

18. Implementation Of Electronic Transactions By UMKM(SMEs) Connected With Contract Of Law

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Submission date: 02-Dec-2022 10:22AM (UTC+0700)

Submission ID: 1968866423

File name: Asais_2016.pdf (83.57K)

Word count: 5716

Character count: 30740

Implementation Of Electronic Transactions By UMKM(SMEs) Connected With Contract Of Law

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Abstract

The development of information technology is able to map the world with kinds of activities regardless of boundaries which are by land, sea or air. Thus, in business activities also can be done using information technology, thereby every business actors from various countries can do a business fastly, precisely, and effectively through every facilities of information technology. The problem is how to implemented the Contract Law, especially in electronic transaction of Small and medium enterprises (SMEs) in business activity. The method that is used in this research is qualitative. The obtained data then analyzed by using Juridical-Normative approach. This study is descriptive-analysis, which has intent to get a result about Act of Electronic Transaction reviewed from contract law in the business activity of Small and medium enterprises (SMEs). The result is, business actors of SMEs in conjunction with the implementation of electronic transactions are not using the Internet yet as business place. In Depok City, West Java, Indonesia, the percentage are 26.8% for the people who already using the internet as a media for their business, and 77.2% which are not using it, both in recruitment (HR) as well as in the marketing of their products.

Keywords: electronic transaction, SMEs, Contract Law, Internet, Information Technology

1. INTRODUCTION

Information technology and technologies such as network of the world (net) of this area, also known as the world wide web (www), is capable of mapping the world with every kind indefinitely its air and ground. He passed the boundaries of State and gives the possibility for any economic actors (actors) from every corner of the world to do business in a quick, timely, efficient, and effective manner through a wide range of facilities.

The development of information technology and telecommunications in recent years, have resulted in growing various also various services (features) existing telecommunication facilities, as well as increasingly sophisticated information technology products that are able to integrate all the media information in the middle of a communication that is increasingly integrated globalization (global communication network) with

the growing popularity of the Internet has made the world increasingly seeming shrunk (shrinking the world) and increasingly fades the boundaries of State sovereignty and the following tatananan of the people. Ironically, the dynamics of the society in Indonesia that is still growing and developing as a new industrial society and the information society, as it still seems premature to accompany the development of the technology.

Although the community has a lot of uses of information technology products and services of telecommunication in life especially in the trade, but the nation is still generally Indonesia fumble in finding a public policy or regulation in building a reliable infrastructure (National Information infrastructure) in the face of a global information infrastructure (Global Information Infrastructure Nusantara 21, 1999: 61).

Some discussion of telematics and cyberlaw has been widely discussed, resulting in the ACT on electronic information and electronic transactions, but not many people know as positive law as for the legal aspects of electronic transactions in the legal trade in Indonesia. so in this case has not yet been tersosialisasikan well to the community especially for small and medium enterprises. From the explanation above, engender legal issues in trade, namely: "How can the legal aspects of electronic trading agreement (Electronic Commerce) in the practice of law in Indonesia's current trade with the enactment of the ACT ITE The Cyberspace, Electronic Transactions, Legal Contracts, Small Medium Enterprises

⁷ The development of global computer technology has created a new world called cyberspace, a world of computer-based communication that offers a virtual reality i.e. barum ⁷ality. This development brings a great and fundamental changes in the social order and culture on a global scale as well as change the sense of a society, community, communication, social interaction and culture. The Internet also brings us on a world without borders and penetrate the limits of State sovereignty. A variety of terms that are ²⁹mmonly digunaka is Cyberspace, electronic mail (¹⁷mail), the World wide web (www), e-commerce

Transactions electronic commerce (Electronic Commerce), as part of Electronic Business (business that is conducted using electronic transmission, by experts and businessmen tried to formulate the definition of E-Commerce ⁸terminology. E-commerce in General can be defined as any form of trade transactions/commercial goods or

services (the trade of goods and service) using ¹³ectronic media. Electronic Media in this article for a while just focused in terms of use of internet media, considering the usage of internet media are the most popular currently used by many people, in addition to the things that can be categorize ⁸ as being 'boom'. So does need to be underlined, with the development of technology in the future, opens the possibility of the use of media networks other than the internet in e-commerce.

An agreement on the procedures for electronic transactions, from the process of bidding to deal the deal made by the parties. Characteristics of e-commerce. e-commerce has one characteristic, namely: occurrence ³² of a transaction between the parties, The exchange of goods, services and information, the Internet is the primary medium in the process or the mechanism of such trade.

