



Community Economic Recovery Strategy with Increased Understanding of Business Law Post-Covid-19 Pandemic

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Abstract

The community's struggle to face the Covid-19 Pandemic is not only to be healthy, but also to be able to maintain the existence of the economy as a real form of maintaining the sustainability and welfare of life. The understanding of the community that is required to be creative in creating opportunities must be balanced with an understanding of the legal instruments that are prepared so that creativity is always carried out within the correct legal framework. The government program in the form of National Economic Recovery (PEN) through PP 23 of 2020 which was amended by PP No. 43 of 2020 requires sufficient understanding for the community. The level of public understanding of legal instruments, especially business law will create public trust and all stakeholders to realize economic recovery and growth which is expected to realize the role of the State in protecting and prospering the people. Legal institutions are present to provide legal certainty so that everything is expected to run safely and orderly. Business efforts that prioritize the principle of profit and loss require the presence of legal provisions regarding business so that business activities can run smoothly, orderly, safely and comfortably. The type of normative juridical research is used in this study, while still taking data on the level of public understanding as initial information. The results of the study show that the public's understanding of the provisions of business law is an important key to achieving the expected benefits and legal certainty. It can't have a big impact when the public's understanding of the regulatory materials is not comprehensively obtained by the community. Improving understanding of the provisions of this business law is the key to increasing public confidence in taking business steps that are safer and more comfortable and do not pose legal risks for business people.

Keywords: *Law; Strategy; Recovery; Economy*

Introduction

World Economic Conditions Due to the Covid-19 Corona Virus or Coronavirus Diseases which was discovered at the end of 2019, the Corona Virus has spread rapidly in 213 countries. Data published on April 19, 2020, the Corona outbreak on the world community that was confirmed to be affected was 2,245,872 people, with a death rate of 152,707 people. Due to the phenomenon of the very fast spread of the virus, 20 countries have implemented lockdowns (isolation). China has preceded the lockdown since January 23, 2020. During the lockdown period, people are required to self-isolate at home (2020).

Countries affected by the COVID-19 pandemic are not only Indonesia, but almost all parts of the world are also affected by this pandemic. The G20 meeting has been held to discuss COVID-19, namely on 22-23 February 2020 in Saudi Arabia. The members of the G20 that have been implemented consist of several countries, namely Indonesia, Argentina, Australia, Brazil, the United States, China, France, Germany, India, the European Union, Saudi Arabia, Britain, Mexico, Russia, South Korea, South Africa, Italy, Turkey, Japan and Canada. The COVID-19 pandemic has become the focus of discussion at the G20 meeting, the countries that are members of the organization convey empathy to the countries and residents affected by COVID-19. The emergence of world pressure on Covid-19 has triggered countries that are members of the G20 to strengthen foreign cooperation (Nasution et al., 2020). The International Labor Organization (ILO) estimates that there will be 25 million people worldwide who will lose their jobs or the equivalent of USD 3.4 trillion. For the year that Covid is running, every State is required to protect millions of health workers, some of whom are women. You could say, if there is an economic crisis, women will feel the impact the most. But this does not mean ruling out the economic impact on men.¹

In Indonesia, the Ministry of Health noted that the number of confirmed cases of Covid-19 in Indonesia was increasing again. Data on October 16, 2021, positive cases of Covid-19 increased by 997, today it increased by 747. So that the cumulative total of positive cases of Covid-19 in the country is 4,234,758. The findings of 747 positive cases of Covid-19 today were based on the results of the examination of 223,929 specimens from 146,960 people. "The number of specimens examined per day is 223,929, the cumulative number of specimens that have been examined is 43,387,603," explained the Ministry of Health through a document released by the Covid-19 Task Force, Sunday (17/10). Of the total 4,234,758 positive cases, 18,388 have the status of active Covid-19 cases. The number of active cases decreased by 358 from yesterday's data of 18,746. Not only positive cases of Covid-19, Patients recovered from Covid-19 also increased by 1,086 from yesterday's data of 4,072,332. The total number of patients recovered from Covid-19 is 4,073,418. The number of deaths due to Covid-19 also increased, reaching 19. Yesterday's data was still 142,933, now there are 142,952 cases of Covid-19 death. The number of suspected Covid-19 cases has also increased. Yesterday's data, the number of suspected cases was 490,512, today it is 492,928.²

