



Simple Patents as an Instrument for the Protection of MSME Innovation in Indonesia

¹Jahro, ²Muhammad Rizki Fadli, ³Nurliman Prasetyo, ⁴Sofi Ananda Putri, ⁵Sahyuti Nasution

^{1,2,3,4,5}Universitas Islam Negeri Sumatera Utara

E-mail: ¹jahrojah0401@gmail.com, ²mhdriskifadli@gmail.com, ³nurlimanprasetyo@gmail.com,
⁴sofianandaputri52@gmail.com, ⁵sahyutinasution475@gmail.com

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<p>Article History Received: 2026-01-05 Revised: 2026-01-15 Published: 2026-01-30</p> <p>Keywords: <i>Protection; innovation; simple patents; MSMEs</i></p>	<p>Micro, Small, and Medium Enterprises (MSMEs) are strategic sectors in the national economy that play an important role in job creation and strengthening the people's economy. In practice, MSMEs often produce various simple technological innovations that are born from practical needs in the field, such as modification of production tools, improvement of work methods, and development of functional products. However, these innovations often do not receive adequate legal protection, making them vulnerable to copying and exploitation by others. Simple patents are present as one of the intellectual property rights instruments designed to provide legal protection for inventions that are simple, applicable, and have direct use value. This research aims to analyze the position of simple patents in the Indonesian patent law system and examine its role as an instrument for protecting MSME innovation. The research method used is normative legal research with a legislative and conceptual approach. The results of the study show that normatively simple patents have provided easy access to legal protection for MSMEs, both in terms of procedures and costs, but in practice their use is still not optimal. The main obstacles include low legal literacy of intellectual property rights, limited technical assistance, and the lack of integration of simple patents in MSME empowerment policies. Therefore, optimizing the role of simple patents requires strengthening policies, increasing socialization, and synergy between stakeholders so that the protection of MSME innovation can be realized effectively and sustainably.</p>

I. INTRODUCTION

Micro, Small, and Medium Enterprises (MSMEs) have a very important role in the structure of Indonesia's national economy. MSMEs not only contribute significantly to the formation of Gross Domestic Product (GDP), but also become the main sector in the absorption of labor and the equitable distribution of community income (Ministry of Cooperatives and MSMEs, 2021). In addition, MSMEs function as a forum for the growth of creativity and innovation born from the practical needs and socio-economic conditions of the community in various regions.

In carrying out their business activities, MSME actors often produce various forms of simple technological innovations. These innovations can be in the form of modifications to production tools, simplification of work processes, development of new processing methods, or improvement of product functions to be more efficient and in

accordance with market needs. Although it is simple, this kind of innovation has real economic value and plays an important role in increasing the productivity and competitiveness of MSMEs.

However, innovations produced by MSMEs are often in a vulnerable position in terms of legal protection. Many MSME actors do not realize that the simple innovations they create can be protected through the intellectual property rights regime. As a result, these innovations are easy to imitate or utilize by other parties who have greater resources, thus causing injustice and potentially harming MSME actors as innovators.

Intellectual Property Rights (IPR) is basically a legal instrument that aims to provide protection for the results of human thoughts, including inventions in the field of technology (Sutedi, 2013). In the patent regime, there are two forms of protection, namely patents and simple patents. Simple patents are specifically designed to protect

inventions that do not demand a high level of technological complexity, but have novelty and practical usability. This characteristic makes simple patents relevant to the type of innovation that is generally produced by MSMEs.

In Indonesia, the regulation regarding simple patents has been accommodated in Law Number 13 of 2016 concerning Patents. This law provides convenience for simple patent applicants, both in terms of substantive requirements, registration procedures, examination periods, and costs. Normatively, these provisions reflect the state's commitment to expand access to legal protection for innovation, especially for small and medium business actors.

However, the level of simple patent utilization by MSMEs in Indonesia is still relatively low. This condition shows that there is a gap between the legal arrangements that have been available and the reality of implementation on the ground. Factors such as low IPR legal literacy, limited technical assistance, and the assumption that patent registration is a complicated and non-urgent process are the main obstacles to the use of simple patents by MSMEs.

Based on this background, this research focuses on the analysis of simple patents as an instrument for the protection of MSME innovation in Indonesia. This research aims to examine the concept and position of simple patents in the national patent legal system, examine their suitability with the innovation character of MSMEs, and analyze implementation challenges and efforts to optimize their utilization. Thus, it is hoped that this research can make a theoretical contribution to the development of intellectual property law as well as a practical contribution to the formulation of a more effective and equitable policy to protect MSME innovation.