¹⁶pes of electronic transactions, Business-to-business (B2B), Business to consumer (B2C) and Consumer-to-consumer (C2C), Consumer-to-business (C2B), Non Business to Electronic Commerce, Intrabusiness (organizational) electronic commerce

In a civil law perspective, an Alliance is a legal relationship between the subjects of the law between two parties, upon which one party liable for an achievement while the other party is entitled to such achievement. Because the agreement the Alliance then legitimately as a source Treaty became very important for the parties in conducting trade. According to article 1320 KUHPerdata legitimately an agreement covering the terms of subjective and objective criteria. terms of the Agreement are: the subjective, and Skills (being the

follow in law) to make an Alliance. Whereas objective criteria, are: a certain thing (the object should be obvious), and constitute a kausa halal (not contrary to law, morality and public order).

Electronic²⁵ Commerce activities subject to UNCITRAL Model Law on Electronic Commerce 1996 (is one product²⁶ of the UNCITRAL) then, if the UNCITRAL Model Law on Electronic Commerce 1996 can be used as a "handle" or certainty in international trade transactions in Electronic Commerce. ari description there are quotes emphasis on validity and recognition of electronic contract performance (the validity and recognition of electronic contract forms) which can be taken a few issues IE: "Writing required" (writing the desired or required), "Signature required" (signature required), as well as a form of writing

The signature in the model law to explicitly provide technical solutions that fit and the same legal value as traditional signature, which in particular purposes the Parties approved it bias if they want to. Electronic signature technology in the future can be introduced as suitable technology²⁸ without having to change the law. The provisions of article 7 of the model law is closely related to the ongoing practice.

In our society that do the agreement in written form so often referred to the contract and the contract itself, which is actually no other is an agreement. However, the said contract in everyday conversation turned out to be different indeed. The sense of common understanding in the narrow sense. In everyday speech when someone mentions a contract, it is used in the sense of the House

contract, contract, contract building shop, and others. Therefore, the contract is interpreted as if it were rent with the time period.

Small and ³¹medium enterprises, according to article 1 (1) of law No. 20 in 2008, mentions that micro is the individual person's productive businesses and/or ³individual business entities that meet the criteria of micro enterprises. Whereas according to article 12) Act ²¹p. 20 of 2008 about the micro, small ⁴ and medium enterprises, said that small business is the economic effort is productive in its own right, performed by the individual or business entity that is not a subsidiary or branch is not owned, controlled or become part either directly or indirectly from medium or large enterprise businesses that meet the criteria of a small business.

²⁰e goal of empowerment of Small Medium Enterprises are: realization of the structure of the national economy, developing ¹⁴ balanced and equitable. Cultivate and develop the ability of Small Medium Enterprises into robust and independent businesses. Enhance the role of Small Medium Enterprises in regional development, job creation, equitable distribution of income, economic growth, and alleviating the poverty of the people.

³ 2. METHODOLOGY

This research was conducted in the city of Depok. While the implementation time this research was conducted for 6 (six) months, for the preparation of an instrument-making interviews, interviews as well as the implementation of the processing and analysis of data. Small Medium Enterprises in this area which is in Depok which is the respondent where

the inventoried and are grouped in order to find the specific indications indications with regard to mapping of Small Medium Enterprises as a form of community empowerment through electronic transactions dimasyarakat. Sampling method is by way of mapping the number of Small Medium Enterprises, Small Medium Enterprises as businesses that do electronic transactions, in Depok. For the respondents were chosen by means of: mapping and identifying Small Medium Enterprises as businesses that conduct electronic transactions as a form of contract law in Depok. determine sample retrieval of Small Medium Enterprises existing business place relic in Depok. In other words in determining respondents, will be used in a proportionate random technique.

The approach used is the method to collect data not only from libraries but also in field and field research means to communicate with the public in this regard through informants predestination on the basis of observation of Small Medium Enterprises in the area of Depok. In this study researchers tried to illustrate how business form made of Small Medium Enterprises in Depok, therefore this research is a descriptive analysis of the study aims to provide an overview of the properties /characteristics of a symptom that there is in society, then of the events drawn specific conclusions to reach general conclusions through the process of abstraction of reality.

In getting the data needed both a qualitative field research conducted directly on the objects of research that has to do with the problems examined. As a source of trusted information dug up information as well as research libraries in order to

get the theoretical basis of the opinions of other parties who are authorized. Data collection techniques are implemented in a way: interview: in-depth interviews using a structured interview guide that does not. This is intended so that researchers can freely develop questions to informants can be built and an atmosphere of the interview no more formal nature. respondents who manages the SME Depok region

2.1 Method Of Analysis Data

Qualitative data analysis conducted in accordance with the type of data being examined. The primary Data were obtained from the respondents will be inventoried and are grouped in order to find the specific indications indications with regard to the case.