In the first semester of 2022, in Indonesia there is still a surge in Corona virus cases, which are dominated by DKI Jakarta, West Java and Banten Provinces. Therefore, the Covid-19 Handling Task Force asked the three regions to tighten the Health protocol. Wiku Adisasmito, spokesman for the Covid-19 task force, added that three provinces were recorded as the biggest contributors to Covid-19 cases in Indonesia. In the past week, from a cumulative total of 14,729 cases, 90.04 percent of them or as many as 13,316 cases were sourced from the three provinces.³

Quite a number of government programs have been launched either in direct programs or in the form of programs that are regulatory in nature with the emergence of various new regulations in the economic field, including the National Economic Recovery (PEN) program. The President has the authority based on the provisions of Article 22 paragraph (1) of the 1945 Constitution, has stipulated Government Regulation in Lieu of Law (Perpu) Number 1 of 2020 concerning State Financial Policy and Financial System Stability for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and / or in the context of facing threats that threaten the national economy and or financial system stability which has subsequently been stipulated in Law Number 2 of 2020 concerning Stipulation of Government

¹ Titik Nurhayati, Rizqon Halal Syah Aji, Emansipasi Melawan Pandemi Global: Bukti Dari Indonesia, Jurnal Adalah: Buletin Hukum dan Keadilan, Vol. 4, No. 1 (2020) ISSN: 2338 4638

² <https://www.merdeka.com/peristiwa/update-kasus-covid-19-di-indonesia-per-17-oktober-2021.html>, diakses 10 Juli 2022

³ <https://finance.detik.com/berita-ekonomi-bisnis/d-5930629/jangan-sampai-deh-covid-19-meledak-lagi-dan-ganggu-ekonomi-gini-cegahnya>, diakses 10 Juli 2022

Regulations in Lieu of Law no. 1 of 2020 becomes law.⁴

Law Number 1 of 2020 states that in order to implement the State Revenue and Expenditure Budget (APBN) in the context of handling the Covid 19 Pandemic and/or facing threats that endanger the national economy and/or financial system stability, state financial policies and financial stability policies are stipulated. State financial policies cover state revenue policies including policies in the field of taxation, state expenditure policies including policies in regional finance and financing policies, while financial system stability policies include policies for handling financial institution problems that endanger the national economy and/or financial system stability.

The National Economic Election Program (PEN) is run by the government in order to support state financial policies in order to save the national economy. This program is intended to protect, maintain and improve the economic capacity of business actors from the real sector and the financial sector in carrying out their business. Article 11 (7) mandates the implementation of the PEN Program to be further regulated in a Government Regulation and on May 9, 2020, Government Regulation Number 23 of 2020 concerning the PEN Program,⁵

The diversity and plurality of society in an area, both educational, economic, social and cultural backgrounds are interesting to be one of the objects and targets of research in the form of problems regarding achievement, namely the extent to which the level of public understanding of the programs formulated by the government in the following national economic recovery efforts with several laws and regulations issued, whether they are changing, adding or even new in order to achieve the expected goals.

Method

The type of research used in this research is normative juridical research with a statutory and sociological approach. Data sources consist of primary and secondary data. The data obtained were processed and analyzed and presented in a qualitative descriptive manner. The research process is divided into several stages, namely, the planning stage which consists of determining the research topic, problem identification, problem formulation, observation, population determination and research sample. report.

