

## TRANSFORMATION OF SOCIAL ECONOMY LAW: A LITERATURE STUDY ON REGULATORY IMPLEMENTATION AND EFFECTIVENESS

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### Abstract

This research aims to examine the transformation of social economic law, by reviewing various literatures that review the implementation and effectiveness of existing regulations. In the context of this research, legal transformation is considered a dynamic and continuous process that must be able to adjust to the rapidly changing socio-economic environment. The study concludes that an effective regulation in the social economy must be flexible, accessible and responsive to social needs, with an emphasis on community empowerment and broader social interests. In addition, this study highlights the importance of continuous monitoring and evaluation to keep regulations relevant and able to have a positive impact in a sustainable manner.

**Keywords:** Transformation, Social Economic Law, Implementation and Regulatory Effectiveness.

### Introduction

The transformation of social economy law has a very important role in order to realise sustainable and equitable economic development. Increasing global challenges such as economic inequality, climate change, and the public health crisis require an economic approach that is not only efficient in boosting economic growth, but also inclusive and sustainable. (Syaripudin & Patonah, 2023).. Transformational social economy laws play an important role in ensuring that social economy institutions such as co-operatives, NGOs and social enterprises can operate effectively, thereby bringing positive social impact and creating more meaningful value for society at large. Strong, fair and adaptive regulations are essential to support social economy entities in fulfilling their social mission, while remaining competitive in the global marketplace. (Syabana & Idris, 2023).

The urgency of this transformation is also triggered by the acceleration of technological innovation and digitalisation that is changing market constellations and consumer behaviour. Responsive social economy laws are needed to ensure that these entities not only survive technological disruption, but are also able to utilise it to increase the scope and effectiveness of their social interventions. As such, the supporting legal tools need not only to be updated to reflect the new realities, but also to be innovative in how they capture the opportunities offered by the digital economy. (Iswardhana, 2023). Facilitating intersectoral collaboration, creating incentives for social innovation, and organising frameworks for the sharing economy are examples of how social economy law needs to transform to address current and future needs.

Despite the importance of regulation in driving these changes, research on how law can effectively be used to formalise the social economy is limited. This is an important point, as existing regulations are often faced with challenges in implementation. (Baskara, 2024).

In recent years, there has been a global trend of increased awareness of the role of the social economy as a key driver in the economy. The social economy encompasses a wide range of organisations and enterprises such as cooperatives, non-profit organisations and other entities that aim to have a positive social and environmental impact, while simultaneously ensuring stable economic growth.

The use of law as an instrument to facilitate and support the social economy must anticipate a range of factors, from business sustainability to social inclusion. Regulations should be designed in such a way that they can promote social justice, address inequality, while encouraging innovation and economic growth. However, in practice, regulations often fail in implementation, either due to lack of legal clarity, absence of effective enforcement mechanisms, or lack of collaboration between various stakeholders. Regulatory effectiveness can also be influenced by socio-economic and political factors prevailing in a country. (Ngaisah, 2024).

Therefore, this study aims to examine and understand the complexity of the implementation process of social economy regulations and the factors that influence their effectiveness. This study will provide insights into the successes and failures of existing regulations and provide recommendations that can be used as a basis for formulating social economy legal policies that are more effective and responsive to current economic dynamics.

By understanding the factors that influence the implementation and effectiveness of social economy legal regulation, it is hoped to support the development of a more robust and sustainable social economy, which will ultimately contribute to broader socioeconomic progress and justice.

## **Research Methods**

The study in this research uses the literature method. The literature research method is a systematic approach in exploring, analysing and interpreting published information related to a particular topic or research question. This process involves collecting secondary data through various sources such as books, journal articles, research reports, and online documents, which are then processed to gain new insights or build theoretical frameworks in a field of study. (Firman, 2018); (Suyitno, 2021). Researchers review and synthesise relevant literature to identify patterns, relationships, knowledge gaps, and also to develop arguments or conceptual frameworks that support their research. This method demands high critical and analytical skills in sorting and evaluating information sources so that the results of literature research can be valid and reliable as a basis for further scientific research. (Jelahut, 2022).

