

## INSTITUTIONAL STRENGTHENING OF MSMEs THROUGH EASY COOPERATIVE PROTECTION

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### Abstrak

*Koperasi adalah badan usaha yang beranggotakan orang-orang atau badan hukum dengan melandaskan kegiatannya berdasarkan prinsip koperasi sekaligus sebagai gerakan ekonomi rakyat yang berdasarkan asas kekeluargaan. Raden Aria Wiria Atmadja tercatat dalam sejarah pada tahun 1986 di Purwokerto sebagai perintis atau setidaknya inspirator berdirinya koperasi di Indonesia, tergugah untuk memperbaiki kondisi para pegawai negeri yang kebanyakan terlilit hutang dari lintah darat. Usaha Kecil Mikro dan Menengah (UMKM) sebagai perwujudan ekonomi kerakyatan mampu memberikan kontribusi terhadap pertumbuhan ekonomi, menyerap tenaga kerja. Pertumbuhan UMKM dengan segala permasalahannya perlu mendapatkan dukungan melalui pembentukan kelembagaan koperasi. Jenis penelitian yuridis normatif dengan sumber data sekunder yang dianalisis menggunakan logika deduksi. Peraturan Pemerintah Nomor 7 Tahun 2021 tentang Kemudahan, Pelindungan dan Pemberdayaan Koperasi dan UMKM merupakan bentuk dukungan dari pemerintah terhadap penguatan UMKM dan koperasi di Indonesia. Dukungan terhadap UMKM dan koperasi diberikan oleh pembagian kewenangan terhadap pemerintah pusat dan pemerintah daerah dalam mendukung pertumbuhan koperasi dan UMKM.*

*Kata kunci: koperasi; UMKM; kelembagaan*

### Abstract

Cooperative is a business entity consisting of individuals or legal entities based on their activities based on the cooperative principle as well as a people's economic movement based on the principle of kinship. Raden Aria Wiria Atmadja was recorded in history in 1986 in Purwokerto as a pioneer or at least the inspiration for the establishment of cooperatives in Indonesia, motivated to improve the condition of civil servants, most of whom were in debt from loan sharks. Small, Micro and Medium Enterprises (MSMEs) as the embodiment of a people's economy are able to contribute to economic growth and absorb labor. The growth of MSMEs with all their problems needs to get support through the establishment of cooperative institutions. This type of normative juridical research with secondary data sources analyzed using deductive logic. Government Regulation Number 7 of 2021 concerning Ease, Protection and Empowerment of Cooperatives and MSMEs is a form of support from the government for strengthening MSMEs and cooperatives in Indonesia. Support for MSMEs and cooperatives is provided by the distribution of authority to the central government and local governments in supporting the growth of cooperatives and MSMEs.

Keywords: cooperative; MSMEs; institutional

### Introduction

The role of cooperatives has been widely known by the public. R. Wiria Atmadja first introduced cooperatives in Purwokerto 1896<sup>2</sup>. Law No. 25/1992 on Cooperatives defines cooperatives as business entities consisting of individuals or cooperative legal entities based on their activities based on cooperative principles as well as a people's economic movement

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<sup>2</sup> dan M. Shabri Abd. Majid Azhari, Mohd. Nur Syechalad, Ishak Hasan, 'The Role of Cooperative in the Indonesian Economy', *International Journal of Humanities and Social Science Invention*, 6(10) (2017), 43-46.

based on the principle of kinship<sup>3</sup>. Cooperatives play an important role in shaping the character of the economy in accordance with the principle of kinship<sup>4</sup>.

The government currently focused on small and medium business sector, this was proven by the serious attention of the government in developing Micro, Small and Medium Enterprises (MSMEs) in Indonesia. This is natural because it turns out that small and medium enterprises are influential on the country's economy, even more than half of Indonesia's population earns from this sector<sup>5</sup>. Based on the experience during the crisis that occurred in Indonesia, it is only natural that economic development in the private sector should be focused on developing MSMEs. In general, MSMEs in the economy have roles as: (1) main players in economic activities, (2) job providers, (3) important players in local economic development and community empowerment, (4) creators of new markets and sources of innovation, (5) its contribution to the balance of payments<sup>6</sup>.

Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises defines MSMEs as productive businesses owned by individuals and/or individual business entities that meet the business criteria as stipulated in the legislation. Micro, Small and Medium Enterprises contribute to gross domestic product (GDP) annually. The contribution of MSMEs to GDP at constant prices was IDR 7,034.1 trillion in 2019, increasing 22.9% from the previous year which was IDR 5,721.1 trillion. Meanwhile, the contribution of MSMEs to GDP based on current prices is IDR 9,580.8 trillion. This contribution rose 5.7% from the previous year which amounted to Rp 9,062.6 trillion. Indonesian MSMEs contributed to absorbing 119.6 million or 96.92% of the total workforce in Indonesian business units. This labor absorption increased by 2.21% from 2018. The large contribution of MSMEs is because the majority of Indonesian business units are donated from MSMEs. A total of 64.2 million or 99.99% of Indonesian business units are MSMEs.

MSMEs are able to contribute to GDP and absorb labor in the non-formal sector, but MSMEs have many weaknesses including problems of access to capital/financing, marketing, human capital, management, Intellectual Property Rights<sup>7</sup>. MSMEs are proof of the existence of a people's economy to support the development of people's welfare and development. Cooperatives in Indonesia, according to Law Number 25 of 1992 concerning Cooperatives, are defined as business entities consisting of individuals or cooperative legal entities based on their activities based on cooperative principles as well as a people's

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<sup>3</sup> Imran Ukkas, 'Strategi Dan Upaya Pengembangan Usaha Mikro Kecil Menengah (UMKM)', *Berkemajuan : Jurnal Pengabdian Pada Masyarakat*, 1.1 (2017), 24-27 <<https://journal.unismuh.ac.id/index.php/jp/article/view/591/>>.

<sup>4</sup> Kadani, Ninik Srijani, 'Peran UMKM (Usaha Mikro Kecil Menengah) Dalam Meningkatkan Kesejahteraan Masyarakat', *EQUILIBRIUM: Jurnal Ilmiah Ekonomi Dan Pembelajarannya*, 8.2 (2020), 191 <<https://doi.org/10.25273/equilibrium.v8i2.7118>>.

<sup>5</sup> Adi Adrian, 'EMPOWERMENT STRATEGIES OF MICRO, SMALL, MEDIUM ENTERPRISES (MSMEs) TO IMPROVE INDONESIA EXPORT PERFORMANCE', *International Journal of Economics, Business and Accounting Research (IJEBAR)*, 2.04 (2019), 50-60 <<https://doi.org/10.29040/ijebar.v2i04.222>>.

<sup>6</sup> Adrian.

<sup>7</sup> Dora Kusumastuti and Sutoyo, 'Management of Small and Medium-Scale Industries in Indonesia in Dealing with Global Challenges: Pls-Sem Approach', *Polish Journal of Management Studies*, 19.1 (2019), 215-24 <<https://doi.org/10.17512/pjms.2019.19.1.16>>.

economic movement based on the principle of kinship<sup>8</sup>. Cooperatives as one of the tangible manifestations of the people's economic movement with the spirit of members for members are one of the *gotong royong* economic activities in the community. A populist economic system which implies a participatory economic system that provides the greatest possible fair and equitable access to all levels of society, both in the production, distribution, and national consumption processes as well as increasing community capacity and empowerment, as well as in an implementation mechanism that always pays attention to the function of natural resources and the environment as life support in order to realize equitable prosperity for all Indonesian people in a sustainable manner.

In the development of cooperatives in Indonesia, there are obstacles, including the process of establishing cooperatives, cooperative governance with internal factors, namely members do not understand/do not know the meaning of cooperatives, are less concerned with cooperative behavior, and there are still many cooperative members who think that the management of the cooperative has been entrusted to administrators; while the external factor constraint is the limited cooperative capital<sup>9</sup>.

