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Legal Protection for Micro, Small, and Medium Enterprises in Aceh: Conflict between the Banking Law and the Qanun on Islamic Financial Institutions

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Abstract: This study aims to analyze legal protection for Micro, Small, and Medium Enterprises (MSMEs) in Aceh Province amidst the contestation between the National Banking Law, the Qanun on Sharia Financial Institutions (LKS), and the obligation to halal certification. Since the enactment of Aceh Qanun Number 11 of 2018, the banking system in Aceh has undergone a total transformation towards sharia, which has created challenges in capital accessibility and regulatory harmonization. On the other hand, the Halal Product Guarantee Law requires certification for all MSME products, with a transition deadline for micro-enterprises until 2026. This study uses empirical legal methods, analyzed with the theory of asymmetric autonomy and legal pluralism. Data were collected by referring to document studies and in-depth interviews. The study concludes that legal protection is needed for MSMEs in Aceh, which still face structural obstacles due to disharmony between central and regional regulations and limited sharia-supporting infrastructure. Therefore, from the perspective of the theory of asymmetric autonomy, it provides space for the formation of regulations tailored to the sociological and philosophical characteristics of the Islamic-based Acehnese society. Legal pluralism also makes it possible to harmonize state law, Islamic law and customary law so that they can live side by side de facto and de jure. The research recommends strengthening the operational technical regulations of the Qanun LKS and integrating the halal industry ecosystem through a more inclusive Sharia People's Business Credit (KUR) financing scheme to ensure the economic sustainability of the Acehnese people.

Keywords: Legal protection, MSMEs, financial institutions qanun, sharia-based people’s business credit, halal product, legal pluralism

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Abstrak: *Penelitian ini bertujuan untuk menganalisis perlindungan hukum bagi Usaha Mikro Kecil dan Menengah (UMKM) di Provinsi Aceh di tengah kontestasi antara Undang-Undang Perbankan nasional, Qanun Lembaga Keuangan Syariah (LKS), serta kewajiban sertifikasi halal. Sejak pemberlakuan Qanun Aceh Nomor 11 Tahun 2018, sistem perbankan di Aceh mengalami transformasi total menuju syariah, yang menimbulkan tantangan aksesibilitas modal dan harmonisasi regulasi. Di sisi lain, Undang-Undang Jaminan Produk Halal mewajibkan sertifikasi bagi seluruh produk UMKM, dengan tenggat waktu transisi bagi usaha mikro hingga 2026. Kajian ini menggunakan metode hukum empiris, dianalisis dengan teori otonomi asimetris dan pluralisme hukum. Data dikumpulkan dengan mengacu pada studi dokumen dan wawancara mendalam. Kajian ini menyimpulkan bahwa diperlukan perlindungan hukum bagi UMKM di Aceh masih menghadapi hambatan struktural akibat disharmoni antara regulasi pusat dan daerah serta keterbatasan infrastruktur pendukung syariah. karena itu, dari perspektif teori otonomi asimetris memberikan ruang bagi pembentukan regulasi yang disesuaikan dengan karakteristik sosiologis dan filosofis masyarakat Aceh yang berbasis Islam. Secara pluralisme hukum juga sangat memungkin untuk dilakukan harmonisasi antara hukum negara, hukum Islam dan hukum adat sehingga hidup berdampingan secara de facto dan de jure. Hasil penelitian merekomendasikan perlunya penguatan regulasi teknis operasional Qanun LKS dan integrasi ekosistem industri halal melalui skema pembiayaan KUR Syariah yang lebih inklusif untuk menjamin keberlanjutan ekonomi rakyat Aceh.*
Kata Kunci: *Perlindungan hukum, UMKM Aceh, qanun LKS, KUR syariah, jaminan produk halal, pluralisme hukum*

Introduction

The province of Aceh has special autonomy status under Law No. 11 of 2006 concerning the Government of Aceh, which grants broad authority to implement Islamic Sharia comprehensively, including in the area of *muamalah*.[1] This implementation is reinforced by Aceh Qanun No. 11 of 2018 on Sharia Financial Institutions (LKS), which requires all financial institutions in Aceh to operate in accordance with sharia principles.[2] However, this policy has created a conflict with the national Banking Law, which adheres to a dual banking system,

[1]Andrée Feillard, "Discordances à l'aube de l'islamisation Du Droit à Aceh" *Archipel* 87, no. 1 (2014). Michael R. Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*, United Kingdom: Oxford University Press, 2013. Arskal Salim, *Contemporer Islamic Law in Indonesia: Sharia and Legal Pluralism*, Edinburgh UK: Edinburgh University Press, 2015.

[2]Inten Meutia and Achmad Soediro, "Disclosure of Governance Practice by Islamic Banks in Indonesia," *International Journal of Islamic Economics and Finance Studies*, 2019. Ahmad Dahlan, et.al., "The Crucial History of Sharia Banking Law Development in Indonesia," *al-Manahij: Jurnal Kajian Hukum Islam* 17, No. 1 (2023).

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and has led to obstacles in accessing capital for MSMEs after the conversion of conventional banks.[3]

In this context, legal protection for MSMEs in Aceh is becoming increasingly important given their strategic role as pillars of the national and regional economy.[4] MSMEs not only contribute to improving community welfare and employment, but also serve as instruments of economic equality.[5] Constitutionally, the protection of MSMEs is mandated by Article 33 of the 1945 Constitution, which emphasises the principles of togetherness and social justice to achieve prosperity for the people.[6] However, amid the tide of globalisation and free trade, MSMEs in Aceh face the risk of unfair competition and domination by large corporations, which could create structural imbalances in the economic system.[7]

This disparity is reflected in MSMEs' limited access to capital, financial management, and technological mastery, compared to large companies that have broad access to economic resources.[8] Therefore, the law serves a strategic function by creating balance and harmony between small and large businesses while maintaining fairness in the business climate.[9] In this regard, local governments play a crucial role in creating protective, facilitative, and consultative regulations. Legal protection not only serves as a control mechanism but also as an instrument for providing legal certainty, security, and safety for economically disadvantaged communities against business practices that could harm the sustainability of MSMEs.[10]

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[3]Krisna Nugraha et al., "Factors Influencing Bank Customers' Orientations toward Islamic Banks: Indonesian Banking Perspective," *Sustainability (Switzerland)* 14, no. 19 (2022).

[4] Nur Insani, et.al., "Empowering Muslim Women: Bridging Islamic Law and Human Rights with Islamic Economics," *De Jure: Jurnal Hukum dan Syariah* 16, No. 1 (2024). Chairul Fahmi and Syarifah Riyani, "Islamic Economic Analysis of The Aceh Special Autonomy Fund Management," *Wahana Akademika: Jurnal Studi Islam Dan Sosial* 11, no. 1 (2024), p. 89–104.

[5] Dunyati Ilmiah, "Peran Perbankan Syariah Dalam Implementasi Wakaf Uang Untuk Pengembangan Industri Halal Di Jawa Timur," *Dinamika: Jurnal Kajian Pendidikan Dan Keislaman* 5, no. 2 (2020).

[6] Yance Arizona, "Perkembangan Konstitusionalitas Penguasaan Negara Atas Sumber Daya Alam Dalam Putusan Mahkamah Konstitusi," *Jurnal Konstitusi* 8, no. 3 (2016).

[7] Naelati Tubastuvi and Aam Slamet Rusydiana, "Prioritizing Islamic Financial Literacy for MSMEs in Indonesia," *Islamic Economics Methodology* 3, no. 1 (2024). Tuan Afero Harahap, et.al., "Blue Economy Legal Codification of Malaysian Social Finance: Harmonizing Law and Fiqh in Maritime," *Mazahibuna: Jurnal Perbandingan Mazhab* 8, No. 1 (2026).

[8] Ayunda Putri Nilasari, et al., "Strategi Pemberdayaan Dan Kontribusi UMKM Menghadapi Ekonomi Digital," *"Fintech Dan E-Commerce Untuk Mendorong Pertumbuhan UMKM Dan Industri Kreatif,"* 2019.

