

Legal Protection and Legal Certainty for MSME Actors in Belitung Regency in Welcoming the Indonesia's Golden Era



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ABSTRACT

KEY WORDS

Legal Protection, Legal Certainty, MSME Belitung Regency, Indonesia's Golden Era

The purpose of this research is to provide solutions related to regulations on changes in the legal culture of micro, small, and medium enterprises (MSMEs) in Belitung Regency. The research method is normative juridical. This study is descriptive-analytical, with data collection through direct interviews with relevant agencies and MSME actors in Belitung Regency as the primary sources. Secondary data is obtained from literature studies and documentation, which include legal theories, legal principles, previous research, regulations, literature, and other scientific works. The legal materials used include the Belitung Regency Local Regulation No. 5/2022 as primary law, doctrines from books and legal journals as secondary materials, and legal dictionaries as tertiary materials. The condition of Belitung Regency, which lacks shopping malls, has impacted the growth and empowerment of MSMEs. In supporting the performance of the relevant agencies, the legal foundation used is the Local Regulation No. 5/2022, which aims to provide protection, ease, and empowerment for MSMEs. The behavioral values of MSMEs raise issues in the areas of competitiveness, collaboration, limited digital literacy, and production quantity and standards. Changes in the culture of MSME behavior have an impact on the shifting of regulations that can provide legal certainty in protecting and empowering MSMEs. Since the aforementioned regulation is only capable of providing legal certainty but is weak in offering protection, the legal void needs to be addressed by discovering creative economy law that aligns with the vision and mission of the Long-Term Development Plan (RPJP) for Indonesia's Golden Era and the Medium-Term Regional Development Plan (RPJMD) of Belitung Regency, with a focus on the tourism sector. A key supporter of the tourism sector is the creative economy, and the subsectors of culinary, crafts, and fashion contribute the largest share to the Gross Regional Domestic Product (PDRB) of Belitung Regency.

1. Introduction

Indonesia Emas coincides with 2045, a condition in which Indonesia has the determination to achieve a per capita income equivalent to developed countries, with the aim of avoiding the Middle Income Trap

(MIT). To make this happen, Indonesia needs to change its approach in designing the future, from mere reform to transformation, with an emphasis on three main aspects: economic transformation; social; and good governance (Limanseto, 2023). In the economic transformation sector, although the



achievement of growth of 5% is currently quite good, this figure still needs to be increased. In a transformative scenario, Indonesia needs an average growth of around 6% to be able to get out of the middle class by 2041. Meanwhile, in a very optimistic scenario, an average growth of 7% is needed for Indonesia to exit MIT faster, namely by 2038. Indonesia Emas 2045 has been regulated in Law (UU) Number 59 of 2024 concerning the National Long-Term Development Plan (RPJPN) 2025-2045. (Hereinafter written the RPJPN Law) This law will officially become a reference for the government in compiling various strategic programs (Law No. 5, 2024).

Article 5 contains the vision of a Indonesia's Golden Era with 5 vision objectives, consisting of: 1) Per capita income comparable to developed countries; 2) Reduction of poverty and social inequality; 3) Indonesia's role and influence in the international world is increasing; 4) The competitiveness of human resources is growing; and 5) Reduction of greenhouse gas emission intensity in order to achieve a net zero emission target. The vision is described in Article 7 in the form of 8 development missions, namely: 1) Social transformation; 2) Economic transformation; 3) Governance transformation; 4) Law enforcement, stability, and leadership of Indonesia; 5) Social, cultural, and ecological resilience; 6) Balanced and equitable regional development; 7) Quality and environmentally friendly infrastructure and facilities; 8) Sustainability in development.

