

Implementation of the One-Stop Integrated Service (PTSP) to Achieve Legal Certainty for Investors in South Sulawesi

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Abstract

This study aims to analyze the implementation of the One-Stop Integrated Service (PTSP) as the main instrument in realizing legal certainty for investors based on South Sulawesi Provincial Regulation Number 13 of 2009 concerning Regional Investment. In an effort to create a conducive business climate, the South Sulawesi Regional Government integrated various licensing and non-licensing authorities through the PTSP system to simplify the investment process from the application stage to the issuance of documents in one place. The results of the study indicate that the PTSP plays a crucial role in providing legal certainty, business certainty, and business security through a clear mechanism of delegation of authority and a selection process through recommendations from the technical team. However, the effectiveness of this system is highly dependent on the synchronization of the Governor's regulations regarding permit application procedures and coordination between Regional Work Units (SKPD). The implementation of the PTSP not only functions as a bureaucratic simplification but also as an administrative oversight tool to prevent irregularities in investment activities in the region.

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1. INTRODUCTION

In an era of globalization and increasingly fierce economic competition, investment has become a key factor in driving regional economic growth. Local governments are required to create a conducive business climate by streamlining bureaucracy and providing legal certainty for investors. One such effort is the establishment of the One-Stop Integrated Service (PTSP), an integrated licensing system aimed at streamlining the business licensing process by consolidating various authorities within a single service agency.

In South Sulawesi Province, PTSP is implemented based on South Sulawesi Provincial Regulation Number 13 of 2009 concerning Regional Investment. Through this system, local governments strive to expedite the licensing process, increase transparency, and provide legal certainty for businesses. The PTSP is expected to eliminate cumbersome bureaucratic processes and minimize the potential for administrative irregularities in investment activities. Along with the enactment of Law Number 11 of 2020 concerning Job Creation, and Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing, the national licensing system has been integrated electronically through the Online Single Submission (OSS).

However, in practice, the implementation of the Integrated Service System (PTSP) in the regions still faces various obstacles, particularly related to coordination between the PTSP and the technical Regional Work Units (SKPD) that have substantive authority, such as in the processing of environmental permits and the preparation of Environmental Impact Analysis (AMDAL). This incompletely integrated process has given rise to a dualism in licensing mechanisms, both manual and digital. This situation has the potential to hamper the effectiveness of licensing services and contradicts the principles of legal certainty, efficiency, and integrated governance. The existence of the PTSP as an integrated service institution will be less than optimal if inter-agency coordination and regulatory synchronization are not running well. Therefore, this study aims to analyze the effectiveness of the PTSP implementation in achieving legal certainty for investors in South Sulawesi, identify obstacles to institutional coordination, and examine the synchronization between the PTSP, AMDAL, and the OSS system within the national business licensing legal framework.

Problem Formulation

1. How effective is the coordination and synchronization of data between systems? *Online Single Submission Risk-Based Approach* (OSS-RBA) center with service system in regional PTSP in overcoming technical constraints (*system error*) and the lack of synchronization of data between institutions that hinders the licensing process for entrepreneurs at the local level?
2. What is the legal protection and accountability mechanism for entrepreneurs who face the threat of administrative sanctions due to delays in licensing caused entirely by government system failure?

Research purposes

1. To determine the effectiveness of the OSS-RBA system in accommodating the needs of entrepreneurs amidst the high frequency of technical disruptions (system errors) and data inconsistencies between institutions (Dukcapil, AHU, Tax) which often stop the licensing process at the initial stage.
2. To find out how the legal protection and accountability mechanisms work for entrepreneurs who face the threat of administrative sanctions due to delays in licensing caused entirely by government system failure.

2. RESEARCH METHODS

This research employs a normative juridical legal research method that focuses on the analysis of positive legal norms, legal principles, and vertical and horizontal synchronization between laws and regulations. The approach employed in this research includes a statutory approach to examine regulations related to business licensing, such as the Job Creation Law, Government Regulation No. 5 of 2021 concerning Risk-Based Business Licensing, and South Sulawesi Provincial Regulation No. 13 of 2009 concerning Regional Investment. Furthermore, a conceptual approach is used to examine legal doctrine regarding legal certainty, state administrative responsibility, and the role of the One-Stop Integrated Service (PTSP) as an instrument of investor protection.

