

Analysis of *SiBakul* Jogja Regulations as a Strategy to Strengthen Micro and Small Enterprises

Yoga Mulya Agus

Padjadjaran University Faculty of Law, Indonesia. E-mail: yoga20001@mail.unpad.ac.id

Tarcisius Murwadi

Padjadjaran University Faculty of Law, Indonesia. E-mail: fentypuluhulawa@ung.ac.id

Etty Mulyati

Padjadjaran University Faculty of Law, Indonesia. E-mail: etty.mulyati@unpad.ac.id

Abstract:

In private Marketplaces, which Indonesians widely use, the regulations registration requirements as sellers and commission fees charged to sellers still need to be in line with the concept of empowering Micro and Small Enterprises (UMK). Recently, a number of regional governments in Indonesia have created Marketplaces aimed at empowering MSEs. This research aims to analyze the regulation of registration requirements as a seller in a Marketplace owned by the Regional Government in terms of the concept of empowering MSEs in Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector and setting commission fees in Marketplaces owned by the Regional Government in terms of the concept of empowering MSEs in Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises (UMKM Law). The research method used in this research is normative legal research using a statutory approach. Based on the research results, two things can be concluded. First, the Si Bakul Marketplace is in line with the concept of Empowering MSEs in Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector, especially in Article 58. Second, the commission fees on the Si Bakul Marketplace are different from the concept of empowering MSEs, as stated in Article 9, Letter B of the MSME Law.

Keywords: Empowerment of MSEs; Marketplaces; Registration requirements; Commission

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Introduction

Over the last ten years until 2023, almost 99% of business actors in Indonesia in terms of their entities are Micro, Small, and Medium Enterprises (MSMEs), where the composition of Micro and Small Enterprises (UMK) is very dominant. The existence of MSMEs is a business sector that contributes significantly to the national

Economy. MSMEs are business activities that are able to expand employment opportunities and provide broad economic services to the community. They can also play a role in the process of equalizing and increasing community income, encouraging economic growth, and realizing national stability. Based on data from the Ministry of Cooperatives and Small and Medium Enterprises in 2021, the number of MSMEs in Indonesia reached 64.2 million with a contribution to gross domestic product (GDP) of 61.07 percent or IDR 8,573.89 trillion. MSMEs are able to absorb 97 percent of the total workforce and are able to collect up to 60.4 percent of total investment in Indonesia. Based on these data, Indonesia has the potential for a solid national economic base because of the large number of MSMEs and the extensive labor absorption capacity (Christine et al. 2023).

Nowadays, many MSMEs market their products in the Marketplace. In Indonesian law, the term marketplace can be found in Minister of Trade Regulation Number 31 of 2023 concerning Business Licensing, Advertising, Development, and Supervision of Business Actors in Trading via Electronic Systems. In article 2 (Legislatif 2024), paragraph 3, it is stated that the Marketplace (Lokapasar) is one of the business models that Trade Operators can carry out via Electronic Systems (PPMSE), namely Business Actors who provide electronic communication facilities used for Trade transactions. Then, in article 1 number 13, it is stated that Lokapasar (Marketplace) is a provider of facilities where part or all of the transaction process is in an Electronic System in the form of a website or commercial application as a forum for Merchants to be able to place offers for Goods and Services. Basically, a marketplace is the same as a traditional market, namely a place to bring together sellers and buyers and as a facility for transactions to occur. The difference lies in the system, namely online. Through the Marketplace, sellers and buyers do not need to meet face-to-face when agreeing to buy and sell. Sellers only need to register and create an account on the Marketplace to start selling online. After the seller successfully creates an account on the Marketplace, the seller only needs to improve service and carry out promotional activities. More goods sold in the Marketplace may be sold because the Marketplace can be accessed by buyers at any time quickly and is not limited by distance, space, and time, so sellers and buyers do not need to meet face to face when making a sale and purchase agreement (Wijaya 2020).

