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Empowering MSMEs: Unravelling the Essence of Business Law and Brand Protection in Indonesia

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Abstract

In the context of Indonesia, as a country with a very large number of MSMEs, a good understanding of the role of business law and trademark protection is a very important capital to create a conducive and sustainable business climate for MSMEs. Along with a better understanding, it is also expected that there will be an increased awareness of the importance of trademark registration and business law protection for MSMEs in Indonesia. This study explores the complex legal and trademark protection system that Indonesian MSMEs (micro, small, and medium enterprises) have to go through. Business registration procedures, compliance standards, and legal support present barriers that are revealed through normative analysis and further explained through interviews with experts. In addition, there are problems with brand protection procedures, such as difficult law enforcement and protracted brand registration procedures. The results are synthesized into normative solutions that suggest changes to the company's compliance, registration, legal aid, and brand protection systems. If put into practice, these solutions can empower MSMEs, encourage innovation, and boost the Indonesian economy. In addition, it is also important to create mechanisms that make it easier for MSMEs in the trademark registration process. Simple measures such as simplification of registration forms and improved accessibility of information on the registration process can greatly help MSMEs with limited resources and knowledge. These measures, along with the proposed normative solutions, can significantly improve MSME trademark protection, encourage innovation, and strengthen the Indonesian economy.

1. Introduction

Micro, Small, and Medium-Sized Enterprises (MSMEs) are vital to Indonesia's economy because they foster innovation, job creation, and general economic expansion. These businesses do, however, encounter several difficulties. Their growth and capacity to generate new employment are hampered by limited access to financial resources, such as microcredit and equity finance¹. The COVID-19 pandemic has made matters worse for MSMEs, hindering their ability to grow economically and as a company². To surmount these obstacles, it is recommended that legislators craft advantageous tax laws that encourage investment and expansion of MSMEs and that MSMEs themselves strategically utilize these laws to propel expansion and competitiveness³. Furthermore, giving MSMEs access to capital, technical help,

¹ Anna Sofia Atichasari and Asep Marfu, "The Influence of Tax Policies on Investment Decisions and Business Development of Micro, Small, and Medium-Sized Enterprises (MSMEs) and Its Implications for Economic Growth in Indonesia," *Journal of Economics, Finance and Management Studies* 06, no. 07 (2023): 3290–96, https://doi.org/10.47191/jefms/v6-i7-32.

² Rayhan Fahriza Yose, "Job Creation Efforts through Empowering Micro, Small and Medium Enterprises," *AURELIA: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia* 2, no. 2 (2023): 1211–14, https://doi.org/10.57235/aurelia.v2i2.719.

³ Salma Afifah, "Dampak Pandemi Corona Virus Terhadap UMKM Di Indonesia," *EXERO*: *Journal of Research in Business and Economics* 6, no. 1 (2023): 63–82, https://doi.org/10.24071/exero.v6i1.6687.

and business development support can enable them to grow and boost production capacity, which will provide additional employment opportunities⁴. Supporting the viability and development of MSMEs also requires the active participation of the government and associated authorities⁵.

The prosperity of MSMEs in Indonesia is closely linked to the legal framework that governs them. MSMEs contribute significantly to Gross Domestic Product (GDP), employment, exports, and investment in the Indonesian economy⁶. Trademark conflicts and financial losses for MSMEs can result from a lack of public understanding and support for the registration of intellectual property rights⁷. The expansion of MSMEs depends on legal protection and predictability, and academic institutions can help by providing MSMEs with the legal assistance they need by offering legal counseling programs⁸. Furthermore, the government must play a role in bolstering MSMEs' competitiveness and development, particularly considering globalization and fierce rivalry in global commerce⁹. In addition to educating MSMEs about the need to turn digital to effectively compete, it is critical to support and encourage digital marketing tactics to further boost the prosperity of MSMEs¹⁰. Accordingly, the key to realizing these businesses' full potential is comprehending the complex interplay between company law and brand protection.

Though it confronts difficulties with company regulation and brand protection, Indonesia's MSME sector contributes significantly to the country's economy¹¹. Because of a lack of knowledge and assistance from the government, many MSMEs have not registered

⁴ Muhtar Amin et al., "Micro, Small, and Medium Enterprises (Msmes) in Prosperity Business Actors During the Covid-19 Pandemic in the Village Anaiwoi," *International Journal of Business, Law, and Education* 4, no. 2 (2023): 336–51, https://doi.org/10.56442/ijble.v1i1.171.

⁵ I Gusti Gede Heru Marwanto, Afif Nur Rahmadi, and Nonni Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta," *Return: Study of Management, Economic and Bussines* 2, no. 5 (2023): 456–62, https://doi.org/10.57096/return.v2i05.100.

⁶ Gunawan Gunawan and Egi Rizki Maulana Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 891–98, https://doi.org/10.37680/almanhaj.v5i1.2732.

