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## Legal Protection for Warehouse Receipt Holders After The Enforcement of Government Regulation Number 29 of 2022

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**Abstract:** Warehouse receipts in Indonesia are regulated in Law Number 9 of 2006 concerning the Warehouse Receipt System. In this law, the warehouse receipt system is an activity related to the issuance, transfer, guarantee and settlement of Warehouse receipt transactions. The purpose of this study is to determine the regulation of the Warehouse receipt system according to laws and regulations in Indonesia and to determine the legal protection for Warehouse receipt holders after the enactment of Government Regulation Number 29 of 2022. The method in this research is normative juridical. The results of this study are the Revocation of the role of Perum Jamkrindo as the implementing institution for warehouse receipt guarantors through PP No. 29 of 2022 has created significant legal uncertainty in the implementation of the Warehouse Receipt System (SRG) in Indonesia.

**Keywords:** Legal Protection, Warehouse Receipt Holder, Government Regulations.

### INTRODUCTION

Facing competition in the era of globalization requires the readiness of the business world to face changes in the economic sector, especially trade. One effort to face this competition is through the arrangement of an effective and efficient trade system. This can be achieved if supported by a conducive business climate and the availability of a financing system that can be utilized by every business actor. The financing system functions to ensure smooth business for the business world, especially farmers, small and medium enterprises based on agriculture. In this context, the warehouse receipt system is present as access for farmers and small and medium enterprises in obtaining agricultural-based financing (Savitri, 2019).

Warehouse receipts in Indonesia are regulated in Law Number 9 of 2006 concerning the Warehouse Receipt System. In this law, the warehouse receipt system is an activity related to the issuance, transfer, guarantee and settlement of warehouse receipt transactions. The purpose of the warehouse receipt system can be seen in the explanation of Law Number 9 of 2006 concerning the Warehouse Receipt System which states that the law on the warehouse receipt system is intended to provide legal certainty, guarantee, protect the interests of the community, smooth flow of goods, efficiency of distribution costs of goods,

and create a business climate that supports national economic growth (Ersya Maulina & Listyowati Sumanto, 2023).

Apart from these objectives, the objectives of Law Number 9 of 2006 which are stated in the considerations section are:

1. That development in the economic sector, especially the smooth production and distribution of goods in the trading system, is directed at efforts to advance general welfare based on social justice based on Pancasila and the 1945 Constitution.
2. That in order to support the smooth production and distribution of goods, a Warehouse Receipt System is required as a financing instrument.
3. That in order for the implementation of the warehouse receipt system to run smoothly, orderly and regularly and provide legal certainty for parties carrying out activities in the warehouse receipt system, a strong legal basis is required.

The warehouse receipt system is an important instrument in the trade financing system, because this system can facilitate the provision of credit for the business world with collateral in the form of inventory or goods stored in the warehouse and can also be useful in stabilizing sales prices in the market by facilitating sales methods that can be carried out throughout the year. With collateral, it also allows for a legal construction that allows for the provision of credit facilities by pledging objects as collateral (Sugiarti & Pattinaja, 2022) .

The warehouse receipt system can facilitate the provision of credit for the business world with collateral or goods stored in the warehouse. This can be seen in Article 4 paragraph (1) and (2) of Law Number 9 of 2006 concerning the Warehouse Receipt System which states that warehouse receipts can be transferred, used as collateral for debt, or used as documents for the delivery of goods (Widiadnyani & Agustina, 2023) . Warehouse receipts as document of title can also be used as collateral for debt in full without requiring other collateral. From this formulation, it can be seen that the warehouse receipt system makes it easier for people, especially farmers, to obtain financing loans from the banking sector. This banking sector financing is in line with the role and function of banking as regulated in Law Number 10 of 1998 concerning Banking.