Even though the existence of a marketplace has many positive impacts on MSEs in supporting the marketing of their products, the existence of a marketplace today also presents new problems for MSEs. This problem is the action of large business producers who directly sell goods to consumers in e-commerce, which cuts the distribution chain that has been through MSEs. Moreover, product sales commission rates charged to sellers are not categorized based on the seller's business criteria, whether the seller falls into the criteria of micro, small, medium, or large businesses, but are charged based on the type of goods sold. For example, in the Tokopedia marketplace, category 1 includes books, kitchens, and electronics, which are subject to a commission fee of 3.8% -4.5% ("Cara Buka Toko di Tokopedia, Mudah dan Gratis" n.d.). Likewise, the Shopee marketplace charges a commission fee of 6%-6.5% for goods in category A, including health, fashion accessories, electronics, and others. (Shopee 2024). The impact of the two problems above can cause the death of MSME businesses because of the unfairness of imposing commission fees that level sellers in the Marketplace. Distribution (agents, distributors, and their networks) carried out by large business producers will cause people to tend to buy goods from producers because the prices are lower than goods that have experienced an increase in value to obtain a profit margin sold by the distribution chain, which in this case is MSME actors. Large business producers can market their products directly to consumers because the registration requirements as sellers on the Tokopedia and Shopee marketplaces do not include registration requirements that can filter large business producers from marketing their products directly to consumers.

The Indonesian state currently adheres to a people's economic system (Hosein 2016). An economic system is a country's strategy for managing its economic life in order to achieve prosperity. The choice of economic system adopted by a country depends on the country's national agreement. Usually, this national agreement is based on the existing constitution. Apart from that, state philosophy and ideology also significantly influence a country's economic system. Normatively, the Indonesian economic system refers to Pancasila and the 1945 Constitution, and the aim can be seen in the preamble to the 1945 Constitution, namely to advance the general welfare. The people's economic system is a concrete form of economic democracy, as referred to in Article 33 of the 1945 Constitution. Article 33 shows that what underlies

economic democracy is the priority of realizing the prosperity and welfare of the general people, not the prosperity and welfare of individuals or specific groups (Sukmana 2016).

The 1945 Constitution, as the basis of the Indonesian economic system, is in line with the concept of a welfare state, which is the opposite of the concept of a night watchman state. The concept of a night watchman state is that the state only guarantees order and security in society without attaching importance to whether all people can enjoy prosperity or not. The Indonesian state is a legal state with a welfare state type. The welfare state should provide welfare for its people and act actively to provide for their welfare. The state is also given the power to act on its initiative. In a welfare state, the obligation to provide for the welfare of the people is placed on the shoulders of the Government. A prominent characteristic of a welfare state is that there is a large amount of intervention by the state towards its people (“Negara Kesejahteraan (Welfare State) Dalam Perspektif Pancasila | Jurnal Likhitaprajna” n.d.).

People's Economy is an economic system based on people's sovereignty. People's participation in all economic activities will create economic prosperity for the community. Communities that carry out economic activities based on the Community Economic system, namely by managing the economic resources found in the surrounding environment wisely with the knowledge and skills they have. Community economic activities are carried out by relying on the power they have to manage the resources around them and within their control. Economic activities carried out by the community by implementing the Community Economic system can be realized in the MSME sector. Most MSMEs process local resources in the surrounding environment by empowering local communities to achieve prosperity together. Linked to the concept of people's economics, it is very possible to empower MSMEs using this concept. As stated by Tjakrawerdaja, one of the criteria for a people's Economy is the participation of the people in the ownership, production process, and enjoying the results (ESA n.d.).

MSMEs have strategic value in the national Economy, so the Government should give proper attention to empowerment; that is, they are seen as a group of

business units that should be integrated into the national business world, which in turn can increase the cost of living and their competitiveness. MSMEs are business activities that are able to expand employment opportunities and provide broad economic services to the community. They can also play a role in the process of equalizing and increasing community income, encouraging economic growth, and realizing national stability. MSMEs, as the embryo of entrepreneurial processes, need to be given more careful attention from various aspects.