[9] Adnan Husada Putra, "Peran UMKM Dalam Pembangunan Dan Kesejahteraan Masyarakat Indonesia," *Jurnal Analisa Sosiologi* 5, no. 2 (2016).

[10] Ahmad Syarief Iskandar, et.al., "The Influence of Microfinance, Interest in Entrepreneurship and Business Location on the Development of Micro, Small and Medium Enterprises," *Jurnal Ad'ministrare* 8, no. 2 (2021), p. 531.

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In addition to capital and business competition challenges, MSMEs in Aceh also face mandatory halal certification under Law Number 33 of 2014 concerning the Halal Product Guarantee (JPH Law) and Aceh Qanun Number 8 of 2016 concerning the Halal Product Guarantee System (SJPH).[11] The transformation of certification from voluntary to mandatory carries legal consequences for businesses that do not meet the specified deadline.[12] In this situation, a responsive and equitable legal framework is essential to ensure that these regulatory obligations do not become a burden that hinders the sustainability of MSMEs.

Theoretically, the legal protection of MSMEs in Aceh can be analysed through the Law and Development framework, which views law not merely as a control mechanism, but as an instrument to promote economic growth and social justice.[13] In Aceh, legal development focuses on overcoming structural poverty by empowering marginalised groups, including micro-entrepreneurs.[14] The implementation of asymmetric decentralisation in Aceh also serves to control vertical conflicts by granting different fiscal authorities and responsibilities in accordance with regional conditions. The law in Aceh reflects a genuine legal pluralism, in which the state legal system, Islamic law, and customary law coexist *de facto* and *de jure*.[15] Legal protection for MSMEs, therefore, must be understood as a synergy between national standards, as regulated in Law No. 20 of 2008 (and its amendments under the Job Creation Law), and local values as enshrined in the Qanun.[16]

However, the existence of Micro, Small and Medium Enterprises (MSMEs) in Aceh Province is currently caught in a unique and complex regulatory contest, which brings together regional ideological ambitions and the functional realities of the national financial system. Since the enactment of Qanun

[11] Devid Frastiawan Amir Sup, "Pendampingan Proses Produk Halal (PPH) Dalam Program SEHATI (Sertifikasi Halal Gratis) Pada Produk Dapoer Nyo-Nya," *Jurnal Aksi Afirmasi* 4, no. 1 (2023). Asep Saefullah, et.al., "Religious Moderation and Halal Governance in Indonesia: A Wasatiyyah-Maslahah Framework," *al-Istinbah: Jurnal Hukum* Islam 10, No. 2 (2025).

[12] Sitti Nur Faika and Musyfika Ilyas, "Kewajiban Pendaftaran Sertifikasi Halal Pada Badan Penyelenggara Jaminan Produk Halal: Perspektif Maqāṣid Al-Syarī'ah," *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*, (2021).

[13] Rahmad Kurniawan, et.al., "Juridical-Philosophical Review of the Position of Sharia Compliance in Islamic Banking in Indonesia," *Jurnal Ilmu Hukum Tambun Bungai* 9, no. 2 (2024), p. 531–45.

[14] Satriaji Vinatra et al., "Peran Usaha Mikro, Kecil, Dan Menengah (UMKM) Dalam Kesejahteraan Perekonomian Negara Dan Masyarakat," *Jurnal Akuntan Publik* 1, no. 3 (2023).

[15] Mursyid Djawas, et. al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024). Nurul Kamaly, et.al., "Implementation of Qanun Jinayat Within the Framework of Special Autonomy in Aceh," *Malikussaleh Social and Political Review* 7, No. 1 (2026).

[16] Musyfikah Ilyas, "Sertifikasi Dan Labelisasi Produk Halal Perspektif Maslahat," *Jurnal Al-Qadau: Peradilan Dan Hukum Keluarga Islam* 4, no. 2 (2018).

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Aceh No. 11 of 2018 on Sharia Financial Institutions (LKS), the financial architecture in the Veranda of Mecca has undergone a radical transformation, requiring all financial institutions operating in the region to adopt sharia principles exclusively. However, the journey towards the comprehensive implementation of Islamic law in the economic sector faces a significant challenge in addressing the practical needs of 106,147 micro-businesses that form the backbone of Aceh's economy.[17] The contestation between the National Banking Law, which adheres to a dual banking system, and the monolithic Qanun LKS has created a deep discourse space on economic sovereignty, distributive justice, and financial transaction stability for small businesses.[18]

The legal basis for Aceh's economic transformation is rooted in the special autonomy status granted through Law No. 11 of 2006 on the Government of Aceh.[19] This regulation grants the Aceh Government special authority to regulate matters of government and local community interests in accordance with Islamic values. Articles 16 and 17(i) of the UUPA mandate the Aceh Provincial Government and Regency/City Governments to facilitate and develop MSMEs and cooperatives in Aceh as pillars of the regional economy.[20] Legal tensions arise when the regional Qanun LKS conflicts with Law No. 10 of 1998 on Banking and Law No. 21 of 2008 on Sharia Banking, which apply nationally. While national law gives citizens the freedom to choose conventional or Islamic banking services, the LKS Qanun closes the door to traditional operations in Aceh, thereby limiting customers' right to determine in the name of the integrity of the regional Islamic system.[21] This disharmony between regional and national regulations creates legal uncertainty, especially for MSMEs with cross-provincial business networks, due to differences in contract systems (*aqad*) and dispute-resolution mechanisms that are not yet fully synchronised with the national legal infrastructure.

This study employs empirical legal research methods, [22] while the approach employed is a statutory approach aimed at analyzing norm consistency,

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[17] Miftakhul Jannah and Eddy Junaidi, "Linkages between Sectors and Regions in the Aceh Economy," *Jurnal Ekonomi Pembangunan* 20, no. 2 (2023).

[18] Sri Wahyu Ningsih and Muhammad Dzikri A, "Pengaruh Fear of Missing Out, Sertifikasi Halal Dan Kualitas Produk Terhadap Keputusan Pembelian Melalui Harga Sebagai Variabel Intervening (Studi Kasus Pada Konsumen Mie Gacoan Kota Lamongan)," *Journal of Innovation Research and Knowledge* 4, no. 12 (2025).

[19] Fahmi and Riyani, "Islamic Economic Analysis of The Aceh Special Autonomy Fund Management."

[20] Salman Al Farisi, et.al., "Peran Umkm (Usaha Mikro Kecil Menengah) Dalam Meningkatkan Kesejahteraan Masyarakat," *Jurnal Dinamika Ekonomi Syariah* 9, no. 1 (2022),

[21] Masyitah, "Tinjauan Hukum Islam Terhadap Perlindungan Konsumen Pada Transaksi Jual Beli Online," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 2, no. 1 (2017).

[22] Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum*, Ed. Chairul Fahmi (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).

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and a conceptual approach based on the theory of asymmetric autonomy and legal pluralism. [23] Asymmetric autonomy theory is the concept of granting special authority to certain regions. This authority differs from that of other regions. The goal is to regulate their own affairs or regions.[24] This is because these regions have unique histories, cultures, or issues. For example, Aceh has special authority and autonomy that differs from other regions in Indonesia.

Legal pluralism, on the other hand, is a theory that recognizes two or more legal systems or dispute resolution mechanisms that apply and coexist within the same geographic or social region. This encompasses the interaction between state law and non-state law, such as customary law or Islamic law. [25] Legal pluralism recognizes these three laws, resulting in harmonization and choice in implementation. In the context of this research, state law governing banking laws has its own regulations, while Aceh, as an autonomous region, also has a Sharia banking qanun that also has legal force.