The provisions of Article 3 of Law Number 10 of 1998 concerning Banking state that, "the main function of Indonesian banking is as a collector and distributor of public funds". So, banks accept savings and deposits from the public, then redistribute them to debtor customers who are in need through a credit mechanism. Thus, it can be seen that the formulation of Article 4 of Law Number 9 of 2006 concerning Warehouse Receipts is in line with Article 3 of Law Number 10 of 1998 concerning Banking in distributing agricultural financing through a credit mechanism. However, in reality, this legal guarantee is not enough to provide confidence to banks in providing agricultural sector credit based on warehouse receipts (Putri Neland, 2022) .

According to Avaliant, an economic observer who is also a commissioner of Bank Rakyat Indonesia, said that as long as there is a guarantee of business continuity in the form of market guarantees and price guarantees, banks will flock to provide credit to finance the agricultural sector. The low level of bank credit in the agricultural sector is due to the risk which is still very high. Because of the high risk, banks have not dared to provide large-scale credit because banks must also be careful in managing funds from the community and also the issue of collateral or guarantees owned by farmers (Ersya Maulina & Listyowati Sumanto, 2023) .

In this context, the weak banking trust in agricultural warehouse receipt credit is an obstacle in the implementation of Law Number 9 of 2006. This obstacle is closely related to legal protection for banks in financing the agricultural sector based on warehouse receipts. Legal protection is needed as an effort to ensure legal certainty so that it can provide legal protection to the parties concerned or those taking legal action. Therefore, legal protection must be realized in the form of legal certainty.

In its development, the banking trust problem began to have a way out after the birth of Law Number 9 of 2011 concerning Amendments to Law Number 9 of 2006 concerning the Warehouse Receipt System. Article 37A paragraph (1) of Law Number 9 of 2011 regulates the Warehouse Receipt guarantee institution. This institution functions as a guarantee institution that carries out its duties and authorities independently, transparently and accountably. This guarantee institution is responsible to the Minister (Sugiarti & Pattinaja, 2022).

This guarantee institution has the following functions: first, to protect the rights of warehouse receipt holders and/or recipients of guarantee rights in the event of failure, inability, and/or bankruptcy of warehouse managers in carrying out their obligations. Second, to maintain the stability and integrity of the Warehouse Receipt system in accordance with its authority."

This warehouse receipt is very much needed especially for small and medium farmers including all farmers in general in facing the difficulty of accessing credit from banks and the absence of available collateral such as land and buildings as required in the previous guarantee provisions. In addition, there is still a lack of banking experience in serving rural areas.

The warehouse receipt system can be a solution to overcome the problems faced by farmers in obtaining capital in banking. because warehouse receipts as securities can be used as collateral by farmers or entrepreneurs in the agricultural sector in disbursing credit for business development. Warehouse receipts are basically how certain agricultural commodities can be used as collateral. Thus, farmers do not need to sell their agricultural commodities when prices are low on the market, but farmers can get funds from banks to replant their agricultural land. Credit is given by banks because they believe in the value of the collateralized commodities, commodity prices can survive on the market for a certain period of time. Because banks rely on agricultural commodities stored in a certified warehouse that is independently controlled to secure the credit provided. This is the task of the warehouse management operator as the issuer of the warehouse receipt to be able to provide guarantees to the bank.

Thus it is known that Law Number 9 of 2011 concerning Amendments to Law Number 9 of 2006 concerning the Warehouse Receipt System has accommodated various interests in society. Interests that are accommodated such as the sale of agricultural commodities can be done at any time or waiting until the price of the agricultural commodity increases in the market without having to worry about the quality of the goods stored in the warehouse. The Warehouse Receipt System is damaged or decreased in value because a special warehouse receipt guarantee institution has been formed which in the old law has not been accommodated. Meanwhile, farmers who are waiting for the price of agricultural commodities to increase in the market can guarantee their agricultural commodities in order to obtain agricultural financing. In this context, most farmers treat their harvest as a "Cash crop" which means that farmers really need cash to meet their living needs and to carry out farming in the following season. And for the government, it is assisted in providing reserve stocks of agricultural commodities at all times (Ersya Maulina & Listyowati Sumanto, 2023).