⁷ Annisa Cindy Maurina and R Yuniardi Rusdianto, "Strategi Peningkatan Daya Saing UMKM Terhadap Perdagangan Internasional," *Jurnal Pengabdian Kepada Masyarakat* 2, no. 2 (2023): 70–76, https://doi.org/10.55606/jpkm.v2i2.146.

⁸ Amin et al., "Micro, Small, and Medium Enterprises (Msmes) in Prosperity Business Actors During the Covid-19 Pandemic in the Village Anaiwoi."

⁹ Chrisbiantoro Chrisbiantoro and Utami Yustihasana Untoro, "Penyuluhan Hukum Untuk Penggiat Usaha Kecil Dan Menengah Di Kecamatan Kebayoran Baru Jakarta Selatan," *Jurnal Pengabdian Masyarakat Singa Podium (JPMSIPO)* 1, no. 2 (2023): 57–63, https://doi.org/10.58965/jpmsipo.v1i2.10.

¹⁰ Prisca Nurmala Sari et al., "Sosialisasi Strategi Pemasaran Dalam Rangka Optimalisasi Keuntungan Umkm Kecamatan Rancabungur Melalui Perluasan Pasar Di Dunia Digital," *Jurnal Abdimas Ilmiah Citra Bakti* 4, no. 2 (2023): 162–73, https://doi.org/10.38048/jailcb.v4i2.1484.

¹¹ Gunawan and Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin."

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their trademarks¹². For MSMEs to be sustainable and flourish, the government must play a critical role in providing support¹³. Furthermore, MSMEs must adjust to digital marketing tactics to compete, particularly in the globalization period ¹⁴. Limited business management, a fear of taking chances, and a lack of support and engagement from pertinent agencies all hinder the growth of MSMEs. MSME performance is positively impacted by networking and work culture; reputation also matters, albeit not much. In general, MSMEs' performance and Indonesia's overall economic growth depend on resolving these issues and aiding them. Overcoming the complexities of regulations—from business registration to compliance—presents challenges that call for in-depth knowledge. However, promoting sustainable growth depends on securing MSMEs' identities and intellectual property through strong brand protection strategies.

The fact that MSMEs constitute the foundation of the Indonesian economy emphasizes how urgent this is. MSMEs are vital to the Indonesian economy since they create jobs and boost the country's GDP¹⁵. Nonetheless, obstacles in the domains of trademark protection and corporate law may impede their growth and ability to compete in the market¹⁶. Inaction on these issues can hinder innovation and weaken the economy's ability to withstand shocks¹⁷. Thus, to foster an atmosphere that is favorable to the expansion of MSMEs, it is essential to reinforce the legal framework and protections. To encourage MSME development and guarantee their long-term success, time is essential when putting these measures into action.

MSMEs' efficient operation and expansion are hampered by issues like complex legal processes, administrative roadblocks, and a lack of complete brand protection¹⁸. These difficulties put MSMEs at risk of exploitation and stagnation since they are actual obstacles as well as theoretical ones ¹⁹. A tailored legal and brand protection structure that can offer prompt

¹² Sari et al., "Sosialisasi Strategi Pemasaran Dalam Rangka Optimalisasi Keuntungan Umkm Kecamatan Rancabungur Melalui Perluasan Pasar Di Dunia Digital."

¹³ Heru Marwanto, Nur Rahmadi, and Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta."

¹⁴ Zainal Abidin, Jamaluddin Majid, and Nurasiah Hamid, "MSME Business Performance: Affecting Factors of Networking, Work Culture and Reputation," *Jurnal Minds: Manajemen Ide Dan Inspirasi* 10, no. 1 (2023): 173–86, https://doi.org/10.24252/minds.v10i1.34973.

¹⁵ Gunawan and Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin."

¹⁶ Heru Marwanto, Nur Rahmadi, and Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta."

¹⁷ Sari et al., "Sosialisasi Strategi Pemasaran Dalam Rangka Optimalisasi Keuntungan Umkm Kecamatan Rancabungur Melalui Perluasan Pasar Di Dunia Digital."

¹⁸ Nisa Aurellia and Kholis Roisah, "Legal Protection against Unregistered Marks and Unfair Competition Practices (Comparative Study of Indonesia and the United States)," *International Journal of Social Science and Human Research* 06, no. 06 (2023): 3818–21, https://doi.org/10.47191/ijsshr/v6-i6-75.

¹⁹ Xiukun Ge, "Analysis of Legal Framework Solutions to Protect Retail Consumers," *International Journal of Retail & Distribution Management* ahead-of-p, no. ahead-of-print (January 1, 2023), https://doi.org/10.1108/IJRDM-02-2023-0055.

corrective action is required to solve these problems²⁰. The success of MSMEs in Nigeria has been largely attributed to the legal and regulatory framework that now governs them, but these frameworks need to be updated to comply with international standards and create a more favorable business environment²¹. For MSMEs to prosper in the contemporary economy, the legal and regulatory framework needs to be made more efficient.

