

## Analysis of Business Licensing Management Through Online Single Submission Risk Based Approach for Limited Liability Companies

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### Abstract

*In managing risk-based permits in Indonesia, there is a gap between *das sollen* (PP Number 5 of 2021 is the basis for carrying out Risk-Based business licensing) and *das sein* (the phenomenon of PTs which are often hampered in processing OSS RBA permits). This research aims to find out the regulations regarding processing business licensing through a risk-based online single submission risk based approach (OSS-RBA), analysis of Limited Liability Companies having difficulty in managing risk-based electronically integrated business licensing and efforts to resolve the problem of Limited Liability Companies making it difficult to process risk-based electronically integrated business licensing. This research is a type of normative juridical research that relies on primary legal materials (legislation) and secondary legal materials (literature studies). The results of this research: Regulations regarding the management of business permits through OSS-RBA are regulated in Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing. Analysis of limited liability companies having difficulty in processing risk-based electronically integrated business permits is due to overlapping regulations and the absence of implementing regulations for implementing OSS RBA in the regions. Efforts to resolve the problem of limited liability companies which are difficult to obtain risk-based electronically integrated business permits, there are two, namely 1) the government must guarantee compliance with Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 in 2021 based on the provisions of the statutory hierarchy and 2) the government must make a policy so that regulations implementing the RBA OSS are made in various regions.*

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## 1. INTRODUCTION

Licensing issues in Indonesia are often seen as complicated in terms of bureaucracy. The government must fix this by reforming the bureaucracy and licensing system. The government must always pay attention to this problem, because the country will be hampered in creating a climate of prosperity for its citizens if licensing is still complicated, complicated and not simple.[1].The problems that many complain about regarding business permit licensing include the lack of certainty of time in processing permits, as well as lack of transparency in processing permits and inefficiency,[2]Then the government responded by making a series of changes with the aim of encouraging the flourishing of various business sectors, namely by launching the OSS (Online Single Submission) system or electronically integrated business licensing version 1.0 on June 21 2018. The Government issued Government Regulation No. 24 of 2018 concerning Electronically Integrated Business Licensing Services.

In its implementation, the OSS (Online Single Submission) system is intended as a form of ease in licensing, namely by combining the conventional licensing system with technology to make it easy for users, there are still several weaknesses such as overlapping authority, clashing with One Stop Integrated Services (PTSP), and its validity is still viewed with doubt by most business actors.[3]There are adjustments to the implementation of Law no. 11 of 2020 concerning Job Creation is intended to press the ideals of a simpler licensing

model so that it can quickly be realized on a massive scale. Thus, Government Regulation No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing with the hope that there will be a more conducive business climate, which means it will make it easier for MSMEs to build their businesses and is intended to encourage increased investor confidence so that they are interested in building their investments in Indonesia. The Risk-Based OSS System (Online Single Submission Risk Based Approach/OSS RBA) is an update of the OSS system version 1.1 which was released in March 2021 by linking the system at the district/city, regional and provincial levels as well as the Ministry/Agency scope with the existing OSS system at the Ministry of Investment/BKPM center.[3]

The existence of risk-based business licensing or OSS RBA makes it easier for the public as parties who want to apply for a business permit, such as no longer coming to the local Licensing Service because all matters relating to documents and registration can be done online from the website provided. With the OSS RBA, the government will pay more attention to companies that have higher risk potential, while companies with low risk will obtain business permits quickly. The risk assessment of a business entity is based on the risks of its respective business activities. The problem that arises from the OSS RBA system, which is a refinement of the OSS Version 1.1 system, is that it often makes it difficult for business actors to understand it because there are still many business actors who are not familiar with the risk-based electronic business licensing mechanism.[4]. In fact, according to Siti Kotijah and Ine Ventyrina in their book, the problems that arise, according to statutory regulations, do not regulate the instruments that can be used by business actors in the process of resolving disputes that arise. In practice, ministers/institutional leaders, governors and regents/mayors must resolve obstacles and problems in their fields.[5]