Recently, a number of Regional Governments in Indonesia have created marketplaces with the aim of empowering MSMEs, one of which is the Si Bakul marketplace. The establishment of the Si Bakul marketplace facility by the Regional Government (Yogyakarta Special Region Cooperatives and SMEs Service) is a form of MSME empowerment carried out by means of business development. Based on article 1 number 10 of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises (UMKM Law), development is an effort made by the Government, Regional Government, Business World, and the community to empower Micro, Small, and Medium Enterprises through providing facilities, guidance, assistance and strengthening assistance to grow and improve the capabilities and competitiveness of Micro, Small and Medium Enterprises. More specific regulations regarding the empowerment of MSMEs by providing marketplace facilities by the Government are contained in Article 70 jo. Article 71 letter f number 1 Government Regulation Number 7 of 2021 concerning Facilitation, Protection and Empowerment of Cooperatives and Micro, Small and Medium Enterprises states that "The government provides convenience, assistance, and facilitation for the implementation of integrated management of Micro and Small Enterprises... includes... marketing of Micro and Small Business products through electronic/non-electronic commerce in the form of... providing places for promotion and development of Micro and Small Businesses".

Based on the definition of "Empowerment" in the MSME Law, the empowerment of MSMEs is not only carried out in the form of business development but must also be aligned with fostering a business climate. According to Article 1, number 9 of the MSME Law, the business climate is a condition that the Government and Regional Governments strive to achieve in order to empower Micro, Small, and

Medium Enterprises synergistically through the establishment of various laws and policies in various aspects of economic life, so that Micro, Small, and Medium Enterprises obtain the broadest possible support, certainty, opportunities, protection, and business assistance. Therefore, because the Si Bakul marketplace, owned by the Regional Office of Cooperatives and MSMEs of the Special Region of Yogyakarta, is a marketplace established with the aim of empowering MSMEs, its internal regulations should also aim to empower MSMEs based on the relevant Indonesian legislation, by providing the broadest possible support, certainty, opportunities, protection, and business assistance to MSMEs. Unlike the internal regulations found on marketplaces owned by private companies widely used by the Indonesian public, which are more aimed at generating profit rather than empowering MSMEs, in this paper, the author will examine the following topics: how the registration requirements for sellers on the Si Bakul marketplace are regulated under Government Regulation No. 29 of 2021 concerning the Implementation of the Trade Sector, and how the commission fees on the Si Bakul marketplace are regulated under Law No. 20 of 2008 concerning Micro, Small, and Medium Enterprises.

Method

The research method used in this research is normative legal research, which is carried out by examining library materials or secondary data as the primary source for analyzing problems (Ali 2021). The approach used in this research uses a statutory approach. The legal approach is carried out by reviewing and analyzing all laws and regulations related to the legal issue being handled.

Discussion

1. Regulation of Registration Requirements as a Seller on the Si Bakul Marketplace Reviewed by Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector

Marketplaces are one of the impacts of technological developments on trading activities. They are bridges that bring together sellers and buyers online.

Marketplaces make it easier for sellers and buyers to carry out buying and selling transactions anytime and anywhere. They also allow sellers to reach a broader market and increase their income. Apart from that, the Marketplace also makes it easy for buyers to buy the products they want without having to leave the house (Febriani and Dewi 2019).

The presence of marketplaces plays a role in replacing conventional markets, which require meetings between sellers and buyers. In contrast, the need to meet directly between sellers and buyers requires business actors to market their products near target markets where they think the goods can be sold and usually to market their products in near the target market where they think the goods can be sold; this is done by distributing goods through agents or distributors. The result of marketing goods by distributing them to agents or distributors is that this causes an increase in the price of goods from the producer to the consumer because the price increase is caused by the profit (margin) that the distributor wants to get or the commission that the agent wants to get. For example, if the price of goods from the factory is IDR 100,000.00 (one hundred thousand rupiah) and the distributor takes a 20% profit, then the price of goods that consumers must pay is IDR 120,000.00 (one hundred and twenty thousand rupiah). With the existence of a marketplace that has the advantage of reaching a broader market, producers no longer need to move their marketing closer to the target market area where they think the goods can be sold simply by marketing them through the Marketplace; the goods they market can be seen and purchased by consumers. Anytime and anywhere, it can be purchased at factory prices. That is when compared with the example of the increase in the price of goods due to being sold by the distributor, the price of goods paid by consumers is only IDR 100,000.00 (one hundred thousand rupiah).

