

## **Strengthening the Regional Investment Climate Through Bandung City Regional Regulation Number 4 of 2022: Legal Certainty, Incentives, and Ease of Doing Business**

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### **Abstract**

*Bandung City Regional Regulation Number 4 of 2022 concerning Investment Implementation serves as a regional legal engineering instrument in response to the shift in national regulatory paradigm following the enactment of the Job Creation Law. This regulation is intended not only as a legal umbrella for investment but also as a framework for driving the regional economy by strengthening legal certainty, ease of doing business, and integrating investment policies with the development direction of Bandung City. This regulation emphasizes the implementation of investment that aligns with risk-based business licensing, spatial planning, infrastructure provision, employment, environmental protection, and strengthening the capacity of the regional bureaucracy. The essence of the regulation positions investment not merely as an influx of capital, but as a regional development ecosystem that includes social and sustainable dimensions, including through partnerships with MSMEs/cooperatives, local labor absorption, and encouragement of the implementation of environmentally friendly technologies. This study aims to analyze how Bandung City Regional Regulation Number 4 of 2022 functions as a legal umbrella and framework for driving the regional investment climate; examine the harmonization of regional economic growth targets with aspects of social openness through strengthening MSME/cooperative partnerships and providing local employment; and examine the relationship between incentive schemes and investment facilitation with control mechanisms as a form of accountability for investment implementation. The research method used is a normative juridical approach with statute approach, which focuses on analyzing legal documents through a review of the main norms in Regional Regulation 4/2022, including the objectives of the regulation, regional government authority, investment planning in the form of RUPMK and investment potential maps, investor rights and obligations, business sector regulations, incentives and facilities, as well as guidance, supervision, reporting, and administrative sanctions instruments. Normatively, Bandung City Regulation Number 4 of 2022 positions Bandung City not only as a capital destination, but also as an investment ecosystem with legal certainty, oriented towards inclusive, competitive, and sustainable regional economic growth, through partnerships with MSMEs/cooperatives, absorption of local labor, and compliance with environmentally friendly principles that are accountably controlled by the local government.*

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## 1. INTRODUCTION

Over time, regional economic development is no longer simply about pursuing economic growth through large capital flows, but rather shifting to an inclusive investment perspective, which aims to provide broad economic and social benefits to all levels of society, especially the underserved. This creates equitable access and opportunities, improves welfare, and reduces inequality, focusing not solely on capital gains. Bandung is a city dominated by the service and creative economy sectors; a legal framework is needed that can align the interests of large investors with local economic resilience. In this context, investment should be seen as a bridge to elevate the class of people's economic entities so they can participate in the global supply chain (*global supply chain*).

Since the enactment of Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises (MSMEs), the state has entrusted MSME empowerment as a structural component of investment. This MSME Law emphasizes that MSMEs are a key pillar of the national economy and must be protected from unfair business competition. Therefore, investment policies at the regional level must prioritize the protection and development of local businesses to prevent them from being marginalized by the dominance of foreign investors or large-scale domestic businesses.

Law 20/2008 emphasizes that small and medium enterprises (MSMEs) must be developed in a fair and equitable business environment. This includes streamlining permits, opening up business opportunities, promoting businesses, and protecting them from detrimental market practices. Therefore, Government Regulation 7/2021 was created to clarify how the state, including regional governments, can implement these principles of protection and development into more concrete and coordinated policies, particularly in the context of regulatory reform following the Job Creation Law.

The essence of Government Regulation 7/2021 is evident in the affirmation of the state's role: both central and regional governments are directed to provide convenience, protection, and empowerment to cooperatives and MSMEs, implemented through guidance and provision of facilities. This statement is crucial because it transforms MSME empowerment from a mere optional program into an obligation requiring sustainable policy design, budgeting, and management. In the context of Bandung City, which is dominated by the service and creative economy sectors, this mandate provides a legitimate basis for regional policies to avoid making large investors the primary focus of development. Instead, investment should be seen as part of an economic structure that can strengthen local business resilience. This aims to ensure that the MSME ecosystem is not marginalized by the development of large players, but instead, can increase capacity and gain access to better value chains.