## **Results and Discussion**

### **Regulatory Implementation Process in Social Economic Law Transformation**

The concept of legal transformation of the social economy is closely related to the process of adapting and updating the legal framework governing facets of the social economy in society, to make it more responsive to changing times and dynamic social needs. This includes the revision or creation of laws, regulations, and policies that affect various entities in the social economy, including cooperatives, non-profit organisations, social enterprises, and community-based economic initiatives. (Sahabat et al., 2023). The aim is to create a legal environment that supports social innovation, sustainability, and inclusiveness, given that social economy entities have great potential in addressing socio-economic issues such as poverty, inequality, and unemployment through inclusive and sustainable means. (Indriani, 2022).

The transformation of social economy law is a series of legislative and policy efforts that aim to facilitate more equitable and sustainable economic development, by recognising and strengthening the role and contribution of social economy actors. This transformation requires a deep understanding of how law and policy affect the operation and growth of these entities, and how law can be used as a tool to advance social economy goals. (Umam & Adianto, 2020). In practice, this could mean removing regulatory barriers, providing fiscal incentives, strengthening social or intellectual property rights for social innovation, and improving access to finance for social economy organisations, all in order to create an ecosystem conducive to their growth and, ultimately, to the achievement of more inclusive and sustainable economic development. (Setiadi & Mutho'am, 2023).

The process of regulatory implementation in the legal transformation of the social economy began with the identification of the need to reform the existing legal framework. Firstly, comprehensive research is conducted to address weaknesses in the legislature governing the social economy, including limitations in supporting social innovation, sustainability and scalability of social economy entities. From the results of this research, policymakers can understand which aspects of the law are no longer in line with recent developments in the social economy and what needs to be adjusted. (Suryani, 2024). Public consultations involving social economy stakeholders, such as co-operatives, social startups, investors and academics, are also needed to get direct input on the impact of existing regulations and suggestions for improvement (Usman et al., 2024). (Usman et al., 2023)..

After obtaining input, the next step is to design and formulate legislative changes that will strengthen the social economy. This often involves creating new regulations or amending existing laws. The new regulations must be designed with principles that prioritise fairness, inclusivity and ease of access for all stakeholders in the social economy ecosystem. (Asniah, 2024). The drafting process usually involves

discussions and debates between policymakers, academics, social economy activists, and community representatives to ensure that the new regulations reflect the needs and expectations of diverse communities. The aim is to strike a balance between legal protection and operational freedom for social economy entities. (Hadana & Harnides, 2021).

When a new regulation has been formulated, the next stage is the ratification of the regulation by the relevant legislative or decision-making body. This regulatory journey goes through a process of deliberation at various levels of government that can include further consultation, impact evaluation, and final approval. This endorsement process requires the active involvement of various elected officials and bureaucrats responsible for ensuring that the new rules comply with broader legal standards and government policies. Participation and buy-in from politicians, policymakers and the public are key in navigating the political and institutional challenges that may arise (Maulida et al., 2024).

Once the regulation has been passed, the final step is implementation on the ground. This involves socialising the new policy to social economy stakeholders through seminars, workshops, and promotional materials. The affected legal entities and individuals need to be given adequate explanations on how to apply the new rules in their daily activities. (Ridwan, 2021). In addition, the government or relevant regulatory bodies should ensure that enforcement mechanisms are in place to monitor compliance and address violations. At this stage, assistance and access to resources, including legal services and technical assistance, can greatly influence the effectiveness of regulation implementation in supporting the social economic legal transformation that is to be achieved. (Busroh et al., 2024).

Furthermore, after the socialisation and initial implementation stages, continuous evaluation is important to assess the effectiveness of regulations in practice and their impact on the social economy. The government together with research institutions must collect data and feedback from social economy actors regarding obstacles and successes in implementing regulations. This evaluation allows for iterative policy improvements and adjustments to ensure regulations continue to be relevant and effective in responding to market dynamics and changing social needs. (Nurtresna et al., 2024).