Especially in Limited Liability Companies or PTs, in several empirical cases there are also difficulties in obtaining permits from the OSS RBA. Among the problems for PTs is that it is difficult to obtain permits from the RBA OSS system, namely for PTs. Edutani Multi Agro whose business permit was not issued was due to a non-compliance between the PT's authorized capital provisions and Minister of Home Affairs Regulation No. 46/M-DAG/PER/9/2009 Concerning Amendments to Minister of Home Affairs Regulation No 36/MDAG/PER/9/2007 Regarding the Issuance of Trading Business Licenses. Emphasized by. Faiz Fadhillah et al, in their research that at PT. Edutani Multi Agro did not obtain a business license because there was a mismatch between the company's authorized capital. Business pioneers have guided the provisions in the Job Creation Law and PP No. 8 of 2021, where the determination of the amount of PT capital is determined entirely by the founder of the PT, but in its implementation in order to be able to issue trading business permits, it still refers to Permendagri No. 46/M-DAG/PER /9/2009 concerning Amendments to Minister of Home Affairs Regulation no 36/M-DAG/PER/9/2007 concerning the Issuance of Trade Business Licenses. This regulation of the Minister of Trade has caused legal uncertainty for the founders of PTs because it concerns the determination of the amount of authorized capital of the PT to be started, therefore in this case there are overlapping provisions regarding capital which is the basis of the problem in the form of legal uncertainty for processing trade permits.[6]

The problem of PTs having difficulty in obtaining business permits was also explained by the BPK as quoted from the BPK examination report that there is some disharmony between the rules in PP No. 5 of 2021 and PP No. 22 of 2021 concerning the Implementation of Environmental Protection and Management, the disharmony of these rules concerns with the basic conditions for issuing a business permit[7]. Among the basic prerequisites for issuing a business permit in Article 5 of PP Number 5 of 2021 is that there must be environmental approval, while the regulations for implementing environmental

approvals are contained in PP Number 22 of 2021. Environmental approval to be issued must be preceded by an Amdal test, the UKL form being checked. UPL or issuance of a statement of capability for environmental management and monitoring (SPPL). In the OSS system, the Amdal test is carried out with the aim of issuing SKKLH, while the UKL-UPL approval is stated in the approval of the environmental management capability statement (PKPLH). So in the OSS system, AMDAL documents are tested for the issuance of environmental feasibility decision letters (SKKLH). Meanwhile, approval of the UKL-UPL document is stated in the approval of the environmental management capability statement (PKPLH).[7]

The phenomenon of disharmony is also emphasized by The Ministry of Investment/BKPM, as explained by the BPK, emphasized that it agrees with the results of the BPK's examination that there are discrepancies between PP Number 5 of 2021 and its implementing regulations.[7] The author is interested in studying this in legal research due to the unclear norms that make it difficult for limited companies to obtain permits from the RBA OSS system, in this thesis with the title "Analysis of Business Licensing Management Through Online Single Submission Risk Based Approach for Limited Liability Companies"

The aim of this research is to find out to know the regulations regarding managing business permits through a risk-based online single submission risk based approach (OSS-RBA), to find out the analysis of Limited Liability Companies that are difficult to manage risk-based electronically integrated business permits and to find out about efforts to resolve problems of Limited Liability Companies that are difficult to process business permits risk-based electronic integration. Several previous studies which also discussed similar issues were research conducted by Emperor Ali Syabana in 2023 with the title "Problematics of Managing Risk-Based Electronically Integrated Business Licensing for Limited Liability Companies." [8] Research conducted by Ari Raviano Rivana in 2023, with the title "Implementation of Risk-Based Business Licensing Implementation Policy at the Pekanbaru City One-Stop Integrated Service Investment Service" [9] And research conducted by Suhardianti in 2022 with the title "Implementation of licensing for minimarkets in Karimun Regency by the Investment and One-Stop Integrated Services Service of Karimun Regency based on Government Regulation of the Republic of Indonesia Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing" [10]