The discussion of the urgency of trademark protection for MSMEs has become an interesting issue to research as exemplified by Gunawan et al. in 2023 entitled Protection and Assistance of Intellectual Property Law in Trademark Registration for UMKM Actors in Cililin Village²², furthermore, there is a thesis written by Mahirah in 2023 with the title Implementation of Trademark Registration Against Micro, Small and Medium Enterprises of Lampung Tapis Craftsmen (Study at UMKM Griya Aisyah Tapis Bandar Lampung City) that focused on an empirical study of how brands can have an impact on Lampung tapis MSMEs²³ and Endang Setyowati et al. in 2023 with the title Legal Protection of Trademark Rights for the Development of Food Business Actors in Semarang City²⁴. The article is only based on certain regions, not comprehensive for all regions of Indonesia, besides Idris Saputra in 2023 entitled Intellectual Property Rights of Buton Regency MSMEs provides a comprehensive understanding of intellectual property rights for MSMEs²⁵ and in the same year, Mohammad Makbul discussed the urgency of Brand for MSMEs in an article entitled Efforts to Increase Legal Awareness Through Brand Registration for Student-Based Small and Medium Enterprises ²⁶, Similarly, it refers to an article written by Diana RW Napitupulu in 2023 entitled

²⁰ Vikas Arya et al., "Guest Editorial: Blue Whistle for Brands – Consumers' and Stakeholders' Perspective towards Reformation in Marketing Legal Practices," *International Journal of Law and Management* 65, no. 1 (January 1, 2023): 1–3, https://doi.org/10.1108/IJLMA-02-2023-321.

²¹ Udosen Jacob Idem et al., "An Overview of Legal and Regulatory Framework for Micro, Small and Medium Enterprises in Nigeria," 2022 International Conference on Sustainable Islamic Business and Finance, SIBF 2022, 2022, 252–58, https://doi.org/10.1109/SIBF56821.2022.9939727.

²² Gunawan and Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin."

²³ MAHIRA AISYAH PRADAWI, "Implementasi Pendaftaran Merek Terhadap Usaha Mikro Kecil Dan Menengah Pengrajin Tapis Lampung (Studi Di UMKM Griya Aisyah Tapis Kota Bandar Lampung)" (Universitas Lampung, 2023), http://digilib.unila.ac.id/72775/3/SKRIPSI FULL TANPA BAB PEMBAHASAN.pdf.

²⁴ E Setyowati and A Kadarningsih, "Perlindungan Hukum Hak Merek Bagi Pengembangan Pelaku Usaha Bidang Makanan Di Kota Semarang," *Jurnal Relasi Publik* 1, no. 4 (2023), https://journal.widyakarya.ac.id/index.php/jrp-

widyakarya/article/view/1806%0Ahttps://journal.widyakarya.ac.id/index.php/jrp-widyakarya/article/download/1806/1759.

²⁵ Idris Saputra, "Hak Atas Kekayaan Intelektual UMKM Kabupaten Buton Intellectual Property Rights For Micro Small Medium Enterprises Buton Regency" 5, no. 2 (2023): 43–57, https://doi.org/10.54297/surel.v5i2.56.

²⁶ Mohammad Makbul and Lidia Fathaniyah, "Upaya Peningkatan Kesadaran Hukum Melalui Pendaftaran Merek Bagi Pelaku Usaha Kecil Menengah Berbasis Mahasiswa," *Jurnal Literasi Pengabdian Dan Pemberdayaan Masyarakat* 2, no. 1 (2023): 47–55, https://doi.org/10.61813/jlppm.v2i1.33.

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Urgency and Implementation of Brand Registration for Sustainable MSME Development²⁷. Therefore, the synthesis of the literature provides a thorough understanding of the business law and brand protection issues that MSMEs in Indonesia confront. Nonetheless, a significant lacuna in the literature is the dearth of normative assessments offering feasible remedies for these problems. While previous research has identified the issues MSMEs face, there aren't many all-encompassing frameworks that provide normative answers to strengthen these businesses' legal and trademark protection. By performing a normative analysis that goes beyond simple identification and dives into creating useful and actionable suggestions for the empowerment of MSMEs in Indonesia, this research seeks to close this gap.

This study's primary goal is to do a normative analysis that methodically explains the fundamentals of trademark protection and company law in the context of MSMEs in Indonesia. The specific objectives of this study are to (1) Analyze Indonesia's current business legislation framework and discuss how it affects the MSME industry. (2) Assess how brand protection can act as a stimulant to support MSMEs' expansion and long-term viability. (3) Determine and evaluate the difficulties MSMEs encounter when negotiating the intricate legal and brand protection environment. (4) Make normative recommendations to strengthen trademark protection and the legal framework, which will eventually enable MSMEs to prosper in the Indonesian economic climate.