The vision through the mission of economic change can be realized through the creative industry sector with a creative economy subsector, namely Micro, Small and Medium Enterprises (MSMEs). MSMEs are a type of business managed by individuals, small-scale business entities, or families/households (Mingkid et al., 2023). Belitung Regency (hereinafter referred to as Belitung Regency) is an area in the Belitung Islands that does not have a mall where MSMEs grow and develop because they are supported by MSME actors as well as users of production produced by fellow MSMEs. Belitung

Regency is an area that is taken into account both nationally and internationally, from a national perspective. From a national perspective, based on Government Regulation Number 6 of 2016 (Law No. 6, 2016), Belitung has been designated as an area with the status of Tanjung Kelayang Special Economic Zone (SEZ). Meirobie wrote in the dissertation summary, in December 2017 nationally it was designated as a National Geopark and internationally on April 15, 2021 it was designated as Belitung UNESCO Global Geopark by the 211th session of the UNESCO Executive Board with sufficient criteria, namely Small Islands Geopark (Isyak Meirobie, 2024).

The researcher conducted research in Belitung Regency for 9 days from November 18, 2024 to November 26, 2024. The first day, November 18, 2024 at 12.30 p.m., attended the 2024 Ibul Village "Customs and Culture" Art Festival. There is a very thick sense of mutual cooperation by upholding local wisdom, ancestral traditions both in the form of art and special foods are maintained both in taste and presentation. The tradition of eating bedulang, eating together using the hands of the menu is served to be eaten together. Various traditional cakes include jajak rukuk, sticky rice lepat, kelepun, cucur, ungul-ungul, rangin, apam, pumpuk, brittle, ancient recipe sponge, and liquid red porridge that has a distinctive taste. The above criteria meet the feasibility of Belitung as an MSME research area in welcoming the Indonesia's Golden Era 2045.



Figure 1. Ibul Cultural Festival
Source: Researcher photo file



Figure 2. Bedulang Eating Tradition
Source: Researcher photo file

Various problems arise when discussing the development of MSMEs, one of the most obvious is related to legal certainty or legality that needs to be regulated well. To build MSMEs, fair and equitable access is needed, on par with other business entities, starting from administrative aspects to coaching in expanding business opportunities and the potential that can be achieved. All of this must be achieved through an integrated commitment to create a conducive business climate (Gilbert and Setiyani, 2022).

Legal certainty that is able to protect the rights and obligations of MSMEs is indispensable in providing protection, convenience, and empowerment of MSMEs in Belitung Regency. To find out the legal certainty that can protect, it is necessary to analyze between *das sollen* (the legal rules used) and *das sein* (behavior caused by MSME actors). The problems caused are lack of competitiveness and collaboration, lack of digital literacy, and limited number and production processes. Based on the description above, the formulation of the problem is how the legal certainty of the regulations in protecting MSMEs in Belitung Regency is determined.

2. Methodology

Legal research using an empirical juridical approach. The empirical juridical approach is a method that examines legal aspects and material facts that are real or empirical (Soukotta, et al.,

2020). A.K. Muhammad argues that empirical juridical begins with the analysis of secondary data followed by the collection of primary data in the field (Abdul Kadir, 2024). This research is related to the regulations that are applied to identify the problems faced by MSMEs in Belitung Regency, by conducting direct research in the field to obtain a clearer understanding between factual conditions (*das sein*) and desired conditions (*das sollen*).

The research is descriptive analytical, aims to describe individuals, circumstances, symptoms or groups of people, and to identify how often other symptoms appear in the community (Sri Mamudji, 2005). The data collection method includes primary data sources directly from interviews with relevant agencies that have a role in supporting MSMEs in Belitung Regency, as well as with MSME actors who are the main resource persons. Secondary data sources are obtained through literature studies and documentation. Literature studies are conducted to collect legal theories, doctrines, legal principles, and conceptual thinking, including previous research that is relevant to this research topic. This secondary data includes laws and regulations, literature, and other scientific works, which are then used for analysis (Marzuki, 2005).

