



Implementation of Integrated Business Licensing Applications Online with a Risk-Based Approach (OSS-RBA) for Legal Assurance of Business Affairs in Langkat District

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ABSTRACT

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Implementing Business licensing services for district and city governments has used the OSS application system so far. Still, the reality shows that the results have not demonstrated optimal results both in quality and quantity. However, in line with technological developments that cannot be denied, like it or not, the business community must be able to try to follow the Government's thinking to be effective and efficient in implementing services and Business licensing needs to the community by implementing an Online Application with a risk-based approach (OSS-RBA). As a refinement of legal considerations to face risks in the community business. In this case, the Langkat Regency government's Responsibility is the one-stop investment application and licensing service for the Langkat Regency, North Sumatra, based on government policies through the Ministry of Investment or the agency in charge of investment, applies licensing applications with a risk-based approach (OSS-RBA). It is hoped that the efforts made by the Langkat Regency government with an integrated one-door system, the Application of this Application can help the community, especially in the Langkat Regency area, to be effective and efficient in obtaining business permits to improve people's welfare and obtain legal certainty in running their Business. Supervision is carried out periodically and incidentally to provide business assessments and assurance to micro, small and medium-sized business actors and investment from the Langkat district government. This research is normative legal research, by conducting library research oriented toward applicable laws and regulations using a qualitative approach. The theory used in this paper is the theory of the welfare state based on the spirit and awareness to build a prosperous social justice country by obtaining legal certainty. The results of the study found that the Responsibility of the Langkat Regency government in implementing business licensing applications through online applications with a risk-based approach (OSS-RBA) to realize the economic welfare of the community effectively, easily and cheaply and quickly by empowering all potential resources to fulfil the best service to the business community.

1. INTRODUCTION

In the implementation of investment services and one-stop integrated licensing services in Langkat Regency, North Sumatra Province, based on government policy on the enactment of the Job Creation Act, in line with technological developments, the Government is committed to accelerating the integration of one-line licensing services, both at the center and at the regional level to make it more efficient. Simple, fast, and cheap. Licensing and investment services are implemented online with a risk-based approach to provide legal certainty to the community in obtaining permits, trying to be carried out in stages, and continuously making improvements in their services to realize people's welfare [1].

Business actors can use the OSS RBA to obtain a business license, both micro, small, medium, and prominent business actors in individual businesses and businesses under other institutions, including companies with foreign capital or domestic capital. Since the enactment of the Government Job Creation Act has implemented a request for Business licensing

from using the OSS application to change in the application system used through OSS with a Risk-Based Licensing Approach carried out with specific standards, namely Online with a risk-based approach - (OSS-RBA) [2]. Based on Government Regulation Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, in line with the enactment of the Job Creation Act implemented by the Government, it guarantees legal certainty in Business and economic activities, both individually, private institutions, and state-owned enterprises to outline the goals of the state. In the welfare of the people.

In carrying out Business by business actors, even if it is a micro-business, however, in general, risk considerations can harm the environment and themselves; business actors as a result of lack of prudence in conducting their Business as a result of the impact of the business object and the impact of the raw materials of the company they manage or the consequences of problems caused by the Business. On the other hand, an online application with a risk-based licensing approach (OSS-RBA) should be strengthened by issuing a

circular letter while waiting for the issuance of the Langkat Regency Regional Regulation to implement the OSS-RBA implementation [3].

Electronically Integrated Business Licensing or Online Single Submission, abbreviated as OSS, is a Business Licensing issued by OSS for and on behalf of ministers, heads of institutions, governors, or regents/mayors to Business Actor through an integrated electronic system. This system was created because of the number of complaints from business actors regarding the length of time and the bureaucratic chain that must be passed to make business licenses, thus hindering business actors in running their Business [4-11].

Business Licensing, which has been implemented by the Local Government (Province/District/City) Langkat Regency As one of the regions in North Sumatra Province, the Government has implemented this government program in investment and licensing services. in Langkat Regency as one of the regions in North Sumatra Province to realize the community's economic development in the Langkat Regency area. The classified risk types are: a. the granting of a business identification number or NIB is given to a community business with a low-risk business, b. Medium low risk (nib + + (self declare), c. Medium high risk (nib + ss (self declare & verification), d. High risk (nib + permission (+ss) [12].

The existence of the Job Creation Bill encourages the spirit of simplifying permits through the determination of the KBLI and the level of risk (Risk-Based Approach / RBA) as the basis for determining keys. The Application of risk-based Business licensing changes the approach to business activities from permit-based to risk-based. Implementing Supervision is carried out according to the high and low risk of the community's Business through periodic and incidental inspections. The Government focuses more on business activities with substantial potential dangers with this approach.