Imagine a canvas where each brush stroke represents a regulation, statute, or legal provision-all adding depth and texture to Indonesia's business legal order. However, within this intricate mosaic, MSMEs often get lost, struggling to decipher the complex patterns and nuances. Moreover, as they strive to carve out their niche in the market, they face a conspicuous absence of protection for their intellectual creations-an absence that exposes them to the dangers of imitation, piracy, and brand dilution. Against this backdrop, our brush strives to paint a picture of empowerment-a picture where MSMEs stand tall, backed by a strong legal framework and fortified by the shield of brand protection. Our aim is to dig deeper into the canvas of Indonesian business law, unravelling its essence to reveal hidden pathways and guiding principles that can empower MSMEs. Through this exploration, we aim to not only identify the challenges, but also to illuminate the opportunities-a beacon of hope amidst a sea of uncertainty.

MSMEs are vital to the Indonesian economy because they foster innovation, employment growth, and economic development²⁸. MSMEs, however, encounter a few difficulties that limit their potential. Their capacity to prosper is frequently hampered by restricted access to financial resources, market limitations, and complex legal frameworks ²⁹. Access to financial resources, technical help, and business development aid are some of the

²⁷ Diana R W Napitupulu, "Urgensi Dan Implementasi Pendaftaran Merek Untuk Pengembangan

UMKM Yang Berkelanjutan" 1, no. 3 (2023): 144–50.

28 Yose, "Job Creation Efforts through Empowering Micro, Small and Medium Enterprises"; Annisa

²º Yose, "Job Creation Efforts through Empowering Micro, Small and Medium Enterprises"; Annisa Cindy Maurina and R Yuniardi Rusdianto, "Strategi Peningkatan Daya Saing UMKM Terhadap Perdagangan Internasional."

²⁹ I Gusti Gede Heru Marwanto, Afif Nur Rahmadi, and Nonni Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta," *Return: Study of Management, Economic and Bussines* 2, no. 5 (2023): 456–62, https://doi.org/10.57096/return.v2i05.100.

initiatives aimed at empowering MSMEs³⁰. The competitiveness and development of MSMEs are greatly aided by the government's involvement³¹. MSMEs are crucial for introducing indigenous goods to foreign markets in addition to serving as labor absorbers. MSMEs have demonstrated their endurance and potential in bolstering the Indonesian economy, even in the face of the COVID-19 pandemic's economic effects. MSMEs can enhance their revenue and withstand economic challenges by utilizing tactics including collaborations, marketing, distribution networks, transaction channels, and visual imagery. This emphasizes how urgent it is to solve these issues in order to fortify the basis of Indonesia's economic expansion.

A thorough analysis of Indonesia's business legal landscape indicates a complicated regulatory framework that MSMEs must navigate. Numerous studies have brought attention to the difficulties MSMEs encounter with compliance standards, registration procedures, and legal obstacles that impede their expansion. The body of research highlights how important it is to have a simplified legal system that makes it easier for MSMEs to conduct business while maintaining regulatory compliance. Gunawan highlighted the lack of public awareness in this area and the significance of trademark registration for MSMEs³². Limited liability companies with Micro and Small Business Criteria are a new law in Indonesia that promotes the creation of a new legal entity for MSMEs, according to another study³³. Yap's study centers on Yogyakarta's MSMEs' financing practices and the role of the government in fostering their growth³⁴. Furthermore, a study indicated that MSMEs might be more likely to comply with tax laws once the Value Added Tax (VAT) rate was raised, which might boost Indonesia's overall tax collection³⁵. It is essential to comprehend the subtleties of the current legal system to suggest normative changes that will empower MSMEs in Indonesia.

A strong system of brand protection is essential to MSMEs' expansion and long-term viability. Trademarks in particular, which are protected by intellectual property rights, are essential to these businesses' establishment and preservation of their identities. Legal

³⁰ Muhtar Amin et al., "Micro, Small, and Medium Enterprises (Msmes) in Prosperity Business Actors During the Covid-19 Pandemic in the Village Anaiwoi," *International Journal of Business, Law, and Education* 4, no. 2 (2023): 336–51, https://doi.org/10.56442/ijble.v1i1.171.

William Ben Gunawan, Safrilina Husnun Nisa, and Alexander Ivan Gunawan, "Peningkatan Pengetahuan Strategi Bisnis Usaha Mikro Kecil Dan Menengah Kolang-Kaling Di Kelurahan Jatirejo Semarang," *Jurnal Dharma Bhakti Ekuitas* 7, no. 2 (2023): 112–22, https://doi.org/10.52250/p3m.v7i2.625.

³² Sriayu Aritha Panggabean and Amaludin Sikumbang, "Undang-Undang Cipta Kerja Dan Dampaknya Terhadap Ekonomi Mikro," *Jesya* 6, no. 2 (2023): 2289–2300, https://doi.org/10.36778/jesya.v6i2.1242.

³³ Gunawan Gunawan and Egi Rizki Maulana Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin," *AL-MANHAJ: Jurnal Hukum Dan Pranata Sosial Islam* 5, no. 1 (2023): 891–98, https://doi.org/10.37680/almanhaj.v5i1.2732.

³⁴ Ruth Deta Louisa and Mohammad Fajri Mekka Putra, "Pendirian Persero Perorangan Tanpa Akta Notaris Berdasarkan Undang-Undang Cipta Kerja," *Jurnal Ius Constituendum* 8, no. 2 (2023): 185, https://doi.org/10.26623/jic.v8i2.6722.