3. DATA ANALYSIS

Existing data collection, data collection is intended to get the references as a source benchmark. Preparation of the Questionnaire And Interview Material, the next step is To interview on establishments SME and area Depok, goal for the purposes of the preparation of this material research team used the results of the study on the data of the secondary data were obtained from the initial data of the respective Cooperative and Small Medium Enterprises Agency of the place to be for research, as well as from some of these will be benchmarking/or comparison.

The beginning of this research will be developed next was a primary data collection activities by using the instruments list of questions for the interview. In this study, there are three areas that a place or object of research, namely: Present condition of Small Medium Enterprises in the region based on the results of the

mapping, observation, and interviews are as follows:

As a city which borders the nation's capital, the city of Depok face many problems, including urban population problems. As a buffer area of Jakarta, Depok get pressure high enough population migration as a result of the growing number of areas of settlement, education, trade and services. The number of inhabitants in the city of Depok in 2005 reached 1.374.522 inhabitants, comprising 696.329 men's souls (50,66 percent) and women's 678.193 inhabitants (49,34 percent), while only 200,29 km² land area, then the population density of the city of Depok was 6.863 inhabitants/km². The population density rate is "dense", especially if associated with the spread of the population that is uneven. In a span of 5 years (2000 – 2005) residents of the city of Depok experienced an increase of 447.993 people. In 1999 the population was still under 1 million and in 2005 had reached 1.374.522 inhabitants, so that the development of an average of 4.23% per year. The increase is due to the high numbers of migrants each year.

Mayors issued a policy on the implementation of Small Medium Enterprises and cooperatives in the city of Depok, with any policy of Small Medium Enterprises given injections of funds for any Small Medium Enterprises and cooperatives.

To obtain data expected to get optimal results and objectives of small medium enterprises in the implementation of the right to conduct transactions electronically as the implementation of the law of contracts in the city of Depok, then as the first step is Mapping through the

activities of the survey. Directly adjacent to the city of Depok of Jakarta city environmental area or be in Jabotabek. having an area of approximately 200,29 km². Geographical conditions are irrigated by the rivers i.e. River Ciliwung and Cisadane and 13 sub units of The flow of the river. In addition there are 25 there. Extensive Data there in 2005 amounted to 169,68 Ha, with average water quality worse due to polluted. Land resources in the city of Depok experiencing pressure in line with the development of such a town rapidly. Based on the analysis of the data Revision RTRW Depok (2000-2010) in the utilization of the space city, residential area in 2005 reaches 8.915.09 ha (44,31%) of the total utilization of the space city of Depok. Area woke up to the year 2010 is projected to reach,59 ha (10.720 53,28%) or increased 3.63-% of data for the year 2005. While the wide open spaces (green) in 2010 projected area of,41 ha (46,72 9.399%) or declining 3.63-% from 2005. Predicted in 2010, from a broad area of% total 53,28 woke up, almost 45,49% will be covered by housing and township. As a city which borders the nation's capital, the city of Depok face many problems, including urban population problems. As a buffer area of Jakarta City, The city of Depok get pressure high enough population migration as a result of the growing number of areas of settlement, education, trade and services.

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Outcome mapping has been done in some areas in the city of Depok, then needed a new mapping of the existence of Small Medium Enterprises in the city of Depok.

To achieve that goal it is necessary mechanism and the design as follows: conduct a survey to identify Small Medium Enterprises located in the city of Depok and observe the effort and produktifitasnya, observing the activities of Small Medium Enterprises in conducting its business in accordance with the law of contract. Do a survey on Small Medium Enterprises existing in the city of Depok to observe and see the implementation effort of Small Medium Enterprises in accordance with the law of the contract pattern. carry out comparative study into the area outside the city of Depok, in order to adopt the model of Small Medium Enterprises that use electronic transactions in the conduct of its business.

3) get optimal results in the mapping of Small Medium Enterprises business in the city of Depok and support from the Department of cooperatives and Small Medium Enterprises Depok is very necessary as well as included.

In the city of Depok more or less cooperative or 70 per cent of the overall unit 441 630 cooperative, now

only a name only without any business activity. This happens because the formation of cooperatives are not based on need or simply the desire of its members. While operating off only 30 percent or just as much as the 189-unit cooperative of 630 cooperative. During the last two years, the Government of the city of Depok has run a number of programmes for the strengthening of the cooperative is still productive, such as programs that include training of human resources, training, technology, and management training perkoperasian. Programs that run aims to avoid the more cooperative living Board name alone, a healthy Cooperative up-to-date devices supporting kelebagaannya, such as technology, human resources, and strengthening of the capital.

