

Implementation of Commercial Business License Policy in Downstream Oil and Gas Business Activities in Bitung City

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Abstract

The purpose of this research is to describe, analyze and describe how the management of the Non-Subsidized Solar Industrial Fuel trading business permit in Bitung City. What are the factors that hinder the processing of Non-Subsidized Fuel Trading Business License for Industrial Solar in Bitung City The research method uses a qualitative approach. Data collection techniques using interviews, documentation studies and observation. The results showed that the commercial business license policy for downstream oil and gas business activities in Bitung City has not been implemented properly because there are business actors who do not take care of the Commercial Business License even though they have been trading in Bitung City and its surroundings. There are obstacles in managing the Commercial Business License in Bitung City, namely the submission of files and management must be done directly to the Ministry of Energy and Mineral Resources because there is no representative authority in Bitung City.

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Abstrak

Tujuan dari Penelitian ini adalah menggambarkan, menganalisa dan mendeskripsikan bagaimana pengurusan izin usaha niaga BBM Non Subsidi Solar Industri di Kota Bitung. Apa sajakah faktor yang menghambat pengurusan Izin Usaha Niaga BBM Non Subsidi Solar Industri di Kota Bitung Metode penelitian menggunakan pendekatan kualitatif. Teknik pengumpulan data dengan wawancara, studi dokumentasi dan observasi. Hasil penelitian menunjukkan bahwa kebijakan izin usaha niaga kegiatan usaha hilir minyak dan Gas Bumi di Kota Bitung belum terimplementasi dengan baik karena ada pelaku usaha yang tidak mengurus Izin Usaha Niaga meskipun sudah melakukan perniagaan di Kota Bitung dan sekitarnya. Adanya kendala dalam pengurusan Izin Usaha Niaga di Kota Bitung yaitu pengajuan berkas dan pengurusan harus dilakukan langsung ke Kementerian ESDM karena tidak ada perwakilan kewenangan di kota Bitung.

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1. INTRODUCTION

Downstream Oil and Gas Business Activities (downstream) are business activities in the oil and gas processing industry including storage, transportation and trading/marketing businesses (1). Downstream oil and gas business activities are important industrial activities that produce various economically valuable products as energy and industrial raw materials.

Business competition in any field is a common thing. Not always negative, business competition can spur business actors to innovate and improvise so that the products or services they offer to consumers are more attractive, effective and efficient. This benefits society as end users and stimulates economic turnover positively.

That is why the Government issues regulations so that downstream oil and gas business activities can run well, have a positive impact on society and trigger an increase in productivity and income for business actors.

In terms of running a downstream oil and gas business, it is regulated in the article above regarding the Commercial Business License that must be obtained. For laypeople, a

Commercial Business License is defined as a sales and purchase business license. So business actors with a Commercial Business License can buy and sell fuel oil.

The reality that occurs in the field is that there are still business actors or individuals who carry out business without the business permits referred to in this article. For various reasons put forward; not knowing there are regulations, not caring about the regulations that have been set, delaying processing even though they know the importance of fulfilling business requirements and permits. Based on the data, there are 15 (fifteen) Business Actors in the Non-Subsidized Diesel Fuel sector in Bitung City, but only 3 are General Commercial Business Entities, 1 General Commercial Business License Holder and 1 Distribution Agent.

Meanwhile, on the one hand, corporate business actors are required to prepare and fulfill administrative requirements before a business permit is granted. However, there are still individual actors who carry out this business as they please. Or with the principle that as long as it has not been stopped by the government itself, this action will continue.

The public may have a negative opinion about corporations that carry out sales and purchase transactions of fuel oil, even though the company in question has fulfilled all the stipulated provisions and requirements. Meanwhile, people are normal or indifferent to the proliferation of fuel oil sellers on the side of the road or in remote areas. The reasons are varied; because the gas stations are too far apart, it's not a hassle to have to wait in line, wait for the door to open, and so on.

2. METHOD

This research uses qualitative research with a phenomenological method because it views reality, facts or social phenomena in society as the focus of the problem. This is based on the research objective, namely to identify, describe and analyze the informant's understanding as a whole regarding conscious and contextual experiences of the phenomenon "Trade Business License Policy to fulfill the requirements for downstream oil and gas business activities". The phenomenological method means describing what is received, felt and known by a person or group of people, through experience and awareness. The awareness that arises is what is called the nine phenomenon.