Technological developments have become an integral part of government agencies to improve service quality. Electronic-based Government, or e-government, is concerned with providing electronic services. Complicated licensing issues and the completion of old permits have given birth to an online licensing system, namely the Online Single Submission (OSS). The Online Single Submission (OSS) system is a business license issued by the OSS institution to business actors through an integrated electronic system [13].

Changes in the integration of licensing services with a risk approach are expected to provide legal certainty to the business community. So that it can realize economic growth to be able to employ the community who still cannot find work according to their expertise to reduce unemployment and raise the degree of the economy in the local area. With government policies in implementing Online applications with a risk approach (OSS-RBA) Followed up by local governments, Langkat Regency guarantees legal certainty for the business community [14].

Online Single Submission (OSS) is an application that aims to provide investment convenience by implementing an electronically integrated business licensing system. However, there is a gap between the expected goals and the reality on the ground [15].

Licensing is one of the factors that investors pay attention to invest their capital. To attract the attention of investors, the Indonesian Government has prepared various types of permit services. However, it often results in high costs and dirty techniques in practice. To improve and renew permit services, the Indonesian Government issued Government Regulation

Number 24 of 2018, which provides electronically integrated Online Single Submission (OSS) permit services [16].

The Central Government seeks to develop the economic sector by developing appropriate legal instruments, especially in the management of business licenses. The Government has issued a Regulation on Electronically Integrated Business Licensing Services. Online Single Submission (OSS) is an application that can be used for all registration processes and business applications and other licensing applications in business licensing services [17].

E-government is a program and commitment carried out by the Government to develop governance by carrying out the transformation of information and communication technology to facilitate community and business activities [18].

According to the studies [19-21], the state realizes prosperity is just for its people as a whole, not for one particular group. According to Spelt and Ten Berge, the theory of licensing is allowed to mean allowed. Only certain closed things can be carried out to be permitted by the state authorities because of something within the Government's discretion. According to Abbas Salim's theory of business risk, this risk occurs due to uncertainty due to nature or human behavior, including the risk of luck in the economy [22, 23].

The Tangerang Regency DPMPTSP, a civic online licensing system that the public can use to apply for permits online [24].

From the background of the problem above, the formulation of the problem can be formulated as follows: What is the Responsibility of the Langkat district government in implementing online applications with a risk approach (OSS-RBA) for community business actors in their area? What are the obstacles faced by the Investment and Licensing Office in Langkat Regency services in online applications with a risk approach (OSS-RBA) How are the supervisory efforts made to overcome the problem of violation of business licenses by business actors to ensure legal certainty?

This research aims to identify, describe, and analyze those related to the Application of Online Single Submission Risk-Based Approach (OSS-RBA) for Legal Certainty of Business Actors in Langkat Regency.

Public service is defined as every activity carried out by the Government against several people who have profitable activities in a group or unity and offer satisfaction even if the outcome is unrelated to a product physically [25].

2. METHODOLOGY

The methodology in this study uses qualitative empirical research methods, whereas qualitative research is empirical research that is descriptive and tends to use analysis [26]. In this qualitative research, the subject's process and meaning or perspective are more highlighted related to the Implementation of an Online Integrated Business Licensing Application With a Risk-Based Approach (Oss-Rba) for Legal Guarantees in the Business Sector in Langkat Regency. Qualitative research significantly depends on the accuracy of selecting informants because the informants are data sources. In this study, informants were selected purposively based on subjects who mastered the problem, had experienced, and understood licensing through the OSS system. The data type used is secondary data in primary, secondary, and tertiary materials. The data collection technique was carried out by library research. Secondary data has been systematically compiled

and analyzed using qualitative methods. The research method is normative legal research method is a scientific research procedure to find the truth based on scientific logic from the normative side [27].

Data collection techniques done through interviews, observation, and documentation. The data analysis used is in the form of data reduction, data presentation, and withdrawal conclusion. The data validity technique used in this research is the source and method triangulation [28].

