

Indonesian Foreign Political Analysis of Legal Protection of MSME Products Pancasila Economic Perspective



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ABSTRACT: Indonesia's foreign policy should provide maximum protection to domestic interests, including the MSME sector. MSMEs as the spearhead of the people's economy need to be protected optimally in global trade competition. Indonesia's international trade competition is often defeated by global interests which are suspected of carrying out practices prohibited by international agreements (WTO), so that normally they are sometimes constrained by these agreements. A complex approach is needed to provide a comprehensive view, in this case viewed through the Pancasila economy to ensure and determine the size of domestic interests, so that it has strong arguments in protecting Indonesia's trade interests. This study uses a normative legal method that specifically examines matters relating to legal documents through statutory, conceptual and case approaches. This research has resulted that legal protection has actually been provided by the state through several laws and regulations, but sometimes the arguments for state or domestic interests have not been fulfilled. Foreign policy based on Pancasila as the foundation of the state illustrates that a populist economic system is based on kinship and people's sovereignty to support the improvement of the populist economy.

KEYWORDS: Foreign Politics, Legal Protection, MSMEs, Pancasila Economy.

I. INTRODUCTION

Article 33 paragraph (1) of the 1945 Constitution of the Republic of Indonesia becomes the basis for national economic development, has a noble goal, namely efforts to increase the level of prosperity on a majority scale (not individuals and not certain groups). Formulation of the national economy within the framework of collective labor with the principle of kinship in order to achieve a prosperous and prosperous society. In order to realize the great aspirations of the people at a prosperous standard of living, several efforts have been made, one of which is upgrading Micro, Small and Medium Enterprises (MSMEs) (Arliman, 2017: 388).

The government after the Covid-19 pandemic paid special attention to economic recovery through empowering MSMEs (Indrayani et al, 2022: 96); (Mariam and Ramli, 2022: 74). MSMEs are one of the efforts to drive the government's economy because they are able to employ local communities and open new jobs (Fauzi et al, 2022: 27). MSMEs are also an effort to build a people's economy (Mas'ula et al, 2022: 253); (Sari et al, 2022: 1306). In addition, MSMEs that do not have foreign debt and are crisis-resistant are one of the efforts to increase export commodities (Waqfin et al, 2021: 2). With its various advantages, MSMEs have become one of the main driving forces to improve the Indonesian economy.

Empowerment to integrate into the business world which in the end has implications for improving living standards and competitiveness. MSMEs, which are predicted to be the forerunners of business actors with a long process, feel it is important to get more careful attention from various points of view.

The foreign policy carried out by Indonesia is a free-active policy, but still based on the ideology of Pancasila and the basic and highest norms, namely the 1945 Constitution of the Republic of Indonesia. carry out the struggle for national interests in the context of international trade. The meaning of national interests in a complex and general manner is regulated holistically in the 1945 Constitution of the Republic of Indonesia. In this constitution, the understanding of Indonesia's national interests is in the form of: (1) protecting the entire nation of Indonesia and all of its bloodshed; (2) promoting public welfare; (3) educate the life of the nation; and (4) participate in carrying out world order based on freedom, eternal peace and social justice (Putera, 2022).

The fundamental consideration in making and deciding on policies is that national power should be of concern to Indonesia to be used as a bargaining value so that national interests can be fulfilled. General considerations that can be made by Indonesia in measuring national strength are military strength, politics, geographic location, number and quality of population, economy and state resources, and state ideology. The importance of understanding a national power can be a tool in the steps of carrying out

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international relations, the success of an international relationship is one of which is influenced by the power factor that a country has. Every country has different power, the amount of power that a country has has implications for the ease of conducting international relations, especially to countries that are inferior in strength.

Musa Hubeis the issue of MSME, both problems, opportunities and development in the national and global economy, shows issues that need to be strengthened in the business arena (can it or not survive) and about the types of businesses that can be developed in the coming era, so that MSMEs are strong and potential which is certainly quite dynamic. These problems are at least classified into 3 (three) categories, namely (1) old and basic problems, such as limited capital, human resources, product development and access to marketing; (2) General issues are usually related to the roles and functions of related agencies in solving basic problems related to advanced problems, such as licensing, taxation, collateral and legal procedures; (3) further problems, for example the introduction and penetration of the export market that has not been optimal, lack of understanding of product designs that are in accordance with market characteristics, legal issues related to licensing, patents and contract procedures (Hubeis, 2015: 4).

The Pancasila economic system is a system used in running the economy in Indonesia. Pancasila with all its complexities continues to strive to realize the noble ideals carried out in each of its phrases. Mubyarto explained that the Pancasila economic system has five characteristics, namely (1) the wheels of the economy are driven by economic, social and moral stimuli; (2) the strong will of the entire society towards social equality (egalitarianism), according to human principles; (3) the priority of economic policy is the creation of a strong national economy which means that nationalism animates every economic policy; (4) cooperatives are the pillars of the economy and are the most concrete form of joint ventures; and (5) there is a clear and firm balance between planning at the national level and decentralization in the implementation of economic activities to guarantee social justice (Nugroho, 2011: 10).