The legal sources in this study rely on secondary data, classified into three main sections. Primary legal materials consist of binding laws and regulations concerning the OSS-RBA system and the division of authority between the central and regional governments. Secondary legal materials include scientific literature, legal journals, previous research results, and articles related to obstacles to regional government coordination and the failure of electronic systems in public services. Meanwhile, tertiary legal materials, in the form of legal dictionaries and encyclopedias, are used to provide guidance and additional

explanations to the primary and secondary legal materials to achieve a comprehensive understanding.

The legal materials were collected through library research, identifying, inventorying, and classifying legal documents relevant to the effectiveness of the One-Stop Integrated Service System (OSS) implementation in South Sulawesi. Furthermore, all collected legal materials were analyzed qualitatively and descriptively. The analysis process involved a thorough description of the data asynchronous issues between the central OSS system and the regional One-Stop Integrated Service System (PTSP), and then linking these issues to legal theory to formulate solutions and legal protection mechanisms for entrepreneurs affected by government system failure.

3. RESULTS AND DISCUSSION

A. Implementation of PTSP and Legal Framework

The implementation of the One-Stop Integrated Service (PTSP) is a bureaucratic reform effort to simplify the licensing and public service process to make it faster, more transparent, and more accountable. In Indonesia, PTSP has a strong legal basis, including Law Number 25 of 2009, which affirms the public's right to quality services, and Law Number 11 of 2020 (and its derivative regulations), which encourages the integration of risk-based licensing through the Online Single Submission (OSS) system. In addition, the technical arrangements for PTSP are also strengthened through regional head regulations and sectoral policies that integrate various services into one institution or unit.. From the perspective of the three pillars of legal certainty, the implementation of PTSP can be analyzed as follows:

1. Certainty of norms (*legal certainty of rules*):

PTSP provides clear procedural standards, including requirements, completion times, and costs, so that the public does not face uncertainty in processing permits..

2. Certainty of implementation (*legal certainty of implementation*):

Through an integrated system and digitalization, PTSP minimizes excessive discretion from officials, so that law enforcement becomes more consistent and predictable..

3. Certainty of enforcement (*legal certainty of enforcement*):

The existence of monitoring, complaint, and administrative sanction mechanisms ensures that violations in service can be dealt with clearly..

Gustav Radbruch's legal theory, the concept of three basic legal values (justice, certainty, and utility), PTSP seeks to balance these three. From the perspective of legal certainty, PTSP provides standard and transparent procedures; from the perspective of utility, this system accelerates investment and public services, thus having a positive impact on the economy; while from the perspective of justice, PTSP provides more equal access for the community without bureaucratic discrimination. However, according to Gustav Radbruch, if there is an extreme conflict between legal certainty and justice, then justice must take priority.

B. Effectiveness of OSS-RBA & PTSP Coordination

The Online Single Submission Risk-Based Approach (OSS-RBA) system operated by the Ministry of Investment/BKPM was conceptually designed to simplify and integrate business licensing nationally. However, in regional implementation, this system faces several structural obstacles that hinder its effectiveness, particularly in South Sulawesi Province.

The first problem is data misalignment between agencies. The OSS-RBA system requires simultaneous data validation from various agencies: population data from the Population and Civil Registration Office (Dukcapil), legal entity data from the Ministry of Law and Human Rights through the General Legal Administration (AHU) system, and tax data from the Directorate General of Taxes. If data inconsistencies occur between these systems, the licensing process automatically halts, preventing applicants from proceeding to the next stage. This situation creates a situation where entrepreneurs become hostage to data coordination issues between government agencies, which are not their fault.

The second problem is the dual licensing mechanism. Although the OSS-RBA system is normatively the sole gateway for business licensing, in practice, several substantive permits, such as environmental permits and technical recommendations from regional government agencies (SKPD), still require separate manual verification processes. This occurs because not all technical SKPDs in South Sulawesi have been fully integrated with the OSS-RBA system. As a result, applicants must simultaneously complete two pathways: a digital one through the OSS and a manual one through the relevant SKPD. This actually increases the burden and complexity of the licensing process.

The third problem relates to frequent technical disruptions (system errors) on the OSS-RBA platform. The information technology infrastructure, which is not yet fully reliable, often results in applicants experiencing system failures, document uploads, or losing progress on their applications. Ironically, there is no adequate recovery mechanism for applicants affected by system disruptions, forcing them to repeat the process from the beginning.