## 2. RESEARCH METHOD

This type of research is normative juridical research. Normative juridical research is research with the subject of study being normative cases and legal behavior (in this research the phenomenon is PTs having difficulty obtaining OSS RBA business permits). Normative legal research focuses on positive law inventory, legal principles and doctrine, legal discovery in cases in concreto, legal systematics, level of synchronization, legal comparison and legal history [11]. The specification of this research is descriptive analysis, namely a legal research to describe, obtain broad and real legal facts, as well as carry out a study systematically reviewing national regulations and regional government policies (PP No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing) which relating to Limited Liability Companies, it is difficult to obtain a business permit from the RBA OSS provisions.

In this research, the main data relies on secondary data, namely all legal materials which include written sources such as legislation, books, journals and various other written legal materials. Secondary data is divided into primary and secondary legal materials. Primary Legal Material, namely: 1) Law No. 11 of 2020 concerning Job Creation, 2)

Government Regulation No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing. 3) Government Regulation No. 8 of 2021 concerning Limited Liability Companies. There are secondary legal materials, which include a collection of books, journals and other legal research that are related to the legal issues raised.

Legal materials are collected using library study techniques, namely data collection to obtain secondary legal data and materials, which is carried out through a series of reading, recording and analyzing legal materials obtained that are relevant to the legal issue being raised. The data analysis stage is carried out using a deductive method, namely the process of reasoning several general statements to produce a conclusion. The deductive method used will arrive at proving a new truth that emerges from existing and previously known (continuous) truths.

### **3. RESEARCH RESULTS AND DISCUSSION**

#### **3.1.Regulations regarding the processing of business permits through the risk-based online single submission risk-based approach (OSS-RBA).**

The legal regulation that forms the juridical basis for OSS-RBA is Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing. The PP regulates the main matters surrounding the implementation of OSS RBA, for example in Article 2 contains provisions for the implementation of OSS RBA which include:

“a. Risk Based Business Licensing arrangements; b. norms, standards, procedures and criteria for Risk-Based Business Licensing; c. Risk-Based Business Licensing through OSS System services; d. procedures for Supervising Risk-Based Business Licensing; e. evaluation and reform of Risk-Based Business Licensing policies; f. funding for Risk-Based Business Licensing; g. resolving problems and obstacles to Risk-Based Business Licensing; and h. penalty.”

The stages of the business licensing application process must pay attention to several basic things as stated in Article 170 PP No. 5 of 2021, namely:

1. People as business people: namely people/individuals who are Indonesian citizens.
2. Business entities as business actors: namely all forms of PT, CV, Civil Partnerships, Foundations, Regional Public Companies, Broadcasting Institutions and other legal entities owned by the state.
3. Representative offices: which include individual Indonesian or foreign citizens, and can also be business entities that act as representatives of business actors who reside abroad and wish to establish a representative office in Indonesia, as well as several foreign representative offices in the territory of Indonesia.
4. Foreign business entities: namely foreign business entities that are started abroad but carry out their activities in Indonesia, such as business entities that make franchise or franchise agreements, carry out trade with foreign futures and organize electronic systems in the foreign private sector and permanent business forms.

Registration is the first stage that must be carried out by RBA OSS applicants by fulfilling the necessary requirements, namely KTP for applicants who are Indonesian citizens, passport number for foreign applicants, and legality validation number for business entities. Legality includes the profile of business actors, the classification of raw materials for Indonesian business fields or KBLI owned by each business actor which is useful for determining the level of risk.[12]. Then data collection will be carried out regarding 1) business activities which includes data collection on the type of business (whether the type of business is the main activity or only acts as an administrative branch office), 2) data collection on products and services, which includes data collection regarding production activities, KBLI or about raw materials. field, types of production, capacity and trademarks, 3) investment, which includes added value, building value,

factory or business machine value as well as working capital and others, 4) labor data collection, which includes the total workforce, 5) data collection on the status of the business building, such as wanting to review whether the status of the business is rented or not.[12]