There has been previous research that discussed the protection of MSMEs. Sumampouw et al's research (2021: 36) discusses the protection of MSMEs in the Job Creation Law Number 11 of 2020, namely providing protection, convenience, and empowerment to MSMEs and cooperatives. Darman's research (2021: 141-142) explains legal protection in the aspects of ease of obtaining permits, legal protection of intellectual property rights, and protection of digital platforms. Susanty's research (2017: 324-325) discusses the protection of MSMEs after the implementation of the Asean Economic Community (AEC). Sitorus' research (2017: 140-144) explains the obstacles and solutions to industrial protection, especially MSMEs due to the MEA implementation. Arliman's research (2017: 390-401) discusses the problems, exploitation, and legal protection of MSMEs in order to improve people's welfare. Panjaitan's research (2013: 2-5) discusses legal protection for MSMEs in the MEA and China Free Trade Area.

This research is a development research from previous research. This research will discuss Indonesia's foreign policy for the legal protection of MSME products in the Pancasila economic perspective. The problems that will be studied in this research are whether Indonesian foreign policy has provided legal protection for MSMEs and how is Indonesian foreign policy for legal protection for MSMEs from a Pancasila economic perspective to improve the people's economy. This study aims to determine the role of foreign policy in legal protection of MSMEs and the role of foreign policy in legal protection of MSMEs in the perspective of Pancasila to improve the people's economy.

II. MATERIALS AND METHODS

The use of this type of legal research in this study is normative legal research or can be referred to as doctrinal legal research. This type of research is research with the object of study of statutory regulatory documents and library materials (Susanti and Efendi, 2014: 3). This type of research is research with the object of study of statutory regulatory documents and library materials (Marzuki, 2017: 47).

The approach to this research problem is the statute approach, which is an approach that analyzes laws and regulations, a conceptual approach. This approach takes reference to legal principles, legal concepts and legal principles in which there is the opinion of legal experts or the development of doctrine legal science that has relevance to the legal issues studied, and the case approach is an approach that is carried out by conducting a study of cases related to the issue at hand (Ibid: 93).

III. RESULT AND DISCUSSION Legal Protection for MSMEs in Indonesian Foreign Politics

Law has a role in the economic development of a nation whose presence cannot be ignored. It thus becomes clear that, the effectiveness of the application of a nation's law, has implications for positive economic development. On the contrary, if the law does not show a positive trend, economic development in a country will be hampered and even get worse (Zaini, 2015: 17). Furthermore, the trend of law application is a condition that is being intensively optimized in Indonesia, this will be in harmony with the positive trend of economic development movement. Moreover, that Indonesia declared itself listed in the constitution as a legal state (*rechtstaat*). Declaring itself as a rule of law country, Indonesia has two implied meanings, namely, First, the law is expected to function; Second, with the law functioning, economic development will be easy to realize.

Economic globalization in its development which constitutes international economic cooperation relations provides knowledge that there are problems in the field of economic relations, including regulatory efforts made by countries or economic actors in developed countries. Efforts to regulate can be seen both globally through the World Trade Organization (hereinafter abbreviated as

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WTO), regionally through various cooperation in one region, as well as bilaterally through various bilateral cooperation. deviations that are still made on the contract (Zaini, 2015: 18).

The intensity of the implementation of Indonesia's economic diplomacy relations in trade is getting more intense, especially at this time as a country that is Indonesia's trading partner which consists of traditional markets and non-traditional markets for Indonesia. The intensity of trade with the implementation of economic diplomacy in particular is increasing and focusing on nontraditional markets. The countries that constitute Indonesia's non-traditional markets consist of approximately 9 countries spread across various regions. Non-traditional markets are countries that are economically potential and prospective to become market destinations for Indonesia, for example countries in Latin America, Central and Eastern Europe, Africa, South and Central Asia and the South Pacific (Delanova, 2019: 384)).

In 2011-2015, there was a significant decrease in export figures of 16.59%. Indonesia's export value in 2011 amounted to US\$ 203 billion, but there was a decline in Indonesia's export value to US\$ 150.25 billion in 2015. This incident prompted the Indonesian government to respond to trade policy, specifically in terms of efforts to increase Indonesia's exports and determine allocations resources (eg human resources and promotion budget in the economic sector) at Indonesian representatives abroad (Delanova, 2019: 384).