From a state administrative law perspective, the above conditions contradict the general principles of good governance (AUPB) as stipulated in Law Number 30 of 2014 concerning State Administration. The principle of legal certainty requires that government administration adhere to the principles of legality, not conflict with statutory provisions, and have predictable impacts. Meanwhile, the principle of good service requires government agencies or officials to provide services promptly, with simple procedures, low costs, and easy access. The repeated failures of the OSS-RBA system clearly violate both principles.²

To assess the effectiveness of coordination between the OSS-RBA and regional PTSP, clear parameters are needed. From the perspective of Soerjono Soekanto's theory of legal effectiveness, the effectiveness of a legal system is determined by five factors: legal substance, law enforcement officers, facilities and infrastructure, the community, and legal culture. When linked to the OSS-RBA system, the problems in South Sulawesi do not stem solely from the normative substance of laws and regulations, but rather from facilities and infrastructure (digital system infrastructure) and coordination between government officials.

Administratively, the effectiveness of licensing services can be measured through at least three main indicators: certainty of completion time, certainty of procedures, and certainty of results. In practice, data asymmetry between institutions and technical disruptions in the OSS-RBA system prevent these three indicators from being optimally met. The licensing process becomes unpredictable, thus eroding the principle of legal certainty, the primary goal of risk-based licensing reform.

Institutionally, the OSS-RBA falls under the authority of the central government through the Ministry of Investment/BKPM, while regional PTSPs serve as facilitators and liaisons with technical regional government agencies (SKPD). This model creates

a configuration of digital centralization with administrative decentralization. Problems arise when the centralized digital system is not fully integrated with technical mechanisms at the regional level.

In the context of regional autonomy, local governments do not have the authority to modify the OSS-RBA system, but still bear administrative responsibility for ensuring the smooth operation of licensing services within their jurisdictions. This situation creates what can be called an accountability gap, namely a gap in responsibility between system designers (the central government) and service implementers on the ground (local governments). This gap has the potential to lead to uncertainty about who should be held accountable in the event of losses due to system failure.

Within the framework of a state based on the rule of law (*rechtstaat*), licensing services are not merely an administrative policy, but rather part of the state's constitutional obligation to protect and guarantee legal certainty for citizens. Article 28D paragraph (1) of the 1945 Constitution states that everyone has the right to recognition, guarantees, protection, and fair legal certainty.

If the OSS-RBA system, as an official state instrument, actually results in uncertainty due to repeated technical failures, then this problem can no longer be viewed as merely an administrative obstacle, but rather as a potential violation of constitutional rights to legal certainty and adequate public services.

Thus, risk-based licensing reform must be understood as part of constitutional governance, where the digitalization of public services must remain subject to the basic principles of the rule of law, not merely the pursuit of procedural efficiency. The digitalization of public services through the OSS-RBA is essentially a form of transformation toward e-government. However, within the concept of good digital governance, several fundamental principles must be met, including:

1. Reliability (system reliability)
2. Accountability (clarity of responsibility)
3. Transparency (openness of process and tracking)
4. Accessibility (ease of access without technical barriers)

If the OSS-RBA system frequently experiences disruptions, does not provide a clear recovery mechanism, and does not provide clarity on who is responsible for system failures, then the system does not meet good digital governance standards.

Digitalization that is not accompanied by stable infrastructure has the potential to create what is known as a digital bureaucracy trap, namely a condition where procedures appear simple normatively, but in practice become more complex due to dependence on technological systems that are not entirely reliable.

The transformation of licensing to an electronic system has created a new paradigm in state administrative law. While previously administrative responsibility could be traced to specific officials, in a centralized digital system, responsibility becomes dispersed and difficult to determine (diffused responsibility). This situation raises the risk of "systemic impunity," where losses suffered by citizens cannot be easily attributed to a specific legal entity. In a modern state governed by the rule of law, every government action or omission must be clearly accountable. Therefore, risk-based licensing reform should not only focus on simplifying regulations but also on establishing a clear legal accountability architecture within the digital government system.

C. Legal Protection Mechanisms for Entrepreneurs Due to Government System Failure

The fundamental issue that arises in the context of government system failure is: who is legally responsible, and what protection mechanisms are available to entrepreneurs who suffer losses? This question is crucial given that delays in licensing caused by system failures can result in the imposition of administrative sanctions on entrepreneurs, even though the delays are not their fault.