The applicant must also go through the environmental approval stage by collecting data on the identity of the person responsible, environmental management statement or documents that the business actor has. Apart from that, there is also a building approval which is related to data collection on the number of buildings and the IMB owned as well as a certificate of functional worthiness or SLF if the applicant already has one.[12] Regarding the issuance of business permits, Article 12 paragraph 1 PP No. 5 of 2021 explains:

"(1) Business Licensing for business activities with a low level of risk as intended in Article 10 paragraph (1) letter a in the form of NIB which is the identity of the Business Actor as well as the legality for carrying out business activities. (2) NIB as intended in paragraph (1) for business activities with a low level of risk carried out by MSEs, also applies as: a. Indonesian National Standards (SNI) as referred to in statutory regulations in the field of standardization and conformity assessment; and/or b. halal guarantee statement as intended in the laws and regulations in the field of halal product guarantees"

It can be understood that business actors with a low level of risk who have obtained an NIB will automatically have the legality to run their business. Meanwhile, businesses with a medium low risk level will receive an NIB and a standard certificate, namely a statement that they have met the business standards as stated in Article 13 paragraph (1) "Business Licensing for business activities with a medium low risk level as intended in Article 10 paragraph (2) letter a in the form of: a. NIB; and b. Standard Certificate". The standard certificate is a document of legality for carrying out business activities as stated in Article 13 paragraph (2) "...constitutes legality for carrying out business activities in the form of a statement by Business Actors to fulfill business standards in the context of carrying out business activities provided through the OSS System"

Regarding businesses with a high to medium level of risk, the issuance of a permit is obtained by first obtaining an NIB and a standard certificate issued by the central or regional government, as stipulated in Article 14 paragraph (1) "Business Licensing for business activities with a medium to high level of risk as intended in Article 10 paragraph (2) letter b in the form of: a. NIB; and b. Standard Certificate", and in paragraph (2) "...Standard Certificate for the implementation of business activities issued by the Central Government or Regional Government according to their respective authorities based on the results of verification of compliance with standards for the implementation of business activities by Business Actors." Lastly, the issuance of business permits at the business level high risk is by first obtaining an NIB and permits that must be fulfilled before business activities are carried out as stipulated in Article 15 paragraph (1) "Business Licensing for business activities with a high level of risk as intended in Article 10 paragraph (1) letter c in the form of: a. NIB; and b. Permit", the permit referred to is explained in paragraph (2), namely "...is approval from the Central Government or Regional Government for the implementation of business activities which must be fulfilled by Business Actors before carrying out their business activities".

### **3.2. Analysis of Limited Liability Companies Difficult to Manage Risk-Based Electronically Integrated Business Licensing**

Even though OSS RBA has been integrated with technology, its development has not been free from criticism and input. For example, criticism came from the Attorney

General's Office who felt that an evaluation of the control of OSS permits should be carried out because it was in conflict with Law No. 23 of 2014 concerning Regional Government which also regulates permits. Apart from the criticism conveyed by the Attorney General's Office, the OSS RBA was also criticized by economist Bima Yudistira that there were 2 problems that emerged from the implementation of the OSS RBA in Indonesia, namely the system in the OSS RBA was not ready and licensing would stagnate in the regional government, this was due to human resource standards between centers and different regions, which will weaken the exchange rate and hinder investment.[13]

As explained in the previous sub-discussion, one of the weaknesses of the RBA OSS is that it has not fully resolved the harmonization problem that occurs between the central government and regional governments specifically on the issue of RDTL or Detailed Spatial Planning. In all of Indonesia there are only 45 districts/cities that have RDTL. digital[14]. Apart from that, another problem with OSS RBA related to its implementation in regions is problems in the regulatory realm where there are still many regions that do not yet have related regulations so that licensing is still carried out using a manual system with the impact of slow licensing processes. Apart from the problem of implementation in regions where there are problems because there are still many regions that do not yet have regulations relating to the implementation of OSS RBA, other problems also arise in the limited liability company or PT sector. PT and all other types or forms of business require legality as legal protection for their business as well as playing a role in preventing losses from various undesirable things and increasing company value.