Tertiary legal materials are supporting materials that provide a more detailed explanation of primary and secondary legal materials. This material includes websites that are relevant to the research topic, which of course have accountable validity, as well as legal dictionaries used to clarify understanding. The data analysis method applied in this study is a qualitative approach. This approach is applied to investigate, identify, describe, and explain certain characteristics or aspects of social influence that are difficult to explain, measure, or describe with a quantitative approach (Sugiyono, 2013).

3. Result and Discussion

A. Data Obtained from Official Interviews, MSME Actors and Expert Opinions

Interviews on November 18, 2024 - November 26, 2024 face-to-face at their respective offices in the Tanjung Pandan area, with the Trade and Labor



Micro, Small and Medium Enterprises Cooperative Office (DKUMKMPTK), represented by PLUT (Integrated Business Service Center) led by Mrs. Fita Elyana: Mrs. Annyta, head of the Tourism Office (dispar); Mr. Achmad Ridwan, secretary of the Youth and Sports Office (dispora), One-Stop Integrated Service Investment and Industry Office/DPMPTSPP) was represented by Mrs. Septi Anggraheni Head of Investment Division, Mrs. Desy Muniarti as Head of Licensing and Complaint Services, Mr. Suryono as Head of Industry. Currently, those directly related to MSMEs are DKUMKMPTK represented by PLUT and DPMPTSPP.

Mrs. Fita's statement in carrying out her duties PLUT was assisted by 5 consultants, namely marketing, institutional, capital, production, and natural resources consultants. The legal rules used by all agencies related to MSMEs are Belitung Regency Regional Regulation No.5/2022 (Belitung Regency Regulation, 2022) (hereinafter referred to as Perda5/2022) which is a derivative of Government Regulation No.7/2021 (PP No. 7, 2021) (hereinafter referred to as (PP7/2021). PLUT empowers MSMEs through collaboration with universities in Jakarta (Tarumanagara and Podomoro), schools in Belitung, as well as various partners such as Shopee, Hypermart, Radio Suara Praja, and B FM. This collaboration includes entrepreneurial assistance, opening up mindsets for start-up business actors, and providing opportunities to appear on the talk show "Melayu Berusaha." PLUT also collaborates with Angkasa Pura, SOEs such as PT. Tin, and various related agencies through PKS and MOU.

To be able to export, MSMEs need to have adequate capacity, as well as ensure that their products are in accordance with the needs and standards desired by buyers. Production consultants play a crucial role in ensuring this is achieved. PLUT also collaborates with the Directorate General of Intellectual Property / DJKI in developing branding and patenting Belitung products so that they are not easily imitated or stolen by other parties such as clothing and batik with simpur, parang badau, and coastal motifs.

Local wisdom is prioritized in branding products that are basically local wisdom, an example that has been known to the world through the United Nations/United Nations is purun straws derived from purun grass. The local wisdom that is used as an icon of Belitung Island is the Belitong candle umbrella.

Mr. Budi Swasta, Head of KUMKMPTK explained about Belitung Mampau Foodcourt (BMF) from the curation of only 46 MSMEs that are suitable to sell at BMF. With the agreement that must be fulfilled, namely opening and closing in accordance with BMF management provisions, it has used electronic payment: Qris.

Dispar empowers MSMEs related to the creative economy, which is experiencing rapid development, namely culinary, crafts and fashion. The three strongly support the success of tourism as Belitung's flagship sector as a reference to the RPJPN, then the reference to the RPJMD of Belitung Regency. So Belitung's main focus is to develop the tourism sector, with MSMEs playing the main role in the sector.

Dispora is related to entrepreneurship to form an entrepreneurial spirit among youth aged 16 to 30 years, in accordance with the provisions of Law No. 40/2009 (Law No. 40, 2009). In this case, Dispora has a role to accompany and involve youth in this age group in entrepreneurship development. The next stage is fostered by PLUT.