There is an advantage that marketing products through the Marketplace makes the price of goods cheaper because the conventional market distribution chain that this community has run is open to problems. Selling products directly from the manufacturer at a lower price will cause the goods sold by the distributor or agent to become unsold because, of course, the distributor or agent will sell at a higher price because they have to chase profits, which means consumers will tend to choose to buy directly. From the manufacturer because the price is cheaper. Therefore, the

existence of technological developments in the marketing sector, namely the presence of this Marketplace, must be regulated by the Government so that business actors who work as distributors do not close their businesses or die and also so that business actors do not focus on producers alone. Business actors who work as distributors must also be protected with the aim of ensuring that public welfare is maintained (Jusar, Taher, and Dwivismiar 2023).

Empowerment of MSEs is a government effort made to realize general prosperity in accordance with the mandate of the 1945 Constitution. General welfare means welfare that can be enjoyed by the entire community, not welfare that can only be enjoyed by a few groups. Regulations regarding the distribution of goods in order to realize general welfare can be seen in Article 58 of Government Regulation Number 29 of 2021 concerning the Implementation of the Trade Sector, which states that "Producers on a micro and small business scale as well as Producers of Goods that perish easily or do not last longer than 7 (seven) days can sell Goods to Consumers without going through Distributors and their networks or Agents and their networks." From the sentence of article 58 above, it can be concluded that only producers who fall into the MSE category and producers of goods that perish quickly or do not last longer than 7 (seven) days can sell goods to consumers without going through distributors and their networks or agents and their networks. Meanwhile, medium business actors and large business actors are allowed to sell goods to consumers by going through a Distributor and their network or an Agent and their network. Medium and large business producers must go through distributors or agents, as mentioned above. Distributors themselves can only distribute goods to sub-distributors, wholesalers, wholesalers, and retailers, and they cannot distribute retail to consumers. This means that producers and distributors can only distribute goods at retail to consumers. Except for producers on a micro and small scale, they can sell goods to consumers without going through a distributor or agent and their network.

To become a seller on the Marketplace, you usually have to register and fill out the requirements as a seller on the Marketplace. This is a mandatory step to ensure that sellers have the qualifications and obligations to sell products or services on the platform. Registration usually involves filling out a registration form, which releases essential information such as name, address, contact, and bank account. Sellers must

also meet other requirements, such as having a bank account, having an account on the Marketplace, and meeting the requirements set by the Marketplace. After registration is complete, the seller will receive confirmation from the Marketplace that the registration has been approved. After that, sellers can start selling products or services on the Marketplace. Registration and requirements as a seller on the Marketplace are steps that must be taken to ensure that transactions carried out on the platform are safe and protected transactions. This is a crucial step to ensure that all transactions carried out on the Marketplace are legal and registered transactions.

The existence of conditions that sellers must fulfill should also be guided by the concept of empowering MSEs regarding the distribution of goods, which means that the conditions for registering as sellers on the Marketplace can be a filter so that only producers with micro and small-scale businesses can sell. Goods to consumers without going through distributors or agents and their networks. To prove whether a business falls into the micro, small, or medium enterprise category, which is related to providing convenience, protection, and empowerment for MSMEs by the Government, the MSME criteria are used based on annual sales results as stated in Article 35 paragraph 5 of Government Regulation Number 7 of the Year 2021 concerning Facilitation, Protection and Empowerment of Cooperatives and Micro, Small and Medium Enterprises which classifies micro and small enterprises as follows:

- Micro businesses have annual sales of up to a maximum of IDR 2,000,000,000.00 (two billion rupiah).
- Small businesses have annual sales of more than IDR 2,000,000,000.00 (two billion rupiah) up to a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah).