3. ANALYSIS AND FINDINGS

3.1 Responsibilities of the Langkat regency government in implementing *ONLINE* applications with a risk approach (OSS-RBA) for community business actors in their area

The Government has a responsibility to the community for their welfare, so they are committed to making it happen with simple efforts to provide Business licensing services and investment through the Application of Business licensing applications in an integrated manner with an online model and a risk-based approach. The Government's Responsibility in implementing the functions of Investment Service and one-stop licensing services in Indonesia is integrated with other related service agencies, namely the Ministry in charge of Dukcapil Office, Tax Service Office, Finance, Law Office, and Human Rights to find out company information, office Department of Agrarian and Spatial Planning for the establishment of a place of Business with a one-door system. To make it easier for business actors to manage applications for business permits by not visiting the investment and licensing Office, one door to the Office where the business community is domiciled. According to Esping-Anderson in Triwibowo & Bahagijo, 2006; The welfare state refers to the active role of the state in managing and organizing the economy, which includes the state's Responsibility to ensure the availability of essential welfare services at a certain level for its citizens [29].

3.1.1 Application flow that is applied

The conditions for obtaining a license have been determined through the applicable mechanisms and procedures, namely registration. First, the perpetrators of the OSS-RBA website are equipped with a specific password. For indigenous people by showing their national identification number and immigrants (foreigners) by showing their passport number as data to be input into the Application with special conditions that they have an active official letter to create a link or account in the OSS-RBA application by entering the type of business field required. It will be carried out to obtain a business license by the Government after being verified by the competent Government and approved. As for verification, what is meant is whether the Application is approved or allowed to complete the requirements, or even is rejected with an automatic system, the level of business risk will be carried out by the business actor and can be read directly by the permit applicant in the Application. Meanwhile, medium-high-scale and high-scale risk business activities are required to have a NIB. The ministry/institution/regional Government will verify the requirements/standards and supervise these business activities.

3.1.2 The steps taken

Based on the consideration of risk in the Business carried

out by business actors, it becomes a separate consideration. The steps taken are monitored according to the scale and level of business risk carried out by business actors. This Supervision is carried out to provide solutions if problems may harm the entrepreneur himself or can harm the environment, including consumers. The other steps that can be taken as the Government's Responsibility are the Socialization of human service resources by organizing a *Forum Group Discussion* (FGD).

Implementing the Application of an online application with a risk-based approach (OSS-RBA) is not easy because the community of business actors in the Langkat Regency area does not all understand and can use this technology-based Application. So the stages must be carried out by the Office responsible for managing integrated one-stop licensing. The steps must be taken substantively through stages that must be taken in general to service resources in each Responsibility according to the ministries and institutions in charge. These steps are expected to realize good service and overcome obstacles in the field, both internal and external. Licensing is the key to legality to encourage conducive SME growth and strengthen PAD with AAUPB to realize people's welfare [30]. Conducted Socialization of each field related to the integration in the licensing process to the services under the relevant ministries.

Socialization to the business community. Investment and licensing service resources gather business actors or use online news to the public and technical guide leaflets in obtaining permits online through OSS – RBA. The service system is generally organized through direct meetings for technical input of data by officially-dated officers, coordinated by the assigned licensing section, and call centers to operators prepared to assist people who want information about licensing and services directly via video call or call WhatsApp.

3.2 Constraints faced by the Investment and Licensing Service in Langkat Regency services in the Application of Online with a Risk-Based Approach (OSS-RBA)

3.2.1 The condition of the online application user community with a Risk-based approach (OSS-RBA)

The condition of the community in the Langkat Regency area is still divided into three parts of the ability to use the OSS - RBA application, namely, the business community can use technological facilities, the business community is less able to use communication technology in the OSS RBA application and business community does not know at all using technology facilities.

3.2.2 Infrastructure support

Internet network facilities are generally good in the Langkat Regency area. Still, some areas are difficult to reach by internet signals, so it becomes an obstacle for data input to enter the prepared Application. According to the Business being held, limited expert resources and other supporting facilities to support services in each ministry sector related to the benefit of licensing applications for business actors. Cadreization of service operators for investment services and integrated one-stop licensing. So far, it has not been carried out optimally for the readiness of service operator resources to assist the community who have not been able to input the requirements for applying for the desired business license and are still constrained in the regeneration of operators to the village level.

Data collection on micro and small, and medium enterprises in Langkat Regency. Licensing services through OSS – RBA implemented in Langkat Regency are still constrained and cannot be implemented optimally due to the initial data of business actors, especially micro and small business actors in each rural area [31].