³⁵ Heru Marwanto, Nur Rahmadi, and Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta."

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regulations play a crucial role in preventing unauthorized use, counterfeiting, and infringement of MSME brands³⁶. The body of research highlights how crucial it is to use efficient enforcement tactics, like product verification, intelligence gathering, and investigations, to stop counterfeiting and safeguard brand value³⁷. Another important component of developing an organizational culture that values and prioritizes brand protection is internal communication³⁸. Additionally, helping MSMEs register their trademarks can give them legal protection and enable them to pursue business opportunities.³⁹ The body of research highlights the significance of robust legal frameworks and brand protection strategies for safeguarding MSME brands and fostering their expansion and long-term viability. The findings highlight the necessity of an all-encompassing brand protection plan to strengthen MSMEs' competitiveness and market position in Indonesia⁴⁰.

For MSMEs in Indonesia, navigating the legal and brand protection context presents significant obstacles. These difficulties include MSME owners' low level of legal expertise as well as convoluted regulatory procedures and expensive compliance expenses⁴¹. MSMEs lack strong enforcement measures and are susceptible to intellectual property theft⁴². MSMEs must secure legal protection for their brands, and obtaining legal certainty requires trademark registration. However, MSMEs are unable to safeguard their intellectual property rights due to a lack of public understanding and support for trademark registration⁴³. The government is crucial in aiding and promoting the growth of MSMEs by offering advice on legal protection and enforcement, among other things. In general, the literature emphasizes the need for improved enforcement tools, streamlined procedures, and greater legal awareness to overcome the difficulties MSMEs in Indonesia experience in defending their trademarks and

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³⁶ Xinmin Liu, Yue Zheng, and Wencheng Yu, "The Nonlinear Relationship between Intellectual Property Protection and Farmers' Entrepreneurship: An Empirical Analysis Based on CHFS Data," *Sustainability (Switzerland)* 15, no. 7 (2023), https://doi.org/10.3390/su15076071.

³⁷ Jeremy M Wilson, ed., *Brand Protection and the Global Risk of Product Counterfeits* (Edward Elgar Publishing, 2022), https://econpapers.repec.org/RePEc:elg:eebook:19701.

³⁸ Kami J Silk et al., "Communicating the Value of Brand Protection through a Persuasive Internal Communications Approach," in *Brand Protection and the Global Risk of Product Counterfeits* (Edward Elgar Publishing, 2022), 128–39, https://econpapers.repec.org/RePEc:elg:eechap:19701_7.

³⁹ Nurul Fibrianti et al., "Targeting MSME Opportunities through Brands: Strengthening the Legal Protection through Community Services," *Indonesian Journal of Legal Community En* 5, no. 2 (2022): 205–26, https://doi.org/https://doi.org/10.15294/jphi.v5i2.60224.

⁴⁰ Rakhmonova Mohichehra Nodirbekovna, "American Journal Of Applied Science And Technology INTERNATIONAL LEGAL PROTECTION AND MECHANISM FOR THE American Journal Of Applied Science And Technology" 03, no. 02 (2023): 44–64.

⁴¹ Sulasno and Inge Dwisvimiar, "Analisa Hukum Terhadap Strategi Dan Pengembangan Usaha Mikro Kecil Menengah (UMKM) Produksi Gula Aren Semut Di Kabupaten Lebak," *Jurnal Ilmiah Niagara* 15, no. 1 (2023); Aurellia and Roisah, "Legal Protection against Unregistered Marks and Unfair Competition Practices (Comparative Study of Indonesia and the United States)."

⁴² Gunawan and Putra, "Perlindungan Dan Pendampingan Hukum Kekayaan Intelektual Dalam Pendaftaran Merek Dagang Bagi Pelaku UMKM Di Desa Cililin."

⁴³ Heru Marwanto, Nur Rahmadi, and Yap, "Evaluation of Micro, Small And Medium Enterprises (MSMES) Financing Policies For MSME Actors In Yogyakarta."

intellectual property rights. Comprehending these obstacles is crucial to devise normative remedies aimed at fulfilling the distinct requirements of MSMEs.

2. Methods

The research design adopts a qualitative approach, emphasizing the systematic examination of legal frameworks, regulations, and policy documents relevant to MSMEs, business law, and brand protection in Indonesia. The normative analysis involves the interpretation and evaluation of legal norms, principles, and standards within the context of MSMEs' empowerment objectives. Data collection primarily involves gathering relevant legal texts, including statutes, regulations, case law, and administrative guidelines, about MSMEs, business law, and intellectual property rights protection in Indonesia. Additionally, policy documents, reports, and scholarly publications addressing MSMEs' legal challenges and brand protection issues are collected to provide insights and context for the analysis. The data analysis process involves several crucial steps. Initially, it entails a comprehensive review of collected legal texts, policy documents, and scholarly publications, aiming to discern pivotal provisions, regulatory frameworks, and trends pertinent to MSMEs and brand protection. Following this, there's the task of legal interpretation, where norms and principles are scrutinized to discern their implications on MSME empowerment and brand protection, with a focus on understanding the language, intent, and application within the Indonesian socioeconomic context. Subsequently, normative assessment comes into play, involving the evaluation of the legal and policy framework against normative criteria such as coherence, effectiveness, accessibility, and alignment with MSME empowerment objectives.