From the UMK criteria above, there must be documents that can prove annual sales results to be able to carry out direct marketing in the Regional Government's Marketplace. Therefore, next, the author will analyze the requirements for registration as a seller on a regional government-owned marketplace to examine whether there are documents that can prove the annual sales results of prospective sellers who will market directly on the Regional Government-owned marketplace.

Si Bakul (Information System for the Development of Cooperatives and Business Actors) is a form of digitalization of the coaching model for cooperatives and MSMEs in the Special Region of Yogyakarta Province, which was launched on November 11, 2019, under the auspices of the DIY Cooperatives and SMEs Service. At first, Si Bakul focused on data collection to obtain Presidential Assistance for Productive Micro Enterprises (BPUM) during the COVID-19 pandemic because, at that time, the MSME data system was not yet centralized and connected, which was then developed into a Marketplace to answer the challenges faced by MSMEs, one of which was the aspect marketing (DISKOPUKM 2023). Apart from being beneficial for MSME players to market their products digitally, Si Bakul is also beneficial for MSME players because MSME players who are registered as Si Bakul partners will receive training, mentoring, business consultation, and free shipping programs. Business actors who have registered with SiBakul Jogja can carry out business development and product marketing via the website provided, namely <https://sibakuljogja.jogjaprov.go.id/markethub/>.

To join the SiBakul marketplace, business actors must first join as a SiBakul Partner. Business actors can register independently via the website <https://sibakuljogja.jogjaprov.go.id/> or can go directly to the DIY Cooperative and SME Service. Based on the results of the researcher's interview with Mr. Hana Fais Prabowo as KUKM Entrepreneurship Developer for the DIY Cooperative and SME Service, to become a seller who markets directly on the Si Bakul Marketplace, you must complete several documents, namely owner data, business data, UKM location, institutional aspects, productivity, finance, markets, and marketing, and contacts. Based on the documents that are the requirements for becoming a seller on the Si Bakul Marketplace, there are already documents that can prove the business criteria based on annual sales results, namely financial documents. From these financial documents, it can be determined whether the prospective seller who acts as a producer falls into the category of micro, small, or medium enterprises. Proving the business criteria for prospective sellers can prevent producers with medium-scale and large businesses from marketing directly by cutting the distribution chain to consumers.

2. Regulation of Commission Fees on the *SiBakul* Marketplace in View of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises

In general, companies providing Marketplace platforms as intermediaries for buying and selling activities get two sources of profit in trade between sellers and buyers, namely profits obtained from sellers and profits obtained from buyers (F. Rahman 2022). The Marketplace makes a profit from sellers by taking a percentage of the product sales price on the Marketplace, also known as a commission. For example, an item is sold on the Marketplace application or website for Rp. 100,000.00 (one hundred thousand rupiah), then when the item for Rp. 100,000.00 (one hundred thousand rupiah) is purchased by the Buyer, and the Marketplace does not immediately give Rp. 100,000.00 (one hundred thousand rupiah) to the seller, but from the price of the goods amounting to Rp. 100,000.00 (one hundred thousand rupiah) will be deducted first by the Marketplace as "Service Fee" (the term for cutting profits from the price of goods taken by the Marketplace varies; the term "Service Fee" is taken as an example from the Tokopedia Marketplace). This service fee is determined by a fixed percentage or calculation, for example, 3% or IDR 5,000.00 (five thousand rupiah) for each transaction for goods priced at IDR 100,000.00 (one hundred thousand rupiah). So, the payment given to the seller is not IDR 100,000.00 (one hundred thousand rupiah) as the price displayed on the Marketplace application or website, but less than IDR 100,000.00 (one hundred thousand rupiah). For example, suppose the product price displayed on the Marketplace application or website is IDR 100,000.00 (one hundred thousand rupiah), and the Service Fee charged is 3%. In that case, the seller only gets payment from the Marketplace of IDR 97,000.00 (ninety-seven thousand rupiah) and IDR 3,000.00 (three thousand rupiah). The remainder is a commission, which will be the profit obtained by the Marketplace from the seller.

