National Logistic Ecosystem (NLE) as Indonesian Trade Strategy in ASEAN to Improve National Economic

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Abstract: Exports and imports play a very important role in the economy of a country. Complicated bureaucracy is an obstacle for domestic entrepreneurs to export and import in Indonesia, especially during this Covid-19 period. Simplifying the export-import flow is one solution with a program to accelerate the export-import flow or National Logistic Ecosystem (NLE). Research This study will analyze how the impact of NLE on Indonesia’s export-import flows within ASEAN and whether NLE can be legally established as a positive law in Indonesia. This study uses a normative juridical research method with a statutory and legal conceptual approach. NLE is one of the concrete steps in accelerating import-export logistics flows, increasing Gross Domestic Product (GDP), and stabilizing the country’s economy, especially in dealing with the emergency conditions of the Covid-19 pandemic. because that’s the government must make new rules or revise existing import-export rules. With the implementation of NLE in export-import and its regulation in laws and regulations, it is expected to increase the rate of export-import and Indonesia’s GDP.

1 INTRODUCTION

Different trading conditions in each country encourage business actors and also the government to trade outside their territory or country. Trade carried out by business actors and the government outside the territory of the country is called export-import activities. Nevertheless, either directly or indirectly, export-import activities through the exchange of goods and/or services between countries are still needed as a form of trade relations activities to meet the needs of each of these countries (Widjaja and Yani, 2000).

Various economic sectors were weakened and limited due to social restrictions during the pandemic, for that the Indonesian people began to limit their activities by limiting activities outside the home. Restrictions on activity make the economy slow down and people’s purchasing power decreases. Looking at data from the BPS, imports in April 2020 fell 18.58% compared to 2019 at US$ 12 billion. Exports for April 2020 also experienced a drastic decline of 7.09%, compared to 2019 which was US$12.19 billion. With this Covid-19, the economy and exports and imports in Indonesia slowed down, making companies experience difficulties in their cash flow, many companies decided to limit their production and some temporarily closed their factories and laid off their employees without severance pay, this resulted in rising unemployment in Indonesia. Because this pandemic is not only happening in Indonesia, even almost all countries are experiencing this pandemic, for this reason, restrictions are not only carried out in Indonesia but abroad also set the same thing, causing companies to have difficulty getting raw materials, causing raw material prices to soar, For this reason, the company chose to reduce its production. Not only the reduction of its production but also the reduction of its resources and the reduction of its employees (Salsabila, 2021).

Previously, the Minister of Cooperatives and Small and Medium Enterprises Teten Masduki stated that he would accelerate the transformation of MSMEs to enter online trade in the face of the pandemic. The Coordinating Minister explained that the government had prepared steps for digital transformation for MSMEs, including through a digital payment system or QRIS. Then, the shift from outside the network (offline) to online is in the form of financing either through banking and technology-based finance companies or fintech. The Minister of Cooperatives and SMEs also stated that his party also opened up opportunities for cooperation with all e-
commerce platforms that support the development of MSMEs in Indonesia (Zuraya, 2021).

In general, arrangements regarding various matters regarding export and import duties are regulated in Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs. If you look at the website of the Directorate General of National Export Development, there are 4 (four) main stages in export when using a Letter of Credit (L/C).

- The first stage is the Sales Contract Process, this process is a process in which all documents or letters of approval that exist between the seller and the buyer are given a follow-up from the purchase order requested by the importer. The contents of the sales contract itself are the terms of payment for the goods to be sold, the price of the goods to the arrangements regarding transportation.
- The second stage is the L/C Process, the letter of credit itself is a guarantee from the issuing bank to the exporter in accordance with the instructions from the importer to make a payment of a certain amount within a certain period of time. The L/C opening process itself can be carried out through 3 (three) stages as follows:
  - The importer will ask the bank to open an L/C as a guarantee and the funds will be used to make payments to the exporter in accordance with the agreement in the sales contract.
  - Then the bank will open an L/C through its correspondent bank in the country where the exporter is intended (Advising Bank).
  - After that, the advising bank will check the validity of the L/C opening from the bank.
- Cargo Shipment Process, is the stage where the goods to be exported pass the delivery period. The important output of this process is a shipping document which is used as evidence that the exporter has sent the goods ordered by the importer in accordance with all the requirements stipulated in the L/C.