2) Since the enactment of Regulations Minister of Home Affairs number 13 Year 2006 regarding the financial management Area, the Government must not again give aid directly to the capital of cooperatives and Small Medium Enterprises. Now the Government only provides facilities and mediating between cooperatives with financial institutions or other productive business units. the existence of a cooperative whose primary key is set on the ability of the administrators of the cooperative in conducting activities that benefit its members. When the cooperative had savings and business base, the its administrator is claimed capable of managing financial resources that exist with smaller flowering lending from banks. cooperative services must be cheaper than banks, if not necessarily the members prefer to borrow in the bank than in the cooperative. The administrator must be able to convince the members if deposits the money they leave her in a

safe and secure profitable cooperative.

Security-related savings cooperative members are now the Government has implemented a program of granting bail money savings bank lender co-operative members. The Government will provide financial guarantees to banks that 70 per cent of disbursed loans to cooperatives. With the Government's guarantee, the Executive Board of the cooperative can compete each other via concepts as well as their cooperative's flagship program, respectively.

The Department of Cooperatives and the SMEC area Depok ever plan to dissolve a cooperative that unhealthy. However, it is feared that cooperatives still had arrears to third parties. Because if still have debt means there is a bear. Therefore, plans to dissolve a cooperative are not healthy undone. The authorities in this case the Department of cooperatives and Small Medium Enterprises claimed to always monitor the development of cooperative distributed in six districts. It is said that the cooperative, 500 less capital got some help. The City Government has halted the grant since three years ago. The last aid given is City Government in 2006 amounting to Rp 750 million absorbed by cooperatives and 42 23 SMES. Scrolling the Fund channeled through the Center's own Cooperatives Save Loan (PKSP).

In economics, the city of Depok recorded performance levels are quite proud. Where along the last five years, the rate of economic growth average annual city of Depok was 4.88 out%. This figure far exceeds the rate of economic growth figures for the national average, which reached only 3.36% and economic growth

rates above the Province of West Java, which reached numbers 3,79%. Structurally or sectoral distribution, the largest contributing sector to the growth rate of the economy of the city of Depok is the sector of the processing industry, trade and services, as well as other community economic activities. In principle, the economic development policies and activities which have been implemented by the Government of the city of Depok is a series of efforts oriented on increasing people's income in order to increase their degree of socio-economic life. This is done among others through the expansion of employment, equitable distribution of income in society and the transformation of economic activity focus shifted or from the primary sector to the secondary sector. Seen from the attainment of the targets in the city of Depok Restra program, has implemented several strategic programs such as the Industrial Development Program households, small and medium enterprises has been carrying out training on the entrepreneurs in this group as much as 315 entrepreneurs from a target of 240 employers; Traditional Market Setup continues to be supported and can be realized as much as 6 units of the market from 4 units are planned. For small and Medium Businesses Empowerment programs and cooperatives have been able to train 350 people from 240 people being targeted specifically in the material management of medium and small businesses, cooperatives. Similarly, with the expansion of employment opportunities has been implementing various training as well as facilitating and conducting the construction of industrial relations between workers and employers in the city of Depok. And for increased investment in the city of Depok

during the last 3 years has been the establishment of the Rate rise gives an economy quite significantly, i.e. by the year 2000 from 5.98% to 6.12% and in 2002 and continued to grow into the 6.35% in 2003. For the year 2004 reached the city of Depok LPE 6,44%. While in the program of urban agricultural development efforts need to continue to be encouraged is the development of the leading commodities in order to further enhance the economic potential of the city of Depok.

The existence of the SMEC is a bit different from the existing cooperative in the city of Depok. Observation of 50 SMES in the area of Depok. Observation of material collected through literature studies and fieldwork. Furthermore the data analyzed by qualitative descriptive analysis using frequency tables. Observations showed that the majority of SMES applying business law in conducting its business and information from such business processes as a basis in decision-making efforts. So almost entirely has been implementing the principles of business law, especially with the use of means of information technology, in this case using the computer. Small Medium Enterprises in managing his business by using a pattern of business law has been held in the city of Depok.

Understanding small business in accordance with the definition of the Act No. 9 of 1995 is a small business with a small scale productive ventures. Small businesses have the highest net worth criteria Rp 200 million fare (two hundred million rupiah), Fortune Small Business, this does not include excluding land and buildings, places of business. Small businesses have the most sales results

¹² of Rp 1,000,000,000 for entrance ticket (one billion dollars) per year and bangkable to obtain credit from the bank a maximum of Rp 50.000.000,-(fifty million rupiah) up to a maximum of Rp. 500.000.000,- (five hundred million rupiah).