Law Number 11 of 2020 concerning Job Creation in Chapter V concerning the convenience, protection and empowerment of cooperatives, MSMEs amend, delete or stipulate new arrangements, one of which is in Law Number 25 of 1992 concerning Cooperatives. The Empowerment of Cooperatives and MSMEs as one of the clusters regulated in Law No. 11 of 2020 concerning Job Creation is revealed again into Government Regulations No. 7 of 2021 concerning Ease, Protection, Empowerment of Cooperatives & MSMEs which substantially changes the provisions governing cooperatives previously, namely: this government regulation regulates, among others: the convenience, protection, and empowerment of cooperatives; facilitation, protection, and empowerment of Micro, Small, and Medium Enterprises; administration of incubation; and a special allocation fund for the facilitation, protection, and empowerment of cooperatives, Micro, Small and Medium Enterprises.

This study aims to find out how the convenience, protection and empowerment of cooperatives and SMEs in the perspective of Government Regulation No. 7 of 2021 facilitates, protects and empowers cooperatives and SMEs.

### **Research Method**

The type of research is normative juridical, namely legal research that analyzes law in terms of norms or *das sollen*. The data source uses secondary data sources. Secondary data consists of primary legal materials, secondary legal materials and tertiary legal materials in the form of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises; Law Number 25 of 1992 concerning Cooperatives; Law Number 11 of 2020 concerning Job Creation is further reduced to Government Regulations Number 7 of 2021 concerning Ease, Protection, Empowerment of Cooperatives & MSMEs. The data were collected through

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<sup>8</sup> Mukhtar Abdul Kader, 'Peran Ukm Dan Koperasi Dalam Mewujudkan Ekonomi Kerakyatan Di Indonesia', *JURISMA: Jurnal Riset Bisnis & Manajemen*, 8.1 (2018), 15-32 <<https://doi.org/10.34010/jurisma.v8i1.995>>.

<sup>9</sup> Hasto Finanto and Totok Ismawanto, 'P-15 Analisis Identifikasi Permasalahan Koperasi Politeknik Problem Identification Analysis of Balikpapan State', 1, 2020, 113-19.

literature review and analyzed using deductive logic, namely drawing conclusions from the major premise to the minor premise.

## Results and Discussion

### MSME Institutionalization Through the Establishment of Cooperatives

Law Number 20 of 2008 concerning Micro, Small and Medium Enterprises, defines Micro Enterprises as productive businesses owned by individuals and/or individual business entities that meet the criteria for micro enterprises as regulated in this law. Small business is a productive economic business that stands alone, which is carried out by individuals or business entities that are not subsidiaries or not branches of companies that are owned, controlled, or become part either directly or indirectly of medium enterprises or large businesses that meet the business criteria. Small as referred to in this law. Medium enterprises are productive economic businesses that stand alone, which are carried out by individuals or business entities that are not subsidiaries or branches of companies that are owned, controlled, or become a part either directly or indirectly with small businesses or large businesses with total net assets or annual sales proceeds as regulated in this Law. Large business is a productive economic business carried out by a business entity with a net worth or annual sales proceeds greater than medium enterprises, which include state-owned or private national businesses, joint ventures, and foreign businesses conducting economic activities in Indonesia.

Article 18 of Law Number 20 of 2008 concerning MSMEs on development in the field of human resources is carried out by promoting and empowering entrepreneurship; improve technical and managerial skills; establish, develop, educational and training institutions to conduct education, training, counseling, motivation and business creativity, and the creation of new entrepreneurs. Human resources are the most important subject in the development of Micro, Small and Medium Enterprises in order to create independent entrepreneurs.. Therefore the community needs to be empowered to improve the quality of human resources so that it can affect the quality of production produced in order to improve the community's economy for the welfare of the community<sup>10</sup>. The role of micro, small and medium enterprises (MSMEs) in the Indonesian economy can at least be seen from: (1) their position as a major player in economic activities in various sectors, (2) the largest provider of employment, (3) an important player in the development of business activities, local economy and community empowerment, (4) creating new markets and sources of innovation, and (5) contributing to maintaining the balance of payments through export activities<sup>11</sup>. One of the constraints for MSMEs is that the institutional capacity of Micro, Small and Medium Enterprises are still weak, especially in terms of capital. In addition, MSME actors do not understand the procedures and requirements for business licensing. This

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<sup>10</sup> Feni Dwi Anggraeni, Imam Hardjanto, and Ainul Hayat, 'Pengembangan Usaha Mikro, Kecil, Dan Menengah (UMKM) Melalui Fasilitasi Pihak Eksternal Dan Potensi Internal', *Jurnal Administrasi Publik*, 1.6 (2013), 1286-95.