DPMPTSPP, the investment sector is preparing regulations on collaboration between MSMEs and large businesses (the draft has been approved, waiting for a number to be promulgated from the Regional Office of Legal and Human Rights of Belitung Regency). Licensing makes it easier for MSMEs to take care of legality and assistance when filling out the OSS, although the MSMEs must fill it out themselves, the Industry assists MSMEs who want to increase their business into an industry, and also collaborates with PLUT in providing technology briefings for production progress and MSME production standards.



The Belitung KUMKM Gallery accommodates all MSME products led by Mr. Sulaiman Ichsan. For MSME actors who come to the initial stage, they are given a briefing if they are sure that they will produce before contacting PLUT.

The results of interviews with 15 MSME actors in Belitung Regency show that some of them do not understand the regulations, but they complete the legality of their production with at least NIB. Most of them already have Household Industrial Food/PIRT and halal. Products lack competitiveness and have not been maximized in collaboration, only selling in their respective stores. They are very ignorant of digitalization, have not been able to receive large orders and are not interested in joining similar business associations.

The results of the interview with 4 expert opinions showed the need for a leader who is able to make regulations according to the needs of MSMEs, continuous mentoring and learning for MSMEs, digitalization marketing, and the presence of MSME representatives.

B. Theoretical Foundations

1. Lawrence M. Friedman's Legal System

In his book discussing the perspective of social science entitled *Legal System*, L.M. Friedman proposed the concept of "Legal System" which consists of

three main elements, namely: a) Legal Structure; b) Legal Substance; and c) Legal Culture (Friedman, 2020). The three elements in the legal system according to L. Friedman's theory are as follows:

- a. *Legal Structure pertains to the essential framework of a legal system, similar to the firm and inflexible bones that maintain the proper functioning of legal processes within established limits. It encompasses the judicial system, including factors like the number of judges, court jurisdiction, the relationship*

between higher and lower courts, and the individuals involved in each court along with their respective roles (Friedman, 1975).

- b. *Legal Substance consists of the core rules and regulations, as well as the guidelines for how institutions are expected to function. Structure and substance are essential elements of a legal system, but at best, they serve as a blueprint or framework, rather than as a fully functioning system.*
- c. *Legal Culture refers to the social attitudes and values within a society. The term "social forces" is an abstract concept; these forces have needs and make demands, which may or may not prompt legal action, depending on the prevailing culture.*

2. Legal Certainty

The thought on the principle of legal certainty according to Gustav Radbruch is outlined in his book entitled *"Einführung in die Rechtswissenschaften"* (Julyanto and Sulistyawan, 2019). Radbruch was the first to put forward the idea of legal certainty. In his view, there are three basic things in law, namely justice, utility, and legal certainty (Eldbert, 2022). Legislation as a law that applies positively; 1) Law is based on existing reality; 2) In order to avoid errors in interpretation and facilitate implementation, facts must be presented in a clear method; 3) Positive law is a law established and accepted by a legitimate authority in a country, which can only be changed or suspended through a valid legal procedure (Gustav Radbruch, 2012).

Legal certainty is an element that cannot be separated from the law, especially for unwritten legal norms. Without certainty, the law will lose its function as a behavioral guideline for every individual (Margono, 2019). Elements

Legal certainty is closely related to order in society, because legal certainty is the foundation of the creation of order. With order, individuals can live more securely, because they can carry out the necessary activities in social life more clearly



(Kusumaatmadja and Sidharta, 2000). Lawmakers must be able to realize the three things proposed by Radbruch, with two main aspects that need to be harmonized, namely between law enforcers and law users. The legal system formed through positive legal products is related to politics, while citizens as users of the law are not involved in this political aspect. Thus, legal certainty refers to the clear and consistent application of the law, which must be implemented without being influenced by subjective factors (Prayogo, 2005). In the opinion of Lawrence M. Friedman, a Professor at Stanford University, to realize "legal certainty," it needs to be supported by at least three elements, namely legal substance, legal apparatus, and legal culture (Friedman, 2011).