Within the Indonesian legal framework, there are several theoretical avenues for legal protection. First, the administrative route involves filing an objection with the Ministry of Investment/BKPM or the local DPMPTSP. Under Article 75 of Law Number 30 of 2014, citizens harmed by a decision or action by a government agency can file an objection with the agency that issued the decision. However, this mechanism does not explicitly address the handling of losses resulting from failures in government electronic systems.

Second, litigation through the State Administrative Court (PTUN). If the refusal or delay in licensing services is stated in a written decision, the aggrieved entrepreneur can file a lawsuit with the PTUN. In a development of jurisprudence, the Supreme Court, through the 2022 Plenary Session of the State Administrative Chamber, established a legal formulation that in licensing disputes involving the implementation of the OSS (Online Business Access System), the determination of the defendant must be based on which institution is substantively authorized to issue permits, not solely the OSS Institution/Head of the Investment Coordinating Board (BKPM). This opens up space for entrepreneurs to sue the regional DPMPTSP or authorized technical agency if a coordination failure results in losses.

Third, entrepreneurs can pursue a lawsuit for unlawful acts (*onrechtmatige overheidsdaad*) based on Article 1365 of the Civil Code. The doctrine of state liability for unlawful acts by the government (state liability) asserts that the state can be held accountable if the actions or omissions of government officials cause harm to citizens. Failure of the OSS-RBA system caused by the government's negligence in providing reliable technological infrastructure can be categorized as an unlawful act by the authorities (*onrechtmatige overheidsdaad*).

However, in practice, all three channels face significant obstacles. Litigation is time-consuming and expensive, while entrepreneurs facing licensing issues require a swift resolution to avoid disrupting their operations. Furthermore, the lack of regulations specifically addressing government responsibility for failures in the electronic licensing system leaves the legal basis for lawsuits weak and uncertain.

Based on this analysis, there is an urgent need to establish a more responsive and specific legal protection mechanism. There are at least three recommendations. First, it is necessary to issue technical regulations that explicitly regulate the government's accountability mechanism for failures in the electronic licensing system, including the obligation to provide a dedicated complaint channel (emergency helpdesk) that can respond within a specified timeframe. Second, it is necessary to establish an automatic evidence mechanism in the form of system logs that entrepreneurs can use to prove that licensing delays were caused by system disruptions, not applicant negligence. Third, it is necessary to consider granting an automatic suspension or moratorium on administrative sanctions to applicants whose licensing process is halted due to documented system disruptions.

D. Synchronization of PTSP, AMDAL, and OSS

One of the most critical points in licensing reform in Indonesia is synchronizing business legality with environmental protection. In South Sulawesi Province, the

integration of the PTSP (One-Stop Integrated Service Provider), Environmental Impact Assessment (AMDAL), and the OSS-RBA system faces significant technical and regulatory challenges. This is because AMDAL is not merely an administrative requirement, but a fundamental prerequisite (*basic requirement*) which determines whether an investment can continue or not.

Integration of Amdalnet System into OSS-RBA

The environmental approval synchronization process is now mandatory through the Amdalnet system, a digital platform managed by the Ministry of Environment and Forestry (KLHK). Based on Ministerial Instruction Number 01 of 2025, synchronization between OSS-RBA and Amdalnet is mandatory for all business actors with a deadline of June 1, 2026. Failure to synchronize can result in the cancellation of existing environmental documents, which automatically revokes the validity of business permits in the OSS system.

The technical stages of synchronization that must be carried out by business actors in South Sulawesi include the following mechanisms:

Synchronization Stages	Main Activities	Output System
Akses Single Sign On (SSO)	Log in to Amdalnet using an active OSS-RBA account.	Automatic retrieval of company profile and NIB data.
Automatic Filtering	Filling in business planning data based on the registered KBLI.	Determination of document type (AMDAL, UKL-UPL, or SPPL) based on risk.
Uploading Technical Documents	Input the Spatial Planning Conformity Letter and Project Site Map (SHP/GIS format).	Validation of geospatial technical standards by the KLHK system.
Finalization and Monitoring	Monitoring document assessment status through Digital Workspace in real-time.	Automatically synchronized Environmental Approval issuance to OSS.