3. Results and Discussion

3.1. Legal Framework for MSMEs in Indonesia

The normative analysis of Indonesia's legislative framework for micro, small, and medium-sized enterprises (MSMEs) reveals significant hurdles that impede their growth and sustainability. The examination identifies the process of registering a business as convoluted, plagued by legal ambiguity, and bureaucratic obstacles. This complexity poses a major challenge for MSMEs seeking formalization, leading to delays and confusion. Simplifying the registration procedure emerges as a crucial step toward encouraging more MSMEs to formalize their activities. Compliance requirements, particularly regarding taxes, emerge as major obstacles for MSMEs. The intricate tax laws and reporting requirements heavily burden MSMEs, jeopardizing their long-term viability. Streamlining tax laws and clarifying compliance criteria are recommended to alleviate these challenges and foster MSME expansion.

Another significant finding is the dearth of specialized legal assistance available to MSMEs. Without adequate legal support, MSMEs struggle to navigate legal complexities, hindering their growth potential. Enhancing legal aid services is essential to empower MSMEs and facilitate their development. the normative analysis underscores the imperative of legal changes to bolster Indonesia's MSME sector. Streamlining registration procedures, clarifying compliance requirements, and providing enhanced legal support are essential steps toward fostering a thriving ecosystem for MSMEs. By addressing these challenges, Indonesia can unlock the full potential of its MSMEs, driving economic growth and prosperity.

The analysis further identifies the regulatory environment as a significant barrier to MSMEs' empowerment in Indonesia. While efforts have been made to streamline regulations

and simplify administrative procedures, compliance costs remain high, particularly for small businesses with limited resources. MSMEs often struggle to navigate the regulatory landscape, leading to compliance gaps, legal uncertainties, and potential exposure to penalties or sanctions. Moreover, the lack of coordination among regulatory agencies and overlapping jurisdictions exacerbate the challenges faced by MSMEs. The legal framework for Micro, Small, and Medium Enterprises (MSMEs) in Indonesia is crucial for their growth and protection. Various studies highlight the importance of legal certainty and trade mark registration for MSMEs to thrive. Moreover, government initiatives, in accordance with the Job Creation Law, aim to ease, protect, and empower MSMEs amidst challenges such as the Covid-19 pandemic. Moreover, the integration of a customised Information Technology (IT) governance framework for MSMEs can improve their competitiveness by aligning IT with business objectives. It is evident that legal education programmes, which involve the contribution of academics, play an important role in improving legal literacy and ensuring legal protection for MSMEs. Overall, a strong legal framework, combined with supportive government policies and appropriate IT governance, is essential for the sustainable development of MSMEs in Indonesia.

Specific regulatory barriers hindering MSMEs from empowering themselves in Indonesia include inadequate implementation of government programs, lack of specific regulations on MSE empowerment at the local government level, and insufficient knowledge about digital marketing among MSME owners. Additionally, legal uncertainties, lack of supporting apparatus, and uneven distribution of empowerment facilitations contribute to the challenges faced by MSMEs. The impact of the Covid-19 pandemic has exacerbated these barriers, leading to reduced jobs, production, and income for MSMEs. To address these obstacles, there is a need for improved policy implementation, specific regulations at the local level, and enhanced education on digital marketing to empower MSMEs effectively in Indonesia.

3.2. Trademark Protection Mechanism

Several important facets of intellectual property law (IPL) were brought to light by the normative analysis's findings. Concerns concerning the efficacy of the current system are raised by the difficulties in enforcing intellectual property laws. The recommendations derived from these normative findings aim to enhance the protection of intellectual property rights for Micro, Small, and Medium-Sized Enterprises (MSMEs). This improvement is becoming increasingly necessary to guarantee that MSMEs receive better protection for their intellectual property.

The normative study also draws attention to how difficult it is for MSMEs to register trademarks, as this process is thought to be quite complicated. MSMEs may be discouraged from pursuing official trademark protection due to these laborious and complicated procedures. This view highlights the need for the trademark registration procedure to be streamlined and accelerated to give MSMEs more incentives to safeguard their intellectual property.

Furthermore, deficiencies in the intellectual property enforcement systems of MSME are shown by the normative analysis. The efficacy of penalties for unlawful trademark usage is restricted by these shortcomings. To better protect MSME intellectual property, enforcement

procedures must be strengthened, according to the normative results. Improvements in this sector are therefore anticipated to boost MSMEs' creativity and offer better protection in Indonesia. A normative analysis of intellectual property law for MSMEs in Indonesia emphasises the importance of trademark registration for business protection. Recommendations include increasing legal awareness among MSME entrepreneurs, streamlining the registration process, and encouraging local government assistance. Strategies involve educating MSMEs on trade mark protection, assisting with registration, and involving local governments in promoting registration. By raising awareness, simplifying procedures, and rallying government support, MSMEs can effectively navigate trade mark registration, ensuring strong legal protection for their intellectual property.

