives of the Government Regulation (PP) for Electronic Trading, which is the Minister of Trade Regulation (PMSE) governing Provisions and Procedures for Registration and Issuance of Electronic

- Trading Business Actors. The system is still being debated (PMSE).
- 2) The finalization of proposed government regulation on electronic commerce is underway (PMSE). The PMSE RPP regulations promote fairness, national interest, and national security. Specifically, bolstering local businesses and commodities, as well as consumer protection.
- 3) The Coordinating Ministry for Economic Affairs employs a questionnaire to collect data on e-commerce in partnership with the Ministry of Communication and Information (idEA). According to preliminary statistics, e-commerce activity remains focused on the island of Java, which hosts 70% of visitors and 79.6% of local businesses.
- The Coordinating Ministry for Economic Affairs is Indonesia's focal point and primary negotiator in the ASEAN Agreement on E-Commerce (ACCEC), which intends to cross-border e-commerce streamline while transactions encouraging the development of user-friendly technologies. The Indonesian Minister of Trade signed the ASEAN Agreement on e-commerce in Singapore in November 2018 to promote the use of e-commerce among ASEAN members, encourage the use of e-commerce for inclusive growth, and reduce inequality in ASEAN by encouraging the use of e-commerce by increasing collaboration among ASEAN member countries in the development of ecommerce.
- 5) Indonesia took part in a one-day (11.11) event in China, which increased e-commerce exports. Kapal Api, Indomie, Richeese Nabati, YanTyTy, and Papatonk were among the five brands that participated in 2018 (Bahtiar, 2020).

"Electronic transactions are legal acts carried out utilizing computers, computer networks, or other electronic media," according to Article 1 number 10 of the Law on Information and Electronic Transactions (UU ITE). Every stakeholder in e-commerce, according to Makarim, has legal rights and obligations. "1) Business actors are those who sell, exchange, or run businesses over the internet; 2) Everyone who is permitted by law to perform business actors' purchasing and selling activities; 3) Banks act as intermediaries between buyers/customers and business actors, and; 4) operators, such as internet access service providers" (Edmon, 2003).

"Article 7 of Law No. 8 of 1999 Concerning Consumer Protection (Consumer Protection Law) specifies that if the promised product does not meet the agreement, the seller as a commercial actor is required to compensate the consumers. This is done so that in the event of fraud on products purchased from internet retailers, consumers can assert their rights." In the meantime, the seller's rights under Article 6 of the Consumer Protection Law are as follows: 1) decide and accept the payment price for the sale of the product following the seller-buyer agreement; 2) obtaining protection from unscrupulous buyers; 3) the right to a proper defense in court; 4) the right to repair the good reputation if it can be legally demonstrated that it has harmed the

customer in a way unrelated to the goods or service traded (Sudarmanto, 2020).

The government has provided legal clarification to safeguard consumers who transact through online media, in this case, the policy-making government. In the UUPK, Articles 8 and 9 are quite important. Consumers are additionally protected by the government, which has established a non-government consumer protection agency. However, there is UUITE, particularly in Article 9, although this law lacks technical standards for consumer protection while trading over the internet (Nugrahaningsih & Erlinawati, 2017).

According to a study by Wahyuni, (2020) trends in purchasing and selling used cellphones on the Facebook social media platform. The consumer protection law's stance on the selling and acquisition of used cell phones in the "Pragaan and its environs" group Sumenep has failed to comply with the provisions of Law No. 8 of 1999 relating to consumer protection. because a number of commercial actors have failed to meet their duty to offer accurate information and be truthful about the state of an item to consumers, as well as the obligation to compensate consumers if the items obtained do not meet the agreement. Customers who have had their rights violated will be able to acquire precise, honest, and consistent information regarding the quality of an item and seek compensation if the goods received do not meet their expectations. Consumer rights are established in articles 4 letters c and h of the Consumer Protection Act no. 8 of 1999, and consumer obligations are controlled in articles 7 letters b and g.

#### CONCLUSION AND RECOMMENDATION

The use of e-commerce in MSMEs during the Covid19 pandemic can increase profits without having to transact face-to-face, MSME actors only provide electronic devices connected to the internet network simply by relying on digital marketing to promote the goods and services offered, and without limitation of place and time.

The government's role in MSMEs can be seen in established regulations, such as guarantees and legal protection for producers and consumers, particularly the seller's right to defend his rights, which is regulated in Article 7 of Law Number 8 of 1999, so that the seller feels safe from fraud during transactions.

Furthermore, the government must consider providing training and clarity in the procedures for registering and issuing trading business actors in an electronic system, which is a derivative of the government regulation (PP) for electronic trading, in the development of MSMEs.

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