Marketplace makes a profit from buyers by charging additional fees other than the product price displayed on the Marketplace application page or website. The term "Additional Fee" is different in each Marketplace, but in the Tokopedia Marketplace, the name "Additional Fee" is called "Application Service Fee". For example, if the price of an item on the Marketplace application or website is IDR 100,000.00 (one hundred thousand rupiah), then the Buyer does not pay IDR 100,000.00 (one hundred thousand rupiah). The Buyer must also pay an application service fee, for example, Rp. 3,000.00 (three thousand

rupiah), so the total payment that the Buyer must pay is Rp—103,000.00 (one hundred and three thousand rupiah).

From the explanation above regarding how the Marketplace makes a profit from an item with the price displayed on the application or website at a price of IDR 100,000.00 (one hundred thousand rupiah) with a service fee of 3% and an application service fee of IDR 3,000.00 (three thousand rupiahs), then the Marketplace will get a total profit of Rp. 6,000.00 (six thousand rupiah) as an intermediary from buying and selling activities between sellers and buyers on the application or website belonging to the Marketplace company, which is Rp. 6,000.00 (six thousand rupiahs) IDR 3,000.00 (three thousand rupiahs) is obtained from the seller through service fees, and the remaining IDR 3,000.00 (three thousand rupiahs) is obtained from buyers through application service fees.

The presence of marketplaces established by several local governments as infrastructure must comply with the empowerment provisions regulated by the Government. In article 9, letter b of the MSME Law, it is stated that the Government, whether central or regional, provides relief on specific infrastructure rates for Micro and Small Enterprises (M. F. Rahman and Safitri n.d.). What is meant by "providing tariff relief for certain infrastructure" is the differentiation of tariff treatment based on Government and Regional Government regulations, either directly or indirectly, by providing relief. So it can be concluded that for specific infrastructure, in this case, the Marketplace is categorized as infrastructure, there must be a difference in the commission rates taken by the Marketplace for micro, small, medium, and extensive business actors, where micro and small business actors must receive lighter commission cuts compared to medium and large businesses. The Government's treatment in differentiating infrastructure rates for MSEs, which are lighter than those for medium and large business actors, is in line with the concept of justice, namely providing commission tariffs according to the capacity of each business actor.

Based on the results of the author's interview with Mr. Hana Fais Prabowo as KUKM Entrepreneurship Developer for the DIY Cooperative and SME Service, the Si Bakul marketplace does not take a sales commission on every trader's product sold on the Si Bakul marketplace or in other words the commission fee set by the Si Bakul marketplace is IDR 0 (zero rupiah) for all business actors without distinguishing between

micro, small or medium business actors. The absence of tariffs on sellers is not in line with the concept of empowering MSEs as stated in Article 9 letter b of the MSME Law, which states that there must be a differentiation in infrastructure rates, in this case, the sales commission taken by the Marketplace.

Conclusion

Existing regulations have been designed to provide sufficient flexibility and responsiveness for the government or related institutions in dealing with emergency situations, enabling the procurement of goods and services quickly and efficiently, but have not accommodated the elements of transparency and accountability. The applicable regulations have regulated the special mechanisms applied in the procurement of goods and services during emergencies, including simplifying procedures and cutting time to meet urgent needs. The applicable regulations do not guarantee adequate transparency and accountability in the use of public funds. The applicable regulations have involved providers of goods and services from the private sector or third parties, but only limited to the appointment of providers. The applicable regulations have not accommodated adequate monitoring and inspection mechanisms during the emergency period to maintain the level of accountability and public trust.

Recommendation

There needs to be a differentiation in commission fees charged to sellers according to the business criteria of each seller on the *Si Bakul* marketplace. Even though there are no tariffs imposed on sellers who market on the Si Bakul marketplace, this tariff exemption should only be given for some business criteria.

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