The increasingly hot geopolitical conditions in the world also affect aspects of international trade. The prospect of better-thanexpected global economic growth from the start quickly turned into a worry after Russia's invasion of Ukraine. Coupled with persistently fast inflation, especially for food and energy, this headwind weighed on growth and dimmed forecasts on international trade (IMF, 2022).

The importance of developing a strategy to maintain traditional markets in Indonesia as a target market, but not rigidly accept other target markets. Another manifestation is by opening various opportunities to non-traditional markets as targets for economic activities such as trade. This means that the implementation of the trade strategy as a form of economic diplomacy emphasizes Indonesia to see market opportunities that are always innovative and dynamic (Delanova, 2019: 391).

Strengthening cooperation infrastructure by Indonesia is carried out in bilateral relations, efforts to increase the competitiveness of Indonesian products through new negotiations and completion of Comprehensive Economic Partnership Agreement (CEPA), Free Trade Agreement (FTA) and Preferential Trade Area (PTA) negotiations. Strengthening the procedures for economic cooperation by Indonesia towards other strategic cooperation partners, this gives the perception that Indonesia is committed as a result of an evaluation that bilateral cooperation in the economic sector does have opportunities, given that previously trade figures in various countries, especially non-traditional markets provide a significant increase (Delanova, 2019: 391).

When viewed in a complex way, the priorities of economic diplomacy in President Joko Widodo regime have a fairly clear and well-organized strategy regarding what should be seen as strategic steps, so that over time, many opportunities will be found considering that Indonesia's strengths are in the media. diplomacy. This means that how Indonesia builds and fosters relations with other countries. The challenge lies in Indonesia's consistency with strategy, and relates to legal certainty as a tool for the legality of cooperation in both trade and investment. In policies related to legal aspects, it is also necessary to have legal certainty so that it does not only promote Indonesia's potential, besides building clear and mutually beneficial commitments (Delanova, 2019: 397-398).

International trade tensions that led to international law cases show how international trade competition is a sensitive issue. The following are some of the cases that Indonesia has faced against several countries in the world in international trade cases.

No.	Reported Country	Date	Results	Accusations
1.	Uni Eropa	2014	Win	Antidumping produk biodiesel
2.	Amerika Serikat	2015	Lose	Antidumping kertas berlapis
3.	Australia	2017	Win	Antidumping kertas A4
4.	Uni Eropa	2023	In Process	Antidumping produk Cold Roller Stainless Steel (CRS)
No.	As the Reported Party	Date	Results	Accusations
1.	AS & Selandai Baru	2014	Lose	Import rules for horticulture, animals and animal products
2.	Uni Eropa & AS	2014	Case Closed, Win	Clove cigarette dispute
3.	Brazil	2014	Win	Regulations on the import of chicken and products made from chicken
4.	Taiwan & Vietman	2015	Lose	Certain iron and steel safeguards
5.	Brazil	2017	Lose	Meat import regulations
6.	Uni Eropa	2021	Lose	Nickel import ban

Source: CNBC Indonesia (2023).

he data context above restrictive import policies that are not matched by advocacy skills in trade disputes has resulted in Indonesia often losing at the World Trade Organization (WTO) sessions over the past few years. Efforts to protect MSMEs are not only through

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policies and regulations that protect MSMEs from the complex process of global trade competition, it requires the dynamics of good political relations for the sake of a more profitable national interest.

The purpose of international trade policy according to Nazaruddin Malik in the book *International Economics* (2017) is: 1) Protecting the interests of industry and domestic production; 2) Protect the condition of the national economy and avoid it from bad influences; 3) Protecting employment Keeping the exchange rate stable Maintaining the level of economic growth; 4) Maintaining the balance of the international balance of payments.

Indonesia as a country that is a member of the World Trade Organization (WTO) has an obligation to implement an agreement with WTO member countries which has also been ratified through Law Number 7 of 1994 concerning Ratification of the Arrangement Establishing the World Trade Organization. However, these agreements do not always bring good for domestic interests, as is often the object of dispute in these agreements in article XI concerning the Elimination of Quotas in General, Article XIII concerning Implementation of Non-Discriminatory Quota Applications and Article XIX concerning Emergency Measures Against the Import of Certain Products (Hata, 2006: 102).

Protection from within the country, especially related to the sustainability of MSMEs, is regulated in several matters, such as Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises, PERPPU Number 2 of 2022 concerning Job Creation, Government Regulation Number 7 of 2021 concerning Ease, Protection and Empowerment of Cooperatives and Micro, Small and Medium Enterprises and other related regulations.

Indonesia, with the policies taken as explained above, the MSME growth climate is expected to accelerate. The incessant cooperation between countries creates massive and creative business opportunities. Political alignments towards MSMEs in this era can be seen and felt in the form of concrete policies.