The legality of a PT which is implemented from the existence of a business license is the most important thing that must be in place. Apart from that, licensing is a form of compliance with the law. There are 3 types of business permits required by a business to legalize its business, namely NIB or business registration number, business permit and commercial permit. NIB functions as proof number that a business has been registered in the OSS system. However, in its implementation to obtain a business license, PT often encounters obstacles.

There are several cases of PTs not obtaining business permits, namely:[6]

1. PT Ipiyo Mandiri

PT Ipiyo Mandiri's application for a trading business permit was not granted because the KBLI code 46900 was not included in the Decree of the Head of the Provincial Investment and One-Stop Integrated Services Service, Special Capital Region of Jakarta Number 105 of 2020 concerning Amendments to the Decree of the Head of the Provincial One-Stop Investment and Integrated Services Service. Special Capital Region of Jakarta Number 20 of 2020 concerning the Use of Standard Classification Codes for Indonesian Business Fields in Trade Licensing. Another reason for refusing PT Ipiyo Mandiri's business permit is that the authorized capital of the PT does not comply with the provisions of Permendagri No. 46/M-DAG/PER/9/2009 concerning Amendments to Permendagri No. 36/M-DAG/PER/9/2007 Concerning the Issuance of Permits Trading business.

2. PT Faeyza

PT Faeyza's business license was rejected because the PT's authorized capital did not comply with the provisions of Permendagri No. 46/M-DAG/PER/9/2009 concerning Amendments to Permendagri No. 36/M-DAG/PER/9/2007 relating to the authorized capital of PT.

3. PT Edutani Multi Agro

Similar to the reason for refusing business/trading permits for PT Ipiyo Mandiri and PT Faeyza, namely because the PT's authorized capital does not comply with Permendagri No. 46/M-DAG/PER/9/2009.

Three cases of refusal or non-granting of PT business permits carried out using the OSS RBA system are a form of legal uncertainty regarding the OSS RBA system itself. The reason the three PTs did not obtain permits was related to determining initial capital. Please note that a PT must have a SIUP or Trading Business License, this requirement must be implemented by the PT as a trading business entity which has been managed since the PT was founded. Then, the conditions for establishing a PT must also be taken into account, as contained in Article 7 of Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Article 7 of Chapter VI, Part Five of Law Number 11 of 2020 concerning Job Creation. Regarding the rules for PT's basic capital, it is regulated in Article 32 of Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Creation, Employment, namely: "(1) The Company is obliged to have the Company's authorized capital (2) The amount of the Company's authorized capital as intended in paragraph (1) is determined based on the decision of the Company's founder. (3) Further provisions regarding the authorized capital of the Company are regulated in Government Regulations"

In paragraph 3 above, giving a mandate to the government to regulate the provisions regarding the authorized capital of PTs, then PP No 8 of 2021 concerning the Authorized Capital of PTs and Registration of Establishment, Changes and Dissolution of Companies that Meet the Criteria for Micro and Small Businesses is passed, in Article 3 reads "(1) The Company is required to have authorized capital of the Company. (2) The amount of the Company's authorized capital as referred to in paragraph (1) is determined based on the decision of the Company's founder." It can be understood that the size of the PT's authorized capital budget is determined by the founder of the PT. The notary plays an important role in this matter because he is the official who makes the deed which is then ratified by the Ministry of Law and Human Rights, then the PT can apply for a business license through the OSS. There is a return to determining the amount of the PT's authorized capital, which is handed over to the founder of the PT in accordance with the provisions of Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 of 2021, thereby eliminating the minimum capital amount which has a positive effect on the economic ecosystem. in society. Namely, it will be easier for people to set up their own business entities, especially PTs, because they are no longer charged with a nominal amount of basic capital but are completely given it to the capabilities of the PT pioneers.