Shipping Document Negotiation Process, this process is a process of cashing shipping documents for exporters and is a process of claiming goods that have been paid by the importer to the exporter.

Although exports and imports play a very important role in the economy of a country, complicated bureaucracy becomes an obstacle for domestic entrepreneurs to export and import in Indonesia. In fact, this also makes investors slump so that it affects Indonesia’s competitiveness rating in the international arena which continues to decline.

One example is the tough licensing process that changes every year for shipments of seaweed from Indonesia. This was complained by the Indonesian Seaweed Association. In addition to the complexity caused by changes in the institution that issues the certificate to guarantee that the product is cultivated, the price for the issuance of this certificate is also very burdensome for seaweed entrepreneurs because it has increased up to 750% from the previous price (Lukita, 2020). In addition to exports, complications often occur in the import licensing process, especially during the Covid-19 pandemic. The licensing process for obtaining an Import Permit (SIP) is considered too long, while the level of production efficiency in Indonesia is much lower than in other countries so that the product inventory ordered is already out of stock.

In the study of International Law, the international community governed by international law is a coordinated legal order of a number of countries, each of which is independent and sovereign. In international law, the existing relationship is coordination, considering that the countries in the world are equal in degree, not subordinated like national law (Zaki, 2018).

Therefore, the government wants to prepare a system to simplify and speed up the import-export process through the implementation of the National Logistic Ecosystem (NLE). Is a logistics ecosystem that will harmonize the flow of goods with international documents or flow of documents, from the arrival of the means of transport (ships/airplanes) until the goods leave the port and arrive at the warehouse. In addition, NLE is also an effort launched by the government to cut the long bureaucracy that surrounds export - import activities in Indonesia. NLE itself is predicted to be able to cut 17 (seventeen) steps of the export-import bureaucracy to only 1 step system. So that various data regarding export-import activities can be integrated into one and create a harmonization in the system and service process. The integration of this service process will later become a full cycle of the logistics process, from pre-clearance to post-clearance.

NLE is expected to be a policy that can cut and reduce logistics costs which are currently very high in Indonesia. So that the initial logistics cost of 24% can be reduced to 17% (Shimizu, ), which of course will make Indonesia’s logistics cost competitive with other countries, especially in the ASEAN region. Of course, this topic requires further research related to
its effectiveness in terms of bureaucratic cash flow, both in Indonesia and ASEAN.

2 DISCUSSION

2.1 Impact of NLE on Indonesian Export and Import Flows within ASEAN

Strategic economic cooperation in the ASEAN region is the largest cooperation in the eastern Asia region. ASEAN was founded in 1967 and has been promoting regional economic cooperation for each of its members since 1976 (Shimizu, 2021). Each country has different natural and human resources. There are countries that are blessed with abundant natural resources, and on the other hand there are also countries that are poor in natural resources but have superior human resources so that they can create efficient technology. The exchange of these resources is expected to improve the quality of life in each country (Prianto, 2018). Indeed, a country can be classified as a welfare state if the country has 4 (four) main pillars, namely: (1) social citizenship; (2) full democracy; (3) modern industrial relations systems; and (4) rights to education and the expansion of modern mass education systems (Warr, 2019).

Improving the quality of a country’s standard of living is also carried out through exchanges between countries through international trade. The pattern of international trade cooperation that has developed in the last few decades is the pattern of the free trade area. The member countries involved in the cooperation generally carry out trade cooperation by minimizing or even eliminating trade inhibiting factors such as tariff and non-tariff barriers (Nopirin, 2019). The country’s decision to engage in free trade cooperation is good be it bilateral, regional, or multilateral, basically to increase national income, expand markets, and so on (Nopirin, 2014). The state decision to engage in free trade cooperation is also influenced by trading partners or partners with whom the country or region will conduct trade cooperation. The more promising the cooperative trading partners are, it is believed that the more profitable it will be for the parties involved in the trade (Chia, 2015).