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The Pancasila economic system is the "rules of the game" in regulating the economic life of economic actors with an ethical and moral foundation based on Pancasila as the goal of the ideals of realizing social justice for all Indonesian people. The ethics of Pancasila is a moral foundation and upholds human values with a spirit of nationalism (nationality) and democracy, in essence everything will be focused on the estuary of social justice for all people. The essence of Pancasila (Eka Sila) Bung Karno's opinion is mutual cooperation or kinship, while from a political point of view the Trisila extracted from Pancasila is Belief in One Almighty God (monotheism), socionationalism, and sociodemocracy.

The prosperity of a country is influenced by economic development. The concept of economic development is left entirely to the market. However, the concept of economic development with the market as the holder of the mechanism, in fact, does not produce prosperity evenly among all levels of society. The experience of developed and developing countries provides evidence that, although market mechanisms are able to provide optimal results of economic growth and employment opportunities, in their development developed countries in general often fail to create equitable income and do not solve social problems (Ridwan HR, 2006: 23). In suppressing inequality, in its development, developed countries have implemented a welfare state system. The system is considered to have a better and more positive role for the state (government) in the effort to develop planned, institutionalized and sustainable social welfare (Marbun, 2001: 59). Furthermore, it needs to be emphasized and paid attention to that the development in Indonesian law knowledge, at its peak, is not just the transfer of knowledge about law and not just training skills to implement law, but includes the education of values which are the basis of the national legal system that is to be built and for In Indonesia these values are the values of Pancasila.

The spirit of economic nationalism in the era of globalization provides clear evidence that it is important to create a strong, resilient and independent national economy. Economic democracy has a democratic and familial basis, as well as cooperative efforts to animate individual and community economic behavior. A harmonious, efficient and just balance between national planning and economic decentralization and broad, free and responsible autonomy is necessary to realize social justice for all Indonesian people (Marbun, 2001: 59).

In line with these considerations, the issue of legal reform as an attempt to renew the law holistically and is complex with plans outlined in long-term development, this already exists in Law Number 17 of 2007 concerning the 2005 Long-Term Development Plan (RPJP) -2025, with this formal basis in accordance with the RPJP, legal development is directed at supporting the realization of sustainable economic growth, regulating issues related to the economy, especially the business world and the industrial world, as well as creating investment certainty, especially law enforcement and protection.

Populist economy based on article 33 of the 1945 Constitution is defined as an economic system for the welfare of the people in the economic field (Syamsuddin, 2020: 109). According to Baswir (2009) he explained that the populist economy has three principles, namely (1) the economy is based on the principle of kinship, (2) the state controls the factors of production and the people's livelihood, (3) earth, water, and all that is contained is controlled by the state and utilized entirely for prosper the people (Indahsari, 2012: 4).

Thus, in accordance with the provisions of Article 33 paragraph (4) of the 1945 Constitution, the National Economy is organized based on Economic Democracy with the principles of togetherness, efficiency with justice, sustainability, environmental awareness,

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independence, and by maintaining a balance of progress and national economic unity. For this reason, referring to Article 33 paragraph (4) of the 1945 Constitution, an appropriate and effective economic system in Indonesia that can be used now or in the future is a populist economic system that is based on kinship, people's sovereignty, has Pancasila morality, and shows genuine support for people's economy.

In line with the Pancasila principles above, Indonesia's role in the economic sector in ASEAN includes Indonesia as one of the countries that initiated the formation of the ASEAN Economic Community (AEC). In addition, Indonesia is the pioneer and founder of the ASEAN Free Trade Area (AFTA). This organization is also a milestone in the establishment of a free trade area in Southeast Asia. In addition, Indonesia is also a rice barn in ASEAN. Whereas in this case, it certainly encourages MSME actors to provide products or services that have a relationship with market needs which, politically, Indonesia has strong legitimacy in the foreign policy arena (Kompas.id, 2022). The encouragement of product supply by the government is supported by guarantees of legal protection for international trade carried out by MSMEs so that they are in accordance with the fifth precept, namely the principle of justice so that they are able to drive the people's economy as one of the spearheads in running the economy.

IV. CONCLUSIONS

Analysis of Indonesia's foreign policy in various forms of regulation in this era has provided quite concrete protection for MSMEs. Implementation of regulatory aspects has also been felt to achieve the title of going international. The incessant cooperation between countries creates massive and creative business opportunities.

Pancasila economy until now is considered as an ideal concept or system in providing an overview or guideline in running the national economic system so that it adapts globally. Indonesia as one of the countries that initiated the formation of the ASEAN Economic Community (AEC). In addition, Indonesia is the pioneer and founder of the ASEAN Free Trade Area (AFTA). This organization is also a milestone in the establishment of a free trade area in Southeast Asia. Indonesia in its membership in ASEAN is the largest rice provider, so that this makes the MSME economy specifically able to develop by adjusting to market needs

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