Thus the birth of Law Number 9 of 2011 concerning Amendments to Law Number 9 of 2006 concerning the Warehouse Receipt System is expected to be the basis for legal certainty of the warehouse receipt system, especially for the banking sector in Indonesia. This is where the law according to Roscoe Pound as Social engineering is Interest Balancing and therefore the most important thing is the purpose of the law that is applied towards a more advanced society, according to him the law cannot create satisfaction, but only provides legitimacy for human interests to achieve satisfaction of interests.

Through Law Number 9 of 2011, the Performance Guarantee instrument in the Warehouse Receipt System is complemented by the establishment of the Warehouse Receipt

Guarantee Institution. This Warehouse Receipt Guarantee Institution will function as a guarantor like the Deposit Insurance Corporation (LPS) in the banking world. This institution guarantees the rights and interests of Warehouse Receipt holders or Recipients of Guarantee Rights against failure, negligence, or inability of Warehouse Managers to carry out their obligations in storing and delivering goods (Putri Neland, 2022).

In the implementation of the Warehouse Receipt System Law Number 9 of 2011 concerning Amendments to Law Number 9 of 2006 concerning the Warehouse Receipt System, there are several implementing regulations related to the Warehouse Receipt Guarantee Institution, including Government Regulation of the Republic of Indonesia Number 1 of 2016 concerning the Warehouse Receipt System Guarantee Implementing Institution. In this Government Regulation, it is explained that the Indonesian Credit Guarantee Public Company (Perum JAMKRINDO) is the Warehouse Receipt Guarantee Implementing Institution. However, the government has issued Government Regulation Number 29 of 2022 concerning amendments to the Regulation Government Regulation Number 10 of 2014 concerning Requirements and Procedures for Determining the Implementing Institution for Warehouse Receipt Guarantee which revokes Government Regulation Number 1 of 2016 concerning the Implementing Institution for Warehouse Receipt System Guarantee so that Perum JAMKRINDO is no longer the Implementing Institution for Warehouse Receipt Guarantee.

## **METHOD**

The research method used in this thesis is the normative legal method, which aims to analyze legal protection for warehouse receipt holders after the enactment of Government Regulation Number 29 of 2022. This method focuses on the study of applicable legal regulations, both in the form of laws, government regulations, and other related regulations, and how these regulations are interpreted and applied. The normative legal approach is carried out through a literature study involving the collection and analysis of primary legal materials, such as Government Regulation Number 29 of 2022, Law Number 9 of 2006 concerning the Warehouse Receipt System, and other relevant regulations.

This study also utilizes secondary legal materials in the form of journals, books, and scientific articles that support the analysis of legal protection for warehouse receipt holders. With this approach, the thesis aims to identify whether the new regulation provides legal certainty, justice, and optimal protection for warehouse receipt holders in practice. The researcher uses a descriptive analytical method to describe the applicable rules and analyze them based on relevant legal theories and legal principles.

The normative legal method is very appropriate to be used in this study because the focus is on normative studies and comparisons between the legal conditions before and after the enactment of Government Regulation Number 29 of 2022. This study is expected to provide academic contributions in understanding the legal implications of this new regulation and provide practical recommendations to strengthen legal protection for warehouse receipt holders in Indonesia.

## **RESULTS AND DISCUSSION**

Law Number 9 of 2011 concerning Amendments to Law Number 9 of 2006 concerning the Warehouse Receipt System is an important milestone in strengthening the implementation of the warehouse receipt system (SRG) in Indonesia. One of the main points of this change is the regulation regarding the establishment of the Warehouse Receipt Guarantee Institution (LPRG). According to (Sugiarti & Pattinaja, 2022) this institution is present as an effort to increase public trust, especially farmers, fishermen, and small and medium business actors, in the SRG as an economic instrument that can support price stability and access to financing. LPRG is tasked with providing guarantees for the



warehouse receipts issued, thereby reducing the risk for financial institutions that provide loans based on warehouse receipts. According to (Putri Neland, 2022) the existence of this institution provides a sense of security to banks or non-bank financing institutions, that the value of the goods stored in the warehouse is in accordance with the warehouse receipt documents issued. With this guarantee, farmers or business actors who have commodities can more easily access credit from financial institutions, because their warehouse receipts are considered assets that have a credible collateral value.