One form of cooperation between countries in the Southeast Asia region is the Association of South East Asia Nation (ASEAN). The Association of South East Asia Nation (ASEAN) is a geopolitical and economic organization of countries in the Southeast Asia region which was founded in Bangkok on August 8, 1967. Cooperation of the member countries of the Association of South East Asia Nation (ASEAN) covers various fields and one of which is the economic sector, including trading activities. Indonesia as a member of the Association of South East Asia Nation (ASEAN) also carries out trade cooperation both bilaterally and multilaterally (Idris and Hussin, 2015). One form of economic cooperation in the Association of South East Asia Nation (ASEAN) is the ASEAN Economic Community (MEA). Each of these institutions and initiatives are involved in the five elements of a single market (free flow of goods, free flow of services, free flow of investment, free flow of capital, and free flow of labor) in a unified production base. The ASEAN Economic Community (AEC) will affect the economies of the countries in it, which consist of: Singapore, Malaysia, Brunei Darussalam, Thailand, Indonesia, the Philippines, Vietnam, Laos, Cambodia and Myanmar.

In addition, economic integration accompanied by the mobility of production factors will also encourage the accumulation of certain economic activities in a certain area (agglomeration). This agglomeration can work backward or forward linkage. Agglomeration associated with forward linkage is an agglomeration that occurs because of the entrepreneur’s desire to approach a larger market. Meanwhile, backward linkage agglomeration occurs due to the desire of entrepreneurs to approach suppliers in order to reduce costs. Many empirical studies to assess the benefits of economic integration have been carried out. One of the empirical studies conducted by Grossman and Helpman proves that the opening of trade will be followed by the transmission of knowledge so that in general it will increase economic growth.

2.2 National Logistic Ecosystem (NLE) As Indonesia’s Trade (Export-Import)

Solution In the ASEAN region, several countries have implemented policies similar to the National Logistic Ecosystem (NLE) or in other words is an egovernment, which are the best practices of the National Logistic Ecosystem (NLE) policy, namely Singapore with the Networked Trade Platform (NTP) and Thailand with the Thai National Single Window (NSW). Covid-19 is not only disrupting the economy but also trade. It is therefore important to seek policies that can reduce costs and increase the availability of goods and services. Indonesia based on PP No. 43 of the year has established a National Economic Recovery (PEN) policy as a response to the
economic situation caused by COVID-19. The Ministry of Finance on its website announced the implementation of the National Logistic Ecosystem (NLE) system as one of the national economic improvement programs to increase inbound, outbound and domestic trade. The Covid-19 has hampered the country’s economy and caused some losses. One of the losses experienced is exports and imports. The development of Indonesian exports and imports continues to deteriorate in the midst of the Corona or COVID-19 pandemic. Export gains in May were the lowest since 2016 (Thomas, 2020). Exports in May continued their decline in the range of 13.40% month to month (mtom) and 28.95% year on year (yoy). To overcome the sluggish exports and the economy in general, the government promised to fix it. The realization of the promise is contained in the National Economic Recovery (PEN) program. Implementation of National Economic Recovery (PEN) in accordance with Government Regulation 23 of the Year Concerning the Implementation of the National Economic Improvement Program (PEN) in the Framework of Supporting State Financial Policies for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or Facing Threats That Endanger the National Economy and/or Financial System Stability and National Economic Rescue.

The importance of handling logistics is to cut the usual operations of sending and receiving goods for both export and import (Arof, 2019). Logistics problems in Indonesia are one of the many problems that hinder the economy. It is clear that the behavior of government institutions or bureaucracy greatly influences the activities of the business world, especially in terms of effectiveness and efficiency. According to the WEF, bureaucratic bureaucracy, red tape, aka slow and convoluted, over-regulated, corrupt, dishonest, non-transparent, untrustworthy, and politicized, will increase the economic costs that must be borne by entrepreneurs significantly so that in the long run will slow down the pace of economic growth (Gunarjo, 2020).