This is because the permit application for PT Ipiyo Mandiri, PT Faeyza and PT Edutani Multi Agro was rejected by the relevant ministry/PTSP, including because the PT's basic capital provisions were problematic so they could not register with the RBA OSS to obtain an NIB as a company registration certificate, even though the NIB is mandatory and a must-have for every business pioneer. The existence of overlapping regulations and legal uncertainty regarding licensing which resulted in many PTs being unable to obtain business permits emerged when the three PTs complied with the basic business capital provisions in Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Cipta in conjunction with PP No. 8 of 2021 which stipulates that the basic capital for establishing a company is determined by the company's internal parties, this is inconsistent and even inconsistent with the provisions in Permendagri no. 46/M-

DAG/PER/9/2009 in conjunction with Permendagri 36/M-DAG /PER/9/2007 which sets the company's initial capital (small calcification trading business license) at a minimum of 50 million rupiah, this is what has become a stumbling block for PT. Ipiyo Mandiri, PT Edutani and PT Faeyza.[6]

In the example of the three cases above, the victims are all PTs which determine their own business capital amounts because they are guided by Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 of 2021, so that legal uncertainty will arise and the PT will never obtain legality in its business because it does not have permits that are accessed through the OSS RBA system. Linked to the theory of legal certainty, as according to LJ van Apeldoorn, this form of law has been implemented in a society that feels its rights have been fulfilled or decisions have been properly obeyed,[15]while Sudikno Mertokusumo views it as a guarantee that the law has been implemented properly and correctly. Often legal products and legislation issued by the state are unable to create legal certainty in society, which in the end does not create legal order in the wider community.[16]. It is understandable that there is no guarantee of legal certainty for PT. Ipiyo Mandiri, PT Edutani and PT Faeyza as well as other business entities or companies which also did not obtain business permits due to regulatory disharmony therefore cannot access the RBA OSS system.

Apart from the problem of overlapping regulations which makes the determination of the company's initial capital unclear and results in the non-granting of business permits, another wider problem of the OSS RBA system (which not only impacts PTs but also business entities as a whole) is the rules regarding Building Approvals Building or PBG is a permit that replaces IMB in the OSS RBA system[17]. PBG cannot be implemented if the Regional Government does not make derivative regulations related to PBG, so in this case the PBG regulations in the OSS RBA are very likely to be difficult to implement. Even though PBG is important to be managed either during the process or after carrying out building activities such as renovations and so on, problems will arise when an area does not yet have a regional regulation to regulate it. And regarding RDTR or Detailed Spatial Planning and RTRW or Regional Spatial Planning, there are only 40 districts/cities that have been integrated with the RBA OSS[17]. So this is also a problem in terms of OSS RBA licensing in districts/cities that have not yet been integrated with OSS RBA.

Not only the two aspects of the problem above, according to the BPK, several regulations that need to be harmonized are PP Number 5 of 2021 with PP Number 27 of 2021 concerning the Implementation of the Marine and Fisheries Sector, PP Number 22 of 2021 concerning the Implementation of Environmental Protection and Management, Law Number 11 of 2020 concerning Job Creation, Law Number 23 of 2014 concerning Regional Government, Law Number 17 of 2019 concerning Water Resources"[7]Disharmony and incongruity or inequality between regulations as well as the absence of adjustments to regulations to implement OSS RBA not only harm business entities such as PT but also other business entities affected in obtaining business permits from the problems with OSS RBA described above.

### **3.3.Efforts to Resolve Limited Liability Company Problems Difficult to Arrange Risk-Based Electronically Integrated Business Licensing**

The problem above is related to overlapping regulations, so the author formulates two efforts to unravel and resolve the problem of PTs having difficulty in processing permits for electronically integrated businesses with risks, namely:



1. The government must ensure compliance with Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 of 2021 based on the provisions of the statutory hierarchy.