A structured feedback mechanism should be put in place to identify shortcomings in implementation and unforeseen impacts, allowing policymakers to take timely corrective action. In addition, collaboration between sectors, including private, public, and non-profit organisations, needs to be strengthened to create synergies in the social economy ecosystem. Through this collaborative approach, regulation can be expected not only to catalyse but also to facilitate the sustainable growth of an inclusive social economy. (Adib, 2020).

Ultimately, the implementation of regulations in the transformation of social economy law is a complex and continuous process that requires efforts from various stakeholders. Starting from the initial research and consultation stages to determine changes, then designing and passing regulations that are inclusive and fair, followed by socialisation and implementation in the field. Each stage requires active participation, transparency, and a willingness to conduct continuous evaluation and adjustment to ensure that regulations have a positive impact on social economic development.

Through a participatory, inclusive, and responsive reform-oriented process, implemented social economy regulation can be the foundation for economic growth that is not only dynamic but also equitable and sustainable. This will help in creating a legal environment that provides room for social innovation while supporting larger social and economic goals, thus shaping a strong economy and a more harmonious society.

### **Regulatory Effectiveness in Achieving Social Economic Transformation Goals**

Regulation plays a crucial role in achieving the goal of social economic transformation. Regulatory effectiveness is seen when the rules made can create economic equality and inclusiveness, and improve the overall welfare of society. Well-designed and implemented regulations are able to direct social economy activities to provide broader benefits, such as job creation, innovation, and empowerment of local communities. The fundamental purpose of regulation here is to ensure that the social economy not only thrives, but also aligns with the values and social goals desired by society and the state. (Anita, 2022).

In the context of social economy transformation, the effectiveness of regulation is often measured by how well it provides room for social economy entities such as cooperatives, non-profit organisations, and other social enterprises to thrive. Regulations that foster public trust in the sector, for example through increased transparency and accountability, will attract more participation from communities and social investors. On the one hand, regulations should also be flexible enough to facilitate innovation without imposing too many bureaucratic obstacles that could hinder the growth and effectiveness of social economy organisations. (Ramla, 2020).

However, challenges in achieving regulatory effectiveness often occur due to the gap between theory and practice. Good regulations do not only regulate on paper, but must also be implemented in daily practice. This requires inter-sectoral cooperation and a deep understanding from all stakeholders involved. Effective regulatory implementation requires a bottom-up approach, where feedback from communities directly affected by social economic transformation is taken into account in the policy-making process. (Danial, 2024).

Thus, the effectiveness of regulations in achieving the goals of social economic transformation depends on their ability to be understood, accepted, and implemented

by the targeted communities. An inclusive and participatory regulation-making process tends to produce rules that are more resilient and relevant to the actual needs and challenges in the field. Governments and policymakers need to implement systematic monitoring and evaluation mechanisms to ensure that regulations continue to evolve and are adaptive to changing economic and social dynamics. That way, regulation can be a powerful tool to encourage and ensure sustainable and equitable social economic transformation for all levels of society.

## Conclusion

The transformation of social economy law is an important endeavour in creating a framework that facilitates the development and effective functioning of social economy entities for sustainability and community welfare. Literature on regulatory implementation and effectiveness indicates that the success of this transformation depends largely on the clarity, relevance and adaptation of laws to prevailing socio-economic conditions. Regulations need to be designed in such a way that they can support innovation and growth in the social economy, while ensuring that the profits and benefits generated return to society. This requires a thorough understanding of the balance between establishing laws that ensure stability and laws that are dynamic enough to adapt to change and new needs.

The conclusion that can be drawn is that the effectiveness of regulation in the context of the social economy is closely related to how the regulation is implemented and perceived by those who are regulated. There must be consistency in implementation, as well as continuous evaluation and adjustment mechanisms to ensure that regulations remain relevant and effective in changing conditions. A human-centred approach, considering social impacts, and providing wider accessibility to the community are key factors that can make regulation not only a restrictive instrument, but also a catalyst to encourage growth and progress in the social economy.