This is expected to be decisive in understanding the implementation of Government Regulation Policy No. 36 of 2004 concerning Downstream Oil and Gas Business Activities in Bitung City.

Meanwhile, the data collection process includes the following stages:

1. Process of entering the research location: Researchers visit the research location to report about the planned research location as well as to obtain permission/recommendations, by showing a research cover letter.
2. When at the research location: In this process the researcher tries to obtain complete information and capture the essence of the various information obtained in accordance with the predetermined focus. Data collection stage: At this stage the researcher put forward two data collection techniques, namely: a). Interview, b). Documentation.

Meanwhile, data analysis is carried out by means of data reduction; Data reduction means that the data obtained at the research location (field data) is outlined in a complete and detailed description or report which has been reduced, summarized, the main and important things selected according to the focus and objectives of the research).

3. RESULTS AND DISCUSSION

Based on researchers' observations, there are still business actors who do not have an oil and gas trading business license for reasons of not knowing, the process is complicated and/or not easy to process. Company legality is proof that the company has been recognized

or legal so that it can be recognized by the public and the company can be legally protected by documents in the eyes of government law. The steps for company legalization are as follows:

- 1) Make a company deed before a notary
- 2) Request a company domicile permit. This letter can be requested from the local environment, village or sub-district and then permission from the sub-district.
- 3) Make SIUP (Trade Business License), TDP (Company Registration Certificate), SITU (Business Place License) and other permits needed to legalize the company.
- 4) Create a Taxpayer Identification Number (NPWP).
- 5) Request a Taxable Entrepreneur Confirmation Letter (PKP).
- 6) Submit a request for a Tax Invoice Serial Number to be able to issue Value Added Tax (VAT).

Company in this research, changes have been made to the Deed of Establishment by holding General Meeting of Shareholders (GMS) 1 and RUPS 2, referring to Article 2 paragraph (1) of the Regulation of the Minister of Law and Human Rights Number 21 of 2021 concerning Requirements and Procedures for Registration of Establishment, Changes and Dissolution of Limited Liability Company Legal Entities (Permenkumham 21/2021) for PT Persekutuan Modal type. The scale of business activities is regulated based on Article 35 of Government Regulation Number 7 of 2021 concerning Facilitation, Protection and Empowerment of Cooperatives and Micro, Small and Medium Enterprises (PP 7/2021). The companies studied this time are on the Micro Business scale, namely businesses that have capital up to a maximum of IDR 1 billion excluding land and buildings where the business is located.

Regarding business capital, it is regulated in Article 32 Paragraph (1) of the PT Law which states that; The authorized capital of the Company is at least Rp. 50,000,000 (fifty million rupiah). Then it was updated in Article 109 number 3 of the Job Creation Law with changes; that the amount of the PT's authorized capital is determined based on the decision of the PT's founder. The terms and conditions for the establishment of PT Persekutuan Modal or ordinary PT are also contained in the law, based on Article 109 point 2 of the Job Creation Law which amends Article 7 of the PT Law explaining provisions such as; founded by 2 or more people with a notarial deed, each founder is required to own shares, the PT obtains legal entity status after being registered with the Minister of Law and Human Rights and receiving proof of registration.

OnThe reality in the field is that prospective business actors will find it easier to manage the initial process of company legality with the assistance of a notary. Because you already understand the flow of the legality process and have relationships in related fields, compared to managing it yourself. Doing the processing yourself will also take longer and also incur costs, so it is more practical and efficient if it is done by an appointed notary.

Based on Circular Letter (SE) Number B-5214/MG.05/DJM/2021 dated 20 May 2021 concerning technical requirements for oil and gas trading business permits for general fuel trading business activities, in connection with the issuance of Government Regulation Number 5 of 2021 concerning Implementation of Based Business Licensing Risks, which are related to the mandatory requirements for ownership of facilities and storage facilities with a minimum capacity of 1,500 Kilo Liters in Oil and Gas Trading Business Activities for General Fuel Trading Business Activities, can be implemented by fulfilling 4 conditions:

- 1) The obligation to have facilities and facilities with a minimum capacity of 1,500 Kilo Liters is one of the requirements for applying for a new business permit or extension of an Oil and Gas Business Permit for General Fuel Trading Business Activities.