The next fundamental change is the government's recognition of micro, small, and medium enterprises (MSMEs). Under Law 20/2008, MSME criteria were determined based on net assets or annual sales revenue within a certain nominal limit. This was relevant during the key period but has become increasingly outdated due to economic dynamics. Government Regulation 7/2021 then updated the MSME classification with a more adaptive approach, based on business capital and/or annual sales revenue. This makes the MSME classification more realistic as a basis for policy affirmation, program mapping, and determining support priorities. This classification change is not merely a statistical technicality, but also a foundation for equitable access: without proper classification, policy affirmation often misses the mark—some businesses that should still require protection are not served, while others receive facilities without their needs.

For the City of Bandung, this update is important because many creative and service businesses are growing rapidly; the local government needs to create a new mapping to determine which MSMEs should focus on strengthening their foundations, which ones are ready to be developed through partnerships, and which ones should be developed into suppliers capable of entering a broader supply chain system.

Furthermore, Government Regulation 7/2021 places market access as a crucial component of tangible and measurable protection. One provision reflecting this affirmative approach is the obligation for ministries/agencies, regional governments, state-owned enterprises (BUMN)/regionally-owned enterprises (BUMD), and/or private business entities to provide at least 30% of promotional and development space for micro and small businesses in commercial areas and strategic promotional points within public infrastructure.

From an inclusive investment perspective, this regulation can be interpreted as an effort to improve the urban market structure, which is typically dominated by businesses with large capital. The government is not only requiring MSMEs to compete, but also ensuring that they are given space to gain access to consumer markets and fairer transaction opportunities. If Bandung wants to use investment as a bridge to global supply chains, then access to such markets is a prerequisite: MSMEs must first have the opportunity to showcase their products or services, build a reputation, and improve their competitiveness in the local market before attempting to enter larger markets.

Finally, the relationship between Law Number 20 of 2008 concerning MSMEs and Government Regulation Number 7 of 2021 essentially does not stop at the level of national norms alone, but rather demands a more operational translation through regional-level policies in the form of Regional Regulations. In the context of Bandung City, the Regional Regulation on investment is a crucial instrument linking the interests of regional economic development with the mandate to protect and empower MSMEs as stipulated in higher-level laws and regulations. The Regulation functions not only as an administrative regulation regarding licensing or investment procedures, but also as a means to align investment policy direction with the characteristics of the local economy, which relies on the services sector and the creative economy. Thus, the Bandung City Regulation can be understood as a concrete manifestation of the implementation of the principle of inclusive investment, namely ensuring that capital inflows are not solely oriented towards economic growth, but also consider the sustainability of local businesses, equal distribution of business opportunities, and the creation of a balance between the interests of investors and MSMEs as the foundation of a people-oriented economy in the region.

How is the regulation synchronized between the Bandung City Regional Regulations regarding

Investment with the mandate of Law Number 20 of 2008 and Government Regulation Number 7 of 2021 in guaranteeing the protection of actors MSMEs?

1. To what extent can the implementation of affirmative policies strengthen the resilience of the local economy in Bandung City from the domination of large investors?
1. To analyze and ensure alignment between investment policies at the regional level (Bandung City) and national legal norms that regulate the facilitation, protection, and empowerment of MSMEs.
2. To evaluate the implementation of the latest MSME classification and the mandate to provide market access in creating a fair and competitive business climate for people's economic actors.

## 2. RESEARCH METHODOLOGY

The research in this journal uses a normative juridical legal research method with a literature study approach. (*library research*) This method was chosen because the study focused on analyzing legal norms governing regional investment and the protection of MSMEs, rather than on collecting field data. Therefore, the research aimed to examine the suitability, interrelationship, and normative construction between national and regional regulations, specifically Bandung City Regional Regulation Number 4 of 2022 concerning the Implementation of Investment.