## References

- Adib, M. (2020). ISLAMIC LAW AND THE SOCIAL TRANSFORMATION OF IGNORANT SOCIETY: A HISTORICAL STUDY OF THE EGALITARIAN CHARACTER OF ISLAMIC LAW. *MAQASHID Journal of Islamic Law*, 2(2), 42-54. <https://doi.org/10.35897/maqashid.v2i2.333>
- Anita, A. (2022). Implementation of BUMdes in Improving Village Development Case Study of Bumdes Hardjo Utomo Sukoharjo Village, Sukoharjo District, Wonosobo Regency. *Legal Transformation*, 1(2), 91-100. <https://doi.org/10.59579/transformasihukum.v1i2.4677>
- Asniah, A. (2024). THE EFFECTIVENESS OF SMALL AND MEDIUM ENTERPRISE DEVELOPMENT IN THE VIEW OF SHARIA LAW IN ACEH. *HEI EMA: Journal of Legal Research, Islamic Economics, Economics, Management and Accounting*, 3(2), 19-34. <https://doi.org/10.61393/heiema.v3i2.237>

- Baskara, C. G. B. H. (2024). Normative Juridical Analysis of E-Commerce Tax Implementation in Indonesia: Perspective of Legal Certainty and Enforcement Effectiveness. *Terang: Journal of Social, Political and Legal Studies*, 1(4), 23-33. <https://doi.org/10.62383/terang.v1i4.578>
- Busroh, F. F., Khairo, F., & Zhafrirah, P. D. (2024). Regulatory Harmonisation in Indonesia: Simplicity and Synchronisation for Improved Legal Effectiveness. *Journal of Legal Interpretation*, 5(1), 699-711. <https://doi.org/10.22225/juinhum.5.1.7997.699-711>
- Danial, M. (2024). Implementation and Case Examples of Criminal Law Implementation in Indonesia. *JOURNAL OF LAW, POLITICS AND SOCIAL SCIENCE*, 3(1), 292-304. <https://doi.org/10.55606/jhps.v3i1.3360>
- Firman, F.-. (2018). *QUALITATIVE AND QUANTITATIVE RESEARCH*. Query date: 2024-05-25 20:59:55. <https://doi.org/10.31227/osf.io/4nq5e>
- Hadana, E. S., & Harnides, H. (2021). EXECUTION OF QISAS PUNISHMENT BETWEEN THEORY AND IMPLEMENTATION (Comparative Study of the Hanafi Mazhab and the Shafi'i Mazhab). *Dusturiyah: Journal of Islamic Law, Legislation and Social Institutions*, 11(1), 89-89. <https://doi.org/10.22373/dusturiyah.v11i1.8791>
- Indriani, D. (2022). The Effectiveness of the Implementation of the Social Security Administration Agency (BPJS) and its Impact on Public Health and Economy in 2009-2013 and 2015-2019. *Brainy: Journal of Student Research*, 1(1), 76-85. <https://doi.org/10.23969/brainy.v1i1.11>
- Iswardhana, M. R. (2023). Analysis of Indonesian Maritime Governance: Implementation of the Yogyakarta Special Region Government's Vision. *Journal of Marine and Fisheries Socio-Economic Policy*, 13(2), 125-125. <https://doi.org/10.15578/jksekp.v13i2.12542>
- Jelahut, F. E. (2022). *Various Theories and Types of Qualitative Research*. Query date: 2024-05-25 20:59:55. <https://doi.org/10.31219/osf.io/ymzqp>
- Maulida, Novita, & Aisyah, S. F. (2024). ISLAMIC BUSINESS ETHICS: IMPLEMENTATION OF THE PRINCIPLES OF JUSTICE AND RESPONSIBILITY IN ISLAMIC ECONOMICS. *El-Iqthisadi Journal of Sharia Economic Law, Faculty of Law and Sharia*, Query date: 2024-12-03 06:05:40, 49-61. <https://doi.org/10.24252/el-iqthisady.vi.46740>
- Ngaisah, S. (2024). Regulatory Disruption of Online Business Licensing (Case Study of Legal and Ethical Challenges). *ACADEMOS Journal of Law and Social Order*, 3(1). <https://doi.org/10.30651/aca.v3i1.23318>
- Nurtresna, R., Mabsuti, M., Sopiati, S., Arifin, O. C. M., Faiq, F., Hidayah, A. N., Sepriyanti, R., Guntur, A., & Nadia, T. (2024). Economic Law: Analysis and Implementation in the Global Context. *Terang: Journal of Social, Political and Legal Studies*, 1(3), 354-361. <https://doi.org/10.62383/terang.v1i3.452>
- Ramla. (2020). *IMPLEMENTATION OF THE IMPACT OF THE GOSPEL ON SPIRITUAL AND SOCIAL TRANSFORMATION IN THE COVID-19 ERA*. Query date: 2024-12-03 06:05:40. <https://doi.org/10.31219/osf.io/8vaqb>
- Ridwan, M. (2021). CONTEMPORARY SYARIAH BUSINESS LAW FORMULATION (Implementation of Fiqhiyah Rules in E-Commerce Law). *Ijtihad: Journal of Islamic Law and Economics*, 15(1). <https://doi.org/10.21111/ijtihad.v15i1.5556>