II. RESEARCH METHODS

This research uses a normative legal research method that focuses on the study of positive legal norms that govern simple patents as an instrument for protecting Micro, Small, and Medium Enterprises (MSMEs) innovation in Indonesia. Normative law research was chosen because the problems studied are related to the

concept, position, and effectiveness of simple patent law regulation in the national legal system (Soekanto & Mamudji, 2014).

The approaches used in this study include the statute approach and the conceptual approach (Marzuki, 2017). The legislative approach is carried out by examining the provisions of Law Number 13 of 2016 concerning Patents and other regulations relevant to the protection of innovation and empowerment of MSMEs. Meanwhile, a conceptual approach is used to examine the doctrines, principles, and thoughts of legal experts related to intellectual property rights, legal protection, and innovation.

The legal materials used consist of primary legal materials in the form of laws and regulations, secondary legal materials in the form of legal textbooks, scientific journal articles, and relevant research results, as well as tertiary legal materials as supporting materials. All of these legal materials are analyzed qualitatively with descriptive-analytical techniques to obtain systematic and argumentative conclusions (Zainuddin Ali, 2016).

III. RESULTS AND DISCUSSION

A. Concept and Position of Simple Patents

Simple patents are one of the legal protection instruments in the intellectual property rights regime that is designed to protect inventions that are simple, applicable, and have practical uses. In the context of Indonesian patent law, simple patents are present as a form of adaptation of legal policy to the reality of innovations that develop in society, especially innovations that are not always oriented towards high technology but have direct use value in business activities. The existence of simple patents shows that patent law is not exclusive to large business actors or research institutions, but can also be accessed by small and medium business actors.

Normatively, simple patents are regulated in Law Number 13 of 2016 concerning Patents as an exclusive right granted by the state to inventors over inventions in the form of products or tools that have novelty and can be applied practically. This regulation confirms that the state recognizes the existence of various forms of innovation in

society that require proportional legal protection. Thus, simple patents are not positioned as a lower form of protection, but rather as protection tailored to the character of the protected invention (Jened, 2014).

The main difference between a simple patent and a regular patent lies in the requirements of inventive steps and the complexity of the technology. Ordinary patents require inventive steps that could not have been foreseen by experts in their fields, while simple patents simply require novelty and improvements in the functions or benefits of existing technologies. This difference reflects the orientation of simple patents that emphasize more on the practical usefulness aspect than on the aspect of radical novelty (inventive step) (Directorate General of Intellectual Property, 2018).

In the national patent law system, a simple patent position can be understood as an instrument of legal protection that is inclusive and corrective. It is inclusive because it opens access to legal protection for business actors with limited capital and resources, and corrective because it overcomes the weaknesses of the conventional patent system that tend to be difficult for MSMEs to access. With simpler registration procedures, shorter examination periods, and relatively affordable fees, simple patents provide more realistic legal certainty for small business actors.

From the perspective of legal protection theory, a simple patent reflects the state's efforts to provide preventive and repressive protection of inventors' rights. Preventive protection is realized through the granting of exclusive rights that prevent other parties from copying or exploiting unauthorized inventions, while repressive protection is available through law enforcement mechanisms in the event of a violation. Thus, a simple patent not only serves as a symbol of legal recognition, but also as a concrete tool to protect the economic interests of inventors (Hadjon, 2011).

The strategic position of simple patents can also be seen from their function in encouraging innovation based on local needs. Many innovations born from the empirical experience of business actors in solving production and

distribution problems do not require advanced technology, but require legal protection so that they can be developed sustainably. Simple patents provide room for these kinds of innovations to grow and develop within a legal framework.

Thus, simple patents occupy an important position in the Indonesian patent law system as an adaptive, proportionate, and equitable legal protection instrument. Its existence expands the scope of intellectual property rights protection and becomes a normative basis for the protection of MSME innovation. A proper understanding of the concept and position of simple patents is the main prerequisite for assessing its effectiveness as an instrument for protecting MSME innovation, as will be discussed in the next section.

B. The Character of MSME Innovation and Its Relevance to Simple Patents

Innovations produced by Micro, Small, and Medium Enterprises (MSMEs) have fundamentally different characteristics compared to innovations developed by large companies or formal research institutions. MSME innovation is generally born from practical needs in daily business activities, such as efforts to improve production efficiency, reduce operational costs, or adjust products to consumer preferences. Therefore, MSME innovations tend to be simple, applicative, and oriented towards solving concrete problems faced by business actors.

The simple and incremental nature of MSME innovation causes many of these innovations to not meet the requirements of ordinary patents, especially related to the requirements of high inventive steps. MSME innovation is often in the form of modifications, improvements, or developments from pre-existing technologies, not the creation of new technologies that are revolutionary. As a result, this kind of innovation is often beyond the reach of conventional patent protection, even though it has significant use and economic value for business actors (Jened, 2017).

