

# Online Single Submission Risk Based Approach: Conflict of Authority Between Central and Local Government

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**Abstract:** After the enactment of Law 11 of 2020 on Job Creation all licenses are only through one portal, namely through the Online Single Submission Risk, meaning that the regulation also implements an effort in the process of simplifying business licensing from initially license-based (license approach) to risk-based and business scale (risk-based approach). Therefore, the purpose of this study is to analyze the licensing simplification strategy through legal instruments, analyze and explain whether or not there is a conflict of interest between the central and regional governments regarding the authority to implement the risk-based online single submission system licensing. The type of research used in is normative juridical legal research. The nature of this research is descriptive. The approaches used in this research are statute approach, comparative approach. The data used consists of secondary data collected using library research techniques. Furthermore, all data were analyzed using qualitative data analysis methods. Based on the results of the research, the implementation of Risk-Based Online Single Submission licensing still has the uncertainty of the regulations governing it. The conflict in question is the scope of the aspects of responsibility and liability that are directly correlated with the relative competence or scope of authority of the place of trial in the state administrative court related to licensing cases as one aspect of the exercise of authority in government administration. Where it is the result of unclear authority arrangements as described in the Government Ordinance on the Risk-Based Online Single Submission system. The need for the Government to strengthen, reinforce, and reorganize the authority related to licensing through risk-based Online Single Submission, and the Government needs to put aside the sectoral ego of each inter-agency related to licensing implementation. This is done in order to realize the essence of "Single Submission" in the business licensing.

**Keywords:** Risk-Based Online Single Submission, Authority.

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## 1. Introduction

Running the wheels of government based on law, the government has a very large role in society, one of its roles is to provide services in meeting the needs of the community or public services. Public services are very important for the community, so that they can feel the services provided by the Government easily, quickly, and efficiently both in terms of time and cost (Assegaf et al., 2019).

In 2020, Act 11 of 2020 on Job Creation was enacted or often called the Omnibus Law, the Government considers Act 11 of 2020 on Job Creation to be a response from the House of Representatives in synergy with the Government to simplify existing regulations and can improve and maximize the quality of public services, especially related to business licensing (Siregar et al., 2022). However, this raises questions among business actors and the public, whether Act 11 of 2020 on Job Creation can be a solution to improve public services, the investment climate and the current ease of doing business or instead put business actors and the public in uncertainty and weaken government supervision. This is where the role of law is needed to regulate and manage it, and it cannot be denied that several things regarding licensing are currently based on technology, namely the concept of One Stop Integrated Services, digital start-up licensing, and the concept of business licensing services through Online Single Submission (OSS).

Taking into act 11 of 2020 concerning Job Creation, currently all licenses are only through one portal, namely through the Risk-Based Online Single Submission (OSS), meaning that the regulation also implements efforts in the process of simplifying business licensing from license approach to risk-based approach. Where this can be seen regarding the procedures for determining business licenses, it is currently regulated in a regulation that the Government has just issued on February 2, 2021 in Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing. With this risk-based OSS system, it can be seen that such as low-risk businesses, the business license is sufficient with a Business Identification Number (NIB). Medium-risk businesses have their licenses added with the fulfillment of standard certificates. Meanwhile, high-risk businesses require approval from the central government to start a business.

The government also issued Government Ordinance Number 6 of 2021 concerning the Implementation of Business Licensing in the Regions. This regulation is also an implementing Act 11 of 2020 concerning Job Creation which is aimed at strengthening the role and commitment of local governments in the context of Implementing Business Licensing in the Regions in accordance with the provisions of laws and regulations regarding the implementation of Risk-Based Business Licensing. Strengthening the role of the Regional Government in the Job Creation Law, among others, regulates the obligation of the Governor / Regent / Mayor to provide Business Licensing services in accordance with the provisions of laws and regulations regarding the implementation of Risk-Based Business Licensing, Business Licensing services in the regions implemented by DPMPSTP are required to use the OSS System managed by the Central Government, and provide opportunities for Regional Governments to develop supporting systems for implementing the OSS System in accordance with the norms, standards, procedures, and criteria set by the Central Government.

Various regulations that have explicitly regulated investment licensing are biased by the issuance of Government Ordinance Number 24 of 2018 concerning Electronically Integrated Business Licensing Services, even though the government Ordinance has been revoked and replaced by Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, there is a conflict of authority

between the Central Government and Regional Governments related to licensing. Where this Government Ordinance actually does not at all abrogate the authority of the current local government. The central government only regulates the process, while the authority remains in the regions. This can be understood in Article 174 of Act Number 11 of 2020 concerning Job Creation which explains that the authority that exists in the ministries / heads of institutions including regional heads is interpreted as part of the delegation of presidential authority to ministries / heads of institutions and regional heads. This means that the license authority remains with the region.