The approach used in this research includes several legal approaches. First, the *statute approach*. A legislative approach is used to examine the hierarchy and substance of relevant laws and regulations, including Law Number 20 of 2008 concerning MSMEs, Government Regulation Number 7 of 2021, and Bandung City Regional Regulation Number 4 of 2022. This approach aims to examine the vertical and horizontal synchronization between legal norms governing investment and the empowerment of MSMEs. Second, *the* (conceptual approach) used to examine the concepts of inclusive investment, legal certainty, ease of doing business, and protection of the people's economy as a theoretical basis for analyzing regional investment policies. Third, the *case approach is used* in a limited way through the study of examples of affirmative policies or relevant regional policy practices as illustrations of the application of norms, not as empirical research, but rather as reinforcement of normative arguments.

The type of data used in this study is secondary data, consisting of primary legal materials, secondary legal materials, and tertiary legal materials. Primary legal materials include laws and regulations directly related to the research object, such as statutes, government regulations, and regional regulations. Secondary legal materials include legal textbooks, scientific journals, previous research results, and academic articles discussing investment law, regional government law, and MSME empowerment. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources that assist in explaining terms and concepts.

Data collection techniques were conducted through document studies and systematic literature searches of relevant legal sources. Furthermore, the data analysis technique employed descriptive-normative qualitative analysis, namely interpreting legal provisions, comparing norms between regulations, and linking them to the concepts of inclusive investment and MSME protection. This analysis does not aim to produce statistical generalizations, but rather to provide logical and systematic legal arguments regarding how Bandung City Regional Regulation Number 4 of 2022 functions as an instrument for strengthening the regional investment climate while remaining aligned with the mandate of protecting and empowering the people's economy.

Through this method, the research is expected to be able to comprehensively describe the relationship between national legal norms and regional policies, while also assessing the extent to which the regulatory framework creates an investment climate that is not only oriented towards economic growth, but also guarantees sustainability and fair access for MSMEs in Bandung City.

## 3. DISCUSSION

### 3.1 Vertical Synchronization between Bandung City Regional Regulation Number 4 of 2022 and

## National Law

From a legal theoretical perspective, the validity of a Regional Regulation (Perda) cannot stand alone without considering its relationship to higher norms. Referring to Hans Kelsen's Stufentheorie Theory, there is a hierarchy of norms in which lower norms must be derived from and must not conflict with higher norms.

(higher norm). Bandung City Regional Regulation No. 4 of 2022 is a manifestation of the delegation of attributive and delegative authority granted by Law No. 6 of 2023 (Job Creation Law) and Government Regulation No. 7 of 2021.

### A. Integration of the Risk-Based Approach (RBA) Paradigm

The most fundamental vertical synchronization is evident in the shift from an administrative-bureaucratic licensing system to a risk-based business licensing system. Regional Regulation 4/2022 consistently adopts the spirit of the Job Creation Law by classifying businesses into low, medium, and high risk. Legally, this synchronization is crucial for creating "legal unification" to avoid procedural duplication between the central Online Single Submission (OSS) system and regional oversight mechanisms.

For the City of Bandung, this harmonization provides legal certainty for investors that the requirements they fulfill in the central system are automatically recognized under regional law. This aligns with the principle of *lex superior derogat legi inferiori*, where Regional Regulation 4/2022 positions itself as a technical implementer, facilitating capital flows without creating new bureaucratic obstacles that conflict with national law.

### B. Protection of MSMEs as a Constitutional Mandate and Affirmation of PP 7/2021

A deeper analysis shows that Regional Regulation 4/2022 is not just a "copy-paste" from central regulations, but rather an effort to translate Article 27 paragraph (2) and Article 33 paragraph (4) of the 1945 Constitution concerning the people's economy to the local level. Vertical synchronization with PP No. 7 of 2021 is clearly visible in the adoption of the Strategic Partnership mechanism.