Results and Discussion

National Economic Recovery Program (PEN)

The legal basis for this program is PP No. 23 of 2020 as amended by PP No. 43 of 2020 concerning the National Economic Recovery Program (PEN). The PEN program was formulated by the government as one part of the government's program to protect, maintain and improve the economic capacity of business actors in running this business, which is carried out with the following principles:⁶(1) the principle of social justice, (2) the greatest prosperity of the people, (3) supporting business actors, (4) applying prudential principles, as well as good governance, transparency, acceleration, fairness and accountability in accordance with statutory provisions, (5) does not cause moral hazard, and (6) there is a distribution of costs and risks between stakeholders according to their respective duties and authorities. The main priority of the PEN program is to rely on MSMEs in the recovery of the national economy. The PEN program is expected to be a lever for the economy in the third and fourth quarters of 2020, explained

⁴ Hindari Lansia dari Covid-19, <http://www.padk.kemendes.go.id> , diakses pada tanggal: 10 Juli 2022.

⁵ <https://www.kemendes.go.id/media/15149/program-pemulihan-ekonomi-nasional.pdf> , diakses pada tanggal: 10 Juli

⁶ Peraturan Pemerintah Nomor 43 tahun 2020 tentang Perubahan atas Peraturan Pemerintah Nomor 23 tahun 2020 tentang Pelaksanaan Program PEN dalam rangka mendukung kebijakan Keuangan Negara untuk penanganan Pandemi Corona Virus Disease 2019 (Covid-19) dan/atau menghadapi ancaman yang membahayakan Perekonomian Nasional dan/atau stabilitas sistem keuangan serta penyelamatan ekonomi nasional Pasal 3

Coordinating Minister for the Economy Herlangga Hertarto. The Coordinating Minister said that as of May 31, 2020 there were 13 KUR distributors who had reported the implementation of the KUR policy related to Covid-19. The details of the KUR policy during the Covid-19 period given to KUR recipients are as follows:⁷

1. Additional KUR interest subsidies were given to 1,449,570 debtors with a debit balance of IDR 46.1 trillion
2. The postponement of principal installments for a maximum of 6 months is given to 1,395,009 debtors with a debit balance of IDR 40.7 trillion
3. KUR relaxation, in the form of:
 - a. Term extension was granted to 1,393,024 debtors with a debit balance of IDR 39.9 trillion
 - b. There are no reports regarding the addition of the ceiling limit

As determined, the implementation of the PEN program is carried out by the government through the following modality scheme:⁸

1. Placement of Funds to Banks with the aim of providing liquidity support to banks conducting credit/financing restructuring and/or providing additional credit/working capital financing
2. Guarantee of Working Capital Loans to State-Owned Enterprises (BUMN) or through PT. Jamkrindo/PT. Askrindo
3. State Equity Participation that improves the capital structure of SOEs and/or SOE subsidiaries affected by Covid-19 and increases the business capacity of SOEs and/or SOE subsidiaries, including carrying out special assignments by the Government in implementing the PEN Program.
4. Government Investment in accordance with Legislation
5. In addition, the Government can also implement policies to provide support for business actors through state expenditures in accordance with the provisions of laws and regulations.

In more detail, the following is a table of the MSE Economic Protection and Recovery scheme.⁹

Scheme	Description
Interest subsidy	To MSEs for six months amounting to Rp 35.29 trillion in banks as well as financing companies and government lending institutions
Working Capital Guarantee	For working capital of IDR 1 Trillion
Investment Payment	To cooperatives through the Revolving Fund Management Institute (LPDB) of the ministry of cooperatives and SMEs in the amount of Rp. 1 Trillion
Fund Placement	In the banking sector for restructuring as much as Rp. 78.78 trillion
Expenditure Guarantee Service Fee (LIP)	IDR 5 Trillion
UMK Final PPh	The tax rate borne by the government (DTP) is RP 2.4 trillion
Productive Capital Assistance	Assistance of IDR 2.4 million per business actor for additional working capital with a target of 12 million recipients (early stage 9.1 million recipients)