Furthermore, the issue of authority can also be questioned when correlated with the Investment Coordinating Board Regulation Number 4 of 2021 concerning Guidelines and Procedures for Risk-Based Business Licensing Services and Investment Facilities. Where BKPM Regulation No.4 of 2021 is also a guide in investment services related to submission procedures and requirements for investment licensing and non-licensing applications addressed to officials in the licensing service provider agency, business actors and the general public. It should be noted in advance that the position of BKPM Regulation No.4 of 2021 is *Verordnung en Autonome Satzung*, which means that BKPM regulations are born hierarchically starting from Government Ordinances to Regent or Mayor Decrees (Susanto, 2017). BKPM Regulation No.4 of 2021, which is an implementing regulation and autonomous regulation, has a position under the law which functions to implement the provisions of the law. Where Implementing Regulations originate from delegation authority while Autonomous Regulations originate from attribution authority. Therefore, the existence of BKPM Regulation No.4 of 2021 also results in the absence of legal certainty on the guidelines and procedures for risk-based business licensing and investment facilities.

Article 174 of Act Number 11 of 2020 concerning Job Creation does not explicitly state the form of the source of authority in question, which in this case specifically refers to authority, namely what kind of authority is meant in the phrase "the exercise of the President's authority", whether the authority in question is the exercise of the source of authority in the form of attribution, delegation, or mandate, because in the provisions of the explanation of the article in question (article-by-article explanation) it is stated "quite clearly", even though contextually there is vagueness, where it is not explained what kind of authority is meant, resulting in multiple legal interpretations, because to find out the aspects of responsibility and accountability, namely who will be responsible and bear responsibility for an exercise of authority in government administration, in this case licensing approval, there must be clarity on the source of the authority in question, so that in this problem it is not clear whether the responsibility and accountability in the authority in question lies with "ministers, heads of institutions, local governments", or with "the president" (Andi, 2022).

Based on this description, this research was conducted to look at business licensing which is still undergoing development and the lack of coordination between holders of authority and several agencies related to business licensing through an electronically integrated OSS system. The analysis is carried out using the theory of authority pioneered by Grace Sharon. The consideration of using the theory is used because it sees the purpose and function of licensing is to control every activity or behavior of

individuals or collectivities that are preventive in nature. So that the license is "an instrument or device of administrative law used by the government to control its citizens in order to achieve major goals set by the Government." Through the licensing system, the authorities intervene in or over the process of carrying out certain community activities, including in this case business activities. If seen from the point of view of the theory of authority in terms of licensing, of course the services and actions of the OSS Institution which are an action in the nature of public law and / or juridically is the ability to act given by applicable law to carry out legal relations or agreements. This means that the service actions of the risk-based online single submission system implemented by the OSS Institution on licensing authority are carried out by the central government/ministries, regions/governors/regents/mayors in accordance with the authority they have in terms of licensing so that these actions will have legal force (rechtskracht).

## **2. Method**

This type of writing is a type of normative juridical legal writing and is descriptive analysis. This writing uses a statutory approach and analysis is then correlated with applicable policies and/or laws and regulations. Data writing uses secondary data with data collection techniques carried out by means of library research. Then all data is analyzed qualitatively using logic thinking with deductive conclusions.

## **3. Result and Discussion**

The nomenclature of Online Single Submission was first mentioned in Presidential Regulation Number 91 of 2017 concerning Acceleration of Business Implementation. The mention of Online Single Submission in Presidential Regulation Number 91 of 2017 is stated in the consideration letter (f) which states "that to accelerate and facilitate services for business, it is necessary to implement the use of information technology through an Electronically Integrated Business licensing system (Online Single Submission)." Based on the Presidential Regulation, in order to simplify the business licensing process, the government made Government Ordinance Number 24 of 2018 concerning Electronically Integrated Business Licensing Services.