In addition to providing guarantees, LPRG is also tasked with ensuring that the issued warehouse receipts meet quality standards, including the conformity of the quality and quantity of goods listed therein. Thus, LPRG plays an important role in creating a transparent and trustworthy system for all parties involved. In this case, LPRG collaborates with the Commodity Futures Trading Supervisory Agency (Bappebti), warehouse managers, and third parties such as independent assessment institutions (Muljadi et al., 2022) . In its implementation, Law No. 9 of 2011 also regulates the governance and supervision of LPRG to ensure the integrity of the institution. LPRG is required to operate with high transparency and accountability, and is subject to government supervision. This regulation aims to minimize the risk of fraud or irregularities in the warehouse receipt system that can harm warehouse receipt holders or financial institutions involved.

The existence of LPRG in the warehouse receipt system provides great benefits, especially in encouraging the widespread use of SRG in the agriculture and fisheries sectors. With this institution, farmers and fishermen no longer have to sell their harvests or catches immediately after production, which is often done when prices are low. Instead, they can store goods in the warehouse and use the warehouse receipt as collateral to obtain financing, so they have greater flexibility in determining profitable sales times. According to (Murti et al., 2023) the implementation of LPRG still faces several challenges, such as the lack of socialization and public understanding of SRG, the limited number of standardized warehouses, and infrastructure constraints in several areas. Synergy is needed between the government, financial institutions, and business actors to ensure that this system runs optimally. Efforts such as increasing the number of standardized warehouses, training for warehouse managers, and strengthening LPRG capacity need to be continued.

Government Regulation (PP) Number 1 of 2016 specifically regulates the Warehouse Receipt System Guarantee (SRG) and establishes the Indonesian Credit Guarantee Company (Perum Jamkrindo) as the implementing institution for the warehouse receipt guarantee. This provision emphasizes Jamkrindo's strategic role in supporting the implementation of SRG in Indonesia by providing guarantees for warehouse receipts issued by registered warehouse managers (Sulistyaningsih, 2021) . As the implementing institution, Jamkrindo is responsible for providing protection to warehouse receipt holders, especially financial institutions that use warehouse receipts as collateral for financing. The guarantee provided includes protection against potential risks of discrepancies between the value of the goods listed in the warehouse receipt and the actual condition of the goods in the warehouse. With a guarantee from Jamkrindo, financial institutions can be more confident in providing loans to farmers, fishermen, and small and medium-sized business actors, so that they can access financing more easily and quickly (Widiadnyani & Agustina, 2023).

PP No. 1 of 2016 also regulates the cooperation mechanism between Jamkrindo, warehouse managers, and other related parties, such as the Commodity Futures Trading Supervisory Agency (Bappebti). Jamkrindo's role is to ensure that the guaranteed warehouse receipts have met the specified requirements, including standardization of goods quality, warehouse legality, and the eligibility of warehouse receipt documents. This aims to maintain the trust of warehouse receipt holders and create a transparent and accountable system (Ersya Maulina & Listyowati Sumanto, 2023) . In addition to providing guarantees, Jamkrindo is also tasked with providing socialization and education to the community, especially farmers

and small business actors, about the benefits of SRG and how to utilize them. This education is important considering that the level of public understanding of SRG is still low, so that they often do not utilize the potential of SRG optimally. With this role, Jamkrindo supports the strengthening of the people's economy by increasing access to financing based on warehouse receipts.