In this context, simple patents are the most relevant legal protection instrument for MSMEs. Simple patents are designed to protect inventions that have novelty and practical usability without requiring a high level of technological complexity.

The compatibility between the character of MSME innovation and the simple patent criteria shows that simple patents are a form of realistic and contextual legal protection for MSME actors, both in terms of substance and procedure.

The relevance of simple patents to MSME innovation can also be seen from the accessibility aspect. MSMEs in general have limited capital, human resources, and legal knowledge, so they need a simple, fast, and affordable protection mechanism. Simple patents answer these needs through a more concise registration procedure, shorter examination periods, and relatively lower costs than ordinary patents. This condition allows MSMEs to obtain legal protection without excessive administrative burden (WIPO, 2019).

In addition to providing legal protection, simple patents also have strategic value in increasing the competitiveness of MSMEs. Innovations that have been protected by patents have obtained legal recognition as intangible assets that can increase business credibility. Simple patent ownership can strengthen the bargaining position of MSMEs in business cooperation, attract investors, and open up wider licensing and commercialization opportunities.

However, although substantially simple patents are very relevant to the innovation character of MSMEs, the level of their utilization in practice is still relatively low. Many MSME actors do not realize that the simple innovations they produce meet the simple patent criteria. In addition, there is still a perception that patent registration is a complicated, expensive, and non-profit process. This condition shows that there is a gap between the normative potential of simple patents and the reality of their use by MSMEs.

Thus, understanding the innovation character of MSMEs is the key to optimizing the role of simple patents as an instrument of legal protection. Simple patents have a very strong relevance to MSME innovation, both in terms of the substance of innovation and the need for legal protection. Therefore, strengthening intellectual property rights literacy and increasing legal awareness among MSMEs is an important step so that simple patents can be used optimally in protecting and developing MSME innovations.

C. Simple Patent Law Protection for MSMEs

A simple patent provides legal protection in the form of an exclusive right to the inventor or patent holder to carry out his invention himself or grant permission to another party through a licensing mechanism. This exclusive right is at the heart of patent law protection, as it gives the patent holder the legal authority to prohibit another party from making, using, selling, importing, or distributing the patented product without consent. For MSMEs, the existence of these exclusive rights has an important meaning as a legal guarantee for innovations resulting from their business processes and creativity (Lindsey et al., 2011).

In the context of legal protection, simple patents serve as instruments of preventive and repressive protection. Preventive protection is realized through the granting of exclusive rights that legally prevent the imitation or exploitation of inventions by other parties. Meanwhile, repressive protection is available through law enforcement mechanisms in the event of patent infringement, either through civil lawsuits or other legal remedies. Thus, a simple patent not only provides formal recognition, but also provides a concrete means of legal protection for MSME actors.

Simple patent legal protection also provides legal certainty for MSMEs in carrying out their business activities. This legal certainty is important because it allows business actors to develop innovations and make investments without worrying about imitation or disputes in the future. With a simple patent, MSMEs have a clear legal basis to maintain their rights to the innovations developed, so that they can focus more on business development and improving product quality.

In addition to providing legal certainty, simple patents also contribute to increasing the economic value of MSME innovations. Inventions that have been patented are recognized as intangible assets that have commercial value. This asset can be used by MSMEs in various forms, such as business cooperation, licensing agreements, as well as as an attraction for investors and financing institutions. Thus, simple patents not only function as a tool of

legal protection, but also as an instrument to strengthen the MSME economy.

Legal protection through simple patents also plays a role in encouraging the creation of a climate of healthy business competition. With patent protection, MSME innovations cannot be easily imitated by other business actors who have larger capital. This creates fairness in business competition and provides opportunities for MSMEs to enjoy the economic benefits of the innovations they produce. In the long term, this condition can encourage MSME actors to continue to innovate because of the guarantee of legal protection.

However, the effectiveness of simple patent law protection is highly dependent on the level of legal understanding and awareness of MSME actors. Many MSMEs have not used simple patents as a means of legal protection due to limited knowledge about registration procedures and patent benefits. As a result, although legal protection has been available normatively, the benefits have not been fully felt by MSME actors in practice.

Therefore, simple patent law protection for MSMEs cannot be understood solely as a normative issue, but also as an implementation issue. Systematic efforts are needed to increase MSMEs' access to simple patent protection, both through socialization, technical assistance, and integration of patent policies with MSME empowerment programs. With this approach, simple patents can function optimally as a legal protection instrument that provides certainty, justice, and economic benefits for MSMEs.