It needs to be reaffirmed that before Act Number 11 of 2020 on Job Creation is enacted, the implementation of Online Single Submission is regulated in Government Ordinance Number 24 of 2018 on Electronically Integrated Business Licensing Services, but after Act Number 11 of 2020 on Job Creation is enacted, the provisions of Government Ordinance Number 24 of 2018 on Electronically Integrated Business Licensing Services have been revoked and declared invalid. In its place, the Government stipulates Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing. The Risk-Based Licensing arrangement is an implementing regulation as mandated by Act Number 11 of 2020 concerning Job Creation in CHAPTER III Article 6 which states that "Improving the investment ecosystem and business activities as referred to" Further provisions regarding risk-based Business Licensing as referred to in Article 7, Article 8, Article 9, and Article 10, as well as

supervision procedures as referred to in Article 11 are regulated in a Government Ordinance..”

Prior to the enactment of Act Number 11 of 2020 on Job Creation, in Article 1 paragraph (5) of Government Ordinance Number 24 of 2018, what is meant by Electronically Integrated Business Licensing or Online Single Submission is a "business license issued by the Online Single Submission institution for and on behalf of the minister, head of institution, governor, or regent/mayor to Business Actors through an integrated electronic system." Legally, there are two elements contained in the definition of Online Single Submission, namely licensing management through an electronic system and integrated licensing management. Electronic licensing is intended to shorten the licensing bureaucracy while anticipating possible irregularities in licensing practices. Meanwhile, integrated means that the number of licenses that must be processed in one business field can be reduced due to the data sharing function in electronically integrated licensing. The main cause of the failure of the Online Single Submission version of Government Ordinance No. 24/2018 as an integrated service is not accompanied by the structuring of the authority of agencies that have the authority to issue licenses needed in business. As a result, the Online Single Submission version of Government Ordinance No. 24/2018 cannot optimally serve investors and most licenses are still processed manually at each agency (Christiawan, 2021).

As a follow-up to these legal products, the government is currently structuring its authority (Nurwanto et al., 2022). The structuring of authority in the context of issuing permits must be accompanied by synchronization of laws and regulations because the authority to grant permits and recommendations related to granting permits is given by legislation. Without the structuring of the authority to issue licenses through synchronization of laws and regulations, the meaning of single submission that must be realized which has a vision towards integrated, integrated licensing management, and realizing data sharing between agencies will not be realized because investors still have to deal with the long bureaucracy of licensing management which is full of uncertainty at the practical level.

Basically, this Risk-Based Business Licensing substantively changes the concept of Online Single Submission licensing as referred to in Government Ordinance Number 24 of 2018 which was previously *ex-ante* (requirements are met at the beginning). With the current concept of risk-based licensing which is *ex-ante* (verification is carried out after the requirements are met), it can realize the Risk-Based Business Licensing Principles that are Trust but Verified. This concept can mainly be applied to low-risk types of business activities or business activities for which standards have been set. After Business Actors conduct business activities based on standards, the government as the authority will verify the fulfillment of these standards. Business license applicants are given convenience in obtaining business legality. However, post-license supervision is a process that must be accountable and transparent (Komite Pemantauan Pelaksanaan Otonomi Daerah, 2021)

In this regard, there are several changes that accommodate several weaknesses in the implementation of the previous Online Single Submission. This is complemented by the stipulation of several provisions that simplify business licensing as contained in

Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Licensing, Presidential Regulation Number 10 of 2021 concerning Investment Business Fields and Presidential Regulation Number 49 of 2021 concerning Amendments to Presidential Regulation Number 10 of 2021 concerning Investment Business Fields. As for some changes and updates in the risk-based Online Single Submission licensing service, including the simplification process starting through validation of both the Occupation Identity Card from Dukcapil, Company Legality from the General Legal Administration (AHU), Taxpayer Identification Number (NPWP) from the Directorate General of Taxes which is sufficient to go through the validation process without having to bring the original document, just upload a soft copy document. Furthermore, a risk assessment is carried out through the smart engine of the integrated Online Single Submission system and assesses the extent of the risk scale of the business activity.

From the arrangement, this risk-based business licensing is carried out based on the determination of the level of risk and the scale rating of business activities including Micro, Small, Medium Enterprises (UMK-M) and/or large businesses, where the determination of the level of risk as intended is carried out based on the results of a risk analysis conducted in a transparent, accountable manner, and prioritizes the principle of prudence based on data and/or professional judgment. Thus, the Risk Level as intended will determine the type of Business License. It is confirmed in Article 8 of Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, that the implementation of the Risk analysis as referred to above is carried out by the Central Government, meaning that "the implementation of risk analysis that will determine the type of business license is carried out centrally". The assessment of the potential occurrence of the hazard as referred to, is confirmed in Article 9 paragraph 4 of Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, based on almost impossible to occur; unlikely to occur; likely to occur; or almost certain to occur. Based on the assessment of the level of hazard, the assessment of the potential for the occurrence of hazards, the level of Risk, and the business scale rating of business activities, Article 10 of Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing will classify business activities into business activities with a low Risk level; business activities with a medium Risk level; and business activities with a high Risk level.