2.3 Context of National Logistic Ecosystem (NLE) on Indonesian Export-Import

The establishment of the National Logistic Ecosystem (NLE) is calculated to be able to reduce logistics costs which are now 17%. This decrease of about 5 to 6% will be contributed from all upstream to downstream processes, especially in connecting the transportation sectors and simplifying processes, eliminating repetition and providing convenience for business actors. This is projected to increase logistics efficiency as well as increase the competitiveness of the entire national economy. In the end, exports are expected to increase due to the availability of raw materials and capital goods as well as the stability of capital goods prices at competitive international prices which can be done by reducing tariffs (operationally), providing convenience in the process of obtaining export and import licenses and permits, as well as increasing transparency of export and import regulations, also due to the development of internetbased e-commerce, technology and business that facilitates and complements the ease of trade that has been regulated by bilateral, regional and multilateral trade agreements, and exploration of non-traditional export markets.

With the National Logistic Ecosystem (NLE), the online delivery order or DO process for exportimport activities will be faster. Because the integrated logistics platform is integrated with all related parties. NLE makes all export-import process services must be integrated in the logistics platform. Currently, the management is entrusted to the National Single Window Institution (LNSW). With the implementation of NLE, he said, dwelling time will be faster. Especially if the importer has switched to an electronic bill of lading (e-BL) in addition to using a seaway bill, telex release, and a surrendered bill of lading.

The Bill of Lading (BL) as one of the documents required in export and import issued and legalized by the shipping party. The document also functions as a freight forwarder, which contains complete information on the name of the sender, name of the ship, cargo data, port of loading and unloading port, details of freight and payment method, name of consignee or customer, number of original BL issued and date of signing. In short, BL is a carriage agreement between the shipper (sender), consignee (receiver) and the carrier or carrier. through the NLE platform, the acceleration of the release of goods or containers at the port’s container terminal must also be supported by the acceleration of the return of empty containers at empty depot facilities outside the port.

From the explanation above, the author can note that there are two benefits from the implementation of this National Logistics Ecosystem. First, it is a matter of time efficiency, with the integration of NLE and the application of electronic-based services in several scopes/stages of logistics distribution, it can cut time up to 95% this is very useful so that the availability of goods is getting shorter than before the implementation of NLE. Especially for medicines
and medical devices that are urgently needed in situations like this.

Second, is related to cost efficiency. With the implementation of NLE which reduces the time and stages of the logistics flow, it is certain that the cost of logistics distribution can also be cut. In one stage and one logistics product, related parties can cut up to hundreds of billions. This is a positive policy to stimulate the market and help entrepreneurs to get back on their feet to strengthen the economy during the pandemic.

2.4 National Logistic Ecosystem (NLE) as a Positive Law in Indonesia after the Covid-19 Pandemic

2.4.1 National Logistic Ecosystem (NLE) Regulation

The implementation of the National Logistic Ecosystem (NLE) is regulated by the Ministry of Finance in a work program called the Ministry of Finance’s National Logistic Ecosystem (NLE). The National Logistic Ecosystem (NLE) procurement itself refers to Government Regulation No. 43 of the Year concerning Amendments to Government Regulation Number 23 of the Year concerning the Implementation of the National Economic Recovery Program in the Framework of Supporting State Financial Policies for Handling the 2019 Corona Virus Disease (Covid-19) Pandemic and/or Facing Threats That Endanger the National Economy and/or Financial System Stability and National Economic Rescue established, promulgated and entered into force on August 4th. In PP No. 43 of the Year it is stated that the National Economic Recovery (PEN) program is a series of activities for the recovery of the national economy which is part of the state financial policy implemented by the Government to accelerate the handling of the Corona Virus Disease 2019 (COVID-19) pandemic and/or to deal with the COVID-19 pandemic. Threats that endanger the national economy and/or financial system stability and save the national economy. The National Logistic Ecosystem (NLE) itself is a form of effort to support national economic recovery activities by reducing logistics costs and speeding up the process of shipping goods so that it will save procurement costs and facilitate international trade as well as the domestic economy. The existence of Government Regulation no. 43 Years is supported by Law no. 2 Years concerning Stipulation of Government Regulation in Lieu of Law Number 1 Year concerning State Financial Policy and Financial System Stability for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or in Facing Threats That Endanger the National Economy and/or Financial System Stability Became Law. The justification for the PP issued is supported by the 1945 Constitution Article 5 Paragraphs 1 and 2 which reads: (1) The President has the right to submit a draft law to the House of Representatives, (2) The President determines government regulations to carry out the law properly. The National Logistic Ecosystem (NLE) will collaborate with various parties, including Ministries and Agencies. To support policies and the possibility of changes in business processes, of course, supporting regulations are needed. Through Presidential Instruction 5 2020, the President has given a mandate for it.