The existence of Jamkrindo as an implementing institution for warehouse receipt guarantee is in accordance with the main objective of PP No. 1 of 2016, namely strengthening the implementation of SRG as one of the economic instruments that can help stabilize commodity prices, especially agricultural and fishery products. With this system, farmers and fishermen do not need to rush to sell their produce when prices are low, because warehouse receipts allow them to store goods and still get financing for operational needs. However, the implementation of Jamkrindo's role in SRG is not without challenges (Savitri, 2019). Several obstacles, such as the limited number of standardized warehouses in certain areas, low public understanding of SRG, and inadequate infrastructure, are obstacles that need to be overcome through cooperation between various parties. The government, through Bapebti, needs to continue to support Jamkrindo by strengthening regulations, increasing the number of verified warehouses, and providing training to warehouse managers and cadres in the field.

With Jamkrindo as a warehouse receipt guarantor institution, the implementation of SRG is expected to be more organized and reliable. This role not only provides protection for business actors but also encourages the stability of the commodity-based economic system in Indonesia. According to (Nurwahidah, 2020) the success of this program will have a positive impact on improving people's welfare, especially in the agriculture and fisheries sectors, while strengthening national economic resilience. Government Regulation (PP) Number 29 of 2022 which revokes PP Number 1 of 2016 marks a significant change in the regulation of the warehouse receipt system (SRG) in Indonesia, especially regarding the role of the Indonesian Credit Guarantee Company (Perum Jamkrindo) as the implementing institution for warehouse receipt guarantor. With this revocation, Jamkrindo no longer functions as a party that provides guarantees for warehouse receipts. This change reflects the government's efforts to reorganize the mechanisms and institutions in the warehouse receipt system to better suit current needs and challenges (Hapsari & Saron, 2023).

The revocation of Jamkrindo's role as a warehouse receipt guarantor opens up space for restructuring the SRG system, including the possibility of involving other institutions or new, more relevant guarantee mechanisms. This is done to ensure that the SRG system remains effective and can support the empowerment of farmers, fishermen, and small and medium-sized business actors. According to (Oktavia Putri, 2021) this decision also aims to increase flexibility and efficiency in SRG management without reducing stakeholder trust in this instrument. With Jamkrindo no longer functioning in this capacity, the responsibility for guaranteeing warehouse receipts shifts to the mechanisms or institutions regulated in the new regulations. This change is expected to strengthen SRG governance and transparency, especially in ensuring the reliability of warehouse receipt documents as collateral for financing. In addition, this revocation provides an opportunity for other institutions to play a role, which may be more specific in addressing guarantee needs in the agriculture and fisheries sectors.

However, this transition also presents challenges, especially during the transition period. The community, financial institutions, and warehouse managers need to adjust to the new system, including socialization regarding the institution or guarantee mechanism that replaces Jamkrindo. The government needs to ensure that there is no role vacuum that can disrupt trust in the SRG or hinder access to financing for farmers and small business actors. The issuance of Government Regulation (PP) Number 29 of 2022 which revokes PP Number 1 of 2016 has had a number of impacts on the implementation of the Warehouse Receipt

System (SRG) in Indonesia (Harum, 2022). One of the most significant impacts is the lack of legal certainty regarding the implementation of warehouse receipt guarantees. Prior to the revocation, Perum Jamkrindo was clearly designated as the implementing institution for warehouse receipt guarantees, providing protection for the parties involved, such as warehouse receipt holders and financial institutions. However, with the elimination of this role, until now there has been no replacement or clarity regarding the institution that will take over this responsibility.

In the context of the financial system, the existence of a guarantor institution is very important to maintain stability, trust, and smooth transactions. The role of the warehouse receipt guarantor institution can be analogous to the function of the Deposit Insurance Agency (LPS) in the banking sector. LPS is tasked with guaranteeing customer deposits to maintain public trust in the banking system. According to (Cristea, 2016) the warehouse receipt guarantor institution is tasked with providing protection and guarantees to SRG actors, including farmers, fishermen, and small and medium business actors, so that warehouse receipts can function optimally as economic instruments. Without a clear guarantor institution, trust in SRG can decrease, and the function of warehouse receipts as collateral for financing becomes less effective.