Data collection techniques included document studies and in-depth interviews. The data analyzed included primary, secondary, and tertiary legal materials. The primary legal materials included the 1945 Constitution, UUPA No. 11 of 2006, the Banking Law, the JPH Law No. 33 of 2014, the Job Creation Law No. 6 of 2023, the LKS Qanun No. 11/2018, and the SJPH Qanun No. 8/2016. Meanwhile, secondary legal materials included reputable scientific journals, performance reports from agencies (BPJPH, the Aceh Regional Office of the Directorate General of Taxes), and textbooks related to Islamic economic law. Interviews were conducted with informants with expertise in business law, business economics, and Islamic economics at Syiah Kuala University and Ar-Raniry State Islamic University, citing their in-depth understanding of the research focus.

Profile of MSMEs in Aceh: Growth Dynamics and Structural Barriers

MSMEs in Aceh are the main drivers of regional economic growth, which grew by 4.46 per cent annually in the third quarter of 2025.[26] Their presence is very dominant in the financial structure, with the micro and small industry sector spread across all districts/cities. Based on the capital criteria in Government

[23] Reza Banakar, *Normativity in Legal Sociology: Methodological Reflections on Law and Regulation in Late Modernity*, (2015), p. 1–292.

[24] Mohammad Thoha, et.al., "Can Indonesia's Decentralized Education Technology Governance Policy: Evidence from Muslim Countries," *Bestuur* 11, No. 2 (2023).

[25] Dedy Sumardi, et.al., "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah* 5, No. 1 (2021). Ali Abubakar, et.al., "The Postponement of the Implementation of Inheritance Distribution in The Seunuddon Community, North Aceh in The Lens of 'Urf Theory and Legal Pluralism," *El-Usrah* 6, No. 2 (2023).

[26] Rahmat Aulia, et.al, "Operasionalisasi Lembaga Keuangan Baru Dan Dampaknya Terhadap Pertumbuhan Usaha Mikro," *Jihbiz :Global Journal of Islamic Banking and Finance.* 2, no. 1 (2020).

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Regulation No. 7 of 2021, most MSMEs in Aceh fall into the micro category, with a maximum business capital of IDR 1 billion.

Table 1: Distribution of Micro and Small Industrial Enterprises in Sumatra

Province	Micro Industry (Unit)	Small Industry (Unit)	Total Business Units
Aceh	106,147	2,360	108,507
North Sumatra	116,906	7,005	123,911
West Sumatra	85,194	2,859	88,053
Riau	52,839	1,586	54,425
Lampung	83,989	4,080	88,069

Source: Ministry of Cooperatives and SMEs data, 2024

Micro businesses dominate the MSME landscape in Aceh, while small businesses still account for a small share.[27] By business sector, MSMEs in Aceh are concentrated in trade and manufacturing, indicating a reliance on small-scale economic activities with limited added value. This situation reinforces the urgency of affirmative policies, particularly in the areas of financing, legal protection, and competitiveness of MSME actors.

Although relatively competitive in terms of quantity compared to neighbouring provinces such as North Sumatra, micro-enterprises have not been accompanied by balanced growth in the small industry sector. This gap indicates that systemic barriers prevent micro-enterprises in Aceh from scaling up or "moving up" to become small enterprises. Various internal factors contribute to this condition, including low innovation capacity, weak product branding strategies, and financial management that is still conventional and not yet integrated with digital systems.[28] This condition emphasises the need for more targeted policy interventions to encourage the sustainable structural transformation of MSMEs in Aceh.

[27] Putri Balqis Vilza, et.al., "Implementation of Qanun Aceh Number 11 of 2018 Concerning Islamic Financial Institutions in Increasing Financing for Micro Enterprises in Aceh," *International Journal of Law and Society* 2, no. 4 (2025).

[28] Febi Silviana Muhammad Adnan, "Faktor-Faktor Yang Mempengaruhi Pendapatan Usaha Mikro Kecil Menengah Di Kota Banda Aceh Dalam Perspektif Ekonomi Islam," *Journal of Sharia Economics* 3, no. 1 (2022).

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Table 2: Number of Micro and Small MSMEs in Aceh Province

MSME Sector	Number of Units
Micro	622,350
Small	1,839
Total	**624,189**

Source: Aceh Cooperative and SME Agency Data, January 2026

Many MSMEs in Aceh are still categorised as unbankable by financial institutions because their risk profiles are considered too high. The sustainability of businesses in Aceh also depends heavily on the owner; if the owner faces misfortune, business operations often come to a standstill due to the absence of an institutionalised managerial system. In addition, a lack of information about available sharia financing schemes widens the gap between capital providers and businesses in need.

Sharia Banking, Qanun LKS, and the Dynamics of MSME Financing

A crucial moment in the banking contest in Aceh occurred in May 2023, when a ransomware attack disrupted services at PT Bank Syariah Indonesia Tbk (BSI). As the largest Islamic bank with a dominant market share in Aceh—reaching 542,161 mobile banking service users—the paralysis of BSI for four consecutive days led to extraordinary economic stagnation among MSMEs. Daily transactions, employee salary payments, and supplier obligations came to a complete halt, ultimately triggering widespread public dissatisfaction.[29] This incident serves as empirical evidence for the Aceh Government to reassess the effectiveness of the single banking system.[30] A spokesperson for the Aceh government stated that the current Islamic banking infrastructure is not yet fully capable of responding to the socio-economic dynamics of society, especially in the context of national and international transactions. As a result, there have been calls from various groups, including business associations such as Apkasindo, to reintroduce conventional banking options in Aceh to ensure the continuity of financial transactions through a diverse reserve system.

The process of revising the Qanun LKS proposed by the Aceh government to the Aceh House of Representatives (DPRA) aims to reopen opportunities for conventional banks to operate in Serambi Mekkah. However, this plan has sparked sharp ideological debate. On the one hand, Senior Faculty LPPI considers this proposal to be a reflection of the "voice of the heart" of the people affected by service disruptions. On the other hand, the Ulama Consultative Assembly (MPU) and Sharia support groups consider this revision to be a step backwards

[29] Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (2023), p. 667–86.

[30] Husnul Mirzal, "Determinants Of Islamic Banking Acceptance As A Single Banking System In Aceh," *An-Nisbah: Jurnal Ekonomi Syariah* 9, no. 1 (2022).

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that could undermine the consistency of Islamic economic implementation in Aceh.[31]

Amidst the regulatory contestation, Islamic banking in Aceh particularly Bank Aceh Syariah (BAS) and BSI is striving to demonstrate its commitment to supporting the productive sector. BAS recorded MSME financing disbursements totalling Rp2.53 trillion as of June 2025, positioning it as a driver of inclusive, independent growth for local entrepreneurs.[32] Meanwhile, BSI has set a target of disbursing Rp3.75 trillion in People's Business Credit (KUR) in Aceh for 2025, reflecting massive efforts to maintain market dominance amid talk of the return of conventional banks.

The profit-sharing system (*mudharabah* and *musyarakah*) applied by Islamic banks theoretically provides fairness to MSMEs, as the financial burden is adjusted to the realities of business profits, rather than a fixed interest rate that can be suffocating during difficult economic conditions. However, the effectiveness of this financing still faces challenges, including risks from the undocumented informal sector and low customer understanding of complex contracts.

Table 3: Financial Performance of Bank Aceh Syariah

Financial Parameters	Achievement Value	Trends / Notes
Net Profit	Rp 287.45 billion	Down 4.54% yoy
Total Financing	Rp 20.59 trillion	Up 3.14% yoy
Third-Party Funds (DPK)	Rp 26.96 trillion	Up 8.35% yoy
Gross NPF	2.59	Below the 5% threshold
BOPO	81.12	Experiencing an increase in costs

Source: Aceh Syariah Bank Data, 2025.

The 4.54% decline in BAS net profit in September 2025 signals pressure on profit margins due to increases in operating costs and funding costs. However, the NPF (Non-Performing Financing) ratio remained at 2.59 per cent, indicating that MSMEs in Aceh have a relatively good level of compliance in meeting their financing obligations, although their financial literacy remains a concern for

[31] Fahmi and Riyani, "Islamic Economic Analysis of The Aceh Special Autonomy Fund Management."

[32] Putri Balqis Vilza, et.al., "Implementation of Qanun Aceh Number 11 of 2018."