Image : Economic Recovery Scheme

⁷ <https://nasional.kontan.co.id/news/ini-skema-program-pemulihan-ekonomi-nasional-yang-memakan-anggaran-rp-318-triliun>, diakses pada tanggal: 10 Juli

⁸ ibid

⁹ ibid

The formulation of the scheme above is the scheme intended by President Jokowi which is summarized in: first, social assistance (bansos) for the poor category of MSME actors, second, tax incentives for MSME entrepreneurs, third, relaxation and restructuring for MSME actors, fourth, expansion financing for MSME actors and fifth, the government as a buffer in the MSME ecosystem.

Until now, the impact of the Covid-19 virus pandemic, which is still sloping down to this day, is of course the concern of all people in Indonesia and this has a huge impact on the sustainability of the National Economy. Responding to the economic impact mentioned above, Minister of Finance Sri Mulyani said, the national economic recovery program (PEN) is an important key in the recovery of both health and the economy in the first quarter of 2021. "We are doing it by accelerating the implementation of the program and providing incentives," said Sri Mulyani at a working meeting with the Ministry of Trade, via video conference.¹⁰In detail, the PEN program is aimed at boosting the economy in the first three months of this year. First, the acceleration of the realization of the social protection program (Perlinsos) which includes the Family Hope Program (PHK), distribution of social assistance, Cash Social Assistance (BST), Village Fund Direct Cash Assistance (BLT DD) which has realized Rp 16.59 trillion in January 2021. Second, acceleration of budgeting and realization of Micro Business Productive Assistance (BPUM) which is targeted to be distributed in March 2021. Third, ministry/institutional labor intensive programs (K/L) at the Ministry of PUPR, Ministry of Agriculture, Ministry of Maritime Affairs and Fisheries (KKP), and the Ministry of Transportation. Fourth, sales tax incentives on luxury goods (PPnBM) for motorized vehicles and VAT on housing which will come into effect in March 2021, which are expected to be able to increase the demand of the middle class. Fifth, accelerate the second phase of the vaccination program to create trust in the community.

In addition to these five things, the government also provides customs facilities for the import of medical devices and vaccines in the midst of the Covid-19 pandemic. According to data compiled from the Ministry of Finance's Directorate General of Customs and Excise, as of February 15, 2021, the total customs facilities provided by the government amounted to Rp. 825.33 billion of the total import value of Rp. 4.52 trillion. This consists of customs facilities for the import of medical devices amounting to Rp 234.26 billion. This is based on PMK 34 jo 83 jo 149/2020, PMK no 171/2019, and PMK 70/2020. Then, facilities worth Rp 591.06 billion provided for the import of vaccines amounting to 29.3 million doses.¹¹

As a pillar of realizing the National Economic Recovery program, the Government's options in implementing the PEN Program are: State Equity Participation, Fund Placement, Government Investment and Guarantee. This is reflected in the issuance of PP No. 23 of 2020 as amended by PP No.

1. principles of social justice,
2. the greatest prosperity of the people,
3. support entrepreneurs,
4. apply prudential principles, as well as good governance, transparent, accelerative, fair and accountable in accordance with statutory provisions,
5. does not cause moral hazard, and
6. there is a sharing of costs and risks among stakeholders according to their respective duties and authorities.¹²

One of the government's efforts to be able to recover the economy during this pandemic is the PEN Program carried out by local governments. The PEN program which is one part of the government's

¹⁰ <https://www.kemendag.go.id/en/photo/menteri-keuangan-menjadi-narasumber-pada-raker-kemendag-2021>, diakses pada tanggal: 15 Juli 2022

¹¹ <https://nasional.kontan.co.id/news/ini-dia-5-program-pen-untuk-ungkit-perekonomian-di-kuartal-i-2021>, diakses pada tanggal: 15 Juli 2022

¹² Elisatin Ernawati, *Eksistensi Hukum Jaminan Dalam Program Pemulihan Ekonomi Nasional (Pen) Pada Masa Pandemi Covid-19*, JURNAL HUKUM dan KENOTARIATAN Volume 5 Nomor 1 Februari 2021

program aims to protect, maintain and improve the economic capacity of business actors in running a business. understood by people in rural areas in particular.