D. Implementation Challenges and Efforts to Optimize Simple Patents for MSMEs

Although normatively simple patents have been designed as an innovation protection instrument that is friendly to MSMEs, their implementation in the field still faces various challenges. One of the main challenges is the low level of intellectual property rights literacy among MSME actors. Many MSME actors do not understand the basic concept of simple patents, their differences from ordinary patents, and the strategic benefits that can be obtained from patent

protection. This condition causes simple patents to not be optimally utilized as an instrument to protect innovation (Directorate General of Intellectual Property, 2022).

The next challenge is related to limited access to information and technical assistance. The patent registration process, although relatively simpler than regular patents, still requires a certain administrative and technical understanding. For MSMEs that have limited human resources and legal knowledge, this process is still seen as complicated and difficult. The lack of ongoing assistance from relevant institutions reinforces the perception that patent registration is an additional burden that is not urgent for business continuity.

In addition to internal factors of MSMEs, implementation challenges also stem from structural and institutional aspects. Coordination between authorized agencies in the field of intellectual property rights and MSME empowerment has not been fully integrated. As a result, innovation protection programs through simple patents often run separately from MSME development and development programs. This condition causes the simple patent policy to not fully touch the real needs of MSME actors in the field.

Another challenge that is no less important is the perception of the economic benefits of simple patents that have not been directly felt by MSMEs. Many MSME actors consider that patent protection does not have a significant impact on increasing sales or profits in the short term. This perception causes simple patents to be considered as a legal instrument that is less relevant to the practical needs of MSMEs. In fact, in the long run, a simple patent can serve as a strategic asset that increases the competitiveness and sustainability of the business.

To overcome these challenges, comprehensive and sustainable optimization efforts are needed. One of the important efforts is to increase intellectual property rights literacy through socialization and education directed at MSME actors. Socialization not only focuses on the normative aspect, but also emphasizes the practical and economic benefits of simple patents.

With a better understanding, MSMEs are expected to view simple patents as a strategic need, not just an administrative obligation.

Optimization efforts also need to be carried out through the provision of technical assistance that is easily accessible and sustainable. This assistance can be carried out through cooperation between the Directorate General of Intellectual Property, local governments, universities, and MSME companion institutions. Effective assistance will help MSMEs in the process of identifying inventions, preparing application documents, and utilizing simple patents in business development strategies (Jened, 2017).

Thus, simple patent optimization as an instrument to protect MSME innovation requires an approach that not only relies on strengthening regulations, but also on increasing the capacity and awareness of MSME actors. Synergy between legal policies, institutions, and economic empowerment is key for simple patents to function effectively. If implementation challenges can be overcome through integrated efforts, simple patents have the potential to be a strategic instrument in encouraging innovation, competitiveness, and sustainability of MSMEs in Indonesia (Mulyani, 2019).

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Based on the results and discussion of Simple Patents as an Instrument for the Protection of MSME Innovation in Indonesia, it can be concluded that simple patents are legal instruments that are conceptually and normatively designed to answer the needs of innovation protection that are simple, applicable, and have practical use value. The existence of simple patents in the Indonesian patent law system shows the state's efforts to create intellectual property rights protection that is more inclusive and adaptive to the reality of developing innovations among MSMEs.

The nature of MSME innovation, which is generally incremental, based on empirical experience, and oriented towards practical problem solving, makes simple patents the most relevant form of legal protection. Simple patents

provide space for MSME innovations that do not meet the usual patent criteria, but still have novelty and economic benefits. Thus, simple patents serve as a bridge between the need for legal protection and the innovation capacity of MSMEs.

In terms of legal protection, simple patents provide legal certainty, exclusive rights, and recognition of MSME innovations as intangible devices with economic value. This protection has the potential to encourage a healthy business competition climate and increase the competitiveness of MSMEs. However, the effectiveness of simple patent law protection still faces various implementation challenges, especially low intellectual property literacy, limited technical assistance, and the lack of integration of patent policies with MSME empowerment programs.

B. Suggestion

Based on this conclusion, it is recommended that the government and related stakeholders increase socialization and education about simple patents in a sustainable and directed manner to MSME actors. Socialization should not only emphasize the normative aspect, but also the practical and economic benefits of simple patent protection.

In addition, it is necessary to strengthen the technical assistance mechanism through synergy between the Directorate General of Intellectual Property, local governments, universities, and MSME assistance institutions. Effective assistance will help MSMEs in accessing simple patent protection and utilizing these patents in business development strategies. With these steps, simple patents are expected to function optimally as an instrument for the protection of MSME innovation that is fair and sustainable.

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