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researchers. The Aceh government has formulated a comprehensive strategy through the 2023-2026 Strategic Plan (Renstra) of the Cooperative and SME Office to strengthen the competitiveness of MSMEs amid the transition in the banking system.[33] The primary focus of this strategy is to increase the regional entrepreneurship ratio to 1.93% by 2026 through integrated empowerment programmes.

Some of the main pillars of this Renstra include accelerating business digitalisation through technology literacy, opening up access to digital markets through platforms such as acehsale.co.id, and encouraging the use of digital-based financial reporting systems for cooperatives and MSMEs. In addition, the Aceh Government has initiated strategic partnerships with national institutions, including Bank Indonesia (through the WUBI programme), PT Pos Indonesia for logistical support, and PT Pegadaian Syariah to expand access to microfinance.[34] Community-based empowerment is also a special concern, where stimulus assistance in the form of equipment and capital is distributed to MSME groups in Dayah or Islamic boarding school environments through the Aceh Baitul Mal sharia system. [35] These efforts are designed to create local economic independence that not only depends on the existence of one or two large banks but also builds a multidimensional support ecosystem.

The Central Government, through the Ministry of MSMEs, has announced that the interest rate for People's Business Credit (KUR) loans will be set at a flat rate of 6% per annum starting in January 2026, with a national distribution target of Rp320 trillion. In Aceh, the challenge is how Islamic banks can adjust their margin rates to remain competitive with the 6% interest rate without violating the principle of profit sharing. Bank Aceh Syariah itself has begun promoting KUR with low margins, equivalent to an effective interest rate of 6%, to ensure that MSME players in Aceh do not switch to informal financial institutions or illegal online loans that are rampant in the digital era.[36]

The Contest Between the National Banking Law and the Qanun LKS in Aceh

[33]Harun Alrasyid, et.al., "Strategi Penguatan Umkm Melalui Edukasi Dan Pendampingan Sertifikasi Halal," *Jurnal Akselerasi Merdeka Belajar Dalam Pengabdian Orientasi Masyarakat (AMPOEN): Jurnal Pengabdian Kepada Masyarakat* 2, no. 3 (2025).

[34] Rina Iklima et al., "Analysis of The Influence of Capital And Business Duration On The Income Level of SMEs (Case Study at CMC Cake Shop," *Journal of Accounting Research, Utility Finance and Digital Assets* 1, no. 3 (2023).

[35]Rizal, et.al., "Inconsistency of Shariatization: Exploring the Implementation of Sharia Principles in Baitul Maal wa Tamwil," *al-Istibath: Jurnal Hukum Islam* 10, No. 1 (2025).

[36] Hani Werdi Apriyanti, "Perkembangan Industri Perbankan Syariah Di Indonesia: Analisis Peluang Dan Tantangan," *MAKSIMUM* 8, no. 1 (2018).

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The implementation of the Qanun LKS in Aceh requires all financial transactions to be conducted through sharia institutions.[37] This has caused conventional banks to either leave Aceh or convert, as was the case with Bank Aceh Syariah and BSI. However, legal analysis shows a regulatory gap: protection for traditional online banking customers (such as conventional digital banks) is not provided under the LKS Qanun, leaving them in a weak legal position.[38] In addition, this transition has caused "operational constraints" for several Sharia Microfinance Institutions (LKMS) in Aceh, which are experiencing limitations in capital and professional human resources in the field of Sharia. Legal protection for MSME customers during the conversion process remains weak due to the absence of detailed technical regulations to address contract disputes arising from the transition from an interest-based system to a profit-sharing system.[39]

The enactment of Aceh Qanun No. 11 of 2018 on Sharia Financial Institutions (LKS) is a milestone in Aceh's transformation of its financial system. This Qanun requires all financial institutions operating in Aceh to apply sharia principles in all their transactions. This obligation covers banking, insurance, capital markets, pawnshops, and microfinance institutions. Article 65 of the LKS Qanun stipulates a three-year transition period, ending in 2021, during which all conventional banks must convert or cease operations in Aceh. The implementation of the Qanun LKS has led to a contestation with the national Banking Law, which adheres to a dual banking system.[40] On the one hand, this step is seen as an effort to realise economic justice for the people of Aceh so that they can escape from the practices of usury, gambling, and gharar. However, this transition poses a significant challenge for MSME players in terms of accessibility.

After the conversion of conventional banks to sharia banks, various complaints arose from the community and business actors.[41] Several identified obstacles include the lack of supporting facilities such as sub-branch offices (KCP) and disruptions to cross-regional financial transactions, especially for those who receive central government assistance that is still distributed through conventional banks. This gap in banking infrastructure is considered to undermine economic justice for the small community. In addition, this transition has triggered an "operational narrowing" that limits financial institutions' ability to

[37] Kusjuniati Kusjuniati, "Peran Lembaga Keuangan Syariah Terhadap UMKM Yang Terdampak Pandemi COVID 19 Di Indonesia," *Widya Balina* 5, no. 2 (2020).

[38] Putri Balqis Vilza, et.al., "Implementation of Qanun Aceh Number 11 of 2018."

[39] Nadhirah Nordin et al., "Developing Business Model Based on Islamic Classical Economic Thoughts," *Academic Journal of Interdisciplinary Studies* 11, no. 4 (2022).

[40] Dika Nugraha et al., "Analisis Peran Dual Banking System Dalam Perspektif Ilmu Ekonomi Syariah," *Jurnal Ilmiah Ekonomi Islam* 9, no. 01 (2023).

[41] Akbar. C et al., "Manajemen Risiko Di Perbankan Syariah," *Milkiyah: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2022), p. 51–56.

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offer a variety of products. Many Sharia Microfinance Institutions in Aceh were forced to close down due to limited capital, unprofessional Sharia human resource management, and a lack of entrepreneurial spirit among their managers.[42] To mitigate this, the Banda Aceh City Government established LKM Mahirah Muamalah Syariah as an intermediary institution that specifically helps small people with capital to fight against loan-sharking practices.

Despite the challenges, the implementation of the Qanun LKS has also had a positive impact, increasing customer trust through special regulations that guarantee sharia compliance.[43] The use of information technology in Sharia financial services has begun to be adopted to facilitate MSME transactions, thereby supporting digital financial inclusion.[44]

The government supports Aceh's SME financing through the Sharia People's Business Credit (KUR), which in 2024 realised Rp 4.93 trillion and reached 62.46 thousand debtors. Although the distribution volume exceeded the target, there has been criticism of the dominance of *murabahah* (sale-and-purchase) contracts.

1. Sharia compliance: Normatively, it complies with DSN-MUI Fatwa No. 04/2000.
2. Effectiveness: The murabahah contract is considered inappropriate for government assistance programmes such as KUR because the customer entirely bears the risk of loss. The use of the mudharabah (profit-sharing) contract is more recommended because it reflects the principles of fairness and partnership in line with the original purpose of KUR for feasible but unbankable businesses.

Regulatory transformation through Law No. 6 of 2023 concerning Job Creation has changed the paradigm of MSME classification in Indonesia. This change aims to provide convenience, protection, and empowerment by using criteria more responsive to digital market developments. The requirements for business capital and annual sales, as set out in Government Regulation No. 7 of 2021, indicate an expansion of coverage to facilitate access to government facilities.

Table 4: Capital Criteria for SME Financing in Indonesia

[42] Sri Wahyuni et al., "The Role of Courts In Resolving Cases of Bankruptcy of Islamic Bank Customers," *Jurista: Jurnal Hukum Dan Keadilan* 7, no. 1 (June 10, 2023), p. 1–23.

[43] Umi Widyastuti et al., "Sharia Compliance in Sharia Mutual Funds: A Qualitative Approach," *International Journal of Economics and Business Administration* 8, no. 3 (2020).