The implementation of the National Logistic Ecosystem (NLE) Program is not only a form of National Economic Improvement, but also as a form of compliance with the advice given by the WTO (World Trade Organization) and WCO (World Custom Organization). Seeing the decline in world trade which has plummeted after the COVID-19 outbreak, the WTO encourages its member countries to have strategies in dealing with economic problems so that they can make economic improvements. In the absence of new rules, such as new cooperation or agreements, the requirements for implementing this economic improvement strategy do not violate the multilateral agreements in the WTO. The National Logistic Ecosystem is an effort to improve the economy through improving the logistics flow process that can cut operational costs, in its implementation it does not violate any agreements or cooperation in the WTO because it is not related to the addition or reduction of export and import costs, nor is it related to subsidies provided. In other words, the National Logistic Ecosystem (NLE) is a strategic development to improve logistics quality in ASEAN. The implementation of the National Logistic Ecosystem (NLE) which can improve logistics processes so as to reduce barriers to the flow of goods both domestically and internationally can help maintain momentum and ensure the flow of goods is well maintained.

2.4.2 National Logistic Ecosystem (NLE) Regulation after COVID-19 Ends

The National Logistics Ecosystem (NLE) is only valid during COVID-19. Even though the economic recovery in reality takes a long time so it may be implemented over the next five or ten years, the urgency that is used is as a response to the economic
downturn due to COVID-19. The National Logistic Ecosystem (NLE) is a program targeted for completion in 2024 according to Presidential Instruction No. 5 of 2020, however, the results of the national logistics arrangement are expected to be applied in a sustainable manner to support the national logistics system. The implementation of the National Logistic Ecosystem (NLE) is closely related to Law No. 7 of 2014 concerning Trade. Judging from article 3 paragraph (1), (2) of Law No. 7 of 2014; the scope of Law No. 7 of 2014 covers (1) domestic trade, foreign trade, border trade, standardization, trade through electronic systems, trade protection and security, empowerment of cooperatives and micro, small and medium enterprises; export development, international trade cooperation, trade information system, government duties and authorities in the trade sector, national trade committee, supervision, and investigation; (2) business services, distribution services, communication services, education services, environmental services, financial services, construction and related engineering services, health and social services, recreation, culture, and sports services; tourism services, transportation services, and other services. The implementation of the National Logistic Ecosystem (NLE) is included in the scope regulated by Law No. 17 of 2014 namely the distribution of goods as regulated in article (7). Just like the existence of Government Regulation No. 29 of 2017 concerning Payment Methods for Goods and Delivery Methods for Goods in Export and Import Activities, which is a more detailed explanation for Article 40 paragraph (2) of Law Number 7 of 2014 concerning Trade. Therefore, the Government Regulation concerning the National Logistic Ecosystem (NLE) is needed as an explanation of the mechanism for the distribution of goods in Article (7) of Law no. 17 of 2014 concerning Trade. NLE is a new breakthrough that is in line with the principles of good governance. Through NLE, stakeholders can benefit more, both in terms of cost and time. The implementation of NLE so far has proven to be able to cut logistics distribution flows, save budgets, and clarify information and communication because processes from upstream to downstream have been integrated.

NLE is also the answer to the problems of Indonesia’s logistics system in and out which always occurs, especially in the era of the Covid-19 pandemic. So, it is hoped that the rules related to NLE will not only be applied during covid but also after covid. NLE is a unit of a series of rules issued by the government in response to Covid which led to the promulgation of Law no. 43 of 2020 concerning Amendments to Government Regulation Number 23 of 2020 concerning the Implementation of the National Economic Recovery Program in Order to Support State Financial Policies for Handling the Corona Virus Disease 2019 (Covid-19) Pandemic and/or Facing Threats That Endanger the National Economy and/or System Stability Finance and Saving the National Economy. Until now, the NLE itself still has weak legal force because it is based on Presidential Instruction No. 5 of 2020 concerning the arrangement of the national logistics ecosystem.