A normative analysis of intellectual property law for MSMEs in Indonesia highlights the importance of trade mark registration to protect businesses. Recommendations include increasing legal awareness among MSME entrepreneurs, simplifying the registration process, and providing support from local governments. Implementation strategies involve educating MSMEs on the importance of trademark protection, assisting with the registration process, and encouraging local government involvement in promoting trademark registration. By raising awareness, simplifying procedures, and encouraging government support, MSMEs can navigate the trademark registration process more effectively, ensuring legal protection for their intellectual property.

3.3. Challenges Faced by MSMEs in the Legal Landscape and Brand Protection

Two significant factors that impact the legal framework for Micro, Small, and Medium-Sized Enterprises (MSMEs) in Indonesia are highlighted by the normative analysis's findings. First, one of the main contributing factors was found to be the complexity of regulations, which includes ambiguity in the law and administrative roadblocks. As a result, this intricacy poses serious difficulties for MSMEs, making it more difficult for them to comprehend the relevant legal requirements and to complete the formal compliance process.

Second, the normative study focuses on MSME owners' low level of legal awareness. MSMEs' capacity to understand and negotiate the complexities of the law is directly impacted by these legal knowledge gaps. This lack of knowledge makes it easier for non-compliance to occur, raises the possibility of legal issues, and makes it urgent for MSMEs to become more knowledgeable of the law. Furthermore, the normative study underscores obstacles in MSMEs' ability to get reasonably priced legal resources. MSMEs' capacity to obtain advice and efficiently handle the legal facets of their business operations is impacted by the high cost of legal services and educational initiatives. Thus, initiatives to streamline rules, raise legal awareness, and offer more reasonably priced legal resources ought to be taken into consideration to enhance the legal environment for MSMEs.

A critical aspect of the analysis pertains to the legal barriers and challenges confronting MSMEs in Indonesia. These challenges include limited access to legal information and support services, inadequate dispute resolution mechanisms, and difficulties in enforcing contracts and property rights. The informal nature of many MSMEs also poses challenges in accessing formal legal protections and participating in the formal economy. Moreover, the complexity of tax regulations and labor laws adds to the compliance burden faced by MSMEs, constraining their ability to invest, innovate, and grow.

The complexity of tax regulations and labour laws in Indonesia contribute significantly to the compliance burden faced by taxpayers and workers. Indonesia's tax system, rooted in colonial legacies, remains complex despite efforts to simplify it through laws such as the General Provisions and Procedures of Taxation Law (UU KUP). Factors such as trust in tax institutions, complex regulations, and a large informal economy exacerbate the compliance challenge. In addition, inconsistencies between lawmakers and policymakers, disharmony between tax laws, and the inability of UU KUP to accommodate all tax systems further add to the complexity of tax regulations. Understanding these complexities is critical to addressing compliance issues and improving tax and labour law compliance in Indonesia.

To address the challenges faced by MSMEs in the legal landscape and brand protection, some specific recommendations can be implemented. Firstly, simplifying regulations through customised business strategies and policy reforms is essential. Increasing legal awareness among MSMEs can be achieved by assisting in registering trademarks for legal protection. In addition, enforcing Law No. 20/2016 on Trademarks and Geographical Indications can protect the intellectual property of MSMEs. Also, improving brand management skills during economic downturns and focusing on global market strategies can help overcome challenges. Lastly, improving institutional capacity and enforcing copyrights to combat infringement is critical to the sustainability and growth of MSMEs. These measures collectively streamline regulations, increase legal awareness, and provide affordable legal resources, aligning with the article's recommendations for improving MSME competitiveness.

3.4. Normative Solutions to Empower MSMEs in Indonesia

The suggested normative remedies are based on the recognized difficulties with brand protection and the legal environment for Micro, Small, and Medium-Sized Enterprises (MSMEs) in Indonesia. These difficulties are intended to be methodically addressed. First and foremost, the primary goal is to streamline business registration by suggesting changes that will lower administrative barriers and expedite the procedure. The intention is to incentivize more MSMEs to formalize their business practices, as this can boost GDP and boost involvement in the formal economy.

Furthermore, advocating for more controllable and transparent standards—particularly in the taxation domain—suggests ways to streamline compliance needs. It is anticipated that streamlining compliance procedures will help MSMEs become more financially sustainable, lessen the load on them, and make it easier for them to comply with legal requirements. Furthermore, there is a proposal to create specialized legal support, to offer legal advice and support specifically designed to meet the needs of MSMEs. This seeks to encourage a culture of legal compliance among MSMEs and provide them with the tools they need to negotiate legal issues more skillfully. Additionally, reforms are intended to streamline the trademark registration process, making it more economical, efficient, and accessible for small and medium-sized businesses. It is anticipated that making the process of registering a trademark easier will motivate MSMEs to safeguard their intellectual property, foster creativity, and assist in the growth of their brands. To guarantee the efficient enforcement of intellectual property rights and improve the protection of MSME brands, it is also imperative that the methods for enforcement be strengthened. It is anticipated that a more robust enforcement

system will discourage the unauthorized use of MSME trademarks and foster a safer business environment.