It is further explained that at low risk, the licensing service process is very simple, with just a statement, business actors can already get direct legality in the form of a Business Identification Number (NIB). In addition, there are two medium risks, namely low medium and high medium. For low medium, it is enough with a statement which is then given a business license in the form of an NIB with a Standard Certificate, while high medium with high risk must fulfill verification, where business actors must meet the licensing requirements then only then can they be issued business licensing legality in the form of an NIB with a Standard Certificate with unverified status. For high-risk businesses, business licenses are granted in the form of NIB with other licenses. This means that with such a business assessment, the higher the level of risk of business operations, the stricter the supervision carried out by the government, as well as the



more types of licenses that must be fulfilled by the Business Operator (Mukhammad, 2021).

Another change and update in the risk-based Online Single Submission licensing system is the application of NIB as the identity of business actors who are also legal to carry out business activities. The utilization of NIB is also in the government's efforts so that NIB can apply to the processing of other supporting permits, such as for example in UMK-M, namely NIB functions and also applies as an Indonesian National Standard (SNI) as referred to in laws and regulations in the field of standardization and conformity assessment; and / or NIB functions and applies as a halal guarantee statement as referred to in laws and regulations in the field of halal product guarantee.

Regarding the licensing mechanism, this risk-based Online Single Submission gives full trust to business actors in Indonesia to determine the Indonesian Standard Business Field Classification (KBLI) in starting business activities, because business actors must independently know about the latest KBLI in 2020, which currently refers to the International Standard Industrial Classification of All Economic Activities. With the implementation of this KBLI, the government through a smart search engine will categorize and describe the business fields used for risk level screening. Business actors must know which sector their business activities are in, each business activity of business actors must be in accordance with the KBLI recorded in the deed of business establishment.

Another update related to the risk-based Online Single Submission service licensing system also requires business actors to approve the Environmental Management Affidavit (PKPLH). Where PKPLH is "a standard of environmental management and environmental monitoring from the person in charge of the business and/or activity that has been authorized by the Central Government or Regional Government for businesses and/or activities that are required to have UKL-UPL." However, in practice, PKPLH is applied without recognizing the level of risk of a business, meaning that in terms of taking care of NIB only, business actors, whether low, medium, or high risk levels, will be asked to approve the PKPLH. However, PKPLH is also used as the basis for the person in charge of the business / activity to submit a request for screening determination to DLHKP accompanied by the presentation of environmental information for businesses with a high risk level. The issuance of PKPLH is required to fulfill the requirements. Article 1 point (15) of Government Ordinance No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing states that the Environmental Management and Monitoring Affidavit, hereinafter abbreviated as SPPL, is "a statement of the ability to manage and monitor the environment as referred to in environmental laws and regulations." This letter is obtained after submitting all PKPLH data so that it approves the commitment to the environment.

Based on the description above, it can be interpreted that to guarantee legal certainty, it must be based on legal norms that have been regulated and apply. However, the risk-based Online Single Submission arrangement in Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing as a form of public service still finds legal norms that deviate from the regulations that specifically regulate public services and government administration (permits). In addition,

Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing as a rule for implementing public services should be guided by Act Number 25 of 2009 concerning Public Services and Act Number 30 of 2014 concerning Government Administration in its dictum. If you look at the preamble of Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing in terms of "Considering" and "Remembering" there is no or forgetting the two laws, in fact there is only Act Number 11 of 2020 concerning Job Creation. It is true that the establishment of Government Ordinance Number 5 of 2021 aims to facilitate business and facilitate investment. However, on the other hand, Government Ordinance Number 5 of 2021 is also classified as a regulation that regulates how the licensing process runs, which ultimately ends in public services and produces a licensing legal product that is classified as government administration. The absence of Act Number 25 of 2009 concerning Public Services and Act Number 30 of 2014 concerning Government Administration in the preamble as the basis for the preparation of Government Ordinance Number 5 of 2021, it can be said that the preparation of the implementing regulations overrides the principle of *lex specialis derogate legi generalis* which can affect the legal certainty of legal products issued by Risk-Based Online Single Submission.