The hierarchy of legislation in Indonesia according to the provisions of Law No. 12 of 2012 is: UUD 1945, MPR Decree, UU/Perpu, PP/Government Regulations, Presidential Decree, Provincial Regional Regulations and City Regency Regional Regulations.[18] In the hierarchical system of laws above, PP (namely PP No. 8 of 2021 which regulates that there is no certain amount of capital for establishing a PT), is in fourth place after the 1945 Constitution, MPR Decree and UU/Perpu. Meanwhile, the application for a business license was rejected because the authorized capital of the PT did not comply with the provisions of Permendagri no. 46/M-DAG/PER/9/2009 in conjunction with Permendagri 36/M-DAG/PER/9/2007.

Regarding ministerial regulations, even though they are not in the legal hierarchy above, the PP's position is still higher than ministerial regulations and the decision of the Head of the Special Capital Region of Jakarta Province Investment and One-Stop Services Service (who has the authority to reject PT. Ipiyo Mandiri, PT Edutani and PT Faeyza[6]. Likewise, it is quoted from one of the related studies that even though ministerial regulations are not in the legal hierarchy above, their position is still under the PP. According to Juwita Putri Pratama, Lita Tyesta ALW and Sekar Anggun Gading Pinilih, if the Ministerial Decree is in the hierarchy then its position can be placed just below the Presidential Decree[19]. While the Presidential Decree is under PP, therefore the government must enact Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 of 2021 as a definite rule to create legal certainty for PT in following a certain legal basis for determining business capital in order to obtain a business permit using the OSS RBA system.

By continuing to maintain the provisions of Permendagri no. 46/M-DAG/PER/9/2009 jo Permendagri 36/M-DAG/PER/9/2007 to be obeyed, thereby giving rise to legal uncertainty from PPs that are higher in the hierarchy, the government has ignored important principles in legislation is "Lex superior derogat legi inferiori" which means regulations of a lower level cannot overcome regulations of a higher level. This principle is used when there are two regulations that are not of the same degree and conflict in content, namely in the case of PP No. 8 of 2021 and Permendagri no. 46/M-DAG/PER/9/2009.

2. The government must create a policy so that regulations implementing OSS RBA are made in various regions.

As explained above, an obstacle that not only affects PTs but also other business actors is the absence of regulations implementing OSS RBA in the regions. Such as regarding RDTR or Detailed Spatial Planning which is a mandatory requirement for obtaining permits in the OSS RBA system. However, not all regions in Indonesia have integrated the RDTR provisions into the RBA OSS. So the government must instruct all regional heads to make implementing regulations for the OSS RBA provisions to ensure the implementation of OSS RBA licensing without problems.

The two things above are efforts that can be taken by the government as the party that has the authority to regulate all aspects of the state, especially in the context of improving the implementation of OSS RBA so that all business actors, especially PTs, are not hampered by problems that do not originate from them.

#### 4. CONCLUSION

Based on the research results and discussions that have been described by the researcher, the following conclusions can be drawn:

1. Regulations regarding the processing of business permits through the Risk-Based Online Single Submission Risk Based Approach (OSS-RBA) are regulated in Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing. PP No. 5 of 2021 regulates risk-based licensing arrangements, norms, standards, procedures and licensing criteria, including regulations regarding licensing procedures and sanctions.
2. The analysis of limited liability companies is that it is difficult to process risk-based electronically integrated business permits, namely due to overlapping regulations and the absence of implementing regulations for implementing OSS RBA in the regions. As in the case of PT Ipiyo Mandiri, PT Faeyza and PT Edutani Multi Agro which did not obtain business permits due to a mismatch in the company's authorized capital which arose due to the lack of legal certainty regarding the implementation of PP No. 8 of 2021 concerning the Authorized Capital of PTs and Registration of Establishment, Changes and Dissolution of Companies Which Meet the Criteria for Micro and Small Businesses.
3. Efforts to resolve the problem of limited liability companies which are difficult to obtain risk-based electronically integrated business permits, there are two, namely 1) the government must guarantee compliance with Law Number 40 of 2007 concerning Limited Liability Companies in conjunction with Law Number 11 of 2020 concerning Copyright in conjunction with PP No. 8 in 2021 based on the provisions of the statutory hierarchy and 2) the government must make a policy so that regulations implementing the OSS RBA are made in various regions.

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