Lastly, it is suggested to use workshops and instruction to develop a legal awareness program. To better address legal complexity, the goal is to raise MSME owners' legal awareness. It is anticipated that greater awareness will enable MSMEs to make better decisions, lower their risk of legal issues, and boost compliance. It is anticipated that the combination of these remedies will improve the legal climate in Indonesia and support the expansion and sustainability of MSMEs. The goal of this normative approach is to deal with the underlying issues that MSMEs in Indonesia face. The suggested solution intends to establish an environment that is conducive to MSMEs thriving and making more effective contributions to the national economy by expediting the registration process, streamlining compliance requirements, and offering targeted legal help.

To simplify the registration process and increase legal awareness for MSMEs in Indonesia, policymakers may consider implementing certain policy reforms and initiatives. Recommendations include simplifying business registration procedures to encourage formalisation, advocating for transparent taxation standards to ease the compliance burden, providing tailored legal support for MSMEs to encourage legal compliance, and reforming the brand registration process to make it more cost-effective and accessible. Strengthening intellectual property rights enforcement mechanisms is crucial to protect MSME brands. In addition, conducting legal awareness programmes through workshops can help MSME owners navigate the legal complexities effectively. These combined efforts aim to create a supportive legal environment, encouraging the growth and sustainability of MSMEs in Indonesia.

3.5. Discussion

Important insights were obtained from the thorough examination of regulatory frameworks, brand protection techniques, and difficulties faced by MSMEs in Indonesia. The suggested normative solutions seek to systematically address the issues raised and provide a road map for empowering MSMEs empowerment. The regulatory landscape in Indonesia presents significant challenges for MSMEs, marked by complexities, bureaucratic hurdles, and inconsistent enforcement, disproportionately impacting those with limited resources and informal structures. To address these issues, concrete steps can be taken. First, simplifying regulatory procedures through a dedicated reform task force can reduce compliance costs. Secondly, enhancing regulatory coordination and providing a centralized platform for information access can improve efficiency. Thirdly, investing in legal education and training programs tailored to MSMEs can enhance compliance understanding and capacity.

Moreover, MSMEs in Indonesia face obstacles in protecting their intellectual property rights (IPR) and brands due to counterfeiting, piracy, and high registration costs. To mitigate these challenges, stronger IPR enforcement, simplified registration processes, and awareness campaigns are necessary. Additionally, a longitudinal approach to policy evaluation is essential for ongoing monitoring and refining strategies, including the establishment of monitoring mechanisms, promoting knowledge sharing, and adopting adaptive management approaches.

Finally, fostering a culture of legal compliance among MSMEs is crucial. This can be achieved by providing accessible legal resources, incentivizing compliance, and promoting peer learning and mentorship programs focused on legal compliance and ethical business conduct. These concrete suggestions aim to empower MSMEs, foster innovation, and promote sustainable growth in Indonesia's MSME sector. In keeping with the literature, this study combines legal considerations with brand protection to comprehend the difficulties faced by MSMEs in Indonesia ⁴⁴. Based on theoretical analyses and expert insights, the report offers normative solutions that are supported by research and provide policymakers and stakeholders with practical strategies to address obstacles in MSME empowerment⁴⁵. The study places a strong emphasis on a longitudinal approach, monitoring the application of suggested fixes to determine optimal practices for addressing the recommendations made by the study⁴⁶. Furthermore, the research also emphasized the significance of legal knowledge, filling in important gaps, and encouraging a compliance culture among MSMEs.

3.5. Implications and Future Directions

The difficulties found have a direct impact on MSMEs, influencing their capacity for growth, compliance, and general resilience. Enabling MSMEs in Indonesia to reach their maximum potential requires the implementation of normative solutions. Subsequent investigations ought to concentrate on the long-term evaluation of the suggested remedies, monitoring their execution, and assessing their effects on the MSME industry in Indonesia as time goes on.

4. Conclusions

As a result, this study sheds light on the intricate issues preventing MSMEs in Indonesia from expanding. Complexities in the legal system and brand protection impede market competitiveness, innovation, and formalization. The suggested normative remedies provide stakeholders, legislators, and attorneys with a tactical roadmap for methodically addressing these issues. Through streamlining procedures, raising legal awareness, and fortifying brand protection measures, Indonesia can foster an atmosphere that is favorable to the growth of MSMEs. Indonesia may expect a more robust and empowered MSME sector, which will significantly contribute to its economic success if these normative solutions are put into practice and closely observed. Establishing an open and mutually beneficial business ecosystem necessitates joint initiative, teamwork, and dedication on the path toward MSME empowerment.

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