<sup>11</sup> Adnan Husada Putra, 'Peran UMKM Dalam Pembangunan Dan Kesejahteraan Masyarakat Indonesia', *Jurnal Analisa Sosiologi*, 5.2 (2016), 40-52 <<https://media.neliti.com/media/publications/227635-peran-umkm-dalam-pembangunan-dan-kesejaht-7d176a2c.pdf>>.

causes MSME actors to be reluctant to manage business licensing which results in weak business institutions<sup>12</sup>.

Even though, there are vast potential, capital problems are still the main obstacle for SMEs to grow and develop. Fundamental problems that cause SMEs to encounter difficulties in business financing; first, the issue of collateral/guarantee. Almost all SMEs complain about the difficulty of getting financing from banks because there are guarantee provisions. As a result, SME's capital until now relies more on self-financing, which is very limited. Second, the problem of loan interest in the SME sector is still very high. In terms of financing, there are at least two types of SME groups. The first group is bankable SMEs which are characterized by (1) having adequate formal legal instruments; (2) neater management; (3) adequate marketing access; (4) presentation of financial information is acceptable according to technical bank requirements; (5) broad access to information and knowledge of banking products; and (6) collateral can meet technical bank requirements. The second group is the unbankable SMEs group, which is characterized by (1) not having adequate formal legal instruments; (2) untidy management; (3) limited marketing access; (4) the presentation of financial information has not met the technical bank requirements; (5) access to information and knowledge of banking products is limited. and (6) requires the role of cooperatives as liaisons and partners in building relationships with banks<sup>13</sup>.

#### **Institutional strengthening of MSMEs through Cooperatives**

Cooperatives in Indonesia, according to Law 25 of 1992 concerning Cooperatives, are defined as business entities consisting of individuals or cooperative legal entities based on their activities based on cooperative principles as well as a people's economic movement based on the principle of kinship. The existence of SMEs and cooperatives as the largest part of all national business entities are a tangible manifestation of the economic life of the Indonesian people. Such a position should place the role of SMEs and cooperatives as one of the main pillars in developing people's economic system<sup>14</sup>. However, until now its development is still far behind compared to other economic actors. Therefore, the development of SMEs and cooperatives must be one of the main strategies of national development whose implementation is realized in earnest with a strong joint commitment and supported by systematic and conceptual efforts consistently and continuously by involving all interested parties (both government and local government, private sector, and community at the national, regional, and local levels)<sup>15</sup>. Of course, this must also be accompanied by a big business development strategy within the framework of a people's economic system. The concept of developing SMEs and cooperatives in a people's economic system should have a perspective on the importance of (a) active participation of all

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<sup>12</sup> Johan Bhimo Sukoco, 'Kapasitas Kelembagaan Dalam Pembinaan Usaha Mikro Kecil Dan Menengah Di Kota Surakarta', *Jurnal Administrasi Bisnis*, 8.1 (2019), 15-22 <<https://doi.org/10.14710/jab.v8i1.21215>>.

<sup>13</sup> Fatimah dan Darna, 'Peranan Koperasi Dalam Mendukung Permodalan Usaha Kecil Dan Mikro (Ukm)', *Jurnal Ekonomi Dan Bisnis*, 10.2 (2011), 127-38.

<sup>14</sup> Muhammad Halilintar, 'Cooperatives and Economic Growth in Indonesia', *European Research Studies Journal*, 21.2 (2018), 611-22 <<https://doi.org/10.35808/ersj/1027>>.

<sup>15</sup> Djawahir Hejazziey, 'Pemberdayaan Koperasi , Usaha Mikro , Kecil Dan Syariah ( Lks ) Untuk Mengentaskan Kemiskinan Dan Pengurangan Pengangguran', *Jurnal Al-Iqtishad*, 1 (2009), 32-52.

components of society; (b) high entrepreneurial spirit; (c) freedom to do business, create and innovate; (d) equal opportunity in obtaining education, technology and information; (e) an open, transparent and efficient economic system; and (f) a fair market mechanism. The development of SMEs and cooperatives are an important component of the national development program to lay the foundation for the development of a sustainable and just people's economic system. Processes and methods for achieving these development goals are very important, especially through institutional strengthening and capacity building<sup>16</sup>.