Regarding the authority in administering the Online Single Submission business licensing system, it can be seen from the existence of Government Ordinance Number 24 of 2018 concerning Electronically Integrated Business Licensing as amended by Government Ordinance of the Republic of Indonesia Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, which has currently experienced a lot of debate, including that the Government Ordinance is not expressly ordered by Act Number 25 of 2017 concerning Investment. Second, the Government Ordinance is said to eliminate the authority of the Regional Government which has been recognized and mandated in Act Number 23 of 2014 concerning Regional Government and establishes a new institution called the OSS Institution which has implications for conflicts of authority between institutions in administering the Online Single Submission licensing system.

The existence of a risk-based Online Single Submission licensing system, basically the community can get better public services and get a guarantee of legal certainty regarding business licensing. However, if there is a conflict of authority that occurs between institutions administering the risk-based Online Single Submission licensing system, it can lead to overlapping authority, and even the worst impact can occur arbitrariness (*onwetmating*). To issue investment licenses, the Local Government already has the authority based on Article 18 paragraph (2) of the 1945 Constitution. Based on this Article, the Provincial, Regency and Municipal Governments can regulate and manage their own government affairs according to the principles of autonomy and assistance tasks. The authority that has been granted by the 1945 Constitution is then further regulated in Act Number 25 of 2007 concerning Investment and Act Number 23 of 2014 Jo Act Number 9 of 2015 concerning Regional Government. The three laws have explicitly regulated which licenses are the authority of the Central Government and which are the authority of the Regional Government.



Article 25 paragraph (4) of Act No. 25/2007 has clearly stated that an investment company that will conduct business activities must obtain a license in accordance with the provisions of Act and regulations from an authorized agency, unless otherwise specified in the law. With regard to this matter, Article 1 point 10 and Article 25 paragraph (5) of Act No. 25/2007 clearly regulate investment licenses issued through PTSP. This PTSP institution is also found in Article 350 paragraph (2) of Act Number 23 Year 2014 Jo Act Number 9 Year 2015, so it can be seen that PTSP is an institution that regulates investment licensing. This institution exists hierarchically from the center to the regions, where the central PTSP is under the control of BKPM, while the PTSP under the central PTSP is the Local Government PTSP, be it the Provincial Government or the Regency/City Government.

From various laws and regulations that have explicitly regulated investment licensing, it has become biased with the issuance of Government Ordinance Number 24 of 2018 concerning Electronic Integrated Business Licensing Services, even though the government Ordinance has been revoked and replaced by Government Ordinance Number 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, there is a conflict of authority between the Central Government and Regional Governments related to licensing. Where this Government Ordinance actually does not at all abrogate the authority of the current local government. The central government only regulates the process, while the authority remains in the regions. This can be understood in Article 174 of Act Number 11 of 2020 concerning Job Creation which explains that the authority that exists in the ministries / heads of institutions including regional heads is interpreted as part of the delegation of presidential authority to ministries / heads of institutions and regional heads. This means that the license authority remains with the region. Article 174 of Act Number 11 of 2020 concerning Job Creation does not explicitly state the form of the source of authority in question, which in this case specifically refers to authority, namely what kind of authority is meant in the phrase "the exercise of the President's authority", whether the authority in question is the exercise of the source of authority in the form of attribution, delegation, or mandate, because in the provisions of the explanation of the article in question (article-by-article explanation) it is stated "quite clearly", even though contextually there is vagueness, where it is not explained what kind of authority is meant, resulting in multiple legal interpretations, because to find out the aspects of responsibility and accountability, namely who will be responsible and bear responsibility for an exercise of authority in government administration, in this case licensing approval, there must be clarity on the source of the authority in question, so that in this problem it is not clear whether the responsibility and accountability in the authority in question lies with "ministers, heads of institutions, local governments", or with "president". (Andi, 2022)

Based on this description, it can be interpreted that there is a conflict of authority between the central and local governments related to the implementation of a risk-based licensing system. The conflict in question is the scope of the aspects of responsibility and liability which is directly correlated with the relative competence or scope of authority of the place of trial in the court, which in this case is the state administrative court, where if the implementation of the authority in question is based on delegated authority, then the interpretation that arises is that the minister, head of

institution, or local government is responsible and liable for the implementation of the President's authority, so that the relative competence of the court is (located) at their respective domiciles, namely where the minister, head of institution, or local government is located. In this case, namely if the exercise of authority in question is the exercise of authority derived from a delegation, then the relative competence of the court for ministers, heads of institutions is at the Jakarta State Administrative Court, while for local governments it is at the state administrative court in the relevant province. However, if what is meant by "the exercise of presidential authority" is the exercise of authority that comes from a mandate, then the meaning of the relative competence of the state administrative court must be interpreted with the Jakarta state administrative court.