3. Legal Protection

Fitzgerald, as quoted by Satjipto Rahardjo, stated that the theory of legal protection is rooted in the natural law school initiated by Plato, Aristotle (Plato's disciple), and Zeno (the founder of the Stoicism). This school teaches that law comes from God, is universal, and eternal, and cannot be separated from morality. Adherents of this school argue that law and morality reflect each other and jointly regulate human life, both at the internal and external levels, which is reflected in the rules of law and morality (Satjipto Rahardjo, 2000).

Fitzgerald elaborated on the theory of legal protection according to Salmond which states that the purpose of law is to integrate and coordinate various interests in society. In the dynamics of interests, the protection of one interest can only be done by limiting other interests. Legal interests focus on regulating the rights and interests of individuals, so that the law has the highest authority represented by the government, which is considered to represent the interests of society, to establish human rights and interests that need to be regulated and protected. This legal protection must be seen in the context of stages, where legal protection comes from the provisions of laws and regulations agreed upon by the community

to regulate relationships and behaviors between individuals in society.

According to Satjipto Rahardjo, legal protection is an effort to guarantee human rights that have been violated by other parties, so that people can enjoy all the rights that have been granted by the law with a sense of security (Satjipto Rahardjo, 2000). Legal protection is an effort to protect human rights that have been harmed by other parties, so that people can enjoy all rights recognized by law. Thus, legal protection involves a series of actions that need to be taken by law enforcement officials to provide a sense of security, both psychologically and physically, from all forms of interference or threats from any party (Satjipto Rahardjo, 2000).

According to Philipus M. Hadjon, legal protection is an effort to protect the dignity and dignity and recognize the human rights owned by legal subjects, in accordance with the provisions of the law, in order to avoid arbitrary actions (M. Hadjon, 1987). Legal protection is an effort to maintain dignity and recognize human rights owned by legal subjects based on legal provisions, in order to avoid arbitrary actions. Thus, legal protection can be understood as any effort to maintain dignity, dignity, and human rights within the legal framework. Associated with the legal protection of MSMEs, all legal rules that are able to provide protection for the rights and obligations of MSMEs in providing convenience, protection, and empowerment of MSMEs.

4. Finding the law

S. Mertokusumo explained that legal discovery is the process of applying general legal norms (das sollen) to specific concrete events or conditions (das sein). In legal discovery, the most important thing is to identify and apply legal rules that are appropriate to a specific situation or event (Mertokusumo, 2024).

Lawmakers make laws even though they are not directly dealing with concrete events or disputes like those faced by judges. They aim to solve or overcome certain abstract situations, i.e. conditions that have not



yet occurred but have the potential to occur in the future, are prescriptive. The result of the creation of the law becomes a law because it is written in the form of a law and at the same time becomes a source of law (Bambang Sutiyoso).

The vacuum of positive legal norms arises when there is a discrepancy between the demands of practice and the existing positive law. This legal vacuum refers to a condition or situation where there are things that have not been regulated by law, so that the law cannot be applied in certain circumstances or situations (Daniel Mulia Djati et al., 2022). To fill the legal void, it is necessary to make legal discoveries.

C. Discussion

The legal system of Friedman's teachings consists of three components, one of which is the legal structure. This legal structure aims to protect and empower MSMEs, which are managed by the regent along with seven related agencies led by the head of the agency. These agencies include: 1) DKUMKMPTK, 2) DPMPTSP, 3) Dispar, 4) Agriculture Service, 5) Fisheries Service, 6) Dispora, and 7) Education and Culture Office. Among these institutions, PLUT has the most active role, followed by the One-Stop Integrated Licensing Office. While other agencies are involved, but their role in empowering MSMEs is not too significant. PLUT as an institution directly related to MSMEs has carried out its duties with the assistance of five consultants. Cooperation with various parties with the aim of advancing MSMEs, such as universities, state-owned schools, radio, DJKI, as well as cooperation between related agencies, especially DPMPTSP in terms of licensing and technology education. This indicates that the legal structure that runs with its authority for the empowerment of MSMEs has been carried out properly.