National law requires large investors to partner with MSMEs. The Bandung City Regional Regulation operationalizes this mandate by leveraging Bandung's characteristics as a service and creative city. Theoretically, this is an application of Aristotle's concept of Distributive Justice, where the state (through the City Government) intervenes legally to ensure that capital accumulated by large investors is distributed to local businesses through:

1. Provision of Promotional Space: Carrying out the mandate of at least 30% of public space for SMEs.
2. Business Classification: Follows the latest business capital standards in PP 7/2021 so that incentives in Bandung are right on target.

### C. Legal Certainty and the Principle of Contrarius Actus

From a state administrative law perspective, this vertical synchronization also aims to avoid the revocation of regional regulations by the central government or lawsuits in the Supreme Court. Regional Regulation 4/2022 carefully aligns the City's General Investment Plan (RUPMK) with the National Strategic Plan.

The legal certainty offered by this Regional Regulation is not merely a matter of "ease of issuing permits," but also clarity regarding investors' rights and obligations towards the environment and local labor. This synchronization ensures that when investors invest in Bandung, they are within the same policy alignment as Jakarta

(Central Jakarta), while still respecting regional autonomy in terms of supervision and administrative sanctions. Normatively, Bandung City Regulation No. 4 of 2022 has achieved the ideal level of vertical synchronization. It is no longer viewed as merely an autonomous regulation, but rather an integral part of the national legal system aimed at creating an inclusive investment ecosystem. This harmonization successfully bridges macro interests (national investment) with micro interests (empowering local Bandung MSMEs) without violating the hierarchy of applicable laws and regulations.

### **3.2 Integration of Protection and Empowerment of MSMEs in Regional Investment Policy**

Since the enactment of Bandung City Regulation No. 4 of 2022, efforts have been made to integrate investment policies and the protection and empowerment of MSMEs into a single regulation. This integration is crucial in practice, as investment policies often raise concerns about the dominance of large capital providers over local businesses if not accompanied by regulations that strengthen these investment activities.

Law Number 20 of 2008 concerning Micro, Small, and Medium Enterprises stipulates that the Central and Regional Governments are obligated to foster a conducive business climate through funding policies, infrastructure, business information, licensing, partnerships, trade promotions, business opportunities, and institutional support. These principles are further reinforced in Government Regulation Number 7 of 2021, which places the facilitation, protection, and empowerment of MSMEs as an obligation of the state and regional governments through adequate guidance and facilities. Bandung City Regional Regulation Number 4 of 2022 reinforces Government Regulation Number 7 of 2021 by establishing the development of MSMEs, cooperatives, and the creative economy as one of the primary objectives of investment. Furthermore, investors are required to prioritize mutually beneficial partnerships with MSMEs and cooperatives registered in Bandung City.

Viewed from the perspective of development law theory, it demonstrates an investment structure that is not understood solely as an inflow of capital, but rather as an instrument of socio-economic engineering that must be able to expand the participation of local business actors. Thus, the Bandung City Regional Regulation reflects a just investment framework that positions MSMEs not merely on the fringes but as part of the regional investment ecosystem.

### **3.3 Partnership Scheme as an Instrument to Control the Dominance of Large Investors. Within**

The legal framework of investment, partnerships play a strategic role as a tool to prevent the concentration of economic power in the hands of large businesses. Law Number 25 of 2007 concerning Investment stipulates that the government must determine specific business sectors reserved for MSMEs and cooperatives, as well as business sectors accessible to large companies, provided they collaborate with MSMEs and other small businesses. Furthermore, Law Number 20 of 2008 further defines partnerships as collaboration in business relationships, both direct and indirect, based on the principles of mutual need, mutual trust, mutual strengthening, and mutual benefit. Bandung City Regulation Number 4 of 2022 implements these principles by regulating the partnership business sector to increase human resource capacity, capital support,

technology development, promotion and marketing, business networks, and consultation and mentoring.

Normatively, this partnership regulation shows regional efforts to ensure that investment does not create *loud budgeting*, where people manage their money by cutting lifestyle costs in order to save. This results in economic growth accumulating in large investors without sufficient multiplier effects for local businesses. Through collaboration, regions strive to build more balanced and productive economic relationships between large investors and small businesses.