[44] Eneng Fitri Zakiyah, et.al., "Peran Dan Fungsi Usaha Mikro Kecil Dan Menengah (UMKM) Dalam Memitigasi Resesi Ekonomi Global 2023," *Jurnal Cakrawala Ilmiah* 2, no. 4 (2022). Nesriani, et.al., "The Impact of Panic Buying on The Social Structure of Society: A Study of The Fuel Crisis in West Aceh, Indonesia," *Jurnal Sosiologi Dialektika Sosial* 12, No. 1 (2026).

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Business Classification	**Maximum Business Capital (Rupiah)**	**Maximum Annual Sales Revenue (Rupiah)**
Micro Business	Up to 1,000,000,000	Up to 2,000,000,000
Small Business	> 1,000,000,000 - 5,000,000,000	> 2,000,000,000 - 15,000,000,000
Medium-sized Business	> 5,000,000,000 - 10,000,000,000	> 15,000,000,000 - 50,000,000,000

Source: Compiled from Government Regulation No. 7 of 2021 and Law No. 6 of 2023.

In Aceh, this protection is explicitly reinforced through local legal instruments, such as Aceh Governor Regulation No. 39 of 2020 concerning Integrated Entrepreneurship Development (PKT). This regulation not only targets existing entrepreneurs, but also specific target groups such as job seekers, start-up entrepreneurs, and low-income families who want to start productive businesses through Productive Economic Enterprises (UEP). PKT provides a framework that includes capacity building, infrastructure provision, market network development through local e-catalogues, and capital facilitation through partnerships with Financial Services Institutions.[45]

People's Business Credit (*Kredit Usaha Kecil* [KUR]) is a strategic instrument of the central government to support *feasible but unbankable* MSMEs.[46] In Aceh, all KUR distribution is carried out in accordance with sharia principles by institutions such as *Bank Syariah Indonesia* (BSI), *Bank Aceh Syariah* (BAS), and *Pegadaian Syariah*. The government subsidises the margin so that the interest rates charged to customers are very low, ranging from 3% to 9% depending on the frequency of the agreement and the scheme chosen.[47]

Data shows positive growth in KUR distribution in Aceh. In 2024, KUR fund realisation reached Rp 4.93 trillion, exceeding the initial target by 108.11%. This distribution covered more than 62,000 debtors, with the North Aceh Regency as the largest recipient.

[45] Rizki Agam Syahputra et al., "Enhancing Performance of Small and Medium Enterprises (SMEs) through Supply Chain Integration-An Examination of the Fisheries Sector in Aceh," *Jurnal INVASI: Industri Dan Inovasi*, vol. 1, 2023.

[46] Abdul Wahid Mongkito et al., "Implementasi Pembiayaan Kredit Usaha Rakyat (KUR) Mikro Syariah Dalam Pengembangan Usaha Mikro," *Robust: Research of Business and Economics Studies* 1, no. 1 (2021).

[47] Ibrahim Aulia, and Tarigan, "Operasionalisasi Lembaga Keuangan Baru Dan Dampaknya Terhadap Pertumbuhan Usaha Mikro."

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Table 5: Realisation of KUR funds in Aceh 2024

KUR Indicators for Aceh 2024	Value / Description
Disbursement Realisation	Rp 4.93 Trillion
Percentage of Target	108.11
Number of Debtors	62,460
Increase Compared to 2023	13.86
Main Distributing Institutions	BSI, Bank Aceh Syariah, Pegadaian Syariah

Source: Regional Office of the Directorate General of Treasury, Aceh Province.

Despite the increase in volume, there has been academic criticism of the dominance of murabahah (sale-and-purchase) contracts in Sharia KUR products. Research at KCP BSI Ladang Rimba shows that murabahah contracts are considered less suitable for government assistance programmes such as KUR.[48] This is because murabahah contracts transfer the risk of loss entirely to the customer, thereby increasing the financial burden on MSMEs in situations of business uncertainty. Conversely, the use of mudharabah (profit-sharing) contracts is preferable because it reflects the spirit of partnership and a fairer distribution of risk.[49] Furthermore, Bank Aceh Syariah also demonstrates its active role in protecting MSMEs by implementing policies that relax KUR terms for customers affected by disasters, thereby accelerating community economic recovery.[50] This shows that legal protection for MSMEs in Aceh is not only normative but also includes a functional dimension of risk protection.

Disharmony between the Law on MSMEs and the Qanun on the Empowerment of Small Business Centers

[48] Wulandari, "Analisis Penerapan Fatwa DSN-MUI No: 04/DSN-MUI/IV/2000 Tentang Akad Murabahah Pada Pembiayaan Kredit Usaha Rakyat: Studi Kasus Pada BSI KCP Ladang Rimba," *Jurista* 8, no. 1 (2024).

[49] Siti Amaroh and Masturin Masturin, "The Determinants of Maqasid Shariah Based Performance of Islamic Banks in Indonesia," *IQTISHADIA* 11, no. 2 (2018). Auliya Ghazna Nizami, et.al., At-Tahliil Al-Muqarin li An-Nazariyyat Al-Kalasikiyyah wa Al-Muasirah fi Al-Akhlaq Al-Iqtisadiyyah Al-Islamiyyah: Tatawwur min Al-Usus Al-Manariyya Ila Al-Tatbiqat Al-Hadithah," *Jurnal al-Dustur* 9, No. 1 (2026).

[50] Gita Mauliza, "Analisis Implementasi Rasio Akad Bagi Hasil Menurut Qanun Nomor 11 Tahun 2018 Pada Pembiayaan UMKM Di Perbankan Syariah (Studi Kasus Pada PT. Bank Aceh Syariah," *Journal GEEJ* 4, no. 1 (2023).

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Aceh Regulation No. 10 of 2004 concerning the Empowerment of Aceh Small Business Centres, which was ratified by the Governor of Aceh, Abdullah Puteh, on 9 March 2004, and published in the State Gazette of the Province of Aceh Darussalam Number 15 of 2004 in Banda Aceh on 10 March 2004, is considered to no longer be in line with developments and needs in the protection and empowerment of Micro, Small and Medium Enterprises in the Province of Aceh. The title, considerations, main body and explanation of the Qanun all show imbalances. The origin of the Qanun is Law Number 9 of 1995 on Small Enterprises. Considering that Law Number 9 of 1995 is the legal basis for the implementation of Aceh Qanun Number 10 of 2004, this is evident from the provisions of the latter. Since the enactment of Law No. 20 of 2008, which regulates Micro, Small and Medium Enterprises, Law No. 9 of 1995 has been revoked.

Qanun No. 10 of 2004 exclusively regulates the Empowerment of Small Business Centres and does not contain regulations on Micro and Medium Enterprises. In addition, Qanun No. 10 of 2004 does not clarify the concept of small business centres, which is distinct from small businesses, and the regulation is lacking in content. The empowerment of small businesses is aimed at individual companies. In contrast, the empowerment of small business centres is aimed at areas that are centres of small business activity, use the same type of raw materials to produce similar products, and have market prospects as development centres.[51]

Another shortcoming in Aceh Qanun No. 10 of 2004 is the lack of clarity surrounding the objectives and principles of small business empowerment. The only principle of small business centres mentioned in Article 2 of Qanun No. 10 of 2004 is economic democracy. Meanwhile, MSMEs are protected and empowered by nine principles contained in Law No. 20 of 2008 governing Micro, Small and Medium Enterprises. Similarly, the criteria and concept of small businesses are unclear regarding capital, business assets, and the workforce employed. Given these shortcomings, it is appropriate to immediately amend Qanun No. 10 of 2004 by harmonising and synchronising it with Law No. 20 of 2008 governing MSMEs.[52]

Following the enactment of Law No. 20 of 2008, local governments are responsible for modifying and harmonising local regulations relating to MSMEs. This provision is stipulated in Article 55 paragraph (3) letter d of Government Regulation No. 17 of 2013 concerning the Implementation of Law No. 20 of 2008, which states that the Governor has the following duties in empowering Micro, Small and Medium Enterprises: (d) harmonising the drafting and implementation of regional regulations in the province with the Law (Law No. 20 of 2008). Qanun

[51] Nordin et al., "Developing Business Model Based on Islamic Classical Economic Thoughts."