The legal substance that regulates MSMEs in Belitung Regency Perda5/2022 is a basic regulation used by relevant agencies in the implementation of MSMEs in the area, which was prepared by the DPRD and the Regent of Belitung Regency. This

Regional Regulation consists of 11 Chapters and 55 Articles. Some of the considerations in the preparation of the Regional Regulation include: 1) to encourage regional economic growth and stability by increasing the economic competitiveness of the community for the achievement of welfare and social justice; 2) MSMEs, as one of the driving forces of the regional economy, need to get political and economic support in the form of facilities, protection, and empowerment facilities; 3) the need for integrated policies to support these three aspects (convenience, protection, empowerment), in accordance with the provisions of the Job Creation Law and Regional Regulation 5/2021 which is the implementation of PP7/2021, with the same article reaching 90%. The substance of the law is in line with the rules set by the central government in fostering MSMEs, but in its development the regional regulation a quo is not able to meet legal needs due to changes in MSME values.

The behavior of legal actors that form values and attitudes that affect the effectiveness of the law is known by Friedman as Legal Culture or Legal Culture. Legal culture serves as a link between legal norms and the legal behavior of society as a whole. In the context of MSMEs, legal culture includes the role of related agencies as well as MSME actors themselves. Friedman also argues that legal culture is a crucial component that complements the two other components, namely the structure and substance of the law. Although the structure and substance of the law are the main elements in the legal system, they only function as a framework or design, not an active mechanism. These two components describe the legal system in general without any real dynamics, so it tends to be static.

This can be seen in MSME rulemakers and related agencies that tend to be static, without values that arise from the interaction between MSME actors and official officials. In other words, the legal culture formed by the implementers and MSME actors will bring changes to the structure (related agencies) which were initially static, and make the originally rigid legal rules more dynamic and developed. This



legal change arises due to the inconsistency between the behavior of MSME actors and applicable norms.

Expert opinion of Mr. Amin, Resort Manager at the Sheraton Belitung Resort Hotel in the Tanjung Kelayang SEZ area, the character of MSME actors in Belitung tends to be passive, which will only respond if someone comes to them. In addition, they cannot rely entirely on sales from the tourism sector due to fluctuations in the number of tourists coming to Belitung, so digital marketing needs to be developed. This shows the need for support to promote tourism to boost MSME sales. Where MSMEs are a sector that plays an important role in the development of tourism in Belitung.

Legal culture also plays an important role in introducing and developing local wisdom through crafts as part of the creative economy. This legal culture is reflected in the implementation of regulations that govern MSMEs. The characteristics of MSME respondents who create value for MSME actors show that 95% of MSME actors have capital below one billion, which is reinforced by the statement of Mrs. Fita, Chairperson of PLUT. Most MSME actors already understand the existing regulations, although some of them still do not understand. However, they have implemented business legality provisions, such as having a NIB (Business Identification Number). The legality owned by MSME actors includes NIB, PIRT, and halal certificates, while other supporting legalities such as brand rights are still not a priority.

The challenge faced is the lack of competitiveness among these MSME actors. Collaboration between MSMEs is very limited, and if there is one, it is only carried out on a small scale, such as product exchange or limited ability to receive orders in large quantities (for example, 1000 units per day). In addition, many MSME actors are not interested in joining associations of similar companies. In addition, the understanding of digitalization is still very minimal among MSME actors. Legal issues that need special attention to support the sustainable performance of

MSMEs include increasing competitiveness, collaboration between MSMEs, digital literacy, and developing the quantity and quality of production. DPMPTSP has prepared legal rules related to collaboration that have been prepared with the aim of increasing competitiveness, developing the quantity and quality of production.