Dualism and Obstacles to Sectoral Coordination

The main problem identified in the implementation research in South Sulawesi is the "dualism" of the licensing mechanism. Although the licensing system is normatively integrated electronically, in practice, several substantive permits, such as environmental approvals, still require manual verification at the South Sulawesi Provincial Environmental Agency (DLH). Not all technical regional government agencies (SKPD) in the region are fully integrated with the *back-end* OSS-RBA system, so that applicants often have to take both digital and manual routes simultaneously.

Data inconsistency between agencies is the most frequently complained about systemic obstacle. The OSS-RBA system requires simultaneous validation of population data (Dukcapil), legal entity data (AHU), and tax data (Directorate General

of Taxes). If data inconsistencies are found at any of these agencies, the system automatically halts the licensing process, leaving businesses in a state of legal uncertainty caused by a failure of internal government coordination (*government system failure*).

Geospatial and Infrastructure Technical Problems

At the local level of South Sulawesi, technical obstacles such as failure to upload documents or maps in SHP format (*Shapefile*) are the main obstacles. The information technology infrastructure is not yet fully stable in all districts/cities in South Sulawesi, causing frequent problems, such as *system errors* or *server overload*, during peak hours. Furthermore, business owners' lack of technical understanding of the GIS mapping standards required by Amdalnet adds to the complexity of the environmental permitting process.

Accountability gap (*accountability gap*) arises when the central government, as the system owner, does not authorize regional governments to directly correct data. As a result, DPMPTSP officers in South Sulawesi are often only able to provide suggestions without being able to provide immediate technical solutions, which in turn erodes the principle of legal certainty as stipulated in Article 28D paragraph (1) of the 1945 Constitution.

E. Case Study Analysis: PT Panca Digital Solution (PDS) AMDAL Dispute in East Luwu

The implementation of risk-based licensing in South Sulawesi faces serious challenges in terms of factual oversight, as reflected in the environmental dispute involving PT Panca Digital Solution (PDS) in Harapan Village, Malili District, East Luwu. This case surfaced after a public report regarding alleged environmental pollution prompted intervention by Commission D of the South Sulawesi Provincial DPRD. This phenomenon is clear evidence that obtaining a permit through a centralized digital system (OSS) does not automatically guarantee social acceptability and environmental compliance at the local level if it is not accompanied by accurate technical data synchronization. Based on the results of the investigation and public information dispute, it was revealed that PT PDS operated without the required basic environmental protection instruments, such as a Wastewater Discharge Permit and a Temporary Storage Permit (TPS) for Hazardous and Toxic Waste (LB3). Furthermore, there were reports of non-compliance in the submission of the RKL-RPL Implementation Report during the 2019-2021 period. This data asymmetry was further exacerbated by alleged differences in mining commodities; The company's licensing and environmental impact analysis (EIA) documents are listed for iron ore (iron laterite), but field data indicate nickel mining activities are being sent to a smelter in the Bantaeng area. This gap between digital legality and operational reality prompted the South Sulawesi Regional People's Representative Council (DPRD) to recommend a direct review by the Environmental Law Enforcement Agency (Balai Gakkum LHK) and the Mining Inspector to evaluate the viability of the company's continued permit. From an investment law perspective, the PT PDS case confirms the argument regarding the dangers of "*Digital Bureaucracy Trap*", where simplifying administrative procedures can actually ignore the community's constitutional rights to a healthy environment and create long-term legal risks for the sustainability of the investment itself.

6. CONCLUSION AND SUGGESTIONS

This study shows that the integration of the business licensing system (OSS/PTSP) with environmental approval (AMDAL/UKL-UPL) in Indonesia still faces two main types of conflicts: substantive conflicts related to differences in authority in assessing environmental and business feasibility, and formal conflicts related to overlapping procedures and coordination between institutions. Although regulations such as Law No. 32/2009 (PPLH Law) have regulated this integration, their implementation has not been consistent in the field, resulting in legal uncertainty. Conflict resolution can be achieved through affirming the legal hierarchy, strengthening administrative and judicial mechanisms, and improving coordination between relevant agencies.

Comprehensive synchronization measures are needed through regulatory revisions to ensure consistency between the environmental and licensing sectors, the development of integrated SOPs based on OSS-AMDAL, and the integration of information technology systems such as OSS and AMDALnet to ensure real-time data flow. Furthermore, increasing human resource capacity, establishing a cross-sector coordination team, and establishing clear performance indicators and implementation schedules are key to effective integration and minimizing future conflicts of authority.

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