[52] Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism."

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No. 10 of 2004 concerning the Empowerment of Small Business Centres, which is no longer in line with the development and protection of MSMEs in the era of globalisation and business competition, must be replaced with a new Qanun concerning the Protection of MSMEs in Aceh, in accordance with the provisions of Article 55 paragraph (3) of Government Regulation No. 17 of 2013.[53]

Regarding the disharmony between these regulations, Azhari Yahya, a business law expert, emphasized three aspects worth noting: the scope of regulation and legal authority. Qanun No. 10/2004 focuses more on small businesses and still uses an outdated paradigm that fails to accommodate developments in national policies regarding MSMEs. Meanwhile, Law No. 20/2008 comprehensively regulates Micro, Small, and Medium Enterprises as an integral part of national economic development, resulting in a lack of synchronization in the regulatory scope. Furthermore, in terms of principles and empowerment objectives, Qanun No. 10/2004 emphasizes the protection and development of small businesses within the context of regional economic development. Meanwhile, Law No. 20/2008 emphasizes the principles of economic democracy, business independence, increased competitiveness, development based on regional potential, and transparent and accountable policies. Therefore, in practice, this can lead to overlapping policies, particularly in financing programs, business partnerships, and business capacity development.[54]

In line with that, Ahmad Yani, Professor of Corporate Law emphasized that Qanun No. 10/2004 is certainly not in accordance with Law No. 20/2008 and Law No. 6/2023 concerning Job Creation, after many changes including changes to MSME criteria, Risk-Based Licensing, Ease of Financing, Government Procurement of Goods and Services and Digitalization of MSMEs. Therefore, in order for Qanun No. 10/2004 to be synchronized and harmonious with these laws and the Job Creation Law, fundamental changes need to be made so that the protection and empowerment of Aceh's MSMEs run optimally.[55]

Therefore, the disharmony and disparity between Law No. 20/2008 concerning MSMEs and Law No. 6/2023 concerning Job Creation with Qanun No. 10/2004 has caused legal uncertainty. Legal certainty is a primary requirement for the economic ecosystem to function and grow optimally and normally, thus impacting society. Therefore, it is necessary to synchronize legal regulations in accordance with the legal hierarchy in Indonesia. Likewise, considerations are needed that refer to the principles of asymmetric autonomy and legal pluralism, both principles and legal theories emphasize that a law can be

[53] Putri Balqis Vilza, et.al., "Implementation of Qanun Aceh Number 11 of 2018."

[54]Interview with Azhari Yahya, Professor of Business Law, Syiah Kuala University, June 11, 2026.

[55]Interview with Ahmad Yani, Professor of Corporate Law, Syiah Kuala University, June 11, 2026.

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applied based on the background, specificity, and local values existing in Aceh. Although this is a challenge and requires communication and cooperation from all parties, especially the central government and business actors in Aceh.

Legal Protection Framework for MSMEs and Halal Certification

Aceh has a unique legal framework under Qanun No. 8 of 2016, which grants the Aceh MPU authority to implement a halal assurance system at the local level. This has sparked debate about the potential for dual authority and confusion over the halal logo that businesses must use. The Aceh MPU emphasises that, under Aceh's special status, the local halal logo remains valid and mandatory for products distributed only within the Aceh region.[56]

However, with the strengthening of national regulations, a synchronisation process has taken place to unify the steps between BPJPH and the Aceh MPU. Coordination since 2021 has agreed that halal product assurance is a national commitment that must also accommodate Aceh's special characteristics. Within this framework of cooperation, LPPOM MPU Aceh functions as an LPH that can conduct audits, while fatwas on the halal status of local Aceh products continue to be issued by MPU Aceh. This synchronisation is essential so that halal certificates issued in Aceh have national validity and international recognition, which is necessary if Aceh MSMEs wish to penetrate markets outside the region or export.[57]

This institutional synergy is realised through a digital platform and data exchange between SIHALAL BPJPH and the information system managed by the Aceh MPU. Although administratively the registration process is directed through a national portal, the role of assistance and field supervision in Aceh still involves local religious scholars to ensure compliance with Islamic sharia standards applicable in the Veranda of Mecca.[58] The government has officially decided to postpone the implementation of mandatory halal certification for MSMEs from 17 October 2024 to October 2026. This decision was made to give small businesses time to adapt without facing administrative sanctions or business closures in the near future. The postponement is regulated through a strong legal instrument to provide certainty for millions of SME players throughout Indonesia, including in Aceh.

[56] Ahmad Hamdani, et.al., "Pengaruh Kesadaran Halal Dan Sertifikat Halal Terhadap Minat Beli Produk Kentucky Fried Chicken (KFC)," *Al-Buhuts* 17, no. 2 (2021).

[57] Musdhalika Abmi, et.al., "Penerapan Sertifikasi Halal Menurut UU Nomor 33 Tahun 2014 Tentang Jaminan Produk Halal," *International Journal Mathla'ul Anwar of Halal Issues* 4, no. 1 (2024), p. 76–86.

[58] Eko Gani PG et al., "Implementasi Qanun Aceh No.8 Tahun 2016 Tentang Sistem Jaminan Produk Halal Bagi Jasa Katering Di Kota Lhokseumawe," *JAKTABANGUN: Jurnal Akuntansi Dan Pembangunan* 9, no. 2 (2023).

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In Banda Aceh City, the local government has set an ambitious target for at least 50% of SMEs to have halal certification by 2025. This target is being pursued through technical guidance programmes, licensing facilitation, and integrated capital access assistance linked to halal compliance obligations. This initiative is expected to serve as a model for other districts/cities in Aceh in successfully implementing the national halal mandate by 2026.[59] An analysis of the implementation of halal product assurance in the field shows varying levels of compliance and understanding among MSME actors in Aceh. In the Lhokseumawe region, research shows that although the Qanun SJPH has been in effect for some time, many catering businesses still lack halal certification due to limited information and ineffective oversight by the local government. Business operators often focus solely on taste and price, while halal documentation is seen as a complicated formality.[60]

A similar situation was found in the Bireuen region, particularly in the Peusangan sub-district. Many MSME operators produce traditional snacks such as chips and cakes without including halal labels on their packaging. They feel that a PIRT (Home Industry Food) permit is sufficient and that the local community's trust is enough to guarantee halal status. This phenomenon shows a gap between regulatory (mandatory) policies and the legal culture of the community, which is still based on personal trust (trust-based).

Therefore, according to Hafas Furqani, legal protection is needed for MSMEs through assistance and subsidies for business capital through various policies such as the distribution of People's Business Credit (KUR), business mentoring, and facilitation related to halal certification. Likewise, registration of Copyright, Trademarks, and Patents, and various forms of unfair competition. So far, MSMEs have not focused on IPR registration efforts, they are more focused on the goods and services they produce, so assistance is needed for MSME products. This is in accordance with the concept of integrating the sharia economic ecosystem in an effort to protect the economic rights of the results of their work and business. [61] Similarly, Nilam Sari emphasized that in theory, legal protection for MSMEs can be achieved through the granting of business permits to ensure legal certainty, the provision of business capital assistance, business mentoring, and also the provision of halal certification, also a form of indirect protection. [62]

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[59] Yulia Annisa et al., "Edukasi Sistem Jaminan Halal Dan Pengurusan Sertifikat Halal Bagi UMKM 'Tentang Rasa,'" *Jurnal Pengabdian Mahakarya Masyarakat Indonesia* 1, no. 1 (2023),

[60] Fuadi Fuadi et al., "Strategi Pengembangan UMKM Go Halal Berbasis Digital," *Jurnal Pengabdian Kreativitas (JPeK)* 1, no. 2 (2022).

[61] Interview with Hafas Furqani, Professor of Islamic Economics, UIN Ar-Raniry Banda Aceh, June 9, 2026.

[62] Interview with Nilam Sari, Professor of Islamic Economics, UIN Ar-Raniry Banda Aceh, June 9, 2026.