²³ Some of the characteristics of small business are: type of goods/commodities which generally have still not achieved easily changed; Location/place of business was settled does not generally sedentary; In general the financial administration was already doing while still simple, finance companies have started families, separated by the financial balance of efforts already made; Already have a business license and other legal requirements including TAX ID; Human resources (entrepreneurs) have experience in business berwira; Most have access to banks in terms of capital requirements; Most have not been able to make such good business management with business planning.

There are several examples of Small Medium Enterprises located on the territory of the city of Depok, among others: farmer as individual land owners who have the manpower or other such peasant farmers of star fruit; Wholesale market traders (agent) and the other collectors traders; Craftsmen industries, food and beverage, industrial meubelair, wood and rattan industry, household appliances industry, the apparel industry and handicrafts; Breeding chickens, ducks and fishing; Small-scale cooperatives.

Medium-sized enterprises referred to presidential instruction No. 10 of 1998 was an attempt is productive wealth criteria attempt clean higher than Rp 200 million fare (two

hundred million rupiah) up to at most Rp 10.000.000.000 fare, (ten billion rupiah) not including land and buildings, places of business and can receive credit from the bank amounting to Rp. 500.000.000,-fare (five hundred million rupiah) s/b, Rp. 5 billion (five billion dollars).

Characteristics of intermediate business in General has had a management and organization that better, more regular and even more modern, with a clear division of tasks among other things, the financial section, part marketing and part production; Has been doing financial management by implementing the accounting system with regular, making it easier for auditing and assessment or examination including by banking; Did the rules or management and labour organisations, there have been social security, health care etc.; Already have all the requirements for legality among other things permits the neighbors, business license, permits, TAX ID, places environmental management efforts etc.; Have access to banking funding sources; In General already have human resources trained and educated.

Medium types or kinds of effort most put the commodity from almost all sectors may be almost evenly, namely: agriculture, is the main Business mid-sized, forestry plantations; Trade (wholesale) business including export and import; EMKL services business (a boatload of Sea Expeditions), garment and taxi and bus transportation services between proponsi; Business food and beverage industries, electronics and metals; Stone Mountain mining efforts for construction and artificial marble

The number of these SMES not including 1510 of Small Medium Enterprises in traditional markets, etc. Based on the results of the survey conducted in the city of Depok, the number of large and medium industries in the city of Depok business/company registration results according to Kadin Depok is 1510 company. Most industries in the city of Depok is the food and beverage industry there are 126 companies, apparel industry then there are 26 companies. In the study sample in take 30% of the population. Below is a list of sample and population

In conducting its business activities, the entrepreneurs of Small Medium Enterprises have different ways, one is using the computer and some are not using the computer, it can be seen in the table below.

From the results of surveys and interviews in the city of Depok who already use Electronic transaction is the drug industry, craft industry and spare parts. The table below shows the SME entrepreneurs manage kegiatannya areas ranging from human resources, areas of production and marketing field.

above to see that only a small fraction of total SMES who answered Yes in using electronic transactions (26.8 percent) as much as 77.2% answer does not use electronic transactions. The city of Depok now has a place in this city with promotional products is named small business medium (SME) Centre located in Depok ITC. SME Centre which can accommodate about 75 SMES.

4. CONCLUSIONS

Outcome Mapping or mapping in three areas, namely the city of Depok, Tangerang and Bekasi City South, most problems faced by entrepreneurs of SMES in relation to the implementation of electronic transactions in its business not all use Internet media. As in Depok who answered Yes to use internet media as much as 26.8 and 77.2 answer does not use the internet, both in the labour perekrtuan (Human Resources) as well as in marketing the products they produce. As for Bekasi regions cannot be held search data, because at the moment the researcher spaciousness is going on, so should sara issues get permission from Bekasi City Government, so that the data is retrieved only from the internet, newspapers and media interviews. As for the city of South tangerang, SKPDnya is still new, so when asked to datapun is still not available, so too in the search data to the community of Small Medium Enterprises cannot complete.

5. SUGGESIONS

For each of the Small Medium Enterprises in the region or other area of Depok was expected to have already begun to implement electronic transactions in doing business. Otherwise it is feared the community economic development will be hampered. There are criteria for determining the SMEC can do electronic transactions, such as SMEC is listed on the Small Medium Enterprises and cooperatives.

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