However, we can critically observe that the partnership norms in the Regional Regulation still need strengthening in the implementation phase. The Regulation lacks clarity regarding operational partnership indicators that can be measured as "mutually beneficial," nor does it provide details on how to evaluate investor compliance with these obligations. Therefore, the effectiveness of the partnership norms remains heavily influenced by implementing regulations and the oversight capabilities of local governments.

### **3.4 Legal Certainty, Risk-Based Business Licensing, and Bureaucratic Quality**

Legal certainty in investment is crucial, not only because of clear regulations but also because of a transparent and accountable process. Bandung City Regional Regulation No. 4 of 2022 is part of a broader regulatory framework to boost investment in the region.

This regulation is related to Government Regulation Number 6 of 2021 concerning the Implementation of Business Licensing in the Regions and Bandung City Regional Regulation Number 10 of 2021 concerning the Implementation of Business Licensing. The aim is to make the licensing process faster, easier, and more transparent.

Bandung City Regional Regulation Number 4 of 2022 emphasizes the importance of integrated services and an effective administrative system. This allows businesses to obtain quick and clear decisions. Furthermore, Bandung Mayoral Regulation Number 42 of 2022 concerning the Delegation of Authority of the Mayor of Bandung in the Implementation of Business Licensing and Non-Licensing in the Region also supports this effort. This makes licensing services more effective and efficient. Incentives and investment facilitation are also regulated in Government Regulation Number 24 of 2019. Local governments can provide incentives to investors who meet certain criteria, such as absorbing local labor and utilizing local resources. However, the effectiveness of MSME protection still needs to be improved. Clearer evaluative parameters are needed to measure the success of MSME protection. Furthermore, community participation and a complaint resolution mechanism are also crucial in ensuring that investments have a positive impact on local communities.

Overall, Bandung City Regional Regulation No. 4 of 2022 and other related regulations aim to increase investment in the region in a transparent and accountable manner. However, continuous evaluation and adjustment are needed to ensure that these regulations effectively protect the interests of local communities. Therefore, academically, we can conclude that the protection of MSMEs in Bandung City's Regional Regulation No. 4 of 2022 already has a strong legal basis. This is because the regulation covers partnership obligations, the use of local resources, the absorption of local labor, the provision of incentives based on contributions, and administrative oversight. However, the effectiveness of MSME protection remains suboptimal in terms of evaluation. This is because indicators for the success of MSME protection have not

been established in a measurable standard. Therefore, going forward, improvements need to focus not only on adding legal principles or objectives. They also need to develop evaluation parameters, develop a monitoring system, and refine the mechanism for periodic review of investment incentives and facilities. With these steps, support for MSMEs in Bandung City Regional Regulation No. 4 of 2022 can shift from mere legal statements to more effective, measurable, and verifiable protection through administrative channels.

### **3.5 Normative Evaluation of the Effectiveness of MSME Protection**

To assess the effectiveness of the protection of Micro, Small, and Medium Enterprises (MSMEs) in Bandung City Regional Regulation (Perda) No. 4 of 2022, we cannot simply read the objectives and obligations of investors in writing. We need to conduct a more in-depth evaluation to determine whether the regulation has a complete regulatory chain. This means ensuring a clear link between protection norms, incentive systems, oversight mechanisms, community participation, and administrative sanctions if investors fail to fulfill their obligations.

In this context, Regional Regulation No. 4 of 2022 has laid a solid foundation by requiring investors to collaborate with MSMEs and cooperatives in Bandung City, utilize local resources, and utilize local labor. This regulation also opens up the possibility of administrative sanctions if investors violate certain obligations. Looking at the incentive policy, this regulation is actually consistent with the Regulation

Government Regulation (PP) No. 24 of 2019 concerning the Provision of Investment Incentives and Facilitation in Regions. This PP emphasizes that regional governments can provide investment incentives and facilitation based on the principles of legal certainty, equality, transparency, accountability, and effectiveness and efficiency. Among the criteria for receiving incentives are investors who employ labor, utilize local resources, are environmentally conscious, undertake technology transfer, and partner with micro, small, or cooperative businesses.