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To overcome this, a more humanistic and community-based approach is needed. Socialisation cannot be carried out only formally at the bureaucratic level; it must also reach the grassroots through the role of religious leaders (*Teungku*) in the villages. In Aceh Besar, a step forward has been taken with the certification of the Lambaro Slaughterhouse by the Aceh MPU, which is expected to be a driving force for ensuring the halal status of meat products in the areas around Banda Aceh and Aceh Besar. This transformation changes the nature of certification from voluntary to mandatory. For MSMEs, halal certification is not only a legal compliance issue but also a strategy to build business image and competitive advantage, especially for penetrating international markets.

Table 6: Enforcement of Halal Law in Qanun Aceh No. 8 of 2016

Type of Violation	**Administrative Sanctions (Article 36)**	**Criminal Sanctions / 'Uqubat (Article 47)**
Lack of halal certification	Verbal and written warning	May be prosecuted as a criminal offence
Marketing products without labels	Revocation of production/distribution licence	'Uqubat flogging, imprisonment, or fines
Use of a fake halal logo	Revocation of business licence & fines	In accordance with the decision of the Sharia Court

Source: Analysis of Aceh Qanun No. 8 of 2016.

The loss of legal protection for MSMEs that are not halal certified after 2024 is a real threat. The Aceh Industry and Trade Agency continues to guide businesses to register their products immediately through the OSS and SiHalal systems to avoid product recalls.

Table 7: Types of Businesses and Distribution of Halal Certification for Aceh MSMEs

Types of Halal-Certified Businesses	**Dominant Region**
Restaurants/eateries/stalls	Banda Aceh, Aceh Besar, Bireuen, Langsa
Catering and processed foods	Banda Aceh, West Aceh, South Aceh
Home-cooked food (cakes & snacks)	All districts/cities
Processed beverages	Banda Aceh, Lhokseumawe
Slaughterhouses and slaughtering services	Greater Aceh, Bireuen, North Aceh

Source: List of Halal Certificates from LPPOM MPU Aceh for 2025.

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The table shows that halal certification for MSMEs in Aceh in 2025 remains highly concentrated in the food sector, both at the downstream level (culinary and ready-to-eat foods) and at the upstream level (slaughtering). Geographically, halal certificates are mostly issued in urban areas and economic centres, while the non-food sector and high-value-added industries are still minimal. This finding reinforces the argument that halal certification policies should be accompanied by legal protection and adaptive assistance to promote regional equality and the diversification of MSMEs.

Integration of the Sharia Economic Ecosystem and Intellectual Property Rights for MSMEs in Aceh

Legal protection for MSMEs in Aceh also covers aspects of Intellectual Property Rights (IPR), particularly trademarks.[63] In the context of globalisation and digitalisation, brand protection is vital for product differentiation and the prevention of infringement by foreign parties, especially amid import relaxation policies. However, many MSMEs in Aceh still face legal uncertainty in protecting their intellectual assets due to limited access to legal services and burdensome registration costs.[64] The Aceh government, through the relevant SKPA, acts as a facilitator to bridge this gap by assisting with completing forms and submitting files to the appropriate authorities.[65] Synergy between Islamic banking and the halal industry is crucial here; Islamic banks can require halal certification and trademark registration as conditions for financing to minimise operational risks and increase the value of customer assets.[66]

Awareness of the importance of Intellectual Property Rights (IPR) in Aceh has grown rapidly between 2024 and 2025. The Aceh Regional Office of the Ministry of Law and Human Rights has actively encouraged the registration of trademarks, patents and copyrights to protect MSME innovation. IP registration data in Aceh throughout 20 2025 reflects a new enthusiasm for protecting intellectual assets as legitimate business instruments. The Aceh Regional Office of the Ministry of Law received 4,278 intellectual property rights (IPR) applications between January and 3 December 2025. These applications comprised 3,447 copyrights, 750 trademarks, 78 patents, and 3 industrial designs.

[63] Adelia Dwi Anggraen, et.al., "Perlindungan Hak Kekayaan Intelektual (HKI) Pada Usaha Mikro Kecil Dan Menengah (UMKM) Di Bidang Pengrajin Batik Dan Kuliner," *Notarius* 14, no. 2 (2021).

[64] Kevin Fernaldi et al., "Peran Hukum Dagang Dalam Menjamin Perlindungan Terhadap Hak Kekayaan Intelektual UMKM Di Indonesia," *Lentera Ilmu* 1, no. 2 (2025).

[65] Manfarisyah Manfarisyah et al., "Penyuluhan Dan Pendampingan Pengurusan Sertifikasi Halal Bagi Pelaku Usaha Restauran/Rumah Makan/Kafe Di Kota Lhokseumawe," *Jurnal Malikussaleh Mengabdi* 2, no. 1 (2023)

[66] Anggraen, Santoso, and Prabandari, "Perlindungan Hak Kekayaan Intelektual (HKI) Pada Usaha Mikro Kecil Dan Menengah (UMKM) Di Bidang Pengrajin Batik Dan Kuliner."

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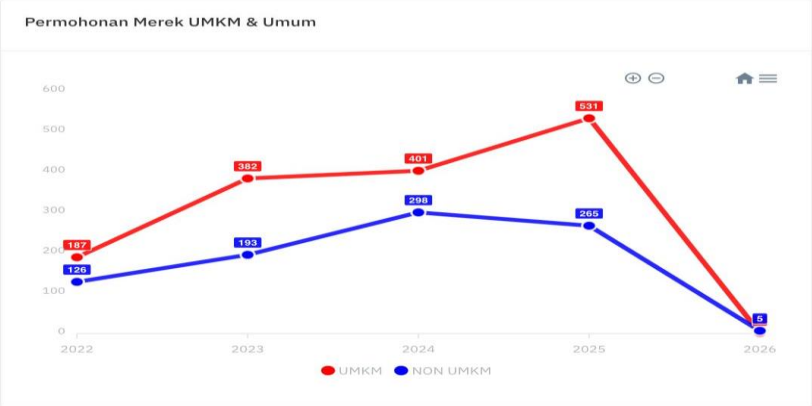


Figure 1: Graph of MSME & General Trademark Applications

In addition to copyright applications, applications for SME and non-SME trademarks have also increased significantly. Based on the graph of MSME and non-MSME trademark applications for the 2022–2025 period, there is a significant upward trend in trademark registrations, particularly by MSMEs. The number of MSME trademark applications increased from 187 in 2022 to 531 in 2025, indicating growing legal awareness of the importance of trademark protection as a business asset. Meanwhile, applications from non-SMEs also increased, though the number was lower than that of SMEs. The sharp decline in 2026 indicates that the data is temporary and therefore cannot be used as a basis for trend analysis. These findings confirm the dominant role of SMEs in utilising the intellectual property regime as well as the effectiveness of government policies and assistance in promoting business legality and legal protection.[67]

The increased utilisation of intellectual property instruments is also reflected in strategic achievements at the regional level, including the success of Gayo Arabica Coffee in obtaining recognition as a Geographical Indication (GI). This GI recognition not only confirms the authenticity and quality of the product but also strengthens legal protection for the collective reputation attached to the Aceh region. Gayo Coffee is not merely positioned as an economic commodity, but as a cultural heritage and local resource that has added social and economic value in both national and international markets. This GI certification provides legitimacy for the product's authenticity and for a socially accountable production process.

The economic benefits of Gayo Coffee GI are very real, with certified coffee selling for 30 to 50 US cents more per pound than coffee without a clear geographical identity. However, protection challenges remain, as seen in the dispute with Holland Coffee B.V., which claims the "Gayo Mountain Coffee"

[67] Haris Budiman, "Implikasi Hukum Perlindungan Hak Kekayaan Intelektual (HKI) Terhadap Daya Saing Produk Umkm Di Pasar Digital," *Jurnal Ekonomi Akuntansi & Manajemen* 1, no. 1 (2024).