Regional Regulation 5/2022 as a Regency/City Regional Regulation is in the type and hierarchy of laws based on Law No. 12/2011 (Law No. 12, 2011). As a written regulation, this Regional Regulation is in accordance with Hans Kelsen's view that written legal rules provide legal certainty, because legal rules must be realized in written form. According to Kelsen, the rule of law must meet several criteria, namely being made based on a legitimate and desired will as law, issued by an authorized institution, and containing clear orders (Putera Astomo, 2014). Radbruch argues that legal certainty creates order. So in order for the performance of MSMEs to be sustainable, there needs to be legal certainty. Legal certainty is an element of legal protection.

MSME legal protection includes all legal rules that can provide guarantees for the rights and obligations of MSMEs in their empowerment process. According to S. Rahardjo, the law exists to serve humans, not the other way around, which means that the law must focus on meeting human needs and interests. In this context, the human in question is MSME actors. The legal culture that has developed among MSME actors has undergone many changes. Legal protection for MSMEs in Belitung Regency is very important, where legal protection rules are not only technical, but also include efforts to create an environment that supports growth and increases the competitiveness of the MSME sector.

In general, the legal culture of MSME actors in Belitung Regency is influenced by various factors, such as their understanding of the law, social habits, and the availability of adequate legal services. To increase the level of legal compliance among MSME actors, more intensive efforts are needed in terms of



socialization, training, and provision of access to relevant legal information for them. The law aims to serve MSME actors, although there are limitations in understanding and application. MSME actors are entitled to legal protection. The form of protection provided by local governments to MSME actors is listed in Article 30 of Regional Regulation 5/2022, which includes legal assistance and protection services, as well as coaching and assistance to maintain the competitiveness of MSME products in the domestic market. In addition, if certain emergency conditions occur, the local government will also help with business recovery. However, this article has not fully provided maximum legal protection in advancing and empowering MSMEs, especially related to the legal culture that has developed among MSME actors in Belitung Regency, as previously explained. The main purpose of legal protection for MSME actors is to equip them with high endurance and fighting power, so that they can achieve sustainable performance towards the golden year.

Such laws cannot regulate all aspects of human life as a whole. Sometimes, a law is indeed incomplete or even unclear in some ways. The limitation of legal references in the articles of Perda5/2022 for related agencies and MSMEs causes a legal vacuum, which can be understood as a situation where there are no laws and regulations that regulate a certain order in society. In the context of positive law, this legal void is more appropriately referred to as "the void of laws or regulations." Law often lags behind the development of the object it regulates. However, humans cannot escape the rule of law, because wherever they are, the law always exists and applies. Wherever and whenever a society or culture exists, the law always exists, because society is part of the culture itself. In this case, the *sollen* watershed is the application of the rules in Perda5/2022, while the *das sein* is the fact that the conditions in MSMEs in Belitung Regency cannot be fully regulated in the articles of the Regional Regulation. Even if it can be regulated, sometimes the regulations are unclear or incomplete, as happened in the MSME protection article that has been explained earlier.

The solution to the legal vacuum, as previously explained, lies in the fact that the development of society is often faster than the development of laws and regulations. Laws and regulations are basically made to provide guidelines for the public in distinguishing what is allowed and what is not. A stable law can be a clear reference for society, but if the law does not develop, it will become obsolete and lag behind the dynamics of society's progress. Therefore, legal developments are very important to keep up with the pace of change that occurs in society (Gamal Abdul Nasir, 2017).

Perda5/2022, in practice, lags behind the development of values formed in the culture and behavior of MSME actors in Belitung Regency. As a rule that regulates what is and is not allowed, this regulation should not only be relevant to current conditions, but also must be a guideline to support sustainable performance through aspects of competitiveness, collaboration, marketing, digitalization, as well as increasing the number and standardization of production.