From this, we can see that Bandung City Regulation No. 4 of 2022 is not only pro-investor but also creates an investment regime that provides facilities as long as investors meet certain socio-economic contributions. From an economic law perspective, this model is important because MSME protection is not achieved solely through prohibitions on large investors, but through the design of incentives that direct investor behavior to contribute to local economic development. However, the effectiveness of MSME protection is largely determined by the presence or absence of adequate oversight instruments. Bandung City Regulation No. 10 of 2021 provides an important layer of reinforcement by stipulating that supervision is carried out to ensure business actors' compliance with requirements and obligations, collect data and evidence on potential hazards, and serve as a basis for guidance or the imposition of administrative sanctions.

This regulation also opens up space for public participation and the resolution of objections. The public is allowed to submit suggestions and input, assist with capacity building, disseminate information, develop information technology, and even monitor the implementation of business activities. Objections to the substance and procedures of licensing services must be resolved promptly, accurately, orderly, thoroughly, transparently, and accountably. However, upon closer examination, Bandung City Regulation No. 4 of 2022 still has limitations in terms of the parameters for the success

of MSME protection. The regulation mandates partnerships and opens incentive opportunities for investors working with MSMEs/cooperatives, but has not yet established more concrete quantitative measures. Furthermore, the effectiveness of MSME protection also depends on a regular evaluation pattern. Government Regulation No. 24 of 2019 requires regional heads to evaluate the effectiveness of incentives and facilities at least once a year. The results of this evaluation can serve as the basis for a review if the recipient no longer meets the criteria or violates statutory provisions.

Based on this overall structure, the effectiveness of MSME protection in Bandung City Regulation No. 4 of 2022 can be considered quite strong normatively, but not yet fully evaluatively. It is strong because it links investment with partnerships, local labor absorption, local resource utilization, contribution-based incentives, and administrative oversight. However, it is not yet optimal because its success measures have not been formulated in detail in the form of objective and measurable indicators. Therefore, academically, it can be affirmed that MSME protection in this regulation has gone beyond a symbolic approach, but still requires strengthening at the level of standard setting, monitoring, and regular review of investment facilities to prevent it from remaining merely a normative bias that is difficult to verify empirically.

#### 4. CLOSING

Based on the results of the analysis and discussion that have been described, this study concludes several fundamental points as follows:

First, vertically, Bandung City Regional Regulation Number 4 of 2022 has demonstrated a linear alignment with the hierarchy of norms above it, namely the Job Creation Law and Government Regulation No. 7 of 2021. Adoption of the paradigm *Risk-Based Approach* (RBA) in this Regional Regulation is not merely an administrative adjustment, but rather an effort to create legal certainty (*legal certainty*) which unifies the center and the regions. This proves the existence of the principle, *the higher law derogates from the lower law*, where regions have succeeded in translating national investment policies without losing their autonomous authority in carrying out supervision and guidance at the local level.

Second, Regional Regulation 4/2022 has transformed from a mere capital regulation instrument into a social engineering instrument (*law as a tool of social engineering*). This is evident in the integration of investment policies with strategic partnership obligations, local labor absorption, and the provision of 30% promotional space for MSMEs. Theoretically, this affirmative policy represents a form of distributive justice, in which the Bandung City Government intervenes legally to prevent the absolute domination of large investors and ensure a multiplier effect for community-based economic actors.

Third, although normatively the structure of MSME protection in this Regional Regulation is very strong, in terms of evaluation, gaps are still found (*loopholes*) in the implementation aspect. The absence of measurable operational indicators regarding the parameters of "mutually beneficial partnerships" and the oversight mechanism that is still general has the potential to make this protection norm merely symbolic. The effectiveness of this Regional Regulation depends heavily on the local government's courage in implementing administrative sanctions and conducting annual evaluations of the incentives provided, to ensure that incoming investment truly aligns with the characteristics of the creative and service economy in Bandung City.

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