Implementation becomes important along with the very varied demographics of the working population, namely by working as farmers, breeders, craftsmen, laborers who try to optimize all the natural potential that exists around the village. During the Covid-19 pandemic, people's incomes decreased due to the hampered marketing process, the number of enthusiasts began to run low and as described in the graph. The risk of bankruptcy experienced by the community has emerged, including because of the absence of market needs, out of stock of money, inappropriate business composition, losing in competition, dependent costs, products that are not friendly to users, products without a business model that follows developments, less creative marketing. , product launches on time, loss of focus, failed expansion,

Program for Strengthening the People's Economy

The legal basis used is the emergence of Law no. 11 of 2020 concerning Job Creation. The existence of this job creation law has led to long debates in various sectors. However, especially in several sector lines, it is also very useful, including:

1. Village Government Sector

In the village government sector as regulated in the articles, there is a determination of Village Owned Enterprises (BUM Desa) as legal entities, making it easier to establish business cooperation with other parties, access capital, develop economic businesses and provide public services. (article 117)

Ease of establishing a Limited Liability Company (PT) for BUM Desa and UMK in the Village, namely:¹³

- a. Establishment of an Individual Limited Liability Company (PT) (article 109)
- b. Limited Liability Companies (PT) for MSEs are given relief for the costs of establishing a legal entity, not having to go through an authentic deed made before a notary but enough with the form of reports and statements
- c. Ease, protection and empowerment for cooperatives and MSMEs, related to:
 - 1) The establishment of a primary cooperative legal entity is sufficient with 9 members and can carry out sharia business principles (article 86)
 - 2) The establishment of MSMEs is enough through registration, no longer licensing (article 91)
 - 3) MSMEs get incentives in the form of being free of charge or given a business registration fee waiver (article 92)
 - 4) Halal certificate for MSMEs is free (article 48)

2. The business sector at the micro, small and medium economic level

In addition, in general, the presence of Law no. 11 of 2020 concerning Job Creation also provides great benefits for the business climate, namely:¹⁴

- a. Micro, Small and Medium Enterprises (MSMEs)
 - 1) Ease and certainty of the licensing process through online single submission (OSS)
 - 2) Ease of registering intellectual property rights
 - 3) Ease of setting up a public company
 - 4) Utilization of public facilities at terminals, rest areas, airports, ports and railway stations to

¹³ UU No. 11 tahun 2020 tentang Cipta Kerja

¹⁴ <https://www.beritasatu.com/archive/683891/manfaat-uu-cipta-kerja-bagi-masyarakat>, di akses : 20 Juli, 2022

display and market products

b. Cooperative

- 1) The ease of the process of establishing a cooperative is at least nine people
- 2) The flexibility to implement sharia business principles

c. Halal certification

- Expanding Halal Inspection Institutions to Islamic Organizations and State Universities

d. Community Plantation in Forest Area

- 1) Communities can still use plantation products in conservation areas with government supervision
- 2) Community plantations in non-conservation areas are regulated through social forestry schemes
- 3) Community plantations in production forests are regulated through social forestry schemes and changes in function or release of forest areas

e. Fisherman

- Simplification of business licensing for fishing vessels through one door at the Ministry of Maritime Affairs and Fisheries and the Ministry of Transportation

f. Housing area

- The government provides acceleration of housing construction for low-income people (MBR) managed by the Agency for the Acceleration of Housing Implementation (BP3)

Increasing Understanding and Awareness of Business Law to the Community in Supporting Economic Recovery.