- 2) In the event that the obligations as referred to in letter a have been fulfilled, the facilities and storage facilities required can then be rented from another party (Oil and Gas Storage Business Entity and/or exclusive lease).
- 3) The facilities and facilities as referred to in letter a can be in the form of land tanks, floating storage, storage tanks in fuel filling facilities for land, sea and air transportation, and/or other storage facilities and facilities in accordance with the provisions of statutory regulations.
- 4) Business entities that have obtained an Oil and Gas Trading Business License for General Commercial Business activities before the enactment of Government Regulation Number 5 of 2021, can still carry out business activities with the means and facilities listed in the business license until the expiration of the business license's validity period.

As regulated by law, these requirements must be complied with. In reality, in the field, it is found that business agents are reluctant to continue processing the application for a commercial business permit, because they are in conflict with this regulation. Building a storage tank with a capacity of up to a minimum of 1,500 Kilo Liters or 1,500,000 Liters is not easy because you have to have large capital to buy land, the storage tank construction process and permits from the surrounding area because it will have an impact on the environment.

Based on the Regulation of the Minister of Energy and Mineral Resources Number 16 of 2011 concerning Fuel Oil Distribution Activities, Article 1 paragraph (4) which reads; Business Entity Holding a General Trading Business License, hereinafter referred to as BU-PIUNU, is a Business Entity that has obtained a Business License to carry out General Trading Business Activities in Fuel Oil in accordance with the provisions of statutory regulations. Continuing with paragraph (5), it is stated that distribution activities are fuel oil distribution activities in distribution areas by integrated distributors based on cooperation agreements with BU-PIUNU. In paragraph (6) it is stated that distributors are cooperatives, small businesses and/or national private business entities appointed by BU-PIUNU to carry out distribution activities. Then described in Article 5 paragraph (1); The appointment of a Distributor as intended in Article (2) is carried out based on a cooperation agreement between BU-PIUNU and the Distributor.

Still in the same Ministerial Regulation, based on Chapter II Article 7 paragraph (4) it is said that; The Distribution Certificate must contain at least:

- a) Name and address of dealer;
- b) Name BU-PIUNU;
- c) Number and date of the cooperation agreement letter;
- d) Distribution area;
- e) Type, volume and standards and quality (specifications) of fuel oil distributed;
- f) Facilities and facilities;
- g) The validity period of the Distribution Certificate

Referring to the regulations above, business actors can continue their operations after obtaining a cooperation agreement by receiving an Agency Appointment Letter or Distribution Certificate.

Based on answers from sources, it was found in the field that there were business actors who had been carrying out operations or selling even though they did not have a commercial business license and/or did not have a cooperation agreement with BU-PIUNU for the reasons; I don't know all the permits that are required to have it, I'll wait until it's checked and then start the business, so I'm waiting for the return on investment first.

Regulations and requirements for commercial business permits are the basis for establishing businesses that want to compete in the oil and gas trading sector, but in reality

they are not directly implemented. There are those who immediately prepare, there are those who wait to be sanctioned before taking care of it and there are also those who are determined to continue operating at the risk of being immediately sealed during inspection.

Based on the Regulation of the Minister of Energy and Mineral Resources (Permen ESDM) Number 13 of 2018 concerning Distribution Activities of Oil Fuel, Gas Fuel and Liquefied Petroleum Gas Article 2 paragraph (1) states that Oil and Gas Business Entities (BU) can carry out distribution through Distributors . The cooperation agreement contains at least obligations;

- a) BU PIUNU guarantees the continuity of fuel, BBG and LPG distribution;
- b) The distributor owns and/or controls the means and facilities in the distribution area in accordance with the appointment of BU PIUNU;
- c) BU PIUNU and Distributors guarantee standards and quality/specifications for BBM, BBG and LPG;
- d) BU PIUNU and Distributors guarantee the accuracy of measuring instruments used in fuel, BBG and LPG distribution activities;
- e) BU PIUNU and Distributors guarantee occupational safety and health as well as environmental management in accordance with statutory provisions.

4. CONCLUSION

Based on the research results, the following conclusions are drawn:

1. The Commercial Business Licensing Policy for Downstream Oil and Gas Business Activities in Bitung City is not yet in place implemented well because there are business actors who do not take care of Commercial Business Permits even though they are already doing business in Bitung City and its surroundings.
2. There is an obstacle in processing a Commercial Business License in Bitung City, namely that the submission of files and processing must be done directly to the Ministry of Energy and Mineral Resources because there is no authority representative in Bitung City.
3. There are business actors who still do not comply with the business permit process even though they can apply for cooperation and receive an agency appointment from the Business Entity Holding the General Commercial Business Permit.

5. ACKNOWLEDGEMENT

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