Efforts to supervise the business sector through inspections to assess business activities are faced with applicable regulations and find out if there are problems with violations of business actors and business irregularities carried out to ensure legal certainty. The complaints section assigned by the Langkat Regency Licensing Service is related to receiving complaints and examining issues regarding licensing disputes for Micro, Small, and Medium Enterprises (MSMEs) to resolve problematic licensing matters. Problem-solving is carried out according to the problems that occur to determine the steps by negotiation, mediation, and litigation. Efforts to monitor periodically and incidentally community businesses that get business licenses. A medium-risk activity is a Business with a low-risk level; it is enough for Business Actor to register in the RBA OSS System to get a Business Identification Number (NIB). Apart from being the identity of the Business Actor, the NIB and the Business Licensing are proof of the legality of carrying out business activities. The NIB applies as a single license, especially for business activities with a low-risk level carried out by Micro and Small Enterprises (UMK). Provisions for single licensing for Micro and Small Enterprises (UMK) refer to the legislation for convenience, protection, and empowerment of cooperatives, Micro, Small, and Medium Enterprises. The definition of high-risk activities is: Business activities with a high licensing business type are NIB and permits. The permit is business legality in government approval to Business actors to carry out operational and commercial business activities. Government approval is issued after the Business Actor has fulfilled all the requirements for implementing the said business activity. Suppose a business activity with a High-Risk level requires standards for implementing business activities requiring verification. In that case, the Central Government or Regional Government, following their respective authorities, shall issue a Standard Certificate based on confirming compliance with the standards for implementing business activities. The guarantee by the Government can cooperate with accredited Third Parties.

In the maintenance and implementation of OSS, it is necessary to monitor the success of the performance of OSS - RBA in this beautiful country. The online risk-based approach (OSS RBA) is officially implemented. This system is a new thing for the business community, so the Government's efforts to socialize and provide Supervision of its implementation follow applicable regulations. Government Regulation Number 5 of 2021 concerning Implementation of Risk-Based Business Licensing in Government Regulation number 5 of 2021 and Regulation of the Investment Coordinating Board Number 5 of 2021 concerning Guidelines and Procedures for Supervision of Risk-Based Business Licensing following BKPM Regulation 5 of 2021 are the basic guidelines in implementing OSS RBA.

Based on the standard of implementation of business activities and obligations that business actors must fulfill following Article 1 number 17 of Government Regulation number 5 of 2021. Supervision for the successful implementation of OSS RBA in Indonesia follows Article 167 paragraph (2) of Government Regulation number 5 of 2021.

Supervision activities to provide legal certainty in business activities by business actors and investment, both domestic and foreign capital. The function of standard certificates in licensing at OSS-RBA is that in carrying out Supervision, the Government can carry out routine and incidental Supervision as described in Article 218 of Government Regulation number 5 of 2021.

Routine OSS Supervision is periodic Supervision carried out based on the level of business activity risk and considering the compliance level of business actors as much as one time in 1 year for low-risk businesses, while two times in 1 year for medium to high and high risks according to Article 219 and 222 paragraph (4) Government Regulation number 5 of 2021. Routine Supervision is carried out through periodic reports of business actors and field inspections. Community supervision is Supervision carried out by community members, which is conveyed orally and in writing to interested government officials [30]. In line with Baldrik Siregar and Boni Siregar, the types of Supervision are distinguished based on the nature of Supervision and the relationship between Supervision and being supervised using the method of Supervision.

Field inspections covering Article 222 paragraph (2) according to PP 5 of 2021 are administrative and physical inspections on the fulfillment of business activity standards and product/service standards, testing, and coaching in the form of assistance and counseling. Incidental OSS Supervision is carried out based on public and fellow business actors (Article 224 paragraph (3) Government Regulation number 5 of 2021).

Incidental Supervision can be carried out physically or virtually following Article 224 paragraph (2) of Government Regulation number 5 of 2021. In conducting Supervision, the Government works on an assessment of compliance related to technical and administrative business activities as follows according to Article 213 paragraph (3) of the Government Regulation number 5 of 2021, namely Technical Compliance with health, safety, and environmental standards, and standards for the implementation of business activities. Administrative Compliance Requirements and obligations stipulated in the norms, standards, procedures, and criteria for each business activity as contained in Attachment II to Government Regulation number 5 of 2021 and Obligations for submitting reports and utilizing Investment incentives and facilities.

As a result, to find out the assessment of the results of their business activities, business actors only need to access the OSS website to obtain information related to the adjustment of the intensity of field inspections, as stated in Article 225, paragraph (6) of Government Regulation number 25 of 2021. Mandatory Reporting LKPM LKPM is a report on the progress of realization investment and problems faced by business actors that must be made and submitted periodically following Article 32 paragraphs (1) and (6) of BKPM Regulation 5 of 2021.

The required LPKM includes (Article 32 paragraph (7) BKPM Regulation 5 of 2021, among others, namely LKPM Construction LPKM Operations Business actors who do not submit LKPM for two consecutive periods will be subject to minor violations and subject to sanctions in the form of a first, second, and/or third written warning.