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brand in the international market. This case emphasises that communal IPR protection requires the active role of the government and the Gayo Coffee Protection Community (MPKG) to conduct continuous monitoring and law enforcement.[68] The integration most anticipated by MSME players is the use of IPR certificates as collateral for financing in Islamic banking, in accordance with the mandate of Government Regulation (PP) Number 24 of 2022 concerning the Creative Economy. This policy allows both banking and non-banking financial institutions to accept IPR—such as trademarks and copyrights—as collateral for debt through a fiduciary scheme.

In Islamic banking, IPR collateralisation can be accommodated through the concept of *rahn tasjily* (registered pawn), whereby substantive ownership of the asset remains with the customer (*rahin*). In contrast, the bank holds proof of ownership (*murtahin*). In addition, the *Musyarakah Mutanaqisah* (MMQ) scheme is also relevant for IPR-based productive asset financing. In this scheme, the bank and the customer share the asset, and the customer gradually purchases the bank's share of ownership until the asset becomes wholly owned by the customer.[69] However, Islamic banks in Aceh, including Bank Aceh Syariah, still apply a very high principle of prudence in implementing this policy. The main obstacle lies in the process of valuing or estimating the economic value of IPR. Banks need certainty regarding the liquidity of IPR assets in the event of default and the execution procedures in accordance with Sharia law and Indonesian positive law.[70]

Regarding this integration issue, M. Jakfar, a Corporate Law expert, emphasized that the sharia economic ecosystem and intellectual property rights for MSMEs in Aceh must provide added value and improve community welfare. Aceh, as a special autonomous region, has the authority to implement Islamic law, including in the economic sector. Furthermore, MSMEs are subject to the sharia economic ecosystem and national legal provisions, including intellectual property rights (IPR). This is because IPR provisions are intended to protect the authenticity of local products that meet national standards and simultaneously safeguard brands, designs, and copyrights from imitation. Brands and product innovations are registered through legal protection to prevent plagiarism and guarantee the originality of creative products from Acehnese MSMEs. This aligns with the sharia economic ecosystem, which adopts the principle of maqashid al-

[68] Chairul Fahmi et al., "The Role of Local Government In Maintaining Coffee Prices Volatility In Gayo Highland of Indonesia," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 8, no. 1 (2023).

[69] Iskandar, et.al., "The Influence of Microfinance, Interest in Entrepreneurship and Business Location on the Development of Micro, Small and Medium Enterprises."

[70] Faizal Asdar, "Fikih Indonesia Hasbi Ash-Shiddieqy," *Bilancia: Jurnal Studi Ilmu Syariah Dan Hukum* 17, no. 1 (2023).

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shariah, meaning law for the benefit of the community, especially MSMEs as business actors and consumers. [71]

For example, to create an economic ecosystem in Aceh, Sulaiman, a Business Economics expert, emphasized that Intellectual Property, such as Trademarks, Patents, Copyrights, Geographical Indications, Industrial Designs, and local products such as Acehnese Pinto motifs, embroidery craft motifs, or typical culinary recipes. Likewise, Geographical Indications (GI), such as Gayo Arabica Coffee, Gayo Robusta Coffee, or Acehnese Patchouli Oil. All of these have a very vital position in building and providing benefits for MSMEs and forming a conducive economic ecosystem. [72] For this reason, Azhari Yahya reiterated that the integration of the sharia economic ecosystem and IPR for MSMEs in Aceh is a strategic step to create legal protection, increase product added value, strengthen the identity of halal businesses, and encourage sustainable regional economic growth. With strong IPR protection and the application of sharia economic principles, Acehnese MSMEs can be more competitive at the national and global levels. [73]

The integration of the Islamic economic ecosystem in Aceh cannot be separated from efforts to standardise products through halal certification. Halal and IPR are two sides of the same coin in improving the quality of MSME products. Halal certification protects consumers and adds value for the industry, while IPR protects the product's unique identity.[74] On the other hand, the Aceh patchouli industry managed by the Atsiri Research Centre (ARC) at Syiah Kuala University demonstrates the potential for research-based industrialisation. High-quality Aceh patchouli oil is now processed into various derivative products such as perfumes and body care products, which have much greater added value than simply exporting crude oil. This integration involves the corporatisation of patchouli farmers, strengthening production capacity, and access to digital financing (K2P).

The success of this integration requires close collaboration between various parties. The Aceh Regional Sharia Economic and Financial Committee (KDEKS) acts as a regional coordinator in supporting the implementation of a comprehensive sharia economic strategy. In addition, universities play a significant role in exploring the development of MSME products through various research and community service activities. A real challenge in integrating IPR into

[71]Interview with M. Jakfar, Corporate Law Expert, Universitas Syiah Kuala, June 11, 2026.

[72]Interview with Sulaiman, Business Economics Expert, Universitas Syiah Kuala, June 11, 2026.

[73]Interview with Azhari Yahya, Professor of Business Law, Universitas Syiah Kuala, June 11, 2026.

[74] Mutiara Fajrin Maulidya Mohammad, "The Pengaturan Sertifikasi Jaminan Produk Halal Di Indonesia," *Kertha Wicaksana* 15, no. 2 (2021).

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Islamic financing is the intangible nature of IPR assets. Historically, Islamic banking in Indonesia has relied heavily on physical collateral to mitigate risk.[75] To change this paradigm, more specific regulatory changes are needed at the national level regarding the procedures for executing IPR fiduciary guarantees in Islamic banking.

Finally, the issue of "illiterate entrepreneurs" must be resolved through continuous education. MSME players must be guided to understand that a registered trademark is not just a sticker on packaging, but an asset that can be valued in monetary terms and passed on. The use of technology such as AI-based automatic assessment applications may be a future solution to help banks quickly and accurately assess the value of an MSME brand.

Conclusion

Legal protection for MSMEs in Aceh is at a complex intersection between sharia autonomy and national regulations. Although the Qanun LKS and SJPH provide a strong moral-legal foundation, their implementation remains hampered by regulatory disharmony and the readiness of the Islamic banking infrastructure. Sharia KUR has become an economic driver, but it needs to diversify its contracts to increase fairness for small businesses. In Aceh Province, Indonesia, this sector plays a more profound role, not only as an instrument of economic growth following the conflict and tsunami, but also as a manifestation of the implementation of Islamic sharia values in the realm of muamalah. Legal protection for MSMEs in Aceh lies at the intersection of centralised national policies, such as the Job Creation Law, and autonomous-asymmetrical local regulations in the form of Qanun. This phenomenon creates a complex legal landscape in which the contestation between the national Banking Law and the Qanun on Sharia Financial Institutions (LKS), the KUR financing mechanism, and the halal certification requirement under the Halal Product Guarantee Law (UU JPH) becomes the leading discourse in efforts to strengthen the people's economy. The existence of Aceh Province as a special and unique region through the UUPA provides a broad mandate to the Aceh Government to regulate government affairs in almost all sectors, except for sectors that are the absolute authority of the central government. From the perspective of economic legal theory, this asymmetric autonomy provides space for the formation of regulations tailored to the sociological and philosophical characteristics of the Islamic-based Acehnese society. The law in Aceh reflects true legal pluralism, where the state legal system, Sharia law, and customary law coexist *de facto* and *de jure*. Therefore, legal protection for MSMEs must be understood as a synergy between national standards, as stipulated in Law Number 20 of 2008 (and its amendments

[75] Johnson SMT Pangaribuan, "Pengaruh Hak Kekayaan Intelektual Dan Perlindungan Hukum Hak Kekayaan Intelektual Bagi Pemberdayaan UMKM," *Jurnal Hukum To-Ra : Hukum Untuk Mengatur Dan Melindungi Masyarakat* 10, no. 3 (2024).

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based on the Job Creation Law), and local values as enshrined in the Qanun. With its asymmetric autonomy, Aceh has the potential to become a hub for the Islamic economy in Southeast Asia if regulatory consistency and ease of doing business can be harmoniously integrated to support MSMEs. Adequate legal protection will be achieved when the law is not merely a threatening text, but also an instrument that empowers local creativity within the framework of Islamic law.

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