In the order of economic life, cooperatives, small and medium enterprises have an important role in efforts to alleviate poverty. Cooperatives and SMEs will provide business opportunities and job opportunities as a manifestation of the community's economic empowerment program<sup>17</sup>. MSMEs need to be encouraged to join cooperatives or form new cooperatives. Cooperatives as legal entities are expected to be able to support business needs and help SMEs overcome their problems. In the MSME center approach as a model for strengthening, developing and growing MSMEs which is carried out through grouping based on the type of business in an area. In general, MSMEs grow informally together in residential areas, and in one region MSMEs grow of a similar nature<sup>18</sup>. The center-based MSME approach needs to be encouraged to strengthen the central institution into cooperative. MSME cooperatives can be used as a solution to problems for members by providing access to capital, marketing, and developing human resources to increase MSME's daytime power. However, there are several challenges and obstacles experienced by this cooperative movement. Empirical conditions reveal that many cooperatives in Indonesia cannot prosper their members and even several of them fail over time and automatically dissolve due to various factors<sup>19</sup>. Normatively in Law Number 25 of 1992 concerning Cooperatives, one of the requirements for the formation of cooperatives are a minimum of 20 members. The formation of cooperatives with minimum requirement for members is one of the conditions that were considered difficult to be fulfilled by MSME actors, so that there are still many MSME centers that have not been institutionalized into a cooperative.

### **Ease and Empowerment of Cooperatives & MSMEs in the Perspective of Government Regulations 7 of 2021**

Government Regulation Government Regulations Number 7 of 2021 was prepared as a follow-up to Law Number 11 of 2020 concerning Job Creation. Several things that underlie and encourage the need for clearer regulations related to Cooperatives, Micro, Small, and Medium Enterprises, among others, are that regulations related to the convenience, protection, and empowerment of Cooperatives, Micro, Small, and Medium Enterprises, which spread across various laws and regulations currently has not been able to meet the legal needs for acceleration of work creation and has not been integrated so that changes

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<sup>16</sup> Kader.

<sup>17</sup> E T Oktaria and P N Sari, 'Cooperatives and Their Contribution To the Development of Micro, Small and Medium Enterprises', *JIM UPB (Jurnal Ilmiah Manajemen ...)*, 9.2 (2021), 96-104 <<http://ejournal.upbatam.ac.id/index.php/jim/article/view/3693>>.

<sup>18</sup> Iqbal Arraniri, Oding Syafrudin, and Heni Susilawati, 'FINDING WAYS TO GROWING SMEs in WEST JAVA', *International Journal of Economics, Business and Accounting Research (IJEBAR)*, 4.03 (2020), 171-78 <<https://doi.org/10.29040/ijebar.v4i03.1222>>.

<sup>19</sup> - Mustofa, 'Upaya Pengembangan Profesionalisme Guru Di Indonesia', *Jurnal Ekonomi Dan Pendidikan*, 4.1 (2012), 76-88 <<https://doi.org/10.21831/jep.v4i1.619>>.

need to be made. Cooperatives, Micro, Small, and Medium Enterprises are one of the pillars of the people's economic strength that are able to expand employment opportunities and play a role in equitable distribution and increase in people's income, encourage economic growth, and realize national stability. Considering the importance of Cooperatives, Micro, Small and Medium Enterprises in the national economy, they must obtain political and economic alignments that provide more convenience, support, protection, and empowerment.

This Government Regulation regulates, among others: the convenience, protection, and empowerment of cooperatives; facilitation, protection, and empowerment of Micro, Small, and Medium Enterprises; administration of incubation; and a special allocation fund for the facilitation, protection, and empowerment of Cooperatives, Micro, Small and Medium Enterprises. The amended provisions of Law Number 25 of 2012 concerning Cooperatives are Article 6 paragraph 1) Primary Cooperatives are formed by at least 9 (nine) people; and paragraph (2) Secondary Cooperatives are formed by at least 3 (three) Cooperatives. The change in the minimum number of members for the establishment of a cooperative from twenty (20) people to nine (9) is one of the conveniences for the process of establishing a cooperative.