In submitting LKPM Post OSS Supervision After conducting Supervision, the Government will provide an assessment through the OSS system, including Article 225 paragraph (5) of Government Regulation number 25 of 2021,

namely Processing of data and information for periodic review or evaluation of the determination of the risk level of business activities, Adjustment of the intensity of field inspections on Supervision and Update of business actor profiles. Business actors understand the meaning of business risk and should also know the types of business risks. With insight and implementation in the field, an entrepreneur will find it easy to classify the business risks faced when building or establishing a business [32].

The Regulation of Investment Coordinating Board Number 5 of 2021 concerning Guidelines and Procedures for Supervision of Risk-Based Business Licensing following BKPM Regulation 5 of 2021. Regarding sanctions for violations during the supervision process. At least business actors will accept Article 16 paragraph (1) of Government Regulation number 5 of 2021, namely Guidance, Repair, and Application of sanctions and what kind of violations may be subject to sanctions.

As for violations that can be sanctioned (Article 46 of BKPM Regulation 5 of 2021: for not fulfilling one of the obligations of business actors, for not fulfilling one of the responsibilities of business actors, for not meeting the minimum criteria for investment realization, Business actors with medium risk business level, high level of business activity does not fulfill the standard requirements for business activities and because they do not prepare for business activities, or business actors with a high level of business risk do not satisfy the requirements for permits Sanctions imposed are following Article 47 paragraph (1) BKPM Regulation 5 of 2021, namely written warning; Temporary cessation of business activities, revocation of business licenses, or revocation of business licenses to support business activities.

Many problems occurred in the Socialization of the Application of the licensing process through OSS Rba, including The condition of the community that is still divided into at least three categories of understanding about technology, namely: business people who are technologically capable (proficient) technology has strong investment potential, the condition of the community only being familiar with technology but not being able to apply it when inputting data in a business permit application. People in situations of technology failure do not know at all about the use of technology) seem not to want to know about how to get permits. Minimal socialization staff from relevant ministries and licensing and investment offices. Remote coverage areas related to slow internet networks. It is supporting infrastructure facilities that still have to be equipped as needed. The integration of the inter-ministerial socialization team, which should have been a one-stop-shop, has not yet been implemented optimally.

4. CONCLUSIONS

Based on analysis data, this research can be concluded that the Responsibility of the Langkat Regency government to implement business licensing applications through online applications with a risk-based approach (OSS-RBA) to realize the economic welfare of the community effectively, easily and cheaply, and quickly by empowering all potential resources to provide the best service to the business community. The Investment and Licensing Service faced Obstacles in Langkat Regency services in the online Application with a risk-based approach (OSS-RBA). Many obstacles are faced in

implementing the Application of OSS - RBA both from the community's ability to input the requirements that must be met in the Application with a risk approach (OSS - RBA,) human resources services, infrastructure and synchronization between services in the relevant ministries in realizing the Application of licensing one integrated door. Control efforts related to Business licensing carried out by the community aim to overcome the problem of violations by business actors if there are deviations from the company carried out to ensure legal certainty. An analysis is carried out to ensure information equality on the business risks entrepreneurs will face when building or establishing a business. The classification of community business risk is determined according to the analysis, namely in the Application of OSS RBA, by selecting the business scale and level of business risk (including Micro, Small, and Medium Enterprises) and or large-scale businesses based on the results of the analysis. Risk Analysis must be carried out transparently and prioritize the precautionary principle based on data and professional judgment. The investigation was carried out jointly between the entrepreneur and the one-stop integrated investment and licensing Office and officers in charge of the process and seen directly in the field where the Business was carried out.

Efforts made by the Government of Langkat Regency, in this case, the Investment Office and licensing services, both periodically and incidentally by the government inspectorate, to provide an assessment of the results of its business activities. The suggestion for this research is The local Government should issue a regional regulation regarding the application of a risk-based approach (OSS-RBA) to provide legal certainty to business actors as an elaboration of implementation orders for central government policies that are known to all people in Langkat Regency both in general and online media as well as in the form of official letters in the form of regional regulations up to the Lurah and village head levels, equipped with technical instructions for using the Application with the OSS - RBA risk approach—at the same time, waiting for regional regulations regarding the implementation of the Application of a one-line application with a risk-based approach (OSS-RBAS) For the local Government of Langkat Regency to issue a circular (SE) regarding the Application of using applications with a risk-based approach (OSS-RBA) to the sub-district and village levels as well as to all community entrepreneurs in the Langkat district.

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