2.4.3 National Logistic Ecosystem (NLE) and Its Relation with the Welfare State

So the National Logistic Ecosystem (NLE) in this study will function as a planned process or effort. Another meaning in the welfare state theory, the National Logistic Ecosystem (NLE) is that the government actually has a responsibility to guarantee the greatest happiness (or welfare) of the greatest number of their citizens. The principle of welfare is the same as happiness, which is then called the principle of utilitarianism. Based on these two principles, it means that everything that can create a sense of happiness and provide welfare or well-being is good because the state plays an active role in managing and organizing the country’s economy, which includes various state responsibilities to ensure the availability of basic welfare services for its citizens. Regulations that are proclaimed can move the wheels of the economy in a positive way that can encourage every human resource to be used to drive economic activity, one of which is by meeting the basic needs of each person. One of the roles played by the state is the effectiveness of state revenue sources through various efforts.

Welfare state theory is used because this theory is considered to have basic similarities with the discourse on implementing the National Logistic Ecosystem (NLE). In the theory of the welfare state, the state actually has a basic obligation to ensure the welfare of its people. This of course must be accompanied by qualified resources, including economic resources. One of the things that can be done to realize this is by optimizing sources of state revenue which can be done through changes in logistics policy. Therefore, the implementation of the National Logistic Ecosystem (NLE) cannot be separated from fulfilling the obligations of the state as a welfare state. Even after the end of COVID-19, practices are still important for the long-term improvement of the national economy. In addition, the National Logistic Ecosystem (NLE) will provide
benefits for the economy even though COVID-19 has ended. The ratification of the regulation is just a momentum to realize that there are still many problems in Indonesia’s logistics given the importance of facilitating traffic in logistics matters.

3 CONCLUSION

Based on the discussion that has been described in the writing in the previous chapter, the following conclusions can be drawn:

- The impact of the National Logistic Ecosystem (NLE) on Indonesia’s export-import flows within the ASEAN scope, namely accelerating the flow of bureaucracy in and out of goods resulting in work that requires shorter time and logistics flows that have lower costs. This has greatly helped Indonesia respond to the need to immediately procure medicines and medical devices to deal with the pandemic. There are two benefits from the implementation of the National Logistics Ecosystem. First, it is a matter of time efficiency, with the integration of NLE and the application of electronic-based services in several scopes/stages of logistics distribution, it can cut time up to 95% this is very useful so that the availability of goods is getting shorter than before the implementation of NLE. Especially for medicines and medical devices that are urgently needed in situations like this. Second, is related to cost efficiency. With the implementation of NLE which reduces the time and stages of the logistics flow, it is certain that the cost of logistics distribution can also be cut. In one stage and one logistics product, related parties can cut up to hundreds of billions. This is a positive policy to stimulate the market and help entrepreneurs to get back on their feet to strengthen the economy during the pandemic. In the context of ASEAN, the presence of NLE is a form of Indonesia’s commitment to create a good logistics ecosystem environment in the ASEAN region in accordance with what ASEAN countries have agreed to in various conferences and agreements.

- The National Logistic Ecosystem (NLE) can legally be established as a positive law in Indonesia after the Covid-19 Pandemic ends. Until now, the NLE itself still has weak legal force because it is based on Presidential Instruction No. 5 of 2020 concerning the arrangement of the national logistics ecosystem. Presidential instructions are only limited to providing direction, guiding, guiding in terms of the implementation of tasks and work. Meanwhile, there are presidential decrees that are regulatory (regeling) (which are equated with presidential regulations) and some are stipulating (beschikking). Therefore, the NLE which is based on the Presidential Instruction does not actually have strong legal force, even though in practice there are many provisions in this NLE which have a binding nature and answer the legal vacuum that has been a problem in the logistics sector. However, in fact this application must be accompanied by the creation of new rules or special positive laws for the National Logistic Ecosystem (NLE) or can also revise the existing import-export rules because for now the basis for the establishment of the National Logistic Ecosystem (NLE) is a law that is only temporarily. The author prefers if the NLE is united in a regulation that specializes in national logistics issues.

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