The next amendment was in Article 21 that the cooperative apparatus consists of a meeting of members, management and supervisors. In addition to having organizational tools, cooperatives that run based on sharia principles are required to have a sharia supervisory board. In Article 22 paragraph (1) the Meeting of Members is the highest authority holder in the cooperative; paragraph (2) Members' Meetings are attended by members whose implementation is regulated in the Articles of Association/Bylaws; paragraph (3) Members' Meetings can be held online and/or offline; Paragraph (4) Provisions regarding the Meeting of Members in the Articles of Association/Bylaws.

In addition to protecting cooperatives, the central government and regional governments can restore cooperative businesses in certain emergency conditions through: credit restructuring; business reconstruction; capital assistance; and other forms of assistance. In empowering cooperatives through fostering a business climate, the central government and regional governments establish policies in at least the following aspects: institutional; production; marketing; finance; and innovation and technology.

Policies on institutional aspects include improving quality of participation of members of cooperatives; the capacity and competence of the management, supervisors and managers of human resources; managerial and governance capabilities of cooperatives; the capacity of cooperative members as cooperative entrepreneurs/cooperative heroes through incubation. Policies on the production aspect include improving processing production techniques and management capabilities for cooperatives; provide convenience in the procurement of facilities and infrastructure, production and processing raw and auxiliary materials; encourage the application of standardization in the production and processing processes; and improve engineering design capabilities for products of cooperative members.

Policies on the marketing aspect include fostering the loyalty of cooperative members; develop market potentials other than members for business development and/or

the excess ability of cooperative services to non-member communities; development of cooperative business network and mutually beneficial cooperation between cooperatives and cooperatives with other parties; encourage cooperative products to have patents and trademarks so that they have competitiveness in the domestic and foreign markets; and curating regional superior products that have potential as franchises.

Policies on the financial aspect include increasing the capital participation of cooperative members through capital accumulation from grants; equalization of member savings; and/or other legal and non-binding sources in accordance with the provisions of the legislation. Policies on the aspects of innovation and technology include increasing research and development capabilities of cooperatives, innovation, and digital transformation; encourage the improvement of the innovation capability of cooperatives to improve work efficiency and competitiveness of cooperatives; encourage the use of technology in the field of design and quality control; encouraging an increased cooperation and technology transfer; provide incentives to cooperatives that develop environmentally friendly technologies; and cooperative entrepreneurship development through incubation.

The provisions in Article 43 paragraph (1) Cooperative business is a business that is directly related to the interests of members to improve the business and welfare of members. Paragraph (2) Cooperative business can be carried out as a single business or all businesses. Paragraph (3) Excess service capacity of Cooperatives can be used to meet the needs of the community who are not members of the Cooperative in order to attract the public to become members of the Cooperative. Paragraph (4) Cooperatives carry out business activities and play a major role in all fields of people's economic life. Article 44A paragraph (1) Cooperatives can carry out business activities based on sharia principles. Paragraph (2) Sharia cooperatives must have a sharia supervisory board. Paragraph (3) The sharia supervisory board consists of 1 (one) or more people who understand sharia and are appointed by the Member Meeting. Paragraph (4) The sharia supervisory board is tasked with providing advice and suggestions to the Management as well as supervising the activities of Cooperatives so that they are in accordance with sharia principles. Paragraph (5) The sharia supervisory board shall receive guidance or capacity building by the Central Government and/or the National Sharia Council of the Indonesian Ulema Council. In an effort to provide support to cooperatives, the central government and local governments are required to provide legal aid services and assistance to MSMEs in terms of legal counseling, legal consultation and mediation, preparation of legal documents; assistance outside the court. In addition, there is also a Single Permit for MSMEs, integrated management of MSEs, ease of financing and fiscal incentives, priority use of Special Allocation Funds (DAK) for the development of partnership MSEs.

### **Conclusion**

Policy support through Government Regulations Number 7 of 2021 is one of the efforts to strengthen MSME institutions and cooperatives. With the policy on the convenience, protection and empowerment of MSMEs and cooperatives, it is hoped that it will provide reinforcement to MSME problems in an effort to form cooperatives to increase the competitiveness of MSMEs and strengthen cooperatives that have been formed so that they are able to be more competitive and improve the welfare of the members with good governance and maximum support from both local and central government.



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