This uncertainty also impacts warehouse receipt holders and financial institutions that use warehouse receipts as collateral for credit. In this condition, financial institutions may become more cautious or even reluctant to accept warehouse receipts as collateral, because there is no guarantee that can protect them from the risk of loss. This can of course be detrimental to farmers and small business actors who have relied on SRG as a financing solution. Without a guarantor institution, the risk of losing trust in this system becomes very high, which in the end can hinder the main objective of SRG, namely supporting commodity price stability and increasing access to financing (Ermasyanti, 2019).

It is important to note that the revocation of Jamkrindo's role in PP No. 29 of 2022 is not accompanied by regulations that establish new mechanisms or institutions that will carry out the warehouse receipt guarantee function. This gap creates a legal loophole that is detrimental to all parties involved in the SRG (Usanti, 2014). The government has not provided clarity on which institution will take over the task or how the guarantee mechanism will be implemented in the future. This situation shows a lack of mature planning in policy making, especially when it comes to a system that involves many stakeholders and has a direct impact on the real economic sector.

Based on my research, until now there has been no warehouse receipt guarantor institution appointed or regulated in the regulation. This raises concerns about the long-term impact on the sustainability of the SRG. Without a guarantee, warehouse receipts can lose their appeal as a financing instrument, so that the potential economic benefits of the SRG cannot be realized optimally. In the long term, this can have an impact on the stagnation or even decline of the implementation of the SRG in Indonesia. There needs to be quick and concrete steps from the government to overcome this uncertainty (Dharmasisya et al., 2022). One step that can be taken is to establish a new institution that will replace Jamkrindo's role as a warehouse receipt guarantor. The institution must have clear authority and capacity to carry out the guarantee function, similar to the role of LPS in the banking sector. Massive socialization to explain this change to stakeholders, including warehouse managers, financial institutions, and business actors.

In addition to establishing a new guarantee institution, the government also needs to develop a more transparent and accountable guarantee mechanism. Comprehensive regulations must be drawn up to regulate the duties, authorities, and responsibilities of the warehouse receipt guarantee institution, so that there is no more doubt among stakeholders. This effort must be carried out synergistically with improving the quality of SRG infrastructure and supervision, to ensure that this system remains relevant and beneficial to

the national economy (Donald & Jamilus, 2019) . A study of PP No. 29 of 2022 shows that this policy raises serious problems related to legal certainty in warehouse receipt guarantees. Without clarity regarding the implementing institution for the guarantee, SRG faces the risk of losing trust and its effectiveness as an economic instrument. Commitment and concrete steps are needed from the government to fill this gap, in order to ensure that SRG can continue to function as a financing solution that supports the welfare of farmers, fishermen, and small and medium business actors (Zulkarnain, 2020).

## CONCLUSION

The revocation of Perum Jamkrindo's role as the implementing institution for warehouse receipt guarantor through PP No. 29 of 2022 has created significant legal uncertainty in the implementation of the Warehouse Receipt System (SRG) in Indonesia. This policy leaves a regulatory vacuum regarding the institution or mechanism that will replace Jamkrindo's role as a guarantor, thus weakening stakeholders' trust in warehouse receipts as an economic instrument. Without a clear guarantor institution, the function of warehouse receipts as collateral for financing becomes less than optimal, which ultimately has the potential to hinder access to financing for farmers, fishermen, and small and medium business actors.

The sustainability and effectiveness of the SRG now depend heavily on the government's concrete steps to immediately establish a new institution or guarantee mechanism that is transparent and accountable. Comprehensive regulations and intensive socialization are needed to ensure that this system remains relevant and is able to provide maximum economic benefits. Without swift action, this policy could have a negative impact on the sustainability of the SRG, as well as its main objective of supporting commodity price stability and community economic empowerment. Clear and targeted reforms are urgently needed to restore trust in the SRG and maintain its role in the national economy.

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