As explained in the previous description, the implementation of risk-based business licensing presents an innovation in the form of the application of the positive fictitious principle. Where the conception of positive fictitious based on the conception of *lex silencio positivo* is a legal rule that requires the administrative authority to respond to or issue a request for a decision/action submitted to it within the time limit as determined by the basic regulation and if this requirement is not met, the administrative authority is automatically considered to have granted the request for issuance of the decision/action (Simanjuntak, 2017).

Article 1 paragraph 21 of Government Ordinance Number 5 of 2021 which states that the Online Single Submission Licensing System is an integrated electronic system managed and organized by the OSS Institution for the implementation of risk-based business licensing. Then it is explained that the OSS Management and Implementation Agency, referred to as the OSS Institution, is a government agency that organizes government affairs in the field of investment coordination. Meanwhile, Article 3 of Government Ordinance Number 6 of 2021 states that the Implementation of Business Licensing in the Regions is carried out by the Central Government, provincial Regional Governments, and district/municipal Regional Governments in accordance with their authority based on the provisions of laws and regulations. With the sound of these provisions, the entire authority to implement the Online Single Submission licensing system is organized by a synergy between the OSS Institution, the Central Government, and the Regional Government. This will be a conflict of authority as previously explained, the central government is delegated to the president, while the local government is delegated to the Governor for the provincial level and the Regent/Mayor for the district/city level. This certainly contains uncertainty in terms of the authority to carry out the actions of the Online Single Submission licensing implementation of the Regulation.

Furthermore, in accordance with the principle of *lex superior derogat legi inferiori*, a law or regulation that has a high position will have more legal force than a law or regulation that has a lower position, so the contents of lower legislation must not conflict with the contents of higher legislation. In fact, this principle has also been regulated in Article 7 of Act No. 12 of 2011 concerning the Formation of Legislation, so in this case it can be said that the OSS institution does not have the authority to issue any licenses that have

been regulated in Act No. 23 of 2014 Jo Act No. 9 of 2015 concerning Regional Government.

When associated with the theory of authority, the source of authority can be seen in the constitution of each country which gives legitimacy to public bodies to be able to perform their functions. Therefore, authority is not simply given to one person or institution without the rule of law, because Indonesia is a state of law. This can be seen from Article 1 paragraph (3) of the 1945 Constitution which states that "The State of Indonesia is a state of law."

Furthermore, Act Number 11 of 2020 does not only simplify or reduce laws and regulations through the establishment of umbrella rules, but must also be accompanied by structuring authority. Conflicts between laws and regulations that result in overlaps that hamper investment stem from conflicts of authority. Omnibus Law in this case will be able to summarize the overlapping laws and regulations so that with the reduction in the number of laws and regulations, the number of authorities granted by these laws and regulations will also be significantly reduced. However, it needs to be emphasized that in the case of licensing in the context of ease of doing business, the structuring of authority to support the optimization of Online Single Submission should be carried out by synchronizing laws and regulations, in this case the right adjustment momentum in the context of structuring the authority to issue licenses. Indeed, Act Number 11 of 2020 has opened up this opportunity, but the problems that often occur in the implementing are regulations.

#### **4. Conclusion**

The entire authority to implement the risk-based Online Single Submission licensing system is organized by the synergy between the OSS Institution, Central Government, and Local Government. This will have an impact on conflicts of authority such as the central government being delegated to the president, while the local government is delegated to the Governor for the provincial level and the Regent / Mayor for the district / city level. So that the implementation of risk-based Online Single Submission contains legal uncertainty over the authority to perform acts of licensing administration. Therefore, it is necessary for the Government to immediately deregulate the problems that exist in the implementing regulations for risk-based Online Single Submission licensing that are guided by Act Number 25 of 2009 concerning Public Services and Act Number 30 of 2014 concerning Government Administration, so that legal certainty and accountability in public services can be achieved. Then, the Government needs to strengthen, reinforce, and reorganize the authority related to licensing through risk-based Online Single Submission, and the Government needs to put aside the sectoral ego of each inter-agency related to licensing implementation. This is done in order to realize the essence of "Single Submission" in business licensing.

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