A complete understanding of the regulations (legal provisions regarding the above matters, of course, makes an important matter for increasing literacy (knowledge) and public understanding of a legal provision. It is hoped that when legal understanding and awareness emerges and is present with the community, the level of participation and community confidence in seeking opportunities and ways out for faster economic recovery and development.

Legal rules are needed because: a) the parties involved in the role of business objectives need something stronger than just promises and good faith, b) there is a need to create legal remedies that can be used if one of the parties does not carry out its obligations and or does not keep its promises.¹⁵This group of legal arrangements focuses more on regulating and understanding the scope of business law which is defined as a set of legal rules that are held to regulate, especially in the trade sector.¹⁶

Education and socialization of these legal provisions can begin with an understanding that the present legal rules are formulated by policy makers and regulators to ensure the achievement of the goals of people's health and people's protection. In this context the understanding of legal provisions is given starting from the basis that the National Economic Recovery Program (PEN) is implemented based on Government Regulation no. 23 of 2020 as amended by Government Regulation no. 43 of 2020. This means that this program has received a strong legal umbrella to be implemented consistently based on the principles that have been set. Regulatory support in the people's economy by formulating the provisions in the articles in Law no.

¹⁵ Mudemar A. Rasyidi, Fungsi Hukum Di Dalam Masyarakat Dan Peranan Hukum Bisnis Di Indonesia, Jurnal Ilmiah Hukum Dirgantara–Fakultas Hukum Universitas Dirgantara Marsekal Suryadarma | Volume 9 No. 1, September 2018

¹⁶ Johannes Ibrahim, Lindawaty, Sewu, *Hukum Bisnis Dalam Persepsi Manusia Modern*. Bandung. Rafika Aditama. Cetakan Kedua. 2007. Hal. 26-27

The steps formulated can be in the form of programs with the aim of increasing public understanding by:

- d. Conducting education through socialization media to the government and society of Tunggulwulung Village about the PEN program as a whole and comprehensively represented by elements of leadership, community leaders, youth and business actors.
- e. Formulating the existence and availability of the Pocket Book as a guide for the provisions of the PEN Program for the community and government at the village level is a necessary part.
- f. Prepare a medium for communication with Academics who are always ready to attend to provide enlightenment related to up-to-date and up-to-date legal provisions for the Village Government and its Community.

Conclusion

Government programs that are formulated and prepared for the community in facing the COVID-19 pandemic through the National Economic Recovery Program (PEN), are very oriented towards the government's desire to maintain the level of economic resilience of the community from the lowest levels of society by generating through MSMEs as a direct lever of the community's economic pulse. . This program has received a good legal umbrella in the form of a Government Regulation, namely PP no. 23 of 2020 as amended by PP No. 43 of 2020 along with its implementing rules. In its provisions, this PP has regulated in such a way every stage of the process and mitigation of risks that may arise. It is hoped that with a more comprehensive understanding of this provision, the community will be more confident to actively participate in realizing the success of the program. This understanding will be better supported by an understanding of the provisions of Law no. 11 of 2020 concerning Job Creation which is directly beneficial to the community as individuals, micro-economic actors and the village government.

The process of socialization and good understanding is the key for all lines of government, especially those that are directly related to the community, namely the village government. The presence of a guidebook containing simple understandings along with references to legal provisions is an important part of increasing public understanding in program implementation and innovating independently to grow the economy in order to directly realize the welfare of people's lives.

As a form of advice, so that the implementation of the law is more understandable and understood and obeyed by the community, it is better for the government, both central and regional, to be more active in conducting / implementing socialization activities to all levels of society by involving all elements of stakeholders in the community, including human beings. academics who have the obligation to carry out the tridharma of higher education so that the ideal hope to be achieved is in the form of an economic life that is more developed in a sustainable manner as well as the community is avoided from the risks that arise due to legal problems.

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