In addition, this regional regulation also needs to cover the creative economy sector. In an interview with the Head of the Tourism Office, Mrs. Annyta said that the culinary sector is the largest contributor to MSMEs, followed by crafts. Culinary and crafts are subsectors of the creative economy, which according to Law No. 24/2019 (Law No. 24, 2019), are included in the category of creative economy subsectors. MSMEs that adopt the creative economy, after culinary, are in the highest position in Belitung Regency. This has the potential to boost tourism, given the close linkage between the creative economy and the tourism. Tourism itself is one of the main targets in the short, medium, and long-term development plans of Belitung Regency. Therefore, it is necessary to consider the creation of a special regional regulation on the creative economy that includes the facilitation, protection, and empowerment of this sector.



The legal basis for the creative economy regulation includes several laws, including the Job Creation Law, Law No. 20/2008, Law No. 24/2019, and PP7/2021, in addition to the Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia No. 14 of 2021, and Regional Regulation 5/2022. The criteria for MSMEs that are included in the creative economy sector also need to be clearly determined.

In making local regulations related to the creative economy, it is necessary to have the accuracy of the chosen legal basis, involving DPD RI, regents, and stakeholders, as well as meaningful participation, namely community involvement as a manifestation of controlling the grip of power (Joko Risyono, 2015). considering that the regional regulation was formed with political influence from the party that formed it, while it does not exist on the side of MSMEs. The initial stage must identify problems in society related to law and the creative economy, including: identification of legal problems (legal gaps and lack of support for the local creative economy sector); Analysis of the needs of creative economy MSMEs in Belitung (supporting facilities, Copyright and Intellectual Property), ease of access to financing); Development of proposed regulations for creative economy MSMEs (Establishment of local regulations), business development facilities, creation of market access, incentives and financing, protection of Copyright and Intellectual Property); Supervision and evaluation mechanism (Supervisory team, periodic evaluation); counseling and socialization of MSMEs (socialization of regulations, mentoring); Stakeholder involvement (Belitung Regency government, MSME associations and creative communities, private sector and academics).

The process of forming a regional regulation goes through several stages, namely planning, drafting, discussion, determination, and finally promulgation. In order for the regulation to be effective, it needs to be built thoroughly on the basis of needs analysis, local wisdom, and involving various related parties. After the regulations are drafted and socialized, it is

important to provide assistance to MSMEs. With this step, Belitung Regency can create an ecosystem that supports the growth of MSMEs in the creative economy sector, making them stronger, independent, and competitive. In addition, this also contributes to the success of the central government's development plan and prepares MSMEs in Belitung Regency to welcome the Indonesia's Golden Era 2045.

4. Conclusion

The legal structure consists of agencies related to MSEs in Belitung Regency has provided performance that supports the empowerment of MSMEs. The substance of the law has also gone well, although there is a subjective side of the field application. Along with the change in the values of MSME actors, there has been a change in legal culture. Where Perda 5/2022 is inadequate and does not have an impact in the future to welcome Indonesia Emas because it only provides legal certainty but does not provide adequate legal protection for the rights and obligations in the development of MSMEs in the future. So that there is a legal vacuum, it is necessary to find a law that is adjusted to the RPJPN and RPJMD of Belitung Regency which prioritizes tourism as the spearhead of development in Belitung. MSMEs in the creative economy sector greatly support tourism. So there is a need for a regional regulation related to the creative economy so that what is the vision and mission of Indonesia Emas can be achieved in 2045.

Good legal rules without good performance from the relevant agencies will not provide legal certainty for MSMEs, so they cannot provide maximum protection for the rights and obligations of MSMEs. Legal rules must be adjusted to the cultural changes of MSME actors. The existence of good synergism between the components of the legal system will get good legal rules, where good legal rules will create behavior, both related agencies and good MSMEs. So in addition to making regulations, it is also necessary to have field monitoring by the authorities, accompanied by the goodwill of each interested party. So that what is the goal of Indonesia Emas can be achieved through the creative industry sector with a creative economy subsector, namely MSMEs.



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