- Sahabat, A. N., Arti, A., & Insani, N. (2023). The Effectiveness of Legal Aid to Ensure Access to Law and Justice. *JISIP (Journal of Social Science and Education)*, 7(3), 2118-2118. <https://doi.org/10.58258/jisip.v7i3.5227>
- Setiadi, M. D., & Mutho'am, M. (2023). The Effectiveness of Patrols as a Preventive Measure against Crimes and Offences Study of Wonosobo Police Station. *Legal Transformation*, 2(1), 31-40. <https://doi.org/10.59579/transformasihukum.v2i1.4676>
- Suryani. (2024). THE EFFECTIVENESS OF SERVICE AND COMPETENCE ON THE PERFORMANCE OF ADMINISTRATIVE EMPLOYEES OF THE FACULTY OF SHARIA AND LAW, STATE ISLAMIC UNIVERSITY, ALAUDDIN MAKASSAR. *Iqtishaduna: Scientific Journal of Sharia Economic Law Students*, Query date: 2024-12-03 06:05:40, 317-328. <https://doi.org/10.24252/iqtishaduna.vi.46522>
- Suyitno. (2021). QUALITATIVE RESEARCH METHODS CONCEPTS, PRINCIPLES AND OPERATIONS. Query date: 2024-05-25 20:59:55. <https://doi.org/10.31219/osf.io/auqfr>
- Syabana, I. D., & Idris, I. (2023). Analysis of the Influence and Implementation of the School of Natural Law (Rational) on the Indonesian Legal System and Environmental Law in Indonesia. *JOURNAL OF LAW, POLITICS AND SOCIAL SCIENCE*, 3(1), 197-206. <https://doi.org/10.55606/jhpis.v3i1.3202>
- Syaripudin, E. I., & Patonah, F. (2023). Analysis of maqashid Sharia on the effectiveness of the implementation of the social assistance programme for micro, small and medium enterprises (case study of mekarmukti village, Cilawu district, Garut). *Journal of Sharia Economic Law (JHESY)*, 1(2), 327-337. <https://doi.org/10.37968/jhesy.v1i2.366>
- Umam, U., & Adianto, A. (2020). The Effectiveness of the Ministry of Administrative Reform and Bureaucratic Reform's Public Service Mall (MPP) in Implementing Public Services. *Journal of Humanities: Journal of Social Sciences, Economics and Law*, 4(1), 160-165. <https://doi.org/10.30601/humaniora.v4i1.600>
- Usman, B., Yuliana, Y., Safitri, Y. A., & Uliana, F. (2023). Effectiveness of Zakat, Infaq and Sadaqah (ZIS) Management in Baitul Mal Aceh Province. *Journal of Humanities: Journal of Social Sciences, Economics and Law*, 7(1), 15-20. <https://doi.org/